

Charter Review Committee - Remote Meeting

9/29/2021 - Minutes

1. Call To Order And Pledge Of Allegiance

The meeting was called to order at 7:05 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, Marilyn Tremblay, Harvey Serreze, Absent: Rob Rand

2. Acceptance Of Minutes

The review of minutes from the meeting on September 15, 2021 was deferred until the next meeting because they were not yet completed.

3. Public Comments On The Agenda

None.

4. Public Feedback Received

None received since the last meeting.

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

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

The discussion of Town Hiring is primarily covered in sections 4.2b and 7.8e, with related topics covered in other Charter sections mentioned below.

Section 4.2b: The CRC began the discussion with Charter section 4.2b to review the revisions made to date. Matt Jussaume asked the committee if we should leave this section as currently revised, specifically regarding the first sentence that mentions that the Town Administrator makes appointments where there is no other method of selection provided by the Charter or the Administrative Code.

John Ladik commented that by-laws should be added to the sentence with the Charter and Administrative Code, as there may be some by-laws that mention other appointments. For example, the Personnel By-law may mention an instance where the Finance committee and another organization are involved in an appointment.

Caroline asked John Ladik and others, if there are any appointed positions that are not mentioned in the Administrative Code or by-laws. She asked because if there are any positions related to a board that are not mentioned, the Town Administrator won't need approval from the board to make an appointment.

John advised he didn't know. Matt Jussaume commented that there's a lot that's not easy for us to determine and right now there's not anything he knows of that's in the by-laws or Charter that requires the Town Administrator to choose from a pool of candidates presented by a board. Matt further advised that he's fine with the section's phrasing as it's worded. It should close future loopholes as long as the Administrative Code fills the role that it's given by the Charter.

Also to note, it was previously agreed that the text providing the Select Board the option to reject the

appointments by the TA or a board, commission, or committee would be eliminated.

The CRC agreed we were were satisfied with the current revisions.

Motion: John Ladik made a motion seconded by Marilyn Tremblay to accept 4.2b as written on the screen.

4.2b final revised text:

"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 town by laws. Where required by this Charter, the Administrative Code, and town by laws, the Town Administrator shall appoint a qualified individual from candidate/candidates approved by applicable boards, commissions, or committees. Such appointments become effective upon a date included in a written agreement between the Town Administrator and the appointee. Copies of the notice of all such proposed appointments shall be posted on the Town bulletin board and website when submitted to the Select Board."

The motion carried with 5 voting yes, and 1 member abstaining. Yes: John Ladik, Caroline Ahdab, Marilyn Tremblay, Ramona Reed, Matt Jussaume. Abstained: Harvey Serreze joined the meeting after the discussion so he opted to abstain.

Section 7.8e Procedures Governing Appointed Multiple Member Bodies (filling vacancies)

Matt Jussaume asked if anyone had more to do for this section.

John Ladik asked how the members of the boards get candidates after the 30 day period for the Select Board to appoint expires. Matt Jussaume explained it would be up to the committee to search for candidates.

A prior draft comment was noted on section 7.8e indicating that this revised section was not consistent with some procedures in section 3.7, which also discusses filling vacancies. However, we determined that prior revisions made to section 3.7 were appropriate and could be different than 7.8e because 3.7 refers to multiple-member bodies whose members are elected, not appointed. During this discussion the time frame conventions were reviewed for consistency with other parts of the article 3 and a minor typo was corrected in item 3.7b.

There were no further updates made to section 7.8e during this discussion, so a motion was made.

Motion: Marilyn Tremblay made a motion, seconded by John Ladik, to accept section 7.8e as currently written in the Google Document (Charter draft).

There was no further discussion. The motion carried unanimously.

After finishing section 7.8e, Marilyn Tremblay asked if we should review section 7.7 concerning the removal of members from appointed multiple-member bodies to ensure it's consistent with the other revisions we made on the removal process under section 4.2 for the Town Administrator.

The CRC reviewed this and agreed that a minor change could be made to the first paragraph's initial sentence to state that removals of the appointing authority will be done in accordance to the statements in article 4, section 4.2c.

Section 4.2c - This section discusses the process for the removal of employees. It was broken out from 4.2b for better clarity and included some initial revisions made prior to the meeting. The original section 4.2c, and all subsequent lettered items under 4.2 were moved down and re-lettered sequentially.

Matt Jussaume asked the committee to review the current revised text. After this was done, a motion was made to accept it.

Motion: John Ladik made a motion, seconded by Ramona Reed, to accept paragraph 4.2c as written in the Google document (Charter Draft).

