

**TOWN OF LONGMEADOW
SPECIAL TOWN MEETING MINUTES**

Thursday, January 17, 2019 – 7:00 p.m.
Longmeadow High School

Acting under the authority of the posted warrant, the qualified voters of the Town met at the time and place appointed. At 7:00 PM o'clock in the evening the Moderator declared the Special Town Meeting open, there being a quorum present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, Earl Godfrey to give the invocation.

ARTICLE 1.

It was a Unanimous Affirmative vote to TAKE NO ACTION ON THIS ARTICLE. That the Town vote to amend the Home Rule Charter to grant registered voters the power to recall elected officials in the Town of Longmeadow according to the petition as printed on the handout or amended at Town Meeting.

Petition Attachment Handout

Mr. Patrick J. O'Shea moves: that the Town requires the Town Clerk to immediately submit to the State Legislature, the bill as printed on the handout or amended at Town Meeting, to grant registered voters the power to recall elected officials in the Town of Longmeadow.

An Act Providing for Recall Elections in the Town of Longmeadow

Be it enacted by the Senator and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Home Rule Charter of the Town of Longmeadow, as appearing in Articles 1 through 9, as amended by the said Town under the provisions of 43B of the General Laws, is hereby further amended by inserting the following Article 10:

**ARTICLE 10
RECALL OF ELECTED OFFICIALS**

- (a) Holders of elected offices in the town of Longmeadow described by Article 3, Section 3-3 of this Longmeadow Home Rule Charter may be recalled from office for any lawful reason by the registered voters of the town as provided in this Act.
- (b) Using a citizen's petition form, a petitioner having the signatures of two hundred or more registered voters may file an initial recall affidavit containing their names and addresses with the Town Clerk. The affidavit shall also contain: (i) the name(s) of the officer(s) whose recall is sought; (ii) the offices(s) sought to be recalled; and (iii) a statement of the grounds for recall.
- (c) Within 14 days of receipt of the initial recall affidavit, the Town Clerk shall verify the signatures on the initial recall affidavit. If the affidavit is found to contain a sufficient number of signatures, the Town Clerk shall deliver within 14 days, to the petitioner who submitted the affidavit, a formal numbered printed recall petition sheet with the Town's official seal, and addressed to the select board with demand for recall.
- (d) The Town Clerk shall fill out the top portion of each recall petition sheet stating the name(s) of the elected official(s), the office(s) of the elected official, the grounds for recall in the petition, and the date the petition is delivered to the first 10 registered voters. A copy of the recall petition shall be entered in a record book to be kept in the office of the Town Clerk.

- (e) Exact copies of the petitions may be made for the collection of signatures. A copy of the recall petition and the name of the petitioner shall be delivered to the elected official, whose recall is sought, on the date the recall petition is delivered to the petitioner.
- (f) The registered voters that filed the affidavit shall have 30 days from the date of delivery of the recall petition sheets to file the signed recall petition sheets with the Town Clerk and board of registrars, which shall contain the signatures, names and street addresses of at least 75 percent of the total number of persons who voted at the most recent annual town election.
- (g) The Town Clerk shall within 10 business days certify the number of signatures that are names of registered voters in the town.
- (h) The petition shall also require the select board to hold an election of a successor to the office.
- (i) If a sufficient number of signatures have been certified, the Town Clerk shall certify the recall petition, and submit the recall petition with the Town Clerk's certification to the select board without delay. The select board shall immediately give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled.
- (j) If the person holding an elected office does not resign within 7 days after receipt of the notice, the select board shall immediately order an election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the select board's order; provided, however, that if another town election is scheduled to occur within 100 days after the date of the certification, the select board may, at their discretion, hold the recall election on the date of the scheduled town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this Act.
- (k) An officer sought to be removed by recall election may be a candidate to succeed in that office. The nomination or other candidates, the publication of the warrant for the recall election and the conduct of the same shall be under the General Laws relating to elections, unless otherwise provided in this Act.
- (l) The officer sought to be removed shall continue to perform the duties of the office until the recall election, unless they resign their position. If the officer is not recalled, the office shall continue in office for the remainder of the unexpired term subject to recall except as provided in this Act. If the officer is not re-elected in the recall election, the officer shall be considered removed from the office immediately.
- (m) The ballots used in a recall election shall submit the following propositions in the order indicated:
 - For the recall of (name of officer) (office held)
 - Against the recall (name of officer) (office held)
- (n) There shall be an appropriate place for the voters to vote for either such propositions, and above said proposition, there shall appear the direction "Vote for one." Under the propositions shall appear the word "Candidates" and directions to voters required by the General Laws, and beneath this, the names of the candidates nominated listed alphabetically as herein provided.
- (o) On the ballot, the above said propositions shall be provided individually for each officer and office considered in the recall election.

