

# Charter Review Committee - Remote Meeting

9/15/2021 - Minutes

## 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): Matt Jussaume (Chair), Caroline Ahdab (Vice Chair), Ramona Reed (Clerk), John Ladik, Rob Rand, Marilyn Tremblay, Harvey Serreze

## 2. Acceptance Of Minutes

The minutes from the meeting on September 1, 2021 were reviewed. Marilyn Tremblay made a motion, seconded by John Ladik, to accept these minutes as written. The minutes were accepted unanimously.

## 3. Public Comments On The Agenda

None.

## 4. Public Feedback Received

An email dated September 2, 2021 was received by Matt Jussaume from the Town Master Plan Implementation Team (Mr. Chuck Walkovich, Mr. Mark Mathews, and Ms. Deb Fountain) requesting that the organizations identified in the plan review a worksheet with previously recorded status information, and make any necessary changes.

The CRC agreed this would be a quick task so we decided to review our information now. Matt updated our status to state that we're continuing to refine our Charter draft, and that the review is about 80% complete. Matt will send this information to Deb Fountain, as requested by the Master Plan Implementation Team.

## 5. Charter Revisions - Work On Complex Issues (See List Of Items In Agenda Packet)

### 5.1. Review Draft Of Pepperell Administrative Code (Presented By J.Ladik)

The CRC began to review the draft document of the Town Administrative Code written by John Ladik. John explained that he compiled the information and formatted the document based on his review of the latest Annual Town Report, which has details of the Town government structure. He also reviewed the spreadsheet of the Town government organization which Harvey Serreze previously compiled when the committee was reviewing Charter Article 5, Administrative Organization.

The committee began to review the document, starting with some of the staff organization. Caroline Ahdab asked what the purpose of this review was. She was concerned that presenting this document as part of the Charter review was out of the scope of our work. This opened discussion as to whether anyone expected this Administrative Code to be worked on as part of the Charter review. John had taken the task to write a draft because even though various references were made to it in the Charter, no active Administrative Code document could be found with the Town's other posted governing documents. Ramona Reed agreed with Caroline's that it is out of the scope of our committee's work, even though reference to this is in Charter section 4.2, concerning Town Administrator appointments. The discussion concluded with the CRC's agreement that this document would be good to present to the Town Administrator and Town Clerk with the recommendation to include it as part of the Code of Pepperell (By-laws). John will hold off further updating his Administrative Code draft until we finish the Charter review so

that he can add any further pertinent changes cross-referenced in the Charter.

## 5.2. Item 10 Town Hiring (Charter Sections 4.2b And 7.8e)

The CRC continued the discussion from the last meeting concerning how appointments for town positions associated with a board, commission or committee should be made. Harvey Serreze offered a draft to reorganize some of the existing text in section 4.2b so that the information can be more easily read and understood. This mainly concerned the language about the appointments, and the newly added text stating that applicable boards, commissions or committees must approve the candidate or candidates to be considered for appointment to their respective multi-member body (in cases where no other method of selection is provided by the Charter and Administrative Code). Also, John Ladik suggested that language concerning the removal of employees from their positions be written as a separate item for better emphasis.

The discussion returned to the question as to whether the Charter language should even be changed to state that the multi-member body have approval, or that they only be permitted to consult on or recommend candidates to the Town Administrator, who would remain as the one appoints a final candidate. Also, it was questioned as to whether the Select Board should be required to approve the appointment, as an additional check.

Ramona Reed suggested that we could make any changes to allow for the Town Administrator to do some things and give other responsibilities to different entities, however, the current Charter, approved by the Town, gives the Town Administrator the responsibilities for the appointments. We need a better understanding about what the Town wants regarding the Town Administrator role, as we have not received feedback other than a few suggestions that some of the TA responsibilities be reduced. While she agrees that the commissions and boards should have input on candidates, she questioned that if we change the current Charter requirements too much, will we risk that the revised Charter not being accepted if enough people don't agree with significant changes to the Town Administrator role? Ramona suggested we might need more information and it could be beneficial to wait to see what we learn from the proposed meeting with the Mass. Municipal Association that the Select Board is organizing (note: This is being coordinated by Select Board Chair, Margaret Scarsdale, on behalf of the Select Board, to provide information on how the roles of "strong" Town Administrators and Select Boards function).

