



Town Council

*Kevin M. Manley, President
Paul L. Federici, Vice President
Kathleen G. Hill*

*Donald J. Anderson
Eric H. Madison
Michael J. Kane
Joseph Ford*

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MINUTES

Town Council Minutes

Tuesday, January 10, 2017 at 6:00 P.M.

**Council on Aging Media Room, 328 North Main Street
East Longmeadow, Massachusetts 01028**

Present: Kevin M. Manley, President, Paul L. Federici, Vice President, Kathleen G. Hill, Eric H. Madison, Michael J. Kane, Donald J. Anderson, Joseph Ford, Denise Menard, Town Manager, Thomas P. Florence, Clerk of the Council.

The President of the Town Council opened the meeting at 6:02 p.m. with the Pledge of Allegiance, followed by a Moment of Silence. Announcements were made in accordance with Mass General Law, and it was noted that ELCAT was taping the meeting.

PUBLIC COMMENTS

There were no public comments.

COUNCIL COMMENTS

President Manley commented that Peter Punderson had appeared at the December 13 Town Council meeting to question the manner in which the Council decided on the rate of pay (or stipend) the Council members receive. Mr. Punderson had suggested that the Council conduct a public hearing in order to get the residents' opinions on the subject, and asked that the Council recall its original vote. President Manley had the opportunity to meet with Mr. Punderson and asked the Council members what their thoughts were.

Councilor Madison said that no appropriation has been made, and the strategy the Council has adopted is to wait until the appropriation becomes part of the budget process. When that happens, there will be a public hearing. Council members will not receive payment until that process is complete. Councilor Madison suggests that no action be taken and that they continue with budget development at which time the stipend will be discussed. The residents will have the opportunity to comment during the public hearing portion of the budget presentation. If the Council wants to reconsider their decision, they can do it at that time. There was discussion and agreement amongst the Council that there is no motion to be made. President Manley will put Mr. Punderson on the agenda for a future meeting if he would like to

address the Council again on this matter. Mr. Punderson said he would like everyone to know that the Council is taking good care of the town and that President Manley knows what he's doing and cares about East Longmeadow.

TOWN MANAGER REPORT

General Matters

Town Manager Denise Menard reported that she has asked Tom O'Connor and Ryan Quimby to assist her in reviewing the Capital Plan for FY2018. This has been helpful since Messrs. O'Connor and Quimby have participated in capital planning in the past. They are in the process of moving forward, ranking projects and will have a Capital Plan soon.

Ms. Menard's office is also gathering information for the Town's Annual Report. She asked if the Council had any thoughts or comments as to what's been done in the past. The Annual Report is being generated from her office, and any comments or suggestions should be forwarded to her.

Ms. Menard is in the process of moving into her new office and should be in the new space next week. She is very excited and added that the DPW is top notch and is doing a great job with the creation of the office. Once she moves out of her current office, the Human Resources Department will be using that space.

Ms. Menard is conducting interviews on Friday (January 13) for the Human Resources Director, and has two viable candidates. Human Resources Directors from Longmeadow and Ludlow will be assisting in the interviews, and she hopes to have the new East Longmeadow Human Resources Director in place for February.

Ms. Menard said the Tri-Town Trolley with PVRTA (Pioneer Valley Transit Authority), Longmeadow and Hampden is moving forward. She is looking at quite a few collaborations that can be done with other communities. Besides being a good neighbor, it gives the Town an advantage to receive grants, and creates more efficiency. She has asked the department heads to look for other opportunities where East Longmeadow can partner with other towns.

The DPW has completed their Christmas tree pick-up, not including those trees that were taken down after the January 9 pick-up date. If anyone still has a tree they need to dispose of they can bring it to the Transfer Station. The Jaycees used to provide this service, but they no longer have the manpower to do so.

Ms. Menard has been researching appointments to boards and commissions, and there are quite a few members with expired terms. Rather than rush into reappointments, she is doing a thorough examination of each committee's purpose and jurisdiction. If the Council knows of any problematic situations that have occurred in the past, please let her know.

Ms. Menard updated the Council regarding her office receiving numerous trash collection complaints. At the time she was unaware that Republic Services was redividing the routes in Town to resolve the issues. Some streets were overflowing trash by the end of the day, while other routes had space to spare. There will be new routes and schedules in January and the residents have been notified.

