

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:03 pm. The pledge of allegiance was said.

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

Matt Jussaume advised that the Charter Review Committee received an email from CRC Chair Doug Adams dated 8/18/2020 in which Doug gave notification of his resignation from this Committee.

John Ladik made a motion, seconded by Harvey Serreze to nominate Matt Jussaume as the new Chair of the Charter Review Committee. Matt accepted the nomination. The motion was passed unanimously by the Committee members - Caroline Ahdab, Harvey Serreze, John Ladik, Ramona Reed, Matt Jussaume.

Harvey Serreze made a motion, seconded by Ramona Reed to nominate Caroline Ahdab as the new Vice Chair of the Charter Review Committee. Caroline accepted the nomination. The motion was passed unanimously by the Committee members - Caroline Ahdab, Harvey Serreze, John Ladik, Ramona Reed, Matt Jussaume.

Action: Matt Jussaume will report Doug Adams' resignation to the Board of Selectmen and Town Administrator. He will also follow up with Doug to get any emails that should be shared with the CRC. Matt will also reach out to Mike Tang to ask about his status on the CRC.

2. Acceptance Of Minutes

Minutes - July 22, 2020

John Ladik made a motion, seconded by Caroline Ahdab, to accept the meeting minutes of July 22, 2020. These were unanimously accepted by the CRC members who attended that meeting - Caroline Ahdab, Matt Jussaume, John Ladik, Ramona Reed, and Harvey Serreze.

Minutes - August 5, 2020

John Ladik made a motion, seconded by Harvey Serreze, to accept the meeting minutes of August 5, 2020, with an **amendment** to the 3rd paragraph - "Since the last meeting, John noted that one item of public feedback was sent to **town email distribution list: ALL@TOWN.PEPPERELL.MA.US**". These were unanimously accepted by the CRC members who attended that meeting - Matt Jussaume, John Ladik, and Harvey Serreze.

3. Public Comments On The Agenda

None.

4. Public Feedback Received

Feedback was received from various members of the public in attendance at this meeting on the topic of whether the Town should have some kind of Human Resource person or mediator to support employees who report directly to the Town Administrator, in case someone has a grievance or conflict of interest with a TA.

This was first mentioned at the CRC meeting on August 5, 2020, in reference to an email string from some Town employees recommending that the Charter require the Town have an HR resource. This email was first sent to Doug Adams, former CRC Chair, and the CRC received it for review on 8/19/2020, during this meeting. Comments on this email were sent by by Maureen Bolger, Assessor, on July 30, 2020, Debbie

Nutter, Treasurer, on July 30, 2020 and Martin Cadek, Systems Administrator, on August 3, 2020. Comments from Ms. Bolger and Ms. Nutter focused on the need for an HR resource. Ms. Bolger had additional comments which she also mentioned at this meeting and are recorded below. Mr. Cadek's comments reiterated the need for an HR resource, and also suggested that compensation based on merit and contracts for non-union employees might be reviewed. He also pointed out that the Personnel By-law was outdated and has been in conflict with the Charter, which has partly been responsible for the confusion and problems that Town employees have experienced. He acknowledged that these might be outside of the scope of the Charter.

Maureen Bolger - Pepperell resident and Town Assessor, speaking for herself, reiterated her comments from the July 30th email. She said she was advised by a prior TA that there is no longer a Town Personnel Board, and the Personnel By-law was overridden by the Charter, so this protection was no longer there for employees who report directly to the TA (particularly, department heads). This had been confirmed by Town Counsel. She was also advised that she could not take unresolved personnel issues with a TA to the Board of Selectmen, therefore she believes there should be an HR person or mediator for employees. She would prefer this over a Personnel Board comprised of Town residents because in her past experience with the Personnel Board, she noted some residents could have bias concerning salary costs. She also suggested there could be an issue for Personnel Board members if they were to fear retribution if an unpopular decision was made for a Town employee that had authority over their personal concerns (e.g. taxes, assessments, etc.). She mentioned discussions had been held at Town Hall about adding such a position or sharing a regional HR person, but due to the expense this did not go further. Ms. Bolger also recommended that the HR person or department should not be appointed by, report to, or be evaluated by the TA, to avoid conflicts of interest. She further mentioned that employees are supposed to be able to report problems with a TA to the TA Assistant, however, when she did this in the past, the TA Assistant did not wish to handle the issue. Ms. Bolger advised that she believes the Assessor should not report to the TA, but to the Board of Assessors, to avoid a TA having the ability to exert inappropriate influence on decisions made by the Assessor concerning residents' transactions.

Paula Tarrasi - Pepperell resident and Town Conservation Administrator, speaking for herself, recommended that the Conservation Administrator should not be solely selected by the Town Administrator because the Conservation Commission is regulated by the state, which requires the Conservation Administrator to have knowledge of the State's conservation laws and meet other specialized requirements. The CC members have technical skills and knowledge of the laws so it's important that they are involved in the hiring process.

