#### **CHARTER REVIEW COMMISSION**

Meeting Minutes

| Meeting Time :   |   | 6:3      | 6:30 p.m.       |     |                        |   |   |    |   |      |
|--|---|----------|-----------------|-----|------------------------|---|---|----|---|------|
| Location :   | Council on Aging – Media Room<br>328 North Main Street, East Longmeadow, MA |          |                 |     |                        |   |   |    |   |      |
| Address :  |   |          |                 |     |                        |   |   |    |   |      |
| Meeting Posted On D<br>(48 hrs required)   |   | Day:     | Friday          | Dat | e:                     | 1 | / | 80 | / | 2016 |
| Is Meeting E   | Being Recor   | ded by   | Digital Recorde | er: | Yes                    | Χ |   | No |   |      |
| The Minutes of this Meeting are being taken by: The Minutes of this Meeting are being recorded by: |   |          |                 |     | Marge Larocca<br>ELCAT |   |   |    |   |      |
| Committee I  | Mombors: /  | chock if | ottondod)       |     |                        |   |   |    |   |      |

William Fonseca

Raymond Miller

Ralph Page ✓

Attendees: Tanya Stepasiuk, Marge Larocca

Did the Chair release any prior Executive Session Minutes?

Russell Denver

Eric Madison

Yes No x

George Kingston

Tom O'Connor

**Dates of Executive Session Released:** 

# **TOPIC / MATTER** #1

# Editing/Revision of Draft Charter

### **Summary of Matter Discussed:**

Dawn Starks

Larry Levine

- The Chairman opened the meeting with a roll call. The Chairman stated that copies of the preliminary charter, suggestions from Marilyn, suggestions from a citizen, R. Patrick Henry, and a list of names of the people that spoke at the public hearing were sent to each member. The Chairman stated that each section in the Preliminary Charter will be reviewed for edits or revisions. T. Stepasiuk explained that the charter was reviewed and edits are submitted by Marilyn Contreas, a charter consultant for the Collins Center.
- The Chairman started with the Preamble, and no changes were made.
- Article 1, Sections 1. Incorporation and section 2. Short Title no changes were made.
- Article 1, Section 3. Division of Powers. A motion was made to add "by this Charter" at the end of the first sentence. The motion was seconded and all were in favor.
- Article 1, Section 4. Power of the Town. A motion was made to accept revisions as shown (replace "general laws of the Commonwealth" with "General Laws"). The motion was seconded and all were in favor.
- Article 1, Section 5. Construction no changes were made.
- Article 1, Section 6. Intergovernmental Relations. A motion was made for the same change (to replace "general laws of the Commonwealth" with "General Laws"). The motion was seconded. Discussion followed. The motion was amended to make the change (to replace "general laws of the Commonwealth" with "General Laws") throughout the charter. The amended motion was seconded and all were in favor. All were in favor of the original motion as amended.
- A distribution of the original motion as amonasa.
- Article 1, Section 7. Definitions Organization or Reorganization Plan a motion was

made to approve this section as edited. The motion was seconded and all were in favor. A motion was made to add separate quotation marks for "organization" or "reorganization plan", and to add the word plan after organization, all in the first line. The motion was seconded and all were in favor.

A motion was made to strike the last sentence. The motion was seconded and all were in favor.

 Article 1, Section 7. Definitions – Supermajority – A motion was made to add "4 members of a 5 member board. The motion was seconded. Discussion followed about adding the word "committee".

The motion was amended to include the word "committee" after the word "board". The amended motion was seconded and all were in favor.

All were in favor of the original motion as amended.

