

CHARTER REVIEW COMMISSION
Meeting Minutes

For the Meeting Held On : January 28, 2016
Meeting Time : 6:30 p.m.

Location : Council on Aging – Media Room
Address : 328 North Main Street, East Longmeadow, MA

Meeting Posted On... **Day:** Friday **Date:** 1 / 22 / 2016
(48 hrs required)

Is Meeting Being Recorded by Digital Recorder: Yes X No _____
The Minutes of this Meeting are being taken by: Marge Larocca
The Minutes of this Meeting are being recorded by: ELCAT

Committee Members: (check if attended)

| | | | | | | | |
|--------------|---|----------------|---|-----------------|---|-----------------|---|
| Dawn Starks | ✓ | Russell Denver | ✓ | William Fonseca | ✓ | George Kingston | ✓ |
| Larry Levine | ✓ | Eric Madison | ✓ | Raymond Miller | ✓ | Tom O'Connor | ✓ |
| Ralph Page | ✓ | | | | | | |

Attendees: Tanya Stepasiuk, Marge Larocca

Did the Chair release any prior Executive Session Minutes? Yes No x
Dates of Executive Session Released :

TOPIC / MATTER #1
Final Review of Charter

Summary of Matter Discussed :

- The Chairman opened the meeting and explained that the final edit of the East Longmeadow Home Rule charter will be done during the meeting. She stated that she received some edits and proposed changes that will be discussed. R. Page read through his list of proposed changes: Article 1 section 7 definitions, Multiple member body, 2nd line, to change the #2 to #3 under definitions. So moved by G. Kingston. The motion was seconded and all were in favor.
- Article 2 section 4 Council Procedures, paragraph 3 second line. A motion was made to change “to be heard” to “to speak”. The motion was seconded and all were in favor.
- Article 2 section 8 Vacancy, 4th line. Remove “entitled to vote for the office”. So moved by G. Kingston. The motion was seconded and all were in favor. In the same line, add the word “vote” after majority. So moved by W. Fonseca. The motion was seconded and all were in favor.
- Article 3 section 2 Powers and Duties #14. A motion was made to add “and for negotiating procurement contracts, except for the School Committee” (in the second line after the word “town”). The motion was seconded and all were in favor.
- Article 4 section 3 School Committee Vacancy, line 5. Motioned that the words “entitled to vote for the office” should be deleted and the word “vote” should be added directly after the word majority. The motion was seconded and all were in favor.
- Article 7 section 4. There should be “of” in the middle of the title. So moved by L. Levine. The motion was seconded and all were in favor.
- Article 8 section 3 Citizen Initiative Petitions, section C, lines 7 and 8. Replace the

remainder of the sentence and insert "Town Clerk, signed by a minimum of 50 additional voters who did not sign the original petition." The motion was so moved and seconded and all were in favor.

- Article 8 section 3 Citizen Initiative Petitions, section D line 3. Replace the word "act" with the word "vote". Discussion followed about the word "act" for consistency.
- Article 8 section 4a, third line: Motioned to remove the wording "a number of voters equal to". The motion was seconded and all were in favor.
- Article 8 section 4c, fifth line: Motioned to remove the wording "as proposed". The motion was seconded and all were in favor.
- Article 9 section 3, 2nd line: Motioned to remove the wording "of some or all". The motion was seconded and all were in favor.
- Article 10 section 9 b Board of Public Works, last line. Motioned that the wording "but shall not supervise town employees" should be removed and place in line 3 directly after the wording "public works". The motion was seconded and all were in favor.
- G. Kingston read Article 8 section 4 and stated that it seems to imply that you cannot initiate a referendum after 21 days. He added that it is covered under Initiative, and to keep this complex section in mind when doing the educational piece.
- R. Miller spoke about edits he had sent to the Chairman. T. Stepasiuk spoke about Article 10 section 2, and it was decided that it is Town Council and not Town Attorney. A discussion followed about the words "if applicable" in Article 8 section 4b.
- R. Miller gave a description of previous additions to Article 9 section 10 and having made changes for capitalization.
- L. Levine spoke about looking a person looking at the charter for the first time and offered the comments: Article 2 section 1: Motioned to add "consisting of 7 members who" after the words "Town Council". The motion was seconded and all were in favor.
- Article 2 section 3, third paragraph, last sentence: Change to "The Vice President shall perform the duties and responsibilities of the President in his or her absence." The motion was seconded and all were in favor.
- Article 2 section 7: Motion to add ",will require passage of a bylaw" at the end. The motion was seconded and all were in favor.
- Article 2 section 8 Vacancy. Motioned to change the word "serving" to "appointed". The motion was seconded and all were in favor.
- Article 3 section 2 #1: Motioned to add "committees" after the words "members of boards" (in the third line). The motion was seconded and all were in favor.
- Article 3 section 2 #15: Motioned to add "or action" after the word "enforcement". The motion was seconded and all were in favor.
- Article 3 section 2 #16: Motioned to add "whichever is later" after the word "meeting" (in the last sentence). The motion was seconded. Discussion followed and all were in favor.
- Article 3 section 2 #17: Motioned to add "committee" after "board". The motion was seconded and all were in favor.
- The wording of Article 6 section 3d was discussed. No changes were made.
- Article 8 sections 2 and 3: L. Levine questioned the difference between the sections. G. Kingston stated that section 2 requires a hearing, less formal with more signatures and section 3 requires a vote with an additional 50 signatures and a specific request, and that you could go to section 3 immediately.
- Article 9 section 2 periodic Review of Charter: Motioned to add "all members of the committee shall be voters of the town". The motion was seconded and all were in favor. It was noted to remove the word "special" before committee in Article 9, sections 2 and 3.
- A discussion began on the intent of Article 10 section 7, Limitations on Office Holding is

for the transition period. L. Levine was concerned that elected people who continue in their term can be suspended and removed by the Town Manager. It was determined that under Article 10 section 7 Board Transitions prevents this.

