



TOWN ADMINISTRATOR REVIEW OF ARTICLES

2022 SPECIAL TOWN MEETING

HELD VIRTUALLY
NOVEMBER 9, 2022 @ 6 PM

OVERVIEW OF TOWN MEETING

- The 2022 Special Town Meeting will be held on Wednesday, November 30, 2022 at the South Hadley High School located at 153 Newton Street. The meeting will begin promptly at 6pm.
- The Selectboard will vote on the warrant at their November 15 meeting and the final warrant will be send via email to Town Meeting members on November 16.
- The Bylaw Review Committee will vote on any new or amended bylaws prior to Town Meeting.
- There will be five articles total. There is no consent agenda or any financial articles.
- Town Moderator John Hine will convene the meeting. The Selectboard, Town Administrator, Town Clerk, Town Accountant and Town Counsel will be present.
- The votes of each Town Meeting member will be tabulated with the same hand-held system as used in previous years. The votes will be shown on a screen after each vote, and also made publicly available.
- The annual Town Meeting is scheduled for the second Wednesday of May each year.

ARTICLE 1 - To see if the Town will vote to support the resolution in support of changing the State Flag and Seal of Massachusetts by adopting the following resolution:

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were modeled from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the colonists at Plymouth Plantation in the year 2020, afforded every citizen of the Commonwealth a chance to reflect upon this history and come to an awareness of the possibility of a better relationship between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the area now known as the Town of South Hadley shares a rich Native history with tribal Nations such as the Norwottuck, and modern tribal Nations such as the Nipmuc, who have lived in this area for thousands of years before the first colonial settlers arrived in 1721;

Now, therefore, **BE IT RESOLVED** that the Town of South Hadley hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2020 and appointed by the Governor **to recommend changes to the current flag and seal of Massachusetts**, and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth, and to Sen. JoAnne Comerford and Rep. Daniel Carey, with the request that they continue their strong advocacy and support for the work of the aforementioned Special Commission.

Or take any action related thereto.

ARTICLE 1 - BACKGROUND

- This was a citizen petition that the Selectboard voted to include in the warrant at the November 1 meeting.
- As the petition was submitted prior to the November 8 election, our understanding is that the petitioners plan to make a motion to amend the final sentence.
- The State Legislature formed a Special Commission charged with making recommendations back to the legislature for a new design for the seal (and flag) and motto. The current deadline is December 31 but news reports have shown that the deadline may not be met.
- The special commission will only be able to make a recommendation. Only an act of the legislature can change the Commonwealth's current seal and motto, with the approval of the new governor.
- An estimated 57 other cities and towns in the Commonwealth have considered a similar resolution (55 of those affirmatively, including the City of Easthampton on September 7th)


ARTICLE 2 - To see if the Town will amend the Town Bylaws, Chapter 240: Wetlands Bylaw by revising section 240-11 as follows (**underline and bold new** and ~~cross out~~ removed):

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw. **Said regulations may allow for the collection and setting of permit fees, mitigation payments, or fines all in accordance with the purpose and intent of this bylaw.** Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. Public notice shall be given at least three weeks prior to such hearing by publication in a newspaper of general circulation in South Hadley and by posting with the Town Clerk. At a minimum, these regulations shall define key terms in this bylaw not inconsistent with this bylaw.

or take any other action related thereto.

ARTICLE 2 - BACKGROUND

- The Conservation Commission held a public hearing on October 19, 2022.
- The Selectboard voted unanimously to support the article at their November 1, 2022 meeting.
- The Conservation Commission is proposing adding a new paragraph to [Local Wetland Bylaw, Chapter 240](#). The language will allow the Commission to collect permit fees, mitigation payments, or fines.
- Simultaneously, the Commission has proposed changes to the [Local Wetland Regulations](#) related to tree replacement performance standards. These performance standards would allow an in lieu of payment to be collected in unique circumstances when tree replacement mitigation requirements cannot be met due to site constraints. To allow the Commission to make said changes to the Wetland Regulations, a Wetland Bylaw change must be made to give the Commission proper authorization to collect mitigation payments for these unique circumstances.



ARTICLE 3 - To see if the Town will vote to accept G.L. c. 60 sec. 3F, to allow for the donation and collection of funds for a municipal veterans assistance fund; or take any other action related thereto.

ARTICLE 3 - BACKGROUND

- Section 3F: Voluntary donation to municipal veterans assistance fund by designation on municipal property tax or motor vehicle excise bills
- Selectboard approved to support the creation of the fund at their September 6, 2022 meeting Town Meeting will vote on the enabling legislation
- Veterans or Surviving Spouses who live in South Hadley are eligible.
- Funded by voluntary contributions
- Funds would be used for assistance with food, transportation, heat and oil expenses (i.e. if fuel assistance is not enough).
- The Town will establish an application process, standards for documentation of veteran/dependent status, and financial eligibility criteria for determining need and amount of assistance. The Veterans' Department will review applications based on those criteria.