- Article 2, Section 1. Composition and Membership no changes were made.
- Article 2, Section 2. Eligibility no changes were made.
- Article 2, Section 3. President, Vice President, and Clerk no changes were made in the first three paragraphs. A motion was made to leave the 4<sup>th</sup> paragraph as is. The motion was seconded. Discussion followed about the stipend. The motion and second were withdrawn.
  - A motion was made to strike the last sentence (in the 4<sup>th</sup> paragraph) and the recommended replacement sentence. The motion was seconded. All were in favor.
- Article 2, Section 4. Council Procedures A motion was made to include suggested comments (add commas in last sentence) in the second paragraph. The motion was seconded and all were in favor.
  - A motion was made to delete "for any special meeting" from the second paragraph and add "which contains a list of items to be acted upon" after the word notice in the second line. The motion was seconded and all were in favor.
- Article 2, Section 5. General Powers and Duties no additional changes were made.
- Article 2, Section 6. Town Bylaws A motion was made to change "a special emergency" to "an emergency" in the 3<sup>rd</sup> paragraph, second line. The motion was seconded and all were in favor.
  - A motion was made to have the last sentence in the 3<sup>rd</sup> paragraph read: No bylaw shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving a supermajority vote.
- Article 2, Section 7. Action Requiring an Bylaw. A motion was made to strike "d" as written and adding "and" before "c". The motion was seconded and all were in favor.
- Article 2, Section 8. Vacancy No changes were made.
- Article 2, Section 9. Access to Information A motion was made to add "or" before the word "registered" in the last sentence. The motion was seconded and all were in favor.
- Article 2, Section 10. Prohibitions no changes were made.
- Article 3, Section 1. Appointment and Qualifications. The consensus was to add the word "the" in the last sentence before "Town Council".
- Article 3, Section 2. Powers and Duties. #1 A motion was made to delete "appointment and simultaneous". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #2 A motion was made to change "master plan" to "long range plan". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #6 A motion was made to replace "removal" with "performance". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #12 & #13. T. Stepasiuk gave a description of suggested language for #12 and #13. A motion was made to use the recommended language for #12 and #13. The motion was seconded and all were in favor.

- Article 3, Section 2. Powers and Duties. #14. A motion was made to add "services" after the word "material" in the first line. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #15. A motion was made to approve the recommended language from Marilyn. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #16. A motion was made to change the second sentence to: "Such plan after submission to the Council shall become effective unless rejected by a majority of Town Council members within 45 days or at the next regular Town Council meeting. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #18. A motion was made to add "by Town Council" after the word "office". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #20. A motion was made to accept the recommended language edits. The motion was seconded and all were in favor.
- Article 3, Section 3. Acting Town Manager. "b" A motion was made to accept the suggested language. The motion was seconded and all were in favor.
- Article 3, Section 3. Acting Town Manager. "c" A motion was made to accept the suggested language. The motion was seconded and all were in favor.
   A motion was made to strike the word "temporary". The motion was seconded and all were in favor.
- Article 3, Section 4. Removal, Discipline or Suspension. A motion was made to strike the word "full". The motion was seconded and all were in favor.
- Article 4, Other Elected Offices no changes were made.
- Article 5, Administrative Organization, Section 1. Organization of Town Agencies. A
  motion was made to add "plan" after the word "organization" in the second line and add
  "or reorganization plan" at the end of the third line. The motion was seconded. All were
  in favor.
- Article 5, Administrative Organization, Section 3. Powers, Duties and Compensation of Boards. A motion was made to add after "General Laws" to bylaws and this Charter. The motion was seconded. There were 8 in favor and 1 opposed.
- Article 5, Administrative Organization, Section 4. Appointing Authority of Boards. A
  motion was made to rename the section "Appointment of Board Members". The motion
  was seconded.
  - A motion was made to amend to rename to "Appointment of Boards, Commissions and Committees" and add "committees" after the word "boards" in the third line. The amended motion was seconded and all were in favor.
  - All were in favor of the original motion as amended.
- Article 6, Financial and Fiscal Procedures. Section 1. Annual Budget Process. A motion
  was made to accept the suggested language change. The motion was seconded and all
  were in favor.
  - A motion was made to change the word "have" to "hold" in the second to last sentence. The motion was seconded and all were in favor.
  - A motion was made to remove "budget preparation" in the fourth line. The motion was seconded and all were in favor.
- Article 6, Financial and Fiscal Procedures. Section 1. Annual Budget Process. Step 1 –
   No changes were made and remaining steps were kept as originally numbered.
- Article 6, Financial and Fiscal Procedures. Section 2. Expenditures in Excess of Appropriations – no changes were made.
- Article 6, Financial and Fiscal Procedures. Section 3. Capital Improvement Program no changes were made.
- Article 6, Financial and Fiscal Procedures. Section 4. Financial Management Standards no changes were made.

