



TOWN OF EAST LONGMEADOW
60 CENTER SQUARE
EAST LONGMEADOW, MA 01028

TOWN COUNCIL

(413) 525-5400 ext. 1001

Michael J. Kane, President,
Thomas C. O'Connor, Vice President
Donald J. Anderson, R. Patrick Henry, Kathleen G. Hill
Ralph E. Page, Marilyn M. Richards

Approved 4/13/2021

MINUTES
Town Council Meeting
March 23, 2021 at 6:00 p.m.
East Longmeadow, Massachusetts 01028

Present: President Michael Kane, Vice President Tom O'Connor, Pat Henry, Ralph Page, Marilyn Richards, Don Anderson and Kathleen Hill

Council President Kane opened the meeting at 6:00 p.m. followed by a Moment of Silence. The meeting was conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020. Announcements were made in accordance with Mass General Law, and it was noted that the meeting was being audio taped as well as in a virtual remote format.

President Kane noted that all votes taken would be roll call votes.

Public Comments: None

Council Comments: Councilor Henry commented that he received calls and other inquiries about him possibly presenting a laundry list of changes he believes we should be making to the Charter. Councilor Henry stated that he does have some suggestions some of which the Charter Committee has considered and some they have not. The Open Meeting Law prevents him from sharing these ahead of time, which is why he pushed so hard to form a Council Subcommittee so that they could review all the Councilors' suggestions that will be offered tonight. Councilor Henry complimented the hard work of the Charter Review Committee and only finds a couple of recommendations that they made that he would question with the other changes being fine. It is what they did not recommend that concerns him. Over the past five years our Council has experienced a number of problems with the Charter which he expected would have been a starting point for the Charter Review Committee to address. An example stated Councilor Henry is that the 45-day veto did not work and the Charter Review Committee left it as is. Numerous questions have been raised regarding our communications with our department heads and these challenges were not addressed. Councilor Henry also stated that the bylaw process that has multiple public hearings and handoffs is a real hassle and the Charter Review Committee did not streamline these

procedures but added another requirement to the process. Councilor Henry stated that when he and other Councilors present their suggestions tonight the intent is to take a Charter that works well and make it work just a little better. The place to start is with the Charter terms that have given us trouble over the last five years. Councilor Henry said the question is not do we want a strong manager or strong Council, the question is, in what small ways could the Charter be tweaked to support an even better working relationship between the two branches which share responsibility for our town. Councilor Henry hopes that we can consider this tonight.

Approval of Minutes:

A. Approval of March 9, 2021, Open Session Minutes:

*Councilor Anderson made a motion to approve the Open Session Minutes of the March 9, 2021 Open Session Minutes. Councilor O'Connor seconded the motion. **Roll Call Vote Councilor Anderson – Yes, Councilor Richards- Yes, Councilor Hill – Yes, Councilor Henry - Yes, Councilor O'Connor – Yes, Councilor Page – Yes and President Kane – Yes.***

Old Business

1. Approve Proposed Budget Package Documentation for use in the FY 2022 Budget Process:

President Kane made a motion to table this item to a future meeting. Councilor Richards seconded the motion. **Roll Call Vote Councilor Anderson – Yes, Councilor Richards- Yes, Councilor Hill – Yes, Councilor Henry - Yes, Councilor O'Connor – Yes, Councilor Page – Yes and President Kane – Yes.**

New Business

1. Charter Review Committee's Recommendations for the "Periodic Review of Charter", per Article 9, Section 2 of the Home Rule Charter:

Members of the Charter Review Committee present: Larry Levine, Andy Fraser and Tom` Christensen.

The Council went through the Charter and indicated which pages they had questions on.

Councilor Henry made a motion to change the definition of full Council on Page 3 to; the words full Council shall mean the entire authorized compliment of the Town Council, less any positions unfilled at the time. Councilor Hill seconded the motion.

Councilor Page explained that the Committee had a large discussion about what full council was and what it came down to is the full council is the full seven members. After further discussion, Councilor Henry withdrew his motion and Councilor Hill withdrew her second.

*Councilor Anderson made a motion that on page 5 in the first paragraph Town Bulletin Boards, on the third line that it should read, "Bulletin Boards at any other locations physical and or virtual as may be designated Town Bulletin Boards by the Town Council". Councilor Richards seconded the motion. **Roll Call Vote -Councilor Hill, Councilor Richards – Yes, Councilor***

Henry –Yes, Councilor Anderson- Yes, Councilor O’Connor – Yes, President Kane – Yes, and Councilor Page – Yes.

Councilor Henry made a motion that under the last section in section 2.1 on page 5 under Town Council regarding the compensation for Town Council members that any change to compensation to Council members should be by supermajority vote. Councilor O’Connor seconded the motion.

Councilor Henry stated that we do not see any harm right now but you never know what could happen and thought this was important and sends a signal.

