

Longmeadow Charter Commission Minutes
DATE: March 4, 2004 TIME: 6:36-9:51pm
PLACE: School Committee Room

This was the 33rd 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), and Roger B. Wojcik (Chair). Also present: Thomas Groux (Charter Advisor). One member of the public was present.

1. Mr. Wojcik opened the meeting and the **Public Comment** period. Mr. Bud Bloom, a member of the Library Board of Trustees, asked for clarification on the charter's arrangement for the Librarian's appointment. Mr. Landon, who has served as Charter Commission liaison to the Library Board of Trustees, replied that the charter recognizes the legality of the current arrangement between the Town and Library Board. The charter mandates that the Town Manager appoint all department heads, including the Librarian; in practice it is expected that the Town Manager would consult with the Board of Trustees regards this appointment. Ms. Miller added that all department heads need to be employed in a uniform manner, and if expertise is needed, the manager brings people in that area to assist with the hiring. Mr. Groux said that the charter sanctions what exists now, in practice. Mr. Bloom said that he was satisfied with the information he received.
2. Mr. Wojcik opened review of the **minutes of February 24, 2004**. Dr. Grady offered an amendment that the last line of item 4 should read "not support the charter." Ms. Miller moved the minutes be accepted as amended and Dr. Grady seconded. The minutes were approved as amended (Townsend, Occhiuti and Nadeau abstained due to their absence on the 24th).
3. Mr. Wojcik opened discussion of the **process for appointment of the Finance Committee**. Members offered their opinions on the method outlined in the Preliminary Charter. Mr. Wojcik summarized this material by saying that it seemed that **all agreed that the appointment process should be open and that most preferred to have a group making the appointments**.
 - a. He asked for the rationale of those advocating a single-person appointment. Mr. Nadeau clarified that he was also in favor of a group doing the appointment. Ms. Altman said that she thought the Moderator's appointment of the current Appropriations Committee was an impartial process; that the appointments were successful in the past and that the system featured no catering to anyone. Mr. Wojcik asked if she were open to a multi-member committee, and she said that she thought it would depend on who was in the group.
 - b. Mr. Occhiuti compared **the pros and cons of the present system and the proposed charter procedures**.
 - i. With the Moderator having sole appointment power, the pro is that the process is short and sweet. The cons are that the process is open to possibilities of favoritism, nepotism, political overtones, and, the choice is unilateral. Further, the process is not an open to public view.

- ii. The pros of the multi person appointing authority as described in the Preliminary Charter (Moderator plus a Select Board Member plus a School Committee member) are that it sounds great and is idealistic in principle. The cons are that there may also be political overtones, and there may be internal divisions.
 - c. **He proposed that the Moderator, together with two people having financial training and/or experience, appoint the Finance Committee.**
 - i. Specifically he proposed that, the appointing authority for the Finance Committee be the Moderator, the then-current chair of Finance Committee and the head of the department of finance and administration. This solution retains the Moderator's role in selecting this advisory board to the legislature, and it adds the experience of two people with financial background in the selection process. It also mandates an open appointment process and sets up a multi-person group to review applications and conduct interviews.
 - ii. All members found merit in Mr. Occhiuti's proposal and found it a good compromise. Dr. Grady noted that these would be the logical people the Moderator would consult with on such an issue anyway.
 - d. Mr. Wojcik asked for **all in favor of having the Moderator, the Finance Committee Chair, and head of the finance and administration department select the Finance Committee, and every member approved the decision.** Mr. Wojcik declared the vote unanimous and instructed Mr. Groux to revise the charter to reflect this decision.
4. Mr. Wojcik opened discussion on the **Referendum Procedure.**
- a. He asked members for their opinions on the Referendum Procedure as written in the Preliminary Charter. He noted that most members have concerns.
 - b. He asked Mr. Groux to report on his research into alternative procedures. Mr. Groux said that he consulted with Assistant Attorney General Bob Ritchie, Town Counsel Dave Martel, and Attorney Robert Troy. All three expressed concerns about any referendum procedure on actions at Town Meeting that fail to achieve a positive vote where those articles require a supermajority vote to pass (i.e. zoning and ((new)) bonding issues). They noted that referendum actions should be only on positive actions that were taken at town meeting. Mr. Groux noted that he did not recommend referendum for failed votes on either simple or supermajority votes or at all for open Town Meeting charters. Mr. Groux distributed made two proposals for alternative procedure language. Commissioners considered the following proposals. Referendum may be called:
 - (1) On any article voted (up or down), as stated in the Preliminary Charter
 - (2) On any article affirmatively voted
 - (3) On any article voted (up or down) *except* for those which require a supermajority *and* were defeated at Town Meeting
 - (5) On any article affirmatively voted except those requiring a supermajority.