Discussion:

Some edits were suggested to make some of the wording consistent with item 4.2b.

The text about the Town Administrator's authority to remove members from multi-member bodies was discussed. Harvey Serreze commented that we should include language that the multi-member body should have the right to approve the removal as there should be checks and balances in this important process. Matt Jussaume suggested that the removal process may be an instance when the Personnel By-law may take precedence so the text was further updated to reflect this.

4.2c revised text:

*"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 is provided by this Charter, the Administrative Code, and town by laws. Where required by this Charter, the Administrative Code, and town by laws, the Town Administrator shall remove an appointee **with approval of applicable boards, commissions or committees.**"*

Revised Motion 1: John Ladik revised his motion, seconded by Marilyn Tremblay, to accept paragraph 4.2c as written in the Google document (Charter Draft).

Discussion: Harvey advised he would like to see the last sentence changed to state the "..Town Administrator **shall not** remove **without** approval.."

Revised Motion 2: John Ladik revised his motion, seconded by Marilyn Tremblay, to accept paragraph 4.2c as re-written in the Google document (Charter Draft).

4.2c final revised text:

*"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 is provided by this Charter, the Administrative Code, and town by laws. Where required by this Charter, the Administrative Code, and town by laws, the Town Administrator **shall not** remove an appointee **without** approval of applicable boards, commissions or committees."*

The motion carried unanimously.

Section 7.11 General Provisions - Terms of Office

The CRC reviewed section 7.11. A minor change was made to the first sentence regarding the time served for the initial term of years in a full time appointed office. It was discussed that the Personnel By-law should be referenced and that it is expected that the Personnel Policy and Personnel By-law documents will be updated to match the information in this Charter section.

7.11 revised text:

Notwithstanding any other provision of this Charter which may appear to be to the contrary, whenever a

*person after having served for the initial term stated in the **Personnel By Law** 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, provided however, that the reappointment provision shall apply only to those incumbents in such offices who have been reappointed at least once, and the reappointment provision shall expire upon the vacating of office of any such incumbents. All such offices shall be subject to removal and/or suspension in accordance with the procedures of Section 7-7 of this Charter.*

Motion: Marilyn Tremblay made a motion, seconded by John Ladik, that section 7.11 be accepted as edited in the online Google (Charter) draft.

The motion carried unanimously.

Wrap up: After the changes made during the past few meetings and at this meeting, the CRC agreed that we have completed the necessary Charter revisions on the topic of Town hiring from our complex issues list. Matt asked if there was a motion for this.

Motion: Ramona Reed made a motion, seconded by Marilyn Tremblay, that we have reviewed and completed our work on the complex issue of Town hiring.

There was no further discussion and the motion carried unanimously.

5.2. Item 14 Town Administrator Roles/Responsibilities (Charter Section 4.2)

To begin this discussion on the other Town Administrator responsibilities, Caroline Ahdab asked where we would discuss the issue of whether the new Human Resources employee should report to the Town Administrator.

Matt Jussaume provided a summary of a prior discussion concerning who the HR person would report to within Town Hall (e.g. whether it's the Town Administrator or the Select Board). Matt advised that we discussed that the position would be identified in the Administrative Code, and this would also indicate who hires/appoints the person. It could also be defined to whom the HR person reports. The Town Administrator drafts the Administrative Code and this is approved by the Select Board. After, this goes to Town meeting for approval.

Caroline pointed out that the Charter currently does not address new roles and responsibilities, so when a new position is created with a new person hired for it, there is no "default" in the Charter for handling this.

John Ladik commented that there is because the Administrative Code is supposed to be updated if there are changes to how the government is laid out. Matt pointed to Charter Section 5.1 which we previously revised to mention how the Administrative Code deals with reorganizations.

Caroline commented that the position was already approved and there is no current Administrative Code, so she feels that until the Administrative Code is approved, the Charter should also have some language to account for new roles. She mentioned the possibility that this might state that the Town Administrator and Select Board must identify to whom a new position reports.

Ramona suggested that something like this might be included in the transitional provisions section.

The CRC discussed that the transitional provisions section should have a general statement that handles any new positions until the Administrative Code and by-laws are approved at Town Meeting. It might also state that the reporting structure should be approved by the Select Board and department head.

Matt commented that he will also reach out to the Select Board to invite them to provide feedback on this.

5.3. Other Items From Complex Issues List, Time Permitting

No items aside from the issues in agenda items 5.1 and 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 9:01 pm. The next Charter Review Committee meeting is planned for October 13, 2021.

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