Councilor Page asked if Councilor Henry would be making another motion to add another line that says Town Council compensation must be a supermajority vote of the Council because that will affect the town budget.

Councilor Henry amended the motion to add another sentence any change to the compensation of Town Council members should be by super majority vote. Councilor O’Connor seconded the mended motion.

Charter Review Committee Chair Larry Levine stated Councilor Henry brought up a similar suggestion but this is a new issue and has not been discussed by the Committee.

Roll Call Vote- Councilor Richards – No, Councilor Page- No, Councilor Henry – Yes, Councilor O’Connor- Yes, Councilor Anderson- No, Councilor Hill – No and President Kane – No.

Page 5 Section 2.2 under Eligibility- Councilor O’Connor commented that in the paragraph that reads any registered voter of the town shall be eligible for election to the Council. However, no person holding another elective office of the town as established in this Charter or any other town bylaw shall take the oath or affirmation of office as a Councilor he would like to add in state or federal. There could be an opportunity where we might have a State or Federal official who already has an elected position and they take a seat on our Council.

Councilor Page commented that he does not know if it is legal under Mass General Law for an elected State official to hold another position that is elected in the State. Councilor O’Connor stated that would be a caveat to adding it. Councilor O’Connor would like to research this further. Mr. Levine stated that the Committee never received a suggestion like this and is unaware about whether the law precludes as Councilor Page has stated. The Council decided to revisit this item.

Section 2.3 Page 5 under President, Vice President and Clerk – Councilor Anderson stated that one thing we have discovered in the past year is being able to go on Zoom meetings. We may have a situation in the future where you could have a President and Vice President that do not want to give up control after an election and all they have to do is strategically have one person miss a meeting and then be able to control a couple months into the future.

Councilor Anderson made a motion that this provision shall not exceed 30 days from the date of election at which time a supermajority may reorganize the Council. Councilor Henry seconded

the motion. After further discussion, the following roll call vote was taken. **Roll Call Vote - Councilor Hill - Yes, Councilor Richards – Yes, Councilor Henry –Yes, Councilor Anderson- Yes, Councilor O’Connor – Yes, President Kane – Yes, and Councilor Page – Yes.**

Page 6 Section 2-4 under All Meetings of the Council- Councilor Hill stated that in that paragraph it states non-resident employees and other interested parties may be allowed to speak at the discretion of the Council. Councilor Hill feels that since the Chair runs the meeting it would be the Chair who recognizes a speaker or not and would like to know if there would be a consideration for removing Council and substituting Chair.

After further discussion, *Councilor Hill made a motion that we substitute the words for the Council with the words Council President or Committee Chair. Councilor Page seconded the motion. Roll Call Vote -Councilor Hill- Yes, Councilor Richards – Yes, Councilor Henry –Yes, Councilor Anderson- Yes, Councilor O’Connor – Yes, President Kane – Yes, and Councilor Page – Yes.*

Councilor Henry commented on Page 6 in the last paragraph it indicates that the minutes should be provided, but the words “not later than the regularly scheduled meeting” have been removed. Councilor Henry feels it may have been a slip but the intention in the Charter should be that the minutes should be available at the next scheduled meeting for the Council to approve and is wondering where that came from.

Councilor Page explained that if we continue this meeting until tomorrow or have another meeting tomorrow that would mean that all the minutes from this meeting would have to be done by tomorrow. The Committee felt the time pressure might be too much, which is the reason they removed that language. Councilor Henry worries about not sending the signal that the Charter wants the minutes to be done as soon as possible

Councilor Henry made a motion to make no change to the existing language of the Charter requiring that the minutes of each Council meeting shall be made available no later than the next regularly scheduled Council meeting. There was no second to this motion.

Page 7 Section 2.6 under Town Bylaws - Councilor Henry would like to see a subcommittee look at this and see if they can come up with something a little more streamlined. Councilor Henry feels that our existing procedures for adopting bylaws are very cumbersome.

Councilor Page explained that the General Bylaws do not go to the Planning Board and under state law any Zoning Bylaw has to go to the Planning Board and the Planning Board has to hold a public hearing. Councilor Page stated that currently in the Charter we are not required to hold a public hearing for a General Bylaw and that is why they added in that language.

Councilor Richards stated that this issue was a huge sticking point for some folks when they were going through the Charter Commission. In terms of transparency and the ability for people to know when bylaws were to be changed it may seem cumbersome but it is driven by statute and the Charter Commission recognizes that the town should have the opportunity to weigh in on important changes.

Starting with the paragraph “Notwithstanding the above, the codification of town bylaws..” – *Councilor Page made a motion that we follow Attorney Jesse Belcher –Timme’s suggestion and add in the language that he suggested at the bottom of the paragraph.*

“Nothing in this paragraph shall relieve the Town or Town Council from its obligations to comply with all applicable state laws regarding approval or amendment of bylaws, including specifically, compliance with G. L. c. 40A, with respect to any and all zoning bylaws.”

