



## NOTICE OF PUBLIC HEARING

Town Council Public Hearing  
Tuesday, May 10, 2022  
6:15 p.m.  
Via Zoom Webinar

Please click the link below to join the webinar:

<https://eastlongmeadowma.zoom.us/j/83133241134?pwd=Y0JXU0w5bmkRZ1RR0ThrdDZCeFk3Zz09>

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Or One tap mobile :

US: +13017158592,,83133241134#,,,,\*539891# or +13126266799,,83133241134#,,,,\*539891#

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Webinar ID: 831 3324 1134

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To address a Petition filed by Justin R. McCarthy for a proposed Charter Amendment, pursuant to G.L. c.43B, § 10(b), for (1) Board of Health members to be elected, rather than appointed, and (2) making the Board of Health subject to “Citizen Relief Mechanisms” in Article 8 of the Town’s Charter. Information and documents relating to this Petition are attached.

For more information, please contact Jeanne Quaglietti, Town Clerk, at 413-525-5400 x 1001, or [jeanne.quaglietti@eastlongmeadowma.gov](mailto:jeanne.quaglietti@eastlongmeadowma.gov).

**JUSTIN R. MCCARTHY**  
**ATTORNEY AT LAW**  
310 NORTH MAIN STREET  
EAST LONGMEADOW, MA 01028

TOWN CLERK  
RECEIVED

2022 FEB 18 P 2:37

TOWN OF EAST LONGMEADOW

Jeanne R. Quaglietti  
Town Clerk/Clerk of the Council  
60 Center Square  
East Longmeadow, MA 01028

February 18, 2022

**RE: Proposed Charter Amendments Submitted Pursuant to M.G.L. c. 43B, § 10(b)**

Ms. Quaglietti,

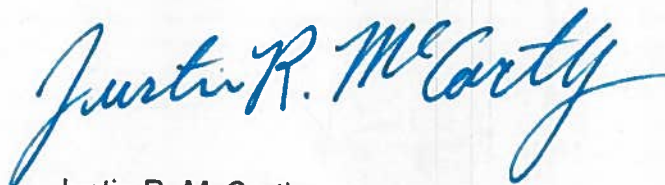
Pursuant to M.G.L. c. 43B, § 10(b), I hereby submit two proposed amendments to the Home Rule Charter signed by 71 voters.

The proposed amendments were originally submitted to you according to Charter Article 8-3. They were rejected by Town Council pursuant to Article 8-3(b).

I contend that parts of Article 8-3—in particular section (b)—are contrary to M.G.L. c. 43B, § 10(b) and that state law supersedes the Charter in this situation.<sup>1</sup>

Therefore, I ask that you abide by the state law and order a public hearing on the proposed amendments within the next three months.

Sincerely,



Justin R. McCarthy

<sup>1</sup> "Provisions adopted or changed must be consistent with laws passed by the state Legislature." *Local Charter Procedures: Election Resource Handbook 1995*, by Secretary of the Commonwealth Elections Division, Page 7. See also M.G.L. c. 43B, § 20 and Home Rule Amendment § 2.

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### **Proposed Initiative I**

- (1) Upon passage of this initiative, the Town Manager's power to appoint Health Board members shall end.
- (2) Health Board members shall be chosen by the voters through the election process.
- (3) The current Health Board members may continue to serve until the end of their present terms.
- (4) At the end of each Health Board member's present term, his or her membership on the said board shall be filled by the Health Board candidate with the highest number of votes in the town's next annual election.
- (5) This initiative shall supersede any and all contrary provisions in the Town's Charter or By-Laws.

### **Proposed Initiative II**

Upon passage of this initiative, Article 8 of the Home Rule Charter entitled "Citizen Relief Mechanisms" shall be revised to incorporate the Health Board as follows:

- (1) Article 8, Section 2, the words "or the Health Board" shall be inserted after each instance of "School Committee" and the words "or the Health Board Secretary" shall be inserted after each instance of "Secretary of the School Committee."
- (2) Article 8, Section 3, the words "or the Health Board" shall be inserted after each instance of "School Committee" and the words "or the Health Board Secretary" shall be inserted after each instance of "Secretary of the School Committee."
- (3) Article 8, Section 4, the words "or the Health Board" shall be inserted after each instance of "School Committee" and the words "or the Health Board Secretary" shall be inserted after each instance of "Secretary of the School Committee."