

TOWN OF LONGMEADOW
SPECIAL TOWN MEETING - MINUTES

Tuesday, November 2, 2021 at 7:00 p.m.

Department of Public Works Garage. 170 Dwight Road, Longmeadow, Massachusetts

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 afternoon the Moderator declared the Annual Town Meeting open, there being a quorum (50 registered voters) present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, Jaime Cabazes to give the Invocation.

ARTICLE 1.

It was a Majority Affirmative vote to transfer from available funds in the treasury the sum of \$100,000.00 for the purpose of the engineering and design for the Longmeadow Street Transportation Improvement Project.

ARTICLE 2.

It was a Unanimous Affirmative vote to raise and appropriate the sum of \$100,000.00, for the purpose of increasing the FY 2022 Operating Budget - Daycare Salary.

ARTICLE 3.

The Moderator Declared a 9/10's Affirmative vote to transfer from Water Retained Earnings, the sum of \$315,000.00, for the purpose of providing supplemental funding for a FY 2021 bill of prior year from the Springfield Water and Sewer Commission.

ARTICLE 4.

It was a Majority Negative vote to transfer \$80,000.00 from the Sewer Retained Earnings account for the purpose of funding the FY 2022 Sewer Enterprise Fund operating budget as adopted by the Annual Town Meeting May 16, 2021.

ARTICLE 5.

The Moderator Declared a 9/10's Affirmative vote to transfer from available funds in the treasury the sum of \$17,021.61, for the purpose of having to pay bills of prior year.

ARTICLE 6.

It was a Majority Affirmative vote to raise and appropriate the sum of \$70,000.00, for the purpose of increasing the FY 2022 Operating Budget - Fire Department.

ARTICLE 7.

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$300,000.00, for the purpose of increasing the FY 2022 Operating Budget for Legal Expenses to cover costs associated with protecting the Town's interests in the construction of a natural gas facility and site remediation at the DPW facility.

ARTICLE 8.

It was a Majority Affirmative vote to transfer from available funds in the treasury the sum of \$500,000.00, to the OPEB Stabilization Fund, to move closer towards fully funding the OPEB liability.

ARTICLE 9.

It was a Majority Affirmative vote to raise and appropriate \$169,806.00, from the FY 2022 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$56,602, CPA Fund Balance Reserve for Community Housing \$56,602.00 and CPA Fund Balance Reserve for Historic Preservation \$56,602.

ARTICLE 10.

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$1,292,209.39, to the Operating Stabilization Fund.

CONSENT AGENDA ONE - Articles 11 and 12 as part of a consent agenda.

It was a Unanimous Affirmative vote to approve Articles 11 and 12 as part of a consent agenda.

ARTICLE 11.

It was a Unanimous Affirmative vote to accept the provisions of Massachusetts General Law Chapter 40 section 8D to establish an historical commission, for the preservation, protection and development of the historical or archeological assets of the town.

ARTICLE 12.

It was a Unanimous Affirmative vote to add section 2-810 Longmeadow Historical Commission to the Town's General Bylaws Chapter 800 Advisory, Policy, and Regulatory Agencies as follows:

2-810. Longmeadow Historical Commission

- a. The Longmeadow Historical Commission operates under Massachusetts General Laws Chapter 40, Section 8d. The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the aforementioned laws; or this Bylaw, as the case may be. These rules and regulations will be on file with the Town Clerk.
- b. The mission of the Longmeadow Historical Commission is to identify, preserve, educate, and advise the Town of Longmeadow, both its citizens and its government, about its unique historic heritage using the methods described in Massachusetts General Laws Chapter 40, Section 8d.
- c. As authorized by Massachusetts General Laws Chapter 40, Section 8d, the Town has authorized the Select Board to appoint up to seven members; each to a three year term.

ARTICLE 13.