Board of Health Director Aimee Petrosky has been very busy getting grants, and the Town was just approved for the \$35,310 grant for the Pioneer Valley Mosquito Control District. East Longmeadow does have mosquito spraying, but it has not been effective. Ms. Menard provided an article explaining how the grant monies would be used, and she complimented Ms. Petrosky for her hard work in attaining the grant.

Ms. Menard commented that she has been approached by a photographer who would like to take photographs of her and Council members as they are East Longmeadow's first official Town Manager and Town Council. The photographer is donating his services and Ms. Menard is checking with the Town Accountant Sara Menard to see how such a donation should be handled. She also wanted to check with the Council to see if they approved of this. Councilor Madison said they should make sure the donation is not an ethics violation relative to the dollar value of the donated services, and Ms. Menard said she would check into this with the Town Accountant.

Councilor Madison remarked that in the fall they had discussed the Governor signing the Municipal Modernization bill, and bringing forth items that might require legislative action. He feels that some could be beneficial to the Town, and this would be a good time to look at them as we enter the budget process.

Councilor Madison also commented that Ms. Menard was going to look into a proposal for moving some free cash into the OPEB (Other Post-Employment Benefits) trust. He added that the trust has language that may have to be brought back to the Council for rewording, since "Board of Selectmen" wording is everywhere. Ms. Menard said she was very familiar with setting up an OPEB trust, and agreed that the "Board of Selectmen" phrase appears in numerous places. She will consult with Town Attorney Jim Donahue to see what the logical steps are to move forward and which pieces should be addressed first.

Councilor Anderson asked Ms. Menard if there was any movement forward in hiring a permanent building inspector. She replied that considering a Human Resources Director will be in place very soon, she was going to give that hiring responsibility to that individual. The person that we have now is doing a good job, is enjoying it, and is staying on top of everything. Also, a former applicant has contacted her to inquire about the job. She asked the Council to let her know if there are any issues that are not being addressed.

ACT ON MINUTES AND MOTIONS OF OPEN SESSION MEETING OF DECEMBER 13, 2016

President Manley asked for a motion to approve the minutes of the Open Session Meetings of December 13, 2016. Councilor Madison referred to Page 5 of those minutes, under "NEW BUSINESS/Licensing Matters", second paragraph, which reads "Councilor Madison commented that the license renewals shouldn't be approved without authorization from the Fire Chief and the Building Inspector." He requested that the minutes be amended to reflect that this not refer to all licenses, only liquor licenses. In addition, license renewals shouldn't be approved without the "signatures" of the Fire Chief and Building Inspector, rather than "authorization."

Motion: Councilor Madison then made a motion to approve the minutes of the Open Session Meeting of December 13, 2016, as amended. Councilor Hill seconded and all were in favor.

ACT ON MINUTES AND MOTIONS OF EXECUTIVE SESSION MEETING OF DECEMBER 13, 2016

Motion: Councilor Federici made a motion to approve the minutes of the Executive Session Meeting of December 13, 2016. Councilor Kane seconded and all were in favor.

Citation for Eagle Scout Connor Pfalzgraf

President Manley acknowledged a citation for Eagle Scout Connor Pfalzgraf of Boy Scout Troop 179 for his personal achievements.

Massachusetts School Building Authority Letter

President Manley announced that he had received a letter from the MSBA (Massachusetts School Building Authority) informing him that East Longmeadow will no longer be involved or under consideration for state monies this year for school construction projects. Councilor Ford commented that the letter was not specific as to this decision, and asked if information can be accessed so adjustments can be made to their request if the Town applies again in the future. Councilor Federici said that the MSBA bases their decisions on need, and there are other applicants that are in worse shape than East Longmeadow. Councilor Madison agreed with Councilor Ford and felt they should inquire as to the reason the Town was denied. Councilor Hill asked if Superintendent Gordon Smith would have more information. Ms. Menard responded that she has talked with Supt. Smith and he has had conversations with MSBA. He felt they were more forthcoming, so he may have more information he can share.

Councilor Hill commented that the letter states there is an Accelerated Repair Program Statement of Interest submission due in about one month. Supt. Smith is presently having meetings with Building Facilities Manager Bruce Fenney regarding two schools that need repair. Councilor Madison felt East Longmeadow will have to face decisions on building and/or renovating school facilities or the Town Hall. We will need to invest in our infrastructure and be cognizant of this in the budget process in the future. He said that with careful planning it's possible to be in the best possible shape to manage such capital expenditures without an enormous tax increase for our residents.

