

**Longmeadow Charter Commission Minutes**  
**DATE: February 24, 2004 TIME: 9:07am**  
**PLACE: Police Station Community Room**

This was the 32<sup>nd</sup> meeting of the Longmeadow Charter Commission. Present: Susan R. Altman, Kathleen E. Grady, William Hoff, R. Peter Landon, Arlene C. Miller (Vice Chair), and Roger B. Wojcik (Chair). Absent: Joseph A. Occhiuti, Roger F. Nadeau, and Rebecca M. Townsend (Clerk). Also present: Thomas Groux. No members of the public were present.

1. Mr. Wojcik opened the meeting and, seeing no members of the public present, closed the **Public Comment** period.
2. Mr. Wojcik opened review of the **minutes of February 17, 2004**. Ms. Miller proposed three changes and moved that minutes be accepted as corrected. Mr. Hoff seconded, and the minutes were accepted.
3. Mr. Wojcik opened review of the **public hearings on the Preliminary Charter Report Hearing Summary memo**, "Issues to consider for the final Charter", dated 2-17-04, from the last meeting. (Please see attached copy.)
  - a. **Issue 2... Ample time for the Town Manager to review the School Department budget?** Discussion concerned Article 7 of the Charter. Members agreed that the phrase "not later than fifteen days" was sufficient, as it would not be the last or the first time for dialogue on the budget. **The Commissioners unanimously agreed to make no change to the charter on this provision.** Mr. Wojcik will prepare a budget process flow chart for reference purposes.
  - b. **Issue 3... Elected versus appointed officials.** Mr. Wojcik asked the group if any member had a request to change the charter's appointment provisions. Mr. Landon asked if the group could reconsider the appointment status of the Parks and Recreation Commission. Mr. Wojcik felt that the size of the revolving account that the Commissioners manage, the questionable management of the recent changes to Turner Park and the value of a larger field of candidates who may be available for positions on the Board if selection is based on appointment all argue for mandating that Board members be appointed. Dr. Grady noted that Massachusetts general law gives park and recreation commissions many powers over parklands, regardless of their election or appointment status. Mr. Hoff noted that any elected group would be more likely to influence the Parks and Rec staff than an appointed group. Elected boards become public advocates for their particular area, he added. He said, and Ms. Miller agreed, that should the public choose to change this selection process, it could do so with a charter amendment; no charter commission would be required. Ms. Miller said she is more concerned about getting away from the "silos" and the current decentralized arrangement. **Voting to make no change to the charter were Grady, Hoff, Miller, and Wojcik. Voting for a change: Altman and Landon. There will be no change.**
  - c. **Issue 4... Appointment "process" (removal procedures? Public input?).** Mr. Wojcik reviewed Ms. Townsend's memo regarding Appointment Procedures. He

summarized the memo as preferring an open process for town appointments. Ms. Miller noted that in the current government the only one-person appointing authority is the Town Moderator (in his appointing of the Appropriation Committee). Mr. Hoff proposed that the Charter read in Article 4 that a by-law must be written and passed which defines an open process for all town board and committee appointments. Mr. Groux suggested that excessive detail in the Charter may unreasonably constrain the elected board's decision to appoint. He will draft language that would ensure openness in the process until such time as a by-law is adopted. Dr. Grady suggested adding a statement regarding re-appointment. Mr. Hoff proposed that we include language in Article 9-5 j to the effect that the by-law committee would handle the reappointment issue. Mr. Wojcik proposed that the charter address the appointment procedure as follows... in Article 4 by mandating that the town approve a by-law which establishes an open appointment process which addresses the matters of the solicitation of candidates, interviews of candidates and public participation... and in Article 9 by defining a similar procedure for the town government to use during the transition period. **The Commissioners agreed unanimously to support this change. Mr. Groux will draft charter language for Commission approval.**

