

Longmeadow Charter Commission Minutes
DATE: October 29, 2003 TIME: 7:00pm-9:44pm
PLACE: School Committee Room

This was the 18th meeting of the Longmeadow Charter Commission. Present: Susan R. Altman, Kathleen E. Grady, William Hoff, R. Peter Landon, Arlene C. Miller (Vice Chair), Roger F. Nadeau, Joseph A. Occhiuti, Rebecca M. Townsend (Clerk), Roger B. Wojcik (Chair). Also present: Mr. Thomas Groux, charter advisor. 3 members of the public were present.

Mr. Wojcik opened the floor for **public comment**. Gerry Nolet asked if we would present the whole preferred model. Mr. Wojcik said yes, that the idea is to present a model so that we could show how the parts are related to the whole. We plan several roundtable discussions to generate public feedback on the model, in time for any changes to be made before we submit a final draft to the state. By state mandate, we will print the document in the newspaper. A formal hearing will be scheduled in January-February, and the final charter will be on the May 2004 ballot. Mr. Nolet asked how many charters fail, what the issues are that cause failure, and are we prepared to take actions toward success. Ms. Miller replied that we've been told 50% fail. Mr. Wojcik said that often Charter Commissions do not update or inform the public well enough. Ms. Miller added that some charters reach too far.

Mr. Wojcik said that this Charter Commission would address concerns in a positive, meaningful way; we will examine what can be done to effect positive change. Mr. Landon added that we appreciated all town officials and others who spoke with us about the current system and added that we have had public input foremost in our mind, noting that our communication/outreach committee has taken strides to demonstrate that we have employed a good process that will increase our government's effectiveness.

1. Mr. Wojcik called for a **review of minutes of October 21, 2003**. Two amendments were made: to delete a sentence in paragraph 5 and correct the date indicating our next meeting. Ms. Miller moved that the minutes of October 15, 2003 be accepted as amended. Dr. Grady seconded, and minutes were approved as amended.
2. Mr. Wojcik turned the floor to Mr. Landon, who wanted us to discuss our ground rules for decision making, to define consensus. Mr. Wojcik said that it entails looking at people to ask whether they agree with a proposal, and if need be, taking a vote. Dr. Grady suggested that we simplify procedures by taking votes. We discussed the issue of taking tentative votes toward a total charter proposal, and Mr. Groux indicated that he had a sense as to where the bulk of us were going and he argued that the rough draft charter outline he would distribute would reflect what most of us wanted to see. Mr. Groux would produce similar drafts reflecting our decisions on issues as a track record of our decisions.
3. Mr. Wojcik opened discussion of our Draft Model Development process. Mr. Wojcik turned the floor to Mr. Groux. Mr. Groux noted that he had emailed us a Table of Contents, Town Manager duties, and a description of the legislative branch, Open Town Meeting.

Mr. Groux distributed a handout of the provisions he has drafted thus far. The provisions were culled from the outcome of our discussions. Mr. Groux briefly presented the whole document, and then we discussed each item in turn, and refined the following items

WORKING DRAFT/Preliminary Decisions
10/29/03

Legislature: Mr. Groux noted our clear consensus on Open Town Meeting with an elected Moderator.

Most members expressed preference a simple provision about the **time of meetings**, “The annual town meeting shall convene at such time as provided by by-law of the Town. Special town meeting shall be convened at such times as may be called by the Board of Selectmen, by petition of registered voters as provided by law, or at such time or times as may be provided by by-law of the Town.”

Rules of Procedure: All Commission members agreed that our charter should institute a **Rules Committee** to outline, codify, and publish the rules for Town Meeting (participation, deliberation, voting methods, etc.). The Rules Committee would also be responsible for ensuring the public gets educated about these rules. The Moderator would appoint this group.

We can mandate the Town Manager provide a more **extensive warrant**, with requested department budget numbers, recommended numbers, changes from previous years, board recommendations, explanations of changes and clarification of all articles, the long range plan, zoning articles complete with maps and demonstrations of how the zoning by-laws will change if voters approve a particular article, pros/cons of articles, etc. In short, Town Managers often can provide more information to voters so that they can be prepared to vote at Town Meeting. Mr. Groux provided Chatham’s Warrant as an example. We would like to expand the section dealing with this to demonstrate our preference.

In order to handle any concerns people may have about Town Meeting votes representing the will of the people, members agree in concept to a “safety valve”: **Referendum Procedures on Town Meeting Votes**. It involves a “waiting period” for finalization of votes. Once the period is over, votes are finalized. If, however, during that period, a sufficient, yet to-be-decided number of petitioners sign a request to place an article on the town ballot, then the item will go to town-wide ballot. Charter Commissioners noted that the number needs to be high enough to prevent abuse, yet low enough as to be attainable should Town Meeting vastly underestimate the will of the non-attending public. That is a detail yet to be fully worked out.]

The Finance Committee is an advisory body to Town Meeting. The Finance Committee, of **7 members**, would maintain its independence, similar to the national Congressional Budgeting Office. In order to institutionalize selection procedures and make public the decision-making process regarding who serves on the Finance Committee (previously called the Appropriations Committee—an oft-misunderstood name), Commissioners reached consensus on creating the **Finance Committee Appointing Group**, as other communities, like Reading, do.] We agreed that the members of the finance committee shall be appointed by a committee of three consisting of the moderator, a member each of the Board of Selectmen and the School Committee. We also agreed that “No officer of the town or member of any board, commission or other committee of

the town, whether elected or appointed, and no town or school employee, shall be a member of the finance committee.