Gunther-Rowley Post 293, American Legion, Condition of Bar Manager Crowd Control

At the November 22, 2016 meeting the Council had requested that incoming bar manager Michael Flynn be required to be TIPS certified, as well have certification for crowd control management, as part of his approval to be named bar manager. Roger Kellman, Finance Officer of Post 293, sent an e-mail to Town Council informing them that Mr. Flynn had difficulties obtaining the crowd control certification through the website. In addition, Mr. Kellman was asking that the Council's requirement be modified to state, "The maximum occupancy of the licensed premises, first floor and lower level, shall be limited to 99 unless an individual certified in crowd control is on site during any period when the total occupancy is 100 or more."

Councilor Madison stated under legislation they are required to have the crowd control certification given the total occupancy load of the building. The Council does not have the authority to waive that requirement. Councilor Madison also said he had no trouble accessing the on-line site to become crowd control certified. Discussion ensued regarding the actual occupancy limit of the building and the interpretation of Mr. Kellman's request. The first floor capacity is 69, and lower lever capacity is 63; however, if there are functions happening in both areas at the same time, the full capacity could exceed 100. Council Hill commented that the request from Mr. Kellman is dated December 13 and perhaps Mr. Flynn has been able to access the site since then and receive his certification. Councilor Ford stated that if the law is requiring certification, Mr. Flynn needs to accomplish this. Ms. Menard will check to see if he has been able to do this since December 13.

Town Attorney's Response to Open Meeting Law Inquiries of Patrick Higgins

Town Attorney James Donahue approached the Council to update them on a complaint filed by Patrick Higgins of Swansea, MA, and to get the Council's approval of a letter he has addressed to the Attorney General's office regarding the complaints. Atty. Donahue said that, under regulations, when a complaint is received regarding compliance with open meeting law, unless the board itself is filing a response, the board needs to formally authorize the responder to prepare the response. In this case the responder would be the Town Attorney on behalf of the Council.

The first portion of the complaint is that Mr. Higgins feels the Council violated Open Meeting Law by not providing a list of those licensees that the Council had approved for their annual renewals. Mr. Higgins stated that the individual licensees and types of licenses should have appeared with the meeting notice and agenda that is posted publicly. In reviewing the rulings that are issued by the Attorney General, Atty. Donahue acknowledges that there was not sufficient information regarding the individual licensees in the posting of the December 13 meeting. The second part of the complaint by Mr. Higgins states that the meeting agendas do not have the date and time the agenda is posted. Atty. Donahue told the Council that meeting notices and agendas are posted in three areas: a screen display visible from outside the library, the Town website, and outside the Clerk's office. Currently, the date and time the material is received by the Clerk's office is shown, but not the date and time that the material is posted.

The corrective actions as set forth in Atty. Donahue's draft response to the Attorney General for the licensee issue is that in the future if there are licenses to be renewed by the Council, the individual licensee information will be part of the agenda. The Council may notice that on this meeting's agenda, there is more detail given than usual in order to inform the public of the specific action the Council is to discuss. Regarding the visible recording of the date and time the material is posted, the Clerk's office has already added that information to any meeting notices and agendas received by the office. If the Town Council approves of the draft letter, Atty. Donahue will send to Mr. Higgins and the Attorney General. Mr. Higgins then can let the Attorney General know if he doesn't agree with the Town's response, and in that case the Attorney General would review it and make a determination. If there is no response and nothing is heard back in sixty days, the Town would receive a letter from the Attorney General's office stating they've accepted the Town's response and the case is dismissed.

Motion: Councilor Madison made a motion to authorize Atty. Donahue to send the letter on behalf of the Town Council to the Attorney General's office and Patrick Higgins which responds to Mr. Higgins' complaints filed to the Attorney General. Councilor Ford seconded and all were in favor.

OLD BUSINESS**Public Notice, Department of Agricultural Resources**

This is a continuation of an item from the December 13 meeting regarding an Agricultural Preservation Restriction (APR) Project for property at Markham Road. The APR Program Coordinator had requested to reduce the notification period from 120 days to 60 days. Councilor Madison had asked Mr. Florence to inquire about the reasoning for the request. Atty. Donahue commented that the Town received this request from the state agency to be put on agenda and read. Under the statute there is nothing that the Town does besides putting the item on the agenda and reading it. The state agency is purchasing the developmental rights of the property owner's land, paying "x" amount of dollars for the development rights and the land will be used for growing vegetables, or agricultural purposes. In addition to the reading of the notice, they are asking that the Town send a certification. He has a concern that the statute doesn't require any of that to be done. He would not recommend that the Town send the certificate, since the Town Council isn't involved in the process.