- E. Madison spoke about sections of Article 10 section 7 that were in the previous version for Interim Executive, and read the section. Discussion followed about the language that was removed, and that it covers the transition period.

A motion was made to include Article 10 section 7 Interim Executive: *Upon the date of taking effect of this charter on April 13th, the Board of Selectmen shall continue to exercise the executive functions of the town until abolished, provided that the Board of Selectmen shall neither create or eliminate any position, neither hire nor terminate any employee or appointed official, nor execute or extend any employment contract during the transition, except for matters not admitting of delay.* The motion was seconded and all were in favor.

- E. Madison had concerns about the Town Council's first duty is to appoint an Interim Town Manager. A discussion began about the Town Council being in place for 10 to 11 weeks prior to completing the first duty.
- R. Denver stated that it is disheartening and embarrassing that a report in The Reminder stated that the Board of Selectmen will appoint a permanent Police Chief two weeks prior to the voters of the town having an opportunity to vote on whether they want a change of government or not. He requested that the Board of Selectmen would reconsider their decision and requested that the Charter Commission take a vote on it. The consensus was that it isn't the place as a commission to make the voter. No action was taken.

Documents or Exhibits for this Matter:

- Final Draft-Ray Miller, Proposed Changes-Ralph Page, Final Draft East Longmeadow Home Rule Charter.

Votes Taken Under this Matter :

- Article 1 section 7 definitions, Multiple member body, 2nd line, to change the #2 to #3 under definitions. So moved by G. Kingston. The motion was seconded and all were in favor.
- Article 2 section 4 Council Procedures, paragraph 3 second line. A motion was made to change "to be heard" to "to speak". The motion was seconded and all were in favor.
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- Article 8 section 3 Citizen Initiative Petitions, section C, lines 7 and 8. Replace the remainder of the sentence and insert "Town Clerk, signed by a minimum of 50 additional voters who did not sign the original petition." The motion was so moved and seconded and all were in favor.
- Article 8 section 4a, third line: Motioned to remove the wording "a number of voters equal to". The motion was seconded and all were in favor.
- Article 8 section 4c, fifth line: Motioned to remove the wording "as proposed". The

- motion was seconded and all were in favor.
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- Article 2 section 7: Motion to add “,will require passage of a bylaw” at the end. The motion was seconded and all were in favor.
- Article 2 section 8 Vacancy. Motioned to change the word “serving” to “appointed”. The motion was seconded and all were in favor.
- Article 3 section 2 #1: Motioned to add “committees” after the words “members of boards” (in the third line). The motion was seconded and all were in favor.
- Article 3 section 2 #15: Motioned to add “or action” after the word “enforcement”. The motion was seconded and all were in favor.
- Article 3 section 2 #16: Motioned to add “whichever is later” after the word “meeting” (in the last sentence). The motion was seconded. Discussion followed and all were in favor.
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TOPIC / MATTER #2

Calendar

Summary of Matter Discussed :

- The Chairman announced that she has requested to meet with the Board of Selectmen on February 2nd regarding the presentation of the final report, and had asked to be placed at the beginning of their agenda in order to complete any town business already scheduled.
- The Chairman stated that town charters come with letters from the Commission and that she has crafted a letter and asked the Commission members to review it. T. Stepasiuk recommended that all the Commission members place their signatures on the letter.
- G. Kingston entertained a motion to endorse the final report as amended tonight. The motion was seconded and discussion followed about including a formal cover with the report. All were in favor.
- A motion was made to accept the substance of the letter. The motion was seconded.

- Discussion followed. All were in favor.
- Discussion followed about the timeline for the final steps in submitting the charter to the Board of Selectmen, Attorney General and Housing & Community Development.

Documents or Exhibits for this Matter:

- None

Votes Taken Under this Matter :

- G. Kingston entertained a motion to endorse the final report as amended tonight. The motion was seconded and discussion followed about including a formal cover with the report. All were in favor.
- A motion was made to accept the substance of the letter. The motion was seconded. Discussion followed. All were in favor.

TOPIC / MATTER #2
Meeting Minutes – January 21, 2016

Summary of Matter Discussed :

- The Meeting Minutes of January 21, 2016 were reviewed. A motion was made to accept the January 21, 2016 Charter Commission Meeting Minutes. The motion was seconded and all were in favor.

Documents or Exhibits for this Matter:

- January 21, 2016 Charter Commission Meeting Minutes

Votes Taken Under this Matter :

- A motion was made to accept the January 21, 2016 Charter Commission Meeting Minutes. The motion was seconded and all were in favor.

Meeting Adjourned: 8:18 PM

Next Meeting: February 11, 2016 – 6:30 PM – 328 North Main St. – Media Room