From the public, Paula Terrasi, Pepperell resident and Conservation Administrator, speaking for herself, reminded that Conservation Administrator is the administrator of the Wetlands Protection Act, a regulatory position that requires specific knowledge of the Wetlands regulations, and specific experience and skills such as land management, grant writing, etc. It is not a secretarial administrative position, therefore, professionals with knowledge of the Wetlands Protection Act, and backgrounds in land conservation and other sciences should be involved in the hiring process. When she was interviewing for the position 11 years ago, the team who interviewed her consisted of a civil engineer, hydrologist, as well as people from the USGS Stream Stats and Natural Heritage/Endangered Species organizations. Ms. Terrasi noted it would be a disservice to the Town if individuals with this knowledge didn't have the opportunity to hire the Conservation Administrator, and instead, someone doing the hiring thought an administrative secretary could do the job. She advised that the Conservation Administrator is also responsible for filing documents with the Registry of Deeds and if this is done wrong, it's a lot of work to correct any problems.

Caroline Ahdab agreed with Ms. Terrasi that boards in Town such as the Planning Board, Conservation Commission, and Board of Assessors have Town staff that require special knowledge. Due to this, Caroline reiterated her position that the Charter language should strongly state that the multi-member bodies must have approval of the appointed candidates who work with them. She commented that adding the Select Board to the approval process may or may not be beneficial, depending on their relationship with the Town Administrator. She advised that her hope would be that the board or commission members would have an interest in selecting the best person to do what is needed to represent the Town in that capacity.

Harvey Serreze offered that since the Town elects the Select Board, they are accountable to the voters, unlike many of the individuals suggested to approve the appointments, who may also have been

appointed by the Town Administrator.

Caroline commented that she would like to hear feedback from others at this meeting on whether the Select Board should approve the candidates for the boards and commissions.

Ramona Reed agreed that it could be a double-sided coin requiring the Select Board to approve appointments. It could be helpful at times, but in other cases, decisions could possibly be made based on certain special interests or other reasons (so that the best qualified candidate may not be selected).

Rob Rand advised that he agrees with Caroline that "consultation" should be out of the proposed text, so that the boards/commissions are approving candidates who work with them. Their recommendation should then be submitted to the Select Board for review, but not approval.

Rob also revisited Ramona's earlier point that we don't know whether the Town wants a strong Town Administrator or a more collaborative system. It is something to consider, but he is unsure how to find this out. Do we need to market our revisions to the Charter document to get agreement, or should we get more information on what the Town wants before we make the final decisions?

Ramona suggested that we consider not making a "wholesale" change that all committees, boards or commissions must approve the Town employees who work with them, but instead call out a few that we have discussed such as the Conservation Commission, Board of Assessors, Planning Board and any others we realize might be important to include. Ramona also said we previously discussed creating a document that highlights the important changes we've made to give to the Town to consider and understand the revisions when voting on the Charter document.

Matt Jussaume replied he believes the Administrative Code document would be where the specific multi-member bodies who can improve the hiring of town employees would be listed. Matt also confirmed that we will need to market the changes and have a "documentation campaign" for the Town to advise what we've done after we complete our revisions. Matt also commented that his best guess on what the Town wants is a government that stays out of their business unless there is a problem.

From the public, Maureen Bolger, Pepperell resident and Assistant Assessor, speaking for herself, commented that if your board has to sign off on your work (e.g. the Board of Assessors, Planning Board and Conservation Commission all sign off on the work of the employees associated with them) then you should report to that board and they should be able to hire you.

Marilyn Tremblay and Rob Rand expressed agreement with Ms. Bolger's comment. Ms. Paula Terrasi commented it wasn't realized that the (hiring) capability would be taken from the Boards with the Charter, and further elaborated on Ms. Bolger's comments that their boards also oversee their budgets and other financial management.

Marilyn advised that she agrees these boards and commissions should be approving the employees they work with. After more discussion, she also commented that she would agree that the employees should report to the Town Administrator.

John Ladik commented that he is not in agreement that the appropriate boards/commissions should have approval of appointed employees. He questioned what would happen if the board or commission doesn't agree on a candidate?