ARTICLE 4 - To see if the Town will vote to amend the Town General Bylaws by adding a new section 7-7 titled, Veterans' Council as follows:

A. Established.

There is hereby established a veterans' council consisting of seven (7) persons appointed by the Selectboard from all the veterans who are voters and residents of the town under the provisions of General Law, Chapter 115, Section 12, with each member serving a three-year term. The initial appointments shall serve staggered terms as follows, 2 shall serve 1 year, 2 shall serve 2 years and the remaining 3 shall serve 3 years. Following the first term all appointments shall be made for a term of 3 years.

B. Powers and duties.

The Veterans' Council shall meet at least four (4) times a year or upon the call of the chairperson. The veterans' council shall advise and make recommendations to the director of veterans' services, the Town Administrator and Selectboard on legislation pertaining to veterans' affairs, and promote the welfare of veterans in the Town of South Hadley. Further, the veterans' council shall be responsible for conducting the annual Memorial Day Ceremony, Veterans' Day Ceremony and Flag Day Parade in the Town of South Hadley, and be responsible for such other related duties as may be voted by the Selectboard. The veterans' council may assume further duties and responsibilities as they may deem fit with the advice and approval of the Town Administrator and Selectboard.

C. OFFICERS

The officers of the Council shall be: Chair, Vice Chair and Secretary. All officers shall be elected annually by vote of the Council in public session during the first meeting of the fiscal year. Council Officers will constitute the Executive Board of the Council. The Executive Board shall be responsible for planning and organizing all Council meetings and addressing any and all matters identified by the Veterans Service Officer.



C-1 DUTIES OF OFFICERS

CHAIR

The Chair shall preside at all meetings of the Council. The Chair shall be responsible for preparing each meeting's agenda, providing at least two-week advance notice to Council members of upcoming meetings except in emergency circumstances, and posting all meeting agendas in accordance with Open Meeting Law (G.L. Chapter 30A, Section 20).

VICE CHAIR

The Vice Chair shall be responsible for performing the duties of the Chair should the Chair not be available to prepare for and/or preside at a meeting.

SECRETARY

The Secretary shall be responsible for taking minutes at all meetings and presenting draft minutes for approval at the Council's next meeting. The Secretary shall arrange for posting of approved minutes on the town's web page for the Council. The Secretary shall be responsible for any and all other correspondence required by the Council. The Secretary shall be responsible for maintaining custody of all agendas and approved minutes of Council meetings in accordance with the Public Records Law (G.L. c.. 66, Section 6.)

D. MEETINGS

The Council shall meet a minimum of four (4) times annually. Additional meetings may be called by the Chair, when required, in accordance with the Open Meeting law.



ARTICLE 4 - BACKGROUND

- Selectboard approved to support the creation of the council at their November 1, 2022 meeting
- Town Meeting will vote on the new bylaw
- The MGL allows for 5 to 15 members. This bylaw has a membership of 7 Veterans.
- Appointments would be made by the Selectboard.
- Council would work with the Veterans' Service Officer

ARTICLE 5 - Removal from Civil Service - To see if the Town will vote to revoke the acceptance of G.L. c. 31, §§ 48 and 49 to remove regular or permanent members of the police department from Civil Service and take any action relative thereto.

Said revocation shall comply with the provisions of G.L.c. 4. § 4B, which provides in relative part that such revocation shall not affect any contractual or civil service rights which have come into existence between the city, town or municipality and any officer or employee thereof as a result of the original acceptance of any such law or the provisions thereof; provided, however, that such revocation shall apply to the successor to the incumbent officer or employee, which application shall prevent such contractual or civil service right from automatically continuing with respect to such successor officer or employee.

ARTICLE 5 - BACKGROUND

- Passed in 1884, the Civil Service law was implemented in state and local governments to deter the “spoil system” of government jobs being offered only to political supporters.
- In 1933 South Hadley Town Meeting voted to have the Town join Civil Service. All sworn South Hadley Police Officers, except the Chief, are covered under MA Civil Service.
- 131 communities utilize Civil Service for their police; with an estimate of 40 that have removed or are currently in the process of being removed.
- Western MASS municipalities that have completed removals or “in process” for removal from Civil Service: Greenfield, E. Longmeadow, Montague, Athol, Orange, Palmer and Great Barrington. Only WMASS communities that will likely remain in civil service will be Springfield, W Springfield, Chicopee, Holyoke and Pittsfield.

ARTICLE 5 - BACKGROUND (continued)

Issues with current Civil Service process:

- Entrance and promotional exams are offered every 2 years, causing delay in hiring & promoting
- Almost impossible to “recruit” candidate to take the entrance exam, when so many area communities are not part of the civil service process.
- Limits on hiring preferences for candidates proficient in a second language, with higher education, or other certifications.
- Restrictions on hiring transfer candidates from non-civil service departments.
- The eligible list ranks candidates for written test only and Town can only consider the top 3 test takers for 1 position. Candidate #4, despite qualifications, cannot be considered for position.

Considerations:

- Recruitment or testing costs
- Town and Police Administration has the skill and ability to develop hiring practices that are best suited to meet the needs of South Hadley, with more local influence. Administration is currently negotiating with the police union for promotional testing that will include written tests and oral interview for sergeant promotions and an assessment center and oral interview for lieutenant promotions.



Questions and Comments:

**Please send any questions to
lwong@southhadleyma.gov**