- (p) If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes shall be elected to hold office for the remainder of the unexpired term. If a majority of the votes cast on the recall question is in the negative, the votes cast for candidates to fill the potential vacancy shall not be counted.
- (q) No recall petition shall be filed against an elected officer of the town within 3 months after an officer takes office. In the case of an elected officer subjected to a recall election and not recalled, a recall petition shall not be filed against that officer until at least 12 months after the election at which the recall was submitted to the voters of the town.

SECTION 2: This Act shall take effect upon its passage.

ARTICLE 2.

Citizen Petition

It was a Unanimous Affirmative vote to TAKE NO ACTION ON THIS ARTICLE. That the Town vote to transfer from the 2019 School Operations Budget the sum of \$2,000,000 or a greater or lesser sum as amended at Town Meeting, to an account under the control of the Select Board called the Select Board Reserve for School Expenditures from which transfers can only be made by a majority vote of the Select Board upon a written request of the School Committee detailing reasons for the transfer request supported by a majority of the vote of the School Committee.

ARTICLE 3.

Citizen Petition

It was moved and seconded that the Town vote to amend the Home Rule Charter to grant registered voters the power to recall elected officers in the Town of Longmeadow according to the petition as printed on the attached handout or amended at town meeting.

Petition Attachment Handout

That the Town requires the Town Clerk to immediately submit to the State Legislature, the bill as printed on the handout or amended at Town Meeting, to grant registered voters the power to recall elected officers in the Town of Longmeadow.

An Act Providing for Recall Elections in the Town of Longmeadow

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Home Rule Charter of the Town of Longmeadow, as appearing in Articles 1 through 9, as amended by the said Town under the provisions of 43B of the General Laws, is hereby further amended by inserting the following Article 10:

**ARTICLE 10
RECALL OF ELECTED OFFICERS**

- (a) Holders of elected offices in the town of Longmeadow described by Article 3, Sections 3-3, 3-4, 3-5 and 3-6 of this Longmeadow Home Rule Charter may be recalled from office for any lawful reason by the registered voters of the town as provided in this article.
- (b) Using a citizen's petition form, a petitioner having the signatures of two hundred or more registered voters may file an initial recall affidavit containing their names and addresses with the Town Clerk. The affidavit shall also contain: (i) the name(s) of the elected officer(s) whose recall is sought; and (ii) office(s) sought to be recalled; and (iii) a statement of the grounds for recall.
- (c) Within 7 days of receipt of the initial recall affidavit, the Town Clerk shall verify the signatures on the initial recall affidavit. If the affidavit is found to contain a sufficient number of signatures, the Town Clerk shall deliver within 14 days of the initial recall affidavit, to the

petitioner who submitted the affidavit, a formal numbered printed recall petition sheet with the Town's official seal, and addressed to the select board with demand for recall.