- Article 6, Financial and Fiscal Procedures. Section 5. Independent Audit no changes were made.
- Article 7, Town Elections. Section 1. Town Elections: General; Preliminary. T. Stepasiuk
  explained the consolidation of two sections and that the ballot position is recommended
  to be done by the Town Clerk. A motion was made to accept the recommendation. The
  motion was seconded and all were in favor.
  - A motion was made to remove from the title of section 1 "General" & "Preliminary", and remove the title of section 2 "Partisan Elections". The motion was seconded. There were 4 in favor, and 5 opposed. The motion fails.
- Article 7, Town Elections. Section 2. Partisan Elections. A motion was made to change the title to Non-Partisan Elections. The motion was seconded and all were in favor.
- Article 7, Town Elections. Section 3. Preliminary Election. T. Stepasiuk gave an explanation of the recommended changes in this section. A motion was made to accept the section as adjusted. The motion was seconded and all were in favor. E. Madison was absent from the vote. A motion was made to accept the insertion of "shall" next to the last line in paragraph b. The motion was seconded and all were in favor. E. Madison was absent from the vote.
- Article 7, Town Elections. Section 4. Application of General Laws. A motion was made to accept the language suggested by Marilyn. The motion was seconded and all were in favor.

#### **Documents or Exhibits for this Matter:**

Preliminary East Longmeadow Home Rule Charter

#### Votes Taken Under this Matter:

- Article 1, Section 3. Division of Powers. A motion was made to add "by this Charter" at the end of the first sentence. The motion was seconded and all were in favor.
- Article 1, Section 4. Power of the Town. A motion was made to accept revisions as shown (replace "general laws of the Commonwealth" with "General Laws"). The motion was seconded and all were in favor.
- Article 1, Section 6. Intergovernmental Relations. A motion was made for the same change (to replace "general laws of the Commonwealth" with "General Laws"). The motion was seconded. Discussion followed. The motion was amended to make the change (to replace "general laws of the Commonwealth" with "General Laws") throughout the charter. The amended motion was seconded and all were in favor. All were in favor of the original motion as amended.
- Article 1, Section 7. Definitions Organization or Reorganization Plan a motion was made to approve this section as edited. The motion was seconded and all were in favor. A motion was made to add separate quotation marks for "organization" or "reorganization plan", and to add the word plan after organization, all in the first line. The motion was seconded and all were in favor.
  - A motion was made to strike the last sentence. The motion was seconded and all were in favor.
- Article 1, Section 7. Definitions Supermajority A motion was made to add "4 members of a 5 member board. The motion was seconded.

  The motion was amended to include the word "committee" after the word "board". The amended motion was seconded and all were in favor.
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- Article 2, Section 3. President, Vice President, and Clerk A motion was made to strike the last sentence (in the 4<sup>th</sup> paragraph) and the recommended replacement sentence. The motion was seconded. All were in favor.
- Article 2, Section 4. Council Procedures A motion was made to include suggested

comments (add commas in last sentence) in the second paragraph. The motion was seconded and all were in favor.

A motion was made to delete "for any special meeting" from the second paragraph and add "which contains a list of items to be acted upon" after the word notice in the second line. The motion was seconded and all were in favor.