It was a Majority Affirmative that the Town support the following as guiding principles to:

- a. Consider climate change in all appropriate decisions and planning processes;
- b. Take action to prepare for the impacts of a changing climate;
- c. Reduce greenhouse gas emissions;
- d. Develop and implement a comprehensive climate action plan;

all with the goal of making Longmeadow a truly sustainable community.

ARTICLE 14.

The Moderator Declared the Motion Failed to meet the 2/3rds required vote after a hand counted vote of 181 in favor and 105 opposed to change the Zoning District in which the land described in this Article is located from the Residence A-1 District to the Business District.

Certain real estate situated in Longmeadow, Hampden County, Massachusetts, bounded and described as follows:

PARCEL 1:

SOUTHERLY: by Williams Street, a total distance of one hundred fifty and 06/100 (150.06) feet;

WESTERLY: by land of First Church of Christ, Scientist, Longmeadow, two hundred seventy-two and 10/100 (272.10) feet;

NORTHERLY: by other land of Freebow Construction Co., Inc. one hundred fifty (150) feet; and

EASTERLY: by Frank Smith Road, two hundred seventy-five and 26/100 (275.26) feet.

Being the same premises as set forth on a Plan of Land in Longmeadow, Massachusetts, belonging to Freebow

Const. Co., Inc., Scale = 1"40', dated August 1961, M.L. Bowers, Registered Land Surveyor. See plan recorded

in Hampden County Registry of Deeds in Book of Plans 82, Page 72.

PARCEL2:

Beginning at a point in the Northerly line of Williams Street at the Southeast corner of land conveyed to S.Prestley Blake, et al, Trustees, by deed dated April 28, 1961 and recorded in Hampden County Registry of Deeds Book 2804, Page 328; thence running Westerly along said Williams Street two hundred eighty-eight (288) feet to the point; thence running Northerly along other land of said S. Prestley Blake, et al, Trustees, in a line making an interior angle of 90° 48' 45" with the last described course three hundred and 3/100 (300.03) feet to a point at land now or formerly of Daniel E. Burbank, Jr., et als; thence running Easterly along last named land in a line making an interior angle of 89° 11' 15" with the last described course, two hundred eighty-eight (288) feet to a point at land now or formerly of Freebow Construction Co., Inc.; thence running Southerly along said last named land in a line making an interior angle of 90° 48' 45" with the last described line three hundred and 3/100 (300.03) feet to the point of beginning the last described line making an interior angle of 89° 11' 15" with the last described course.

Containing 86,400 square feet of land.

CONSENT AGENDA TWO - Articles 15, 16 and 17 as part of a consent agenda.

It was a Unanimous Affirmative vote to approve Articles 15, 16 and 17 as part of a consent agenda.

ARTICLE 15.

The Moderator Declared a 2/3rds Affirmative vote that the town accept the charter amendments to Article 5 TOWN MANAGER Section 5-1: Appointment; Qualifications; Term.

Section 5-1 Appointment; Qualifications; Term

The select board shall appoint, by an affirmative vote of at least four members, a town manager for a term of office and other employment conditions to be set forth by written contract, and fix his or her compensation within the amount annually appropriated for that purpose. The select board shall appoint the town manager solely on that person's executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience in municipal administration to perform the duties of the office. The town manager shall not have served in an elective office in the town government for at least twelve months prior to appointment as town manager and shall devote full time to the office and shall not hold any other public office, elective or appointive. The town manager shall not engage in any other business or occupation during his or her term, unless such action is approved in advance, in writing, by the select board. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate. Reappointment of the town manager shall be by the affirmative vote of a majority of the members of the select board.

ARTICLE 16.

The Moderator Declared a 2/3rds Affirmative vote to accept the charter amendments to Article 5 Town Manager Section 5-2: Powers and Duties- subsections B, R, S, T, and W.

Section 5-2 Powers and Duties

B. To appoint and remove all department heads, all officers subordinate to the town manager, the assistant assessor, and all subordinates and employees for whom no other method of appointment is provided in the charter, except appointments made by officers of the Commonwealth.

