

# Charter Review Committee Meeting - Remote Meeting

10/14/2020 - Minutes

## 1. Call To Order And Pledge Of Allegiance

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

Caroline Ahdab, Vice Chair, acted as Chair for Matt Jussaume in his absence.

Attendance (Charter Review Committee Members attended via remote connection):

Caroline Ahdab (Vice Chair), Ramona Reed (Clerk), John Ladik, Harvey Serreze, Marilyn Tremblay

Absent: Matt Jussaume (Chair), Bob Newton

## 2. Acceptance Of Minutes

September 30, 2020 Minutes

Marilyn Tremblay made a motion, seconded by Harvey Serreze, to accept the meeting minutes of September 30, 2020, as amended. These were unanimously accepted by a vote of 5: John Ladik, Ramona Reed, Marilyn Tremblay, Harvey Serreze, Caroline Ahdab.

## 3. Public Comments On The Agenda

None.

## 4. Public Feedback Received

Email received since the last meeting is documented later under the applicable agenda items.

## 5. Discussion / Action Items

### 5.1. Action Item Follow-Up: Article 4.2 T Emergency Mgmt Director Feedback/J. Ladik

John Ladik presented feedback he received in an email on 10/5/2020 from the Town Emergency Management Director, David Querze. John had asked Mr. Querze for feedback on Charter Section 4.2 t, which discusses the Town Administrator's duties in conjunction with the Emergency Management Agency and Director. Mr. Querze agreed with the text John provided but suggested that the second sentence in the section say "public danger **or** emergency" (not "of"). He also mentioned that he has a Deputy Emergency Management Director, and he is pursuing the possibility of adding a second deputy since this agency had two in the past.

Based on this, John emailed the CRC on 10/14/2020 with suggested updates for Section 4.2 t. The CRC reviewed and discussed this.

**Motion:** Harvey Serreze made a motion to accept the updates for Section 4.2 t, as written in John's email. Marilyn Tremblay seconded this. However, John advised that some of his edits did not carry over to the email. Since John had also typed the edits into the CRC's working Charter document, it was suggested to amend the motion. Ramona Reed made a motion to amend Harvey's motion to state that the CRC accept the updates for Section 4.2 t, as typed in the draft Charter document. Marilyn Tremblay seconded this. The motion was unanimously passed to update Section 4.2 t as follows:

*"Shall ensure that the Board of Selectmen is kept fully informed of the Town's emergency preparedness planning. In time of public danger or emergency, the Emergency Management Director shall direct and*

oversee the management of town resources pursuant to any applicable state law, regulation, or other protocol(s), directive(s), or agreement(s) to which the Town is a signatory and/or participant. Should the Emergency Management Director be unavailable, the Emergency Management Director shall appoint the Deputy Emergency Management Director, Police Chief or Fire Chief to perform such duties as may be necessary in such circumstances."

## 5.2. Action Item Follow-Up: Article 7-8 E Multiple Member Boards Filling Vacancies - Feedback From Board Of Health/M.Tremblay

Marilyn Tremblay spoke with the 2 Board of Health members who had recommended a candidate to fill a recent Board of Health vacancy that was later filled by a different candidate by majority vote among the Select Board and BOH. All 3 Select Board members voted for this other candidate. The BOH members gave her some background on circumstances that lead to the vacancy being filled this way. Marilyn also learned that initially, each of the 2 BOH members had wished to recommend 2 different candidates for the vacancy but prior to the Select Board meeting they agreed to put forward the same candidate. At this time, no feedback was given from them as to how this process might be improved in the Charter. The CRC agreed that the BOH appointment was made in accordance with the current Charter. Marilyn also mentioned that the BOH is governed by the MGL and the Mass. Dept. of Public Health, but she researched and found that neither of these have a requirement about how the town vacancies must be filled.

The CRC reviewed and discussed Charter Sections 7.8 e and 3.7 a because both mention filling vacancies on multiple member boards.

Based on Marilyn's comments, John Ladik suggested adding a sentence to the end of Section 7.8 e that would address how vacancies are filled if a multiple member board does not agree on a candidate to fill a vacancy: *"If the remaining members can not make a decision, the Select Board shall make the appointment."*

It was noted that Sections 7.8 e and 3.7 a appear to be redundant and it was agreed to focus on updates to Section 3.7 a. Caroline Ahdab suggested that 7.8 e be eliminated, though Marilyn Tremblay, Harvey Serreze and Ramona Reed thought that 7.8 e should be left with the title and a reference to 3.7 a.

The CRC then focused on drafting the changes for Section 3.7 a Filling of Vacancies (Multiple Member Board):

John Ladik made some updates to the bullet points in this section to change the terminology "multiple member boards" to "multiple member bodies" so it can cover committees, commissions, etc. Also, references to time frames in this section were changed for practicality (e.g. 30 days to 1 month).

Additionally, the use of "shall" in this section was discussed, in particular, for the 2nd bullet point. Caroline Ahdab expressed concern that since legally "shall" means something is required, it might put too much pressure on the Select Board to fill a difficult vacancy within a specified time. Replacing this with "may" was suggested.

**Motion:** After the discussion, Ramona Reed made a motion to keep "shall" in all of Section 3.7 a and Harvey Serreze seconded this. By unanimous vote, the motion carried.

**Motion:** Caroline Ahdab requested a separate motion to accept the other changes made to the terminology and time frame conventions. Marilyn Tremblay made a motion to accept these changes to Section 3.7 a, which was seconded by Harvey Serreze. By unanimous vote, the motion carried.

Prior to moving on from this section, Pepperell resident and Conservation Commission member, Mr. Rob Rand, requested to ask a question, speaking for himself. This was allowed and he asked if Section 3.7 a was for all Town multiple member bodies, or only for those which are elected, or only for those which are appointed. He mentioned that on a body like the Conservation Commission, he would wish to have input on filling the vacancy, and not have it solely selected by the Select Board. It was explained to Mr. Rand

that the first step in this section discusses that the multiple member bodies would have an opportunity for a joint vote with the Select Board.

This question prompted the CRC to further review Sections 3.7 a and 7.8 e, and it was noted that 3.7 a is specifically for elected bodies, and Section 7.8 e, under Article 7 General Provisions, addresses appointed bodies. There was further discussion on how to handle the 2 sections.

**Motion:** A motion was made by Marilyn Tremblay to rescind the earlier decision to remove the detailed text of Section 7.8 e. This was seconded by Ramona Reed. It was discussed the text would also include the same new sentence added to Section 3.7 a, stating "*If the remaining members can not make a decision, the Select Board shall make the appointment.*" By unanimous vote, the motion carried.

### **5.3. Charter Revision Discussions - Finish Review Of Final Sections Of Article 4 - Town Administrator And Start Section 5, Time Permitting**

Due to time constraints, this will be deferred to the next meeting agenda.

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

None.

### **7. Adjournment**

Ramona Reed motioned to adjourn the meeting, which was seconded by Harvey Serreze. By unanimous vote, the meeting adjourned at 9:05 pm. The next Charter Review Committee Meeting will be scheduled for Weds., Oct 28, 2020, at 7 pm.

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