



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 24, 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.

New Business

- Continued from March 23, 2021 - Charter Review Committee's Recommendations for the "Periodic Review of Charter", per Article 9, Section 2 of the Home Rule Charter.

Larry Levine, Chair of the Charter Review Committee expressed his admiration for his fellow committee members. Mr. Levine stated that the Committee met for eight months almost on a weekly basis and went through the entire Charter. The group disagreed on some items, but the group was very courteous and did their homework. They were a great group to work with. Having spent 40 years either in elected or appointed positions in this town Mr. Levine stated he looked forward to each and every week and wanted to thank each and every one of them; Phil Adams, Andy Fraser, Bill Fonseca, Jeff Bosworth, Ralph Page, Marilyn Richards and Tom Christensen. Mr. Levine also thanked Kathy Hill, Mike Kane, Jesse Belcher-Timme, Mary McNally, Don Maki and Jeanne Quaglietti for their help.

President Kane thanked Larry Levine for his services.

Councilor Henry commented that he will be withdrawing all his other questions. Councilor Henry stated that he had made eight suggestions at yesterday's meeting which he felt were reasonable and meant to be

clarifying or helpful and only one of the eight were accepted. Mr. Henry thought their goal was to tweak a good Charter and make it a little bit better and it is clear to him after last night that both the Charter Review Committee and this Council believe this Charter is working quite well. Councilor Henry feels that he is the outlier and his suggestions really weren't helpful. Councilor Henry is not upset; he feels his concerns and suggestions were listened to and very carefully considered and has no complaints, but seeing that he is so out of step with the rest of the Council he is withdrawing his remaining questions even though he knows they would have been considered carefully and respectfully. Councilor Henry thanked the Charter Review Committee.

Number 5 on Page 11 – Councilor Page asked about the new language that has been added, “notwithstanding any increase for any town employee in compensation or stipends”. If we take out notwithstanding and put in in spite of it does not seem to work and in spite of is supposedly the definition for notwithstanding. *Councilor Page made a motion that we replace the last sentence in #5 on page 11 with the following: any increase for any town employee in compensation or stipends exceeding 10% in any fiscal year shall require prior approval by the Town Council. 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.*

Page 15 under Organization of Town Agencies – Councilor O'Connor believes that additional language should be added in Article 5 Section 5-1 to make it a little bit clearer. It starts out with “the organization of the town into operating agencies for the provision of services and administration of the government shall be accompanied only through an organization or reorganization plan filed with and approved by the Town Council”. *Councilor O'Connor made a motion to add the following language to Section 5-1 “Reorganization Plan filed with the Town Council and approved by the Town Council by the Town Manager”.* There was no second to the motion.

President Kane asked Mr. Levine for some insight on how they came up with the language in that paragraph. Mr. Levine stated that the first paragraph that Councilor O'Connor pointed out is further covered in the third paragraph of 5-1. After further explanation from Mr. Levine Councilor O'Connor withdrew his motion.

Page 16 Section 5.4 under Appointment of Board, Commissions and Committee members- Councilor O'Connor stated that in the change it looks like in addition to that paragraph it states members of boards committees and commissions will be open to residents and non-residents, however preference will be given to residents of the town. Councilor O'Connor would like to see that amended to take out “and non-residents”.

President Kane feels it is a safety net and it would always defer back to a resident before going outside.

Mr. Levine stated that Councilor O'Connor has a valid point and this issue came up when there were vacancies and you cannot find candidates. One example was you may have had someone who sat on a Committee and recently moved out of town therefore creating a vacancy and they still wanted to participate and still had the knowledge. Mr. Levine stated if we had a large pool of candidates we wouldn't be discussing this. We are saying we can go beyond the town if we do not have candidates but preference will always be given to in town candidates.

Councilor Richards stated that she was part of this discussion with the Charter Review Committee and has been searching through documents trying to identify where this occurred. It has always been the process of the town to not require appointed positions to be town residents.

Councilor O'Connor has done some research into current boards and members that we have and he understands we have had some concerns and issues with filling some vacancies but does not see the issue now. We are dealing with Covid and there are only two open positions. Councilor O'Connor sees no value in changing this and putting those words in. Councilor O'Connor personally does not feel that non-residents have any overall stake in our community. It may lead to an outside agenda that could potentially harm our town.

Councilor Henry echoes Councilor O'Connor's concerns. Councilor Henry understands why we might want to do this but the potential for mischief is big.