Appointments of department heads made by the town manager shall not become effective until presented to the select board for approval and approved. If neither approved nor rejected by the select board by the completion of two successive meetings of the select board, the appointments shall be deemed approved. All employees of the town other than those who come under the jurisdiction of the school committee and the superintendent of schools as provided by the constitution and general laws of the Commonwealth or who are appointed by officers of the Commonwealth or who are appointed by the select board, pursuant to Section 3-2(c), are subject to the jurisdiction of the town manager as provided in this section (5-2).

R. To serve as a public information officer for town departments and agencies in order to maximize distribution of reports and documents utilizing both printed and electronic means, including the town's website, to keep the community informed of significant town matters.

S. To apply for, accept and expend grant funds and oversee adherence to conditions of grants received by the town.

T. To insure the town maintains emergency preparedness plans and facilitates trainings so as to be proficient in the use of such plans.

W. To consider environmental, sustainability and energy efficiency when managing town programs and resources.

ARTICLE 17.

The Moderator Declared a 2/3rds Affirmative vote that the town accept the charter amendments to Article 5 Town Manager Section 5-3: Acting Town Manager – Absence.

Section 5-3 Acting Town Manager -Absence

By notice filed with the town clerk and select board, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town manager during his or her temporary absence. During such absence, the select board may not revoke such designation without cause until at least ten working days have elapsed. The select board may then appoint another qualified town administrative officer or employee to serve as acting town manager until the town manager returns.

ARTICLE 18.

The Moderator Declared a 2/3rds Affirmative vote that the town accept the charter amendments to Article 5 Town Manager Section 5-5 Removal Procedures- subsections A and C.

Section 5-5 Removal Procedures

The select board may remove the town manager from office after first applying the following procedures:

- a. Notice – By affirmative vote of four of its members the select board may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forth-five days. A copy of the resolution shall be delivered to the town manager immediately following adoption and a copy shall be filed with the town clerk.
- c. Removal - If the town manager does not request a public hearing, then upon the expiration of ten days from the date of delivery to him of the preliminary resolution of removal; or if the town manager does request a public hearing, then five days from the completion of the public hearing, or forty-five days from the date of the adoption of the preliminary resolution, whichever occurs later; the select board may, by the affirmative vote of four of its members adopt a final resolution of removal that shall be effective upon adoption. Failure to adopt a final resolution of removal within the time limitations provided in this section shall nullify the preliminary resolution of removal. The action of the select board in suspending or removing the town manager.

ARTICLE 19.

It was moved and seconded that the Town vote to accept the charter amendments by amending Article 2 section 10 of the Charter.

Amend as follows

Section 2-10 Finance Committee

(b) The finance committee shall be an advisory committee to the town meeting and shall have those powers and duties given to finance committees under the general laws, except as may otherwise be provided for in this charter. The finance committee shall have jurisdiction over the reserve fund, shall conduct long range fiscal financial planning and advise on fiscal policy, and shall further perform those duties assigned to it in article seven of this charter, assigned by by-law, and as may be voted by town meeting.

(c) 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.

It was a Majority Affirmative vote to amend the motion as follows:

Section 2-10 Finance Committee

(b) The finance committee shall be an advisory committee to the town meeting and shall have those powers and duties given to finance committees under the general laws, except as may otherwise be provided for in this charter. The finance committee shall have jurisdiction over the reserve fund, shall conduct long range fiscal financial planning and advise on fiscal policy, and shall further perform those duties assigned to it in article seven of this charter, assigned by by-law, and as may be voted by town meeting.

(c) No officer of the town or elected member of any board, commission or other committee of the town, and no town or school employee, shall be a member of the finance committee.

The Moderator Declared a 2/3rds Affirmative vote on the main motion as amended.

The meeting dissolved at 8:46 p.m.

The number of registered voters in attendance was 309 (2.56% of eligible voters), there being 12,062 registered voters as of October 22, 2021.

Katherine T. Ingram
Town Clerk