Cathy Lundeen - Pepperell resident, asked if the HR suggestions were in the scope of the Charter. She also asked for further clarification from the employees as to whether they envisioned the HR person/department being a paid or volunteer position(s), or should the Personnel Board be reinstated. She agreed that the Town employees reporting to the TA need some kind of HR resource for resolving problems. Ms. Lundeen also suggested maybe there could be a "Conflict of Interest" Board comprised of a group of impartial citizens to settle conflicts. Separate from this, she asked the CRC to reconsider changing the BOS from 3 to 5 members in the Charter.

Rob Rand - Pepperell resident, commented that he believes an HR person or some kind of committee that is independent from the TA would be important and necessary, especially given some of the women's issues/harassment that have been publicized in recent times. He also believes that any employee should have the right to go to the Board of Selectmen with problems.

Sandy Hartnett - Pepperell resident, commented she that likes the idea of a Human Resources person, as the Town is a "business" and businesses need a Human Resource person. It shouldn't be expected that Town citizens pass judgement on fellow citizens, especially concerning their livelihood. This position could be part time or full time and this should be added to the Charter. She also commented if any type of mediator were considered, it should not be a town resident, to maintain objectivity.

Dave Lavender - Pepperell resident, commented that we have a Personnel By-law and he believes By-laws must be voted on (to be added or removed) by residents. He doesn't believe we should alter the meaning of the Personnel By-law or Personnel Board by changing wording in the Charter. This removes necessary checks and balances giving a TA "absolute power" over some, but not all Town employees (e.g. the Library

and DPW personnel do not report to the TA). The Personnel Board provides balance for this. The affected employees need to have recourse if they disagree or feel mistreated by the TA. The Charter should strengthen and protect the powers of the Personnel Board. With regard to hiring an HR person, it opens up questions about who hires them, to whom they report, and how to ensure they're impartial. Mr. Lavender also commented that it doesn't seem a good time to add a salaried position. He doesn't support this.

The Charter Review Committee had the following comments to address the public feedback.

John Ladik suggested that something related to HR could be placed in Article 5-5, Organization of Town Government, if it was decided to do this. Caroline Ahdab commented that the Town had the Personnel By-law and Board, and though it's been mentioned they are no longer in effect, she believes they should be. Ramona Reed reminded that TA, Andrew MacLean, recently advised that he has a draft Personnel Policy that will be put in place soon to handle personnel issues, so the CRC was being asked to clean up references to the "outdated" law/board. Harvey Serreze commented that if an HR person were hired, this person may not have anything brought to them for periods of time, and at other times have issues that go on for a while. Rather than trying to find and pay for an "on-demand" HR person, a volunteer HR committee of Town residents, or one volunteer HR person would be his suggestion.

Regarding the Personnel By-law and dissolution of the Personnel Board, Matt explained to the public that the Charter itself can eliminate By-laws because the Charter is voted on by residents via Town Meeting.

Matt gave an overview of the edits on Article 4.2c previously started by the CRC, and then summarized the requests and ideas presented by the public and CRC members. He commented that the Town employees are looking for an impartial grievance process to resolve issues. Suggestions to consider are:

- Should there be a formal HR person or board? Should this be paid or handled by Town resident volunteers and/or Town employees?
- Instead of diminishing the role of Personnel By-Laws and the Personnel Board, we should bring them back to the Charter.
- Other opinions were that it would not be good to have a committee of Town residents handling grievances, and that an outside HR person or mediator would be better.
- The HR person or board should be independent of the TA.

Matt suggested that it could be researched to determine if some sort of HR mediator could be found and kept on a retainer. While it was suggested by some that this mediator should be independent and not a town resident, Matt questioned whether it could be a resident, allowing the Town to govern itself.

The CRC agreed that we should continue this discussion at our next meeting so each member has time to read the emails received and to think about and research ideas.

5. Discussion / Action Items

5.1. Housekeeping: Categorize Feedback Received At Prior Mtgs (7/22 And 8/5) For Future Review

Feedback from 7/22/2020 meeting - Matt Jussaume will follow up with Doug Adams to determine the status of an email received from John "Pat" Harrington concerning a 3 vs. 5 member Board of Selectmen.

Feedback from 8/5/2020 meeting - Public comments about an HR resource/personnel policies for Town employees (Article 4.2c) and Town Administrator appointments to Committees/Commissions/Boards (Article 4.2b) will be placed on the agenda for a CRC meeting to be scheduled on the 9/2/2020.

5.2. Action Item Follow-Up: Review How To Address Ad Hoc Committees In The Charter (Cont. Discussion)

Due to time constraints, this will be deferred to a future meeting agenda.

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

Due to time constraints, the continued review of Article 4 will be deferred to a future meeting agenda.

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 Ramona Reed. By unanimous vote, the meeting adjourned at 8:50 pm. The next Charter Review Committee Meeting will be scheduled for Weds, Sep 2, 2020, at 7 pm.

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