Marilyn commented that they would need to come to a majority, then questioned whether we should instead state the board/commission would just recommend candidate(s)? Also, if the board/commission can't come to an agreement then the decision should go to the Town Administrator or the Select Board. Ultimately, she feels the commission or board should have a definite say in the appointments and it should be stated in the Charter.

Matt reminded that we previously discussed an option that if a board recommends one or more candidates, and as long as they are in agreement and would be happy with any of them, then the Town

Administrator could choose from those.

Harvey Serreze commented that we should not fall back to allowing the boards/commissions to only recommend. They should be consulting with the TA, and be approving the appointment.

This discussion concluded with John Ladik making a motion.

**Motion:** John Ladik made a motion, which was seconded by Marilyn Tremblay, that the last sentence in Charter section 4.2b Powers and Duties (of Town Administrator), state the following: "Where required by the Administrative Code, the Town Administrator shall appoint a qualified candidate from candidates **recommended** by applicable boards, commissions or committees."

Matt Jussaume called for discussion of the motion. Caroline Ahdab commented she still prefers that the text say the candidate is "approved" by the applicable boards, commissions or committees. After further discussion, Matt asked John if he wished to revise his motion to provide the stronger language to support a multi-member body's authority to "approve" a candidate or candidates.

**Revised Motion 1:** John Ladik revised his motion, which was seconded by Marilyn Tremblay, that the last sentence in Charter section 4.2b Powers and Duties (of Town Administrator), state the following: "Where required by the Administrative Code, the Town Administrator shall appoint a qualified candidate from candidates **approved** by applicable boards, commissions or committees."

Rob Rand recommended that the wording be changed to state that the board or commission can provide one candidate or multiple candidates, to ensure that the board has the option to submit only one candidate for approval, and not be required to submit multiple candidates. Marilyn agreed that we should try to close any possible loopholes.

Harvey suggested an additional change to the text that "qualified candidate" be changed to "qualified individual".

Rob mentioned that if we accept the motion we still need to list the applicable boards or committees. Matt advised this would be detailed in the Administrative code. Ramona Reed stated the concern that we're making the assumption that the Town will agree with the Administrative Code, so what we're suggesting for the multi-member bodies that we've discussed cannot be not guaranteed unless they're mentioned in the Charter. Because the paragraph does have language that states the Town Administrator makes appointments except where otherwise noted in the Charter, we may want to consider outlining any specific entities that we absolutely want to have covered, similar to how some elected positions are outlined. Also, she reminded that we removed the detailed list of appointments in section 5.5, some of which the "otherwise noted in the Charter" statement may be referring.

Matt Jussaume considered this, but also mentioned that since we are still planning to point to the Administrative Code, there are earlier parts of section 4.2b that need to be reviewed to reference the Administrative Code because the detailed list of appointments was removed from section 5.5. First, he requested that the committee continue with the revised motion on the floor.

**Revised Motion 2:** John Ladik revised his motion, which was seconded by Marilyn Tremblay, that the last sentence in Charter section 4.2b Powers and Duties (of Town Administrator), state the following: "Where required by the Administrative Code, the Town Administrator shall appoint a qualified **individual** from **candidate/candidates** approved by applicable boards, commissions or committees."

**Outcome:** The motion carried unanimously.

Additionally, the earlier sentence in section 4.2b was revised to state that the Town Administrator appoints those for whom no other selection is provided in the Charter **or Administrative Code**.

Ramona Reed questioned again whether we should list the names of some of the specific

boards/commissions that we agreed are important to have the approval of appointments because we can't guarantee that the Administrative Code details we are suggesting will be accepted.

Matt advised we could continue this part of the discussion at a future meeting.

### **5.3. Item 14 Town Administrator Roles/Responsibilities (Charter Section 4.2)**

This discussion will continue at the next Charter Review Committee meeting.

### **5.4. Other Items From Complex Issues List, Time Permitting**

No items aside from the issues in agenda item 5.2 were discussed.

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

None.

## **7. Adjournment**

Marilyn Tremblay motioned to adjourn the meeting, which was seconded by Harvey Serreze. By unanimous vote, the meeting adjourned at 9:02 pm. The next Charter Review Committee meeting is planned for September 29, 2021.

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