At that point, Mr. Florence read the notice into the record. Mr. Florence said he called the Massachusetts Department of Agricultural Resources to inquire about the reasoning for the reduction of the notification period. He was told that this waiver will expedite the project. Starting the clock sooner is a big factor to keep projects moving along relative to funding.

Hanward Hill Petition Update

Councilor Hill said on December 14 she attended a meeting as part of the Hanward Hill Petition Committee regarding the “logjam” of traffic on Hayward Hill when there are sporting events. This was in response and a follow up to residents’ complaints. There is ample parking space in the field’s parking lot; however, visitors choose to park along the access roads. Steps are being taken to alleviate this problem. Recreation Director Colin Drury will have a pre-season meeting with coaches to tell them to communicate to parents where parking is allowed. People will be cautioned that parking on Hanward Hill will not be tolerated and violations could result in ticketing and/or fines. Councilor Hill will set another meeting in April to make sure all measures are in place before the sports season begins.

Town Manager Contract Status

Councilor Kane reported as a member of the Sub-Committee for the Town Manager Contract Negotiations. He and Sub-Committee members Councilors Hill and Madison, and the attorney of their choice, have met and have forwarded agreed upon bullet points for the contract to the attorney. They will be meeting on January 11 to go over what the attorney has prepared.

NEW BUSINESS

Public Meeting, Community Development Block Grant Program

President Manley opened the public meeting at 6:52 p.m. for the purpose to discuss its FY2017 Community Development Strategy. John O’Leary, Community Development Planner for the Pioneer Valley Planning Commission, appeared before the Council to present the Community Development Strategy (CDS) plan for FY2017. He is writing the plan for East Longmeadow and Hampden and there are shared projects within the application. The purpose of the public meeting is a requirement of the Block Grant program application, and also to review and discuss East Longmeadow’s CDS for the Town’s FY17 Community Development Block Grant application. The CDS presented to the Council is to be used as a tool and a part of the application. The Council is not held to anything that is outlined in the document. This public meeting was advertised two weeks prior in The Reminder, as well as the town bulletin.

Mr. O’Leary discussed the CDS and its plan summaries that East Longmeadow has put together and community development efforts throughout the years. The most important part of this document shows priority projects and their alignment with the activities that are being applied for, such as economic development, transportation and planning. Mr. O’Leary met with an advisory committee with members Town Manager Denise Menard, Director of Planning Robyn Macdonald, Assessor Diane Bishop and Public Works Superintendent Robert Peirent. There is agreement that the priorities are realistic, and the activities targeted are: housing rehabilitation program, architectural design study for the town hall, sidewalk infrastructure project, and a mobile food pantry. The main point of the public meeting is to allow any comments or questions from the residents or Council members. If there is none, the CDS would be endorsed and accepted for the application for this year.

Councilor Madison said the Town is in the beginning phases of instituting the Charter and part of the Charter is a long range plan prepared by the Town Manager that is renewed every five years. Assuming the PVPC grant is received, and its priorities or planning is changed as a result of that process, will that have any impact on the grant money. Mr. O'Leary said the CDS is an evolving document which requires updating every three years. It is not set in stone, so there will not be an impact. Ms. Menard explained the housing project in more detail. President Manley asked if there was anyone present with public input and there was not. President Manley closed the public meeting at 7:00 p.m.

Motion: Councilor Federici made a motion to accept the Community Development Strategy document as presented. Councilor Madison seconded and all were in favor.

Conference Attendance Policies for Town Employees

The Council agreed to take no action on this item. The attendance policy is different for each department and this subject was more appropriate for the Town Manager's jurisdiction rather than Town Council.

Proposed Zoning Change Referendum Petition by Michael Carabetta

Michael Carabetta approached the Council regarding his petition for a zoning change, as part of an agreement for him to purchase land on Baldwin Street. He is requesting the Town Council to endorse the zone change for part of that land from industrial to residential for Parcel Z-1 to be referred to Planning for further action and public hearing. President Manley acknowledged that Mr. Carabetta obtained 104 signatures on the petition, and recommended the request be forwarded to Planning for a public hearing. Councilor Anderson commented that this was not an endorsement of the change; but permission to move forward.