Elected Officers: Members agreed with the **provision about elected officers**, that “Any voter shall be eligible to hold any elective town office, but no person holding any elective town office shall simultaneously hold any other elective town office.”

We agreed that officers should coordinate their efforts: officers “shall be subject to the call of the board of selectmen, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.”

Executive Branch: Members reached consensus about having 5 Selectmen. Six (Grady, Landon, Nadeau, Occhiuti, Townsend, and Wojcik) voted in favor of expanding this policy board from 3 to 5, three (Altman, Hoff, Miller) did not vote in favor. Arguments in favor included: 1-increasing the number would allow for more debate on policy issues; 2-since a professional Manager would deal with the administrative issues that often occupy the Selectmen’s time, Selectmen would be free to focus attention on creating town policy; also, 3-since many in various levels of government office and those other citizens observing it note the tendency for a three-member board to be dominated by 1 person, increasing the size of the board would bring about more debate (one person would feel less concerned about being the “odd person out”). Arguments against cited the present difficulties in the Administrator having to contact the three members for their decisions (five would complicate matters), and the difficulties in getting people to run for the 2 new positions. The majority addressed these concerns with noting that a professional Manager would eliminate the difficulties in contacting Selectmen, and also that more people would be willing to run for a board in which they feel they could have some degree of value or efficacy and not always be the odd person out.]

Members reached consensus about having 5 School Committee members. Five (Grady, Miller, Nadeau, Occhiuti, Wojcik) voted in favor of reducing the number of members from 7 to 5. Four (Altman, Hoff, Landon, Townsend) did not vote in favor. Arguments for the reduction included the following: having 5 members allows the School Committee to concentrate their efforts on educational policy; having 5 members reduces the time each member spends on non-policy matters; members may still appoint sub-committees to address the aspects 7 currently do. Arguments against included: 7 members allow one member (not the chair) to be the contact-person for each of the 6 schools in town, to meet with PTOs; and not hearing enough of compelling case made during discussion so far. The majority addressed the first concern by noting that members may still do this but each person, including the chair, could serve as a contact-person (one would have to double-up on schools.)]

Mr. Groux had not added appointed boards to a working draft charter yet, but he noted that we all thought **most other boards should be appointed**.

Professional Management: Members reached consensus that our preferred model has a professional town manager. Regarding contracts’ influence on the term of office for a Manager, Mr. Groux noted that a contract cannot supercede the charter. The Commission had noted Amherst’s charter for language on removal procedures that might be worth re-examining. As to whether there are any differences in duties with the titles “Administrator” or “Manager” and whether the choice of one or the other has any ramifications for current contract

negotiations, Mr. Groux noted that any charter provision cannot appear to give anyone a lock on an office.

Members were unanimous in our preference for Transitional Provisions. The Commission asked Mr. Groux whether Transitional Provisions would help **smooth the change from the current system to the organization under a new charter.** Mr. Groux said **it was common to set up Transitional Provisions so any changes are not abrupt.**

The Manager would be responsible for creation of a personnel policy and if an office were to be created, it would come under the Manager's purview. Mr. Groux noted that towns Longmeadow's size do not need a department of personnel. We would like to keep the charter as revenue-neutral as possible.

We discussed the Ombudsman concept, and discussed what the consequences of a stronger administration would have for the Board of Selectmen. Strengthening the management of the town would strengthen the board of Selectmen and create less of a need for a mediator/ombudsman. One could still be considered via by-law in a couple of years.]

Members reached consensus to omit the title "ombudsman" from the model charter developed this evening. All agreed a definition of an ombudsman was a third party who speaks for someone, a sounding board, or a buffer individual (between the elected or appointed officers and citizens). If needed, such a position could be added by by-law. Mr. Wojcik asked if anyone was in favor of including the ombudsman in the charter. One member (Altman) voted in favor, eight members did not vote in favor (Grady, Hoff, Landon, Miller, Nadeau, Occhiuti, Townsend, and Wojcik).]

4. Mr. Wojcik announced that **the Commission has completed the basic building blocks for Longmeadow's charter, and that we still need to get more detail on Town Manager duties and the work of the Water and Sewer Commission, for example.** Members asked that Mr. Groux use gender-neutral language in the charter. Ms. Miller asked that Mr. Groux prepare an outline of what we still need to finish, a map of those departments we still need to organize. We will be done by next Wednesday, November 5, and following that we will have public hearings and roundtable discussions to get public input while the charter is still in preliminary form. Roundtable discussions will be during the week of the 17th, the week of the Special Town Meeting.
5. Due to Mr. Wojcik's anticipated absence at our next meeting, Ms. Miller will Chair the meeting and asked that we start at 6:30pm. Mr. Wojcik asked that all of us manage our information prior to completing our work next week.

Mr. Hoff moved to adjourn at 9:44pm. Mr. Occhiuti seconded, and the meeting voted to adjourn until November 5, 2003.

Approved November 5, 2003

Respectfully submitted,

Rebecca M. Townsend, Clerk