- (d) The Town Clerk shall fill out the top portion of each recall petition sheet stating the name(s) of the elected officer(s), the office(s) of the elected officer, the grounds for recall in the petition, and the date the petition is delivered to the first 10 registered voters. A copy of the recall petition shall be entered in a record book to be kept in the office of the Town Clerk.
- (e) Exact copies of the petitions may be made for the collection of signatures. A copy of the recall petition and the name of the petitioner shall be delivered to the elected officer(s) whose recall is sought, on the date the recall petition is delivered to the petitioner.
- (f) The registered voters that filed the affidavit shall have 45 days from the date of delivery of the recall petition sheets to file the signed recall petition sheets with the Town Clerk, which shall contain the signatures, names and street addresses of at least fifteen percent (15%) of the registered voters in the town including at least 50 registered voters from each precinct.
- (g) The Town Clerk shall within 7 days certify the number of signatures that are names of registered voters in the town.
- (h) The petition shall also require the select board to hold an election of a successor to the office.
- (i) If a sufficient number of signatures have been certified, the Town Clerk shall certify the recall petition, and submit the recall petition with the Town Clerk's certification to the select board without delay. The select board shall immediately give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled.
- (j) If the person holding an elected office sought to be recalled does not resign within 7 days after receipt of the notice, the select board shall immediately order an election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the select board's order; provided, however, that if another town election is scheduled to occur within 100 days after the date of the certification, the select board may, at their discretion, hold the recall election on the date of the scheduled town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this article.
- (k) An elected officer sought to be removed by recall election may be a candidate to succeed in that office. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall be under the General Laws relating to elections, unless otherwise provided in this article.
- (l) The elected officer sought to be removed shall continue to perform the duties of the office until the recall election, unless they resign their position. If the elected officer is not recalled, the elected officer shall continue in office for the remainder of the unexpired term subject to recall except as provided in this charter. If the elected officer is not re-elected in the recall election, the elected officer shall be considered removed from the office immediately.
- (m) The ballots used in a recall election shall submit the following propositions in the order indicated:
 - For the recall of (name of officer), (office held)
 - Against the recall (name of officer), (office held)
- (n) There shall be an appropriate place for the voters to vote for either such propositions, and above said propositions, there shall appear the direction "Vote for one." Under the propositions shall

appear the word “Candidates” and directions to voters required by the General Laws, and beneath this, the names of the candidates nominated listed alphabetically as herein provided.

- (o) On the ballot, the above said propositions shall be provided individually for each elected officer and office considered in the recall election.
- (p) If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes shall be elected to hold office for the remainder of the unexpired term. If a majority of the votes cast on the recall question is in the negative, the votes cast for candidates to fill the potential vacancy shall not be counted.
- (q) No recall petition shall be filed against an elected officer of the town within 3 months after an elected officer takes office. In the case of an elected officer subjected to a recall election and not recalled, a recall petition shall not be filed against that elected officer until at least 12 months after the election at which the recall was submitted to the voters of the town.

SECTION 2: This act shall take effect upon its passage.

It was moved and seconded to make amendments to correct typos in the article. It was a Unanimous Affirmative vote to amend the article.

It was moved and seconded to fix the method of voting to be by paper ballot. It was a Majority Affirmative vote.

It was moved and seconded to amend the article to add a Section (r) stating the following: “No Longmeadow elected official holding public office on the date this Charter Amendment is enacted by the state legislature can be subjected to recall until after the completion of their ongoing term of office.” It was a Majority Negative vote to amend.

It was moved and seconded to amend the article 10F to read:

The registered voters that filed the affidavit shall have 45 days from the date of delivery of the recall petition sheets to file the signed recall petition sheets with the Town Clerk, which shall contain the signatures, names and street addresses of at least thirty percent (30%) of the registered voters in the town including at least 50 registered voters from each precinct. It was a Majority Negative vote to amend.

A motion was moved and seconded to call the question. The Moderator Declared a 2/3^{rds} Majority Affirmative vote to call the question.

A ballot vote was hand counted and the results were as follows:

635 in favor
235 against

The main motion was approved by a 2/3^{rds} Majority Affirmative vote.

A motion was moved and seconded to dissolve the meeting at 9:13 pm.

The number of registered voters in attendance was 899 (7.53% of eligible voters), there being 11,943 registered voters as of January 7, 2019.

Katherine T. Ingram
Town Clerk