Motion: Councilor Madison made a motion to accept the petition for the zone change referral to Planning. Councilor Federici seconded and all were in favor.

Approval of Regional 911 Emergency Communication District Planning Committee Voting Members

Councilor Federici commented that since its inception, he has been involved in the planning efforts of a Regional Emergency Communications Center (RECC). Three representatives from each participating town (Longmeadow, East Longmeadow, Hampden, Wilbraham and Ludlow) are needed as voting members of the Regional 911 Emergency Communication District Planning Committee. He said he will remain on the Committee as Finance Committee Chair, and is recommending to the Council that they approve the appointment of Town Manager Denise Menard, Police Chief Jeffrey Dalessio, and Fire Chief Paul Morrissette as East Longmeadow's new members. Councilor Madison made the clarification that this is not an action under the Charter required by the Council. This is actually a district planning committee and the legislature (for funding through the grant) requires appointment by Town Council.

Motion: Councilor Hill made a motion to approve Town Manager Denise Menard, Police Chief Jeffrey Dalessio, and Fire Chief Paul Morrissette as East Longmeadow's voting members of the Hampden Country Regional 911 Emergency Communication District Planning Committee. Councilor Federici seconded and all were in favor.

LICENSING MATTERS

Affirmation of Approval of License Renewals Voted on December 13, 2016

As Atty. Donahue explained earlier in the meeting, the Council needs to reaffirm the license renewal approvals previously approved at the December 13 meeting. He explained that as a result of Patrick Higgins' complaint to the Attorney General's office, these license renewals need to be approved again. The licensees were not individually listed in preparation for the December 13 meeting. For this meeting

the list of licensees seeking annual renewals were listed publicly as part of the meeting notice and agenda as "Attachment A".

Motion: Councilor Federici made a motion to reaffirm all the license renewals, as set forth in Attachment A. Councilor Kane seconded and all were in favor.

One Day License Beer and Wine License for St. Michael's Knights of Columbus #9960

Motion: Councilor Federici made a motion to approve a one day beer and wine license for St. Michael's Knight of Columbus for Wednesday, January 25, 2017 from 5:00-7:30 p.m. at the St. Michael's Community Center, and Councilor Madison seconded. All were in favor and the motion passed.

One Day License Beer and Wine License for UNICO Chapter of East Longmeadow

Motion: Councilor Federici made a motion to approve a one day beer and wine license for the UNICO Chapter of East Longmeadow for Friday, February 10, 2017 from 6:00-10:00 p.m. at St. Luke's Church. Councilor Kane seconded and all were in favor.

Motion: Councilor Anderson made a motion to waive the fee for St. Michael's Knights of Columbus previously approved one day beer and wine license as requested in their application. Councilor Madison seconded and all were in favor.

At Mr. Florence's request President Manley called for a five minute recess at 7:12 p.m., and returned to Open Session at 7:25 p.m.

FINANCIAL MATTERS

Article 6 of Charter, Financial and Fiscal Procedures

Ms. Menard said the first step of the budget proceedings is to have a joint meeting with the School Committee. The Council and Ms. Menard agreed that the second Tuesday of the month was for agenda items such as tonight's meeting and budget discussion be discussed on the fourth Tuesday of the month. Ms. Menard had distributed the Article 6 of the Charter and she can answer any questions and provide any information the Council wants. She will also invite the Town Accountant to the meeting. Councilor Madison said the intent of the Charter is for the Town Manager and the Town Accountant to give an overview of the current financial status of the town, and a brief financial picture of the fiscal year. He added that the School Committee and Town Council have the biggest impact on appropriations, and that they all hear the same thing. It was agreed that this would be a good time to invite the Debt Advisory Committee for the presentation. This meeting will take place at the next regularly scheduled Town Council meeting on Tuesday, January 24, 2017.

Councilor Anderson commented about Green/Wich restaurant's recent complaint to the Town regarding traffic through their parking lot. Councilor Madison asked that Ms. Menard respond accordingly and give them any assistance within the confines of the law, since this is private property and not a Council issue.

Motion: Councilor Federici made a motion to adjourn the meeting at 7:30 p.m. Councilor Madison seconded and all were in favor.

Respectfully submitted,

Jeanne R. Guertin
Assistant Town Clerk