- Article 2, Section 6. Town Bylaws A motion was made to change "a special emergency" to "an emergency" in the 3<sup>rd</sup> paragraph, second line. The motion was seconded and all were in favor.
  - A motion was made to have the last sentence in the 3<sup>rd</sup> paragraph read: No bylaw shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving a supermajority vote.
- Article 2, Section 7, Action Requiring a Bylaw. A motion was made to strike "d" as written and adding "and" before "c". The motion was seconded and all were in favor.
- Article 2, Section 9. Access to Information A motion was made to add "or" before the word "registered" in the last sentence. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #1 A motion was made to delete "appointment and simultaneous". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #2 A motion was made to change "master plan" to "long range plan". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #6 A motion was made to replace "removal" with "performance". The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #12 & #13. A motion was made to use the recommended language for #12 and #13. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #14. A motion was made to add "services" after the word "material" in the first line. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #15. A motion was made to approve the recommended language from Marilyn. The motion was seconded and all were in favor
- Article 3, Section 2. Powers and Duties. #16. A motion was made to change the second sentence to: "Such plan after submission to the Council shall become effective unless rejected by a majority of Town Council members within 45 days or at the next regular Town Council meeting. The motion was seconded and all were in favor.
- Article 3, Section 2. Powers and Duties. #18. A motion was made to add "by Town Council" after the word "office". The motion was seconded and all were in favor
- Article 3, Section 2. Powers and Duties. #20. A motion was made to accept the recommended language edits. The motion was seconded and all were in favor
- Article 3, Section 3. Acting Town Manager. "b". A motion was made to accept the suggested language. The motion was seconded and all were in favor.
- Article 3, Section 3. Acting Town Manager. "c" A motion was made to accept the suggested language. The motion was seconded and all were in favor.
   A motion was made to strike the word "temporary". The motion was seconded and all were in favor.
- Article 3, Section 4. Removal, Discipline or Suspension. A motion was made to strike the word "full". The motion was seconded and all were in favor.
- Article 5, Administrative Organization, Section 1. Organization of Town Agencies. A
  motion was made to add "plan" after the word "organization" in the second line and add
  "or reorganization plan" at the end of the third line. The motion was seconded. All were
  in favor.
- Article 5, Administrative Organization, Section 3. Powers, Duties and Compensation of Boards. A motion was made to add after "General Laws" to bylaws and this Charter.

- The motion was seconded. There were 8 in favor and 1 opposed.
- Article 5, Administrative Organization, Section 4. Appointing Authority of Boards. A
  motion was made to rename the section "Appointment of Board Members". The motion
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- Article 6, Financial and Fiscal Procedures. Section 1. Annual Budget Process. A motion
  was made to accept the suggested language change. The motion was seconded and all
  were in favor.
  - A motion was made to change the word "have" to "hold" in the second to last sentence. The motion was seconded and all were in favor.
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- Article 7, Town Elections. Section 1. Town Elections: General; Preliminary. T. Stepasiuk
  explained the consolidation of two sections and that the ballot position is recommended
  to be done by the Town Clerk. A motion was made to accept the recommendation. The
  motion was seconded and all were in favor.
  - A motion was made to remove from the title of section 1 "General" & "Preliminary", and remove the title of section 2 "Partisan Elections". The motion was seconded. There were 4 in favor, and 5 opposed. The motion fails.
- Article 7, Town Elections. Section 3. Preliminary Election. T. Stepasiuk gave an explanation of the recommended changes in this section. A motion was made to accept the section as adjusted. The motion was seconded and all were in favor. E. Madison was absent from the vote. A motion was made to accept the insertion of "shall" next to the last line in paragraph b. The motion was seconded and all were in favor. E. Madison was absent from the vote.
- Article 7, Town Elections. Section 4. Application of General Laws. A motion was made to accept the language suggested by Marilyn. The motion was seconded and all were in favor.

### **TOPIC / MATTER** #2

# Meeting Minutes – December 30, 2015

### **Summary of Matter Discussed:**

• The Meeting Minutes of December 30, 2015 were reviewed. It was noted that Larry Levine was in attendance and Ralph Page was absent. A motion was made to accept the December 30, 2015 Charter Commission Meeting Minutes as amended. The motion was seconded and all were in favor.

#### **Documents or Exhibits for this Matter:**

December 17, 2015 Charter Commission Meeting Minutes

#### **Votes Taken Under this Matter:**

 A motion was made to accept the December 17, 2015 Charter Commission Meeting Minutes as amended. The motion was seconded and all were in favor.

# **TOPIC / MATTER** #3

# **Charter Commission Calendar**

## **Summary of Matter Discussed:**

 Discussion on the Charter Commission Calendar began and noted that the date for submitting the final version of the Charter is February 1<sup>st</sup>. A discussion followed about the timeframe and information in educating the public about the charter. It was decided to meet with the Board of Selectmen to inform them about the final steps of the Charter Commission's process.

### **Documents or Exhibits for this Matter:**

None

### **Votes Taken Under this Matter:**

None

**Meeting Adjourned: 8:26 PM** 

Next Meeting: January 21, 2015 - 6:30 PM - 328 North Main St. - Conference

Room