- d. **Issue 7... Supermajority hiring of superintendent.** Members discussed whether firing should also be by supermajority. Mr. Wojcik asked if the charter should clarify provision 6.6b to indicate that a simple majority be used for removal of the Superintendent of Schools (stating what is assumed). Mr. Wojcik asked if there was support for the charter's provision for supermajority hiring the Town Manager and Superintendent of Schools (no change to the charter). **The Commissioners unanimously agreed to make no change to the charter on this provision.**
  - e. **Issue 8... Extended Town Meeting.** Mr. Wojcik delayed consideration of item 8 to the next meeting where it will be included in the discussion of the referendum procedure.
4. Mr. Wojcik asked if there was any new business.
- a. Mr. Landon requested that information for discussion of the **referendum: procedure** be sent prior to the meeting for review and study.
  - b. Mr. Hoff stated that since he may not be attending, he wanted to explain how the **charter provision on procurement** relates to the school department's purchases and how it will work in practice. The current procedure for the selection and purchase of educational materials to be purchased will be the same under the Charter as it is today. For example the school department will decide which textbooks are needed and the purchasing system will procure them at the lowest possible cost. Mr. Groux explained that the school department will still award the contracts for educational materials, but the town manager will approve them. Currently the school department approves and awards purchase contracts before the town accountant, as chief procurement officer, approves them. Under the

charter, the town manager will be able to apply purchasing guidelines to encourage efficiency and openness to all purchasing contracts. Mr. Hoff favored the charter's provision as it will encourage communication between the school department and town manager. The purchase of generic materials such as writing supplies and computer supplies may be handled by a single purchasing agent for the entire town on an open bid basis.

- c. Mr. Hoff said that regarding the **Finance Committee appointing committee**: the overall perspective of the **town needs balance**. He compared this to the federal government system of checks and balances. He cautioned against any one person appointing a group without review by others.
- d. Dr. Grady spoke with Attorney General Ritchie **regarding the referendum procedure**. She asked him what general law we would be in conflict with if the provision were not specifically designated as in the "affirmative." She reported that Mr. Ritchie said that the word "referendum" is typically used in law to mean the referral of an issue from one body to another body, i.e. with a council or other representative body the issue gets referred to the people. With an open town meeting, the town's citizens would refer a contested issue voted by town meeting attendees to all the town's voters at a special election. When asked if the proposed referendum procedure conflicts with current any law, Mr. Ritchie said that there was no current law to conflict with. He said that the charter commission could do whatever it wanted, that the AG's opinion is for guidance only.
  - i. Dr. Grady suggested that to protect ourselves against adjudication, **we should define the word "referendum" in the charter as an issue voted by town meeting attendees being referred to a special election to be voted by all town voters**. Mr. Wojcik said that he is obtaining copies of the three referendum procedures used by open town meeting communities in the state and will distribute this information to the other Commissioners as soon as it gets received.
  - ii. Dr. Grady suggested that we request a letter from Mr. Ritchie stating that there is no case law which conflicts with our Charter language on the referendum procedure. Mr. Groux reported that while Mr. Ritchie said he is aware of no case law that would foreclose what we are proposing he believes that the town might open itself to litigation with the current language. He indicated that the questions of zoning and bonding are issues reserved to the state and that the town cannot change the voting process on these matters. Dr. Grady and Mr. Hoff asked Mr. Groux if the two-thirds town meeting vote minimum for approval of zoning or bonding questions could be also be a requirement at any special election where a zoning or bonding issue was on the ballot as a referendum item. Mr. Hoff indicated that he does not have a problem 1) requiring a two-thirds at the election (just as at town meeting) or 2) that two-thirds votes are not subject to votes at a referendum. He would have serious problem with

saying that only affirmative votes can go to referendum. He said that the public should have the opportunity to take issues that were either approved or not approved to referendum. Should the charter be written to address the affirmative vote only, Mr. Hoff indicated that he would rather not support the charter.

5. Mr. Wojcik said that we would discuss Issues 1, 6, and 8 at the next meeting Thursday, March 4, in the School Committee room, from 6:30 to 10:30pm.
6. Mr. Hoff moved to adjourn meeting. Mr. Landon seconded. With all in favor, Mr. Wojcik adjourned the meeting at 11:10am.

Approved March 4, 2004

Respectfully submitted,

Roger Wojcik, Clerk pro tem