Proposal (4) called for deleting the referendum procedure from the charter entirely

- c. Members discussed each option at length. Mr. Wojcik asked each Commissioner to select one of the five alternatives: Altman: 4; Grady: 3; Hoff: 3; Landon: 4; Miller: 3; Nadeau: 3; Occhiuti: 3; Townsend: 3; Wojcik: 3. **Mr. Wojcik said that the consensus favored option 3.** He directed Mr. Groux to make that change in the charter.
5. Mr. Wojcik opened discussion on pages 11 and 27 of the charter, two pages that had been revised to detail the procedures for **a new appointment process** that would mandate equal access for applications to boards and committees and mandate that the process be an open one.
6. Mr. Landon asked for clarification on capital planning. Mr. Groux clarified that the Capital Planning Committee is designed to be advisory to the Select Board.
7. Members reviewed the charter for final edits. Mr. Groux would email the revised, Final Charter this weekend for a last check for typographical errors.
8. Mr. Wojcik asked for **a formal vote of those on who approve the Longmeadow Home Rule Charter as defined:**
 - a. Those voting in favor: **Grady, Hoff, Landon, Miller, Nadeau, Occhiuti, Townsend and Wojcik.**
 - b. Voting as opposed: **Altman.**
 - c. **Mr. Wojcik declared that the Longmeadow Final Home Rule Charter is approved by the Charter Commission.**
9. Mr. Wojcik said that **the next Commission meeting be on Tuesday March 9 at 7:00pm, in the School Committee Room.** At that meeting we would sign the Final Report. He said that the Final Report will be delivered to the Board of Selectmen's office on March 12 and delivered to the Attorney General's Office and the Department of Housing and Community Development by March 18th.
10. Mr. Wojcik indicate that **the Final Report is planned to be distributed to all Longmeadow households as an insert in the Reminder newspaper in their April 26 issue.**
11. Mr. Wojcik asked Dr. Grady for an **Outreach Plan** to cover the period from now until the May 18 vote. She said that Updates explaining of the charter's major features would continue, and asked for help in writing these updates from fellow commission members. She said that the Commission would consider posting "FAQs," or frequently asked questions and answers, on the town website and that we would continue with the speakers' bureau. Mr. Landon and Mr. Wojcik have been invited to speak to a lunch group at St. Andrew's Church on March 11.

12. Mr. Wojcik said that if members participated in any ballot question advocacy groups, that they follow the rules outlined in the Office of Campaign & Political Finance guidelines, which he distributed to each member.

He thanked Commission members for their efforts. He thanked Mr. Groux for his work on our behalf.

13. Mr. Groux reminded us that the Charter Commission is required to write the charter ballot question that will appear on the May 18 ballot and suggested that we should submit that to Town Counsel for review. Mr. Wojcik will arrange to have this done.

14. Mr. Occhiuti moved to adjourn meeting. Mr. Hoff seconded. With all in favor, Mr. Wojcik adjourned the meeting at 9:51pm.

Approved March 9, 2004

Respectfully submitted,

Rebecca M. Townsend, Clerk