Councilor Page stated the Charter Committee chose to add that language because without that there is no requirement to appoint someone from town, there is no preference anyone can be appointed that the Town Manager chooses and if we want to switch to only town residents we have to create different language than what is here

Councilor Anderson there is a way to distinguish this, if we say Boards and Commissions have to be residents of East Longmeadow, and Committees can be residents with preference and non-residents. For instance the parade committee or the 125th Anniversary Committee were a blend of different people. We also could have an employee of East Longmeadow who is a resident of another town, that person could still be a great asset on a Committee.

Councilor O'Connor made a motion that we eliminate the language in the second sentence starting on line four and non-residents; however, preference will be given to residents of the town. Councilor Henry seconded the motion.

Councilor Page amended the motion to put a period after the word residents and remove everything that follows it, which would be "and non-residents however preference will be given to residents of the town". Councilor Henry seconded the amended motion.

Councilor Anderson feels that if we are going to lump all three together he has a hard time supporting this and feels that Committees should be focused on the purpose of the Committee and the best possible candidates available. Councilor O'Connor supports what Councilor Anderson stated. After further discussion Councilor Page withdrew his amendment to the original motion. Councilor O'Connor withdrew his motion and Councilor Henry withdrew his second.

Councilor Henry made a motion that the second sentence in section 5-4 read "members of boards and commissions will be open to residents only; however members of committees will be open to residents and non-residents with preference given to residents of the town". Councilor Anderson seconded the motion.

Roll Call Vote – Councilor Anderson- Yes, President Kane – Yes, Councilor Henry- Yes, Councilor O'Connor – Yes, Councilor Hill – Yes, Councilor Page – Yes and Councilor Richards – Yes.

Page 4 under definition Super Majority – *Councilor Page made a motion that under Super Majority we change the wording of, which would be five members of a seven member Board of the Town Council to “or” the Town Council. Councilor Richards seconded the motion. **Roll Call Vote- Councilor Anderson- Yes, Councilor Henry – Yes, Councilor O’Connor-Yes, Councilor Hill- Yes, Councilor Richards- Yes, Councilor Page- Yes and President Kane- Yes.***

Page 5 Eligibility – Councilor Page stated that he did some research on the question as to whether or not you can hold two elected positions in the state and found that there is no law against holding dual elected positions. Councilor Page believes Councilor O’Connor suggested that we add in State and Federal.

Councilor O’Connor made a motion that the sentence read “any registered voter of the town shall be eligible for election to the Town Council; however, no person holding another elective office of the town, State or Federal Government as established in this Charter or any other bylaw or State or Federal office shall take the oath or affirmation of office as a Councilor”. Councilor Henry seconded the motion.

Councilor Page does not see the issue. If we had a State Representative who was also elected as a Town Councilor, Councilor Page feels that someone like that could bring a wealth of knowledge.

Councilor Hill stated that there is so much meat to the Ethics Law that it would almost make it difficult for someone holding state, regional or Federal Office to take on a Local Elected Office. Councilor Hill feels that there is so much inherent conflict that it deters that from happening.

After further discussion Councilor O’Connor withdrew his motion.

*Councilor Hill made a motion to approve the Charter Review Committee’s recommendations for the Periodic Charter Review of the Charter with the changes as voted on by the Town Council. Councilor Anderson seconded the motion. **Roll Call Vote- Councilor Anderson- Yes, Councilor Henry- Yes, Councilor O’Connor- Yes, Councilor Hill- Yes, Councilor Richards-Yes, Councilor Page-Yes and President Kane- Yes.***

Councilor Richards asked who would be responsible for making the changes to the document and will we have a finished copy that can be reviewed. President Kane stated that we will have minutes from the meeting and Jeanne will incorporate them into the document so that we will have a working document to review.

Town Clerk/Clerk of the Council Jeanne Quaglietti stated that the changes would come from the Clerk’s office and she will check with the Attorney General’s office to see how they want it.

Action Items:

President Kane summarized action items based off discussion we just had, we will figure out the format.

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

March 24, 2021

The Open Session meeting was adjourned at 7:08 pm. The next Town Council meeting will be March 30, 2021 at 6:00 pm.

Respectfully submitted,

Jackie Sullivan

Assistant Town Clerk

Documents: Agenda, Charter with Committees recommendations and Town Attorneys Charter Review comments.