*Councilor Richards seconded the motion. **Roll Call Vote -Councilor Hill- Yes, Councilor Richards – Yes, Councilor Henry –Yes, Councilor Anderson- Yes, Councilor O’Connor – Yes, President Kane – Yes, and Councilor Page – Yes.***

Page 8 Section 2-8 Vacancy – Councilor Henry made a motion to remove the word special from Section 2-8 Vacancy. Councilor O’Connor seconded the motion. Mr. Levine explained the reason for having special meeting in there. After further discussion, Councilor Henry withdrew his motion and Councilor O’Connor removed the second.

Page 9 Section 2-10 Prohibition – Councilor Page had a question on the last sentence in the last paragraph that says “who is not appointed by the Town Council”. Councilor Page does not see a reason for the last sentence and his concern is the Town Council Clerk who is not appointed by the Council. After much discussion on this Mr. Levine stated that Section 2-3 talks about the relationship of the Town Clerk/Clerk of the Council and what role he or she plays as Clerk of the Council in addition to the duties provided.

Page 9 Section 2-10 –Prohibition-

Councilor Henry made a motion to add the following sentence to Section 2-10 “notwithstanding the above any Council member shall have the same right of access to any town employee that any resident of the town enjoys, to ask a question or seek publicly available information”. Councilor O’Connor seconded the motion.

Councilor Page does not see anything that prevents them as a citizen asking for public information. Councilor Anderson feels there is a place for Councilor Henry’s language but perhaps it should be in a different spot. Councilor O’Connor would like to review this and look for a place where this would be a better fit as opposed to under Prohibitions. It is important that as Councilors they have the opportunity to ask questions of any department head. After much discussion, the following roll call vote was taken: **Roll Call Vote -Councilor Hill -No, Councilor Richards – No, Councilor Henry –Yes, Councilor Anderson- No, Councilor O’Connor – No, President Kane – No, and Councilor Page – No.**

Page 10 Section 3-1 Appointments and Qualifications - Councilor O’Connor stated that where it says the “Town Manager need not be a resident of the Town” the second sentence states within six months and feels as though six months is not enough time and would like to see it changed to 12 months.

Councilor O'Connor made a motion to change six months to twelve months in the third paragraph of Section 3-1: The Town Manager need not be a resident of the town or of the Commonwealth at the time of appointment but shall establish residence within the town within 12 months following appointment, unless the Town Council shall extend such time or waive such residency requirement. Councilor Henry seconded the motion.

Councilor Richards stated that in Councilor Henry's original suggested modifications to the Home Rule Charter he had included a section on this particular issue and was asking for 18 months. The Committee reviewed it and the Council, at its discretion, could establish any amount of time as they saw fit. The Committee felt that the Council had the authority to waive and require whatever depending on residency so that is why the Committee did not do anything. Councilor Page feels that the six months is appropriate.

Roll Call Vote – Councilor Richards – No, Councilor Page-No, Councilor Henry – Yes, Councilor O'Connor – Yes, Councilor Anderson- Yes, Councilor Hill – No and President Kane – Yes.

Page 10 – Section 3-1- Councilor Henry stated the last sentence that says “there shall be an annual review of the Town Manager's job performance conducted by the Town Council” is a duplication of what is already in the Town Council Rules 2-5.

Councilor Henry made a motion to delete the final sentence in Section 3-1. Councilor Hill seconded the motion.

Councilor Richards explained that it has a different meaning in this location it indicates that the Town Manger is going to be responsible for an annual review; the Council is responsible for conducting it. Councilor Richards feels it is important to be there. Councilor Anderson agrees with Councilor Richards and future candidates may not read the Council Rules as well as the Charter. Mr. Levine stated that this is just giving more emphasis of the duties and obligations of the Town Manager and it was intentional that it was left in both places.

After further discussion, Councilor Henry withdrew his motion and Councilor Hill withdrew her second.

Action Items:

- Revisit the eligibility on page 5 Section 2-2.

Councilor Page made a motion to adjourn the Open Session Meeting. Councilor Hill seconded the motion. Roll Call Vote- Councilor Richards-Yes, Councilor Hill- Yes, Councilor Anderson- Yes, Councilor O'Connor –Yes, President Kane – Yes, Councilor Henry – Yes and Councilor Page – Yes.

The Open Session meeting was adjourned at 8:05 pm. The next Open Session Meeting will be Wednesday March 24, 2020 at 6:00 pm.

March 23, 2021

Respectfully submitted,

Jackie Sullivan

Assistant Town Clerk

Documents: Charter with Committees recommendations, Agenda, Open Session Minutes from March 9, 2020, Town Attorney Charter Review comments, FY22 proposed budget packet.