



Town Council

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MINUTES

Town Council Minutes

Tuesday, February 14, 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, Michael J. Kane, Donald J. Anderson, Denise Menard, Town Manager, Thomas P. Florence, Clerk of the Council.

President Manley opened the meeting at 6:00 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.

TOWN MANAGER REPORT

Ms. Menard commented that it is a busy time of year at the Town Hall. Most of the departments' reports have been received for the Town's Annual Report. Also, she is working with Town Accountant Sara Menard on next year's budget.

Ms. Denise Menard has not been able to find a Code of Ethics, and she is proposing and implementing a Code of Ethics for town employees to be introduced in the near future.

Despite DPW's challenges of the recent snow storms, Town Hall construction continues to move forward. There will be some employees that will be moving, and walls will be removed, which will prove for a messy and dramatic phase for the town offices

Ms. Denise Menard and Ms. Sara Menard recently attended a seminar on the Municipal Modernization Act. The Council had asked her to look for any impact the Act would have in areas that would affect the Council's responsibilities. Most of the changes are geared towards simplifying or modernizing the internal processes of town government, such as requirements for competitive bidding, and retire health

care cost sharing. She will let the Council know if she sees something that the Council needs to help implement or will affect the Council.

President Manley stated that Senator Eric Lesser said the design of the Municipal Modernization Act was not to have a monetary impact. He asked Ms. Menard to inform him if there is anything in the Act that incurs any expenses for the Town. The State may be agreeable to assist with any required funding. Early voting was State mandated and incurred large expenses for communities, and there is currently work on a bill to retro fund town for those expenses. Ms. Menard added that she has talked with Senator Lesser about possible funding for some capital projects, aside from some things that would be unfunded mandates, and will be forwarding to him a description of some capital projects that perhaps he can help us with funding at a state level.

Ms. Menard and the Town Attorney have been trying to reach a written agreement with Tree413 that states they will be leaving their current site in the Spring of 2017. Tree413 has not replied to their letter, and fines continue to accrue. A civil complaint will be filed by the Building Official and Town Attorney regarding their noncompliance. The Building Official is also working on a number of other ongoing zoning enforcement issues.

President Manley said the Town has been going out of their way with this (Tree413) individual, and Ms. Menard replied that this was the last attempt. There's been a concerted effort to get some compliance out of this property, and this is a last effort to avoid court.

The Human Resources Director is now advertising for a Municipal Finance Director who we hope to have in place within one month of advertising. Ms. Menard hopes to be hiring a Building Commissioner soon.

Ms. Menard, Marge Larocca and the department heads are working on simplifying the offices regarding licensing. Great credit is to be given to Marge. Tracking is being put into place to avoid having taxpayers go from office to office for the process, with the intent to be more customer-friendly. Ms. Menard would also like to have it easier for the residents to use the website more for public notices, licenses, etc.

There was discussion that followed amongst the Council as to communication given to residents after the last snow storm. Three of the councilors did not receive the "robo call", and Ms. Menard said she will ensure that they are on the call list. Councilor Anderson asked if there was a way for the DPW to use the website to either update residents on plowing status, or for residents to report conditions. Ms. Menard said she would talk to DPW Superintendent Bob Peirent. She felt that the last storm was exceptional, but they will discuss it.

Ms. Menard would like to remind town employees to complete the Conflict of Interest training. If anyone is having difficulty with this, please let Town Clerk Tom Florence know.

Ms. Menard announced that the Board of Health would be at the February 28 Council meeting to introduce themselves and review their goals with the Council.

ACT ON MINUTES AND MOTIONS OF OPEN SESSION MEETING OF FEBRUARY 1, 2017

Given there were not enough Councilors attending the February 1, 2017 meeting to provide a quorum, the approval of the Open Session minutes of February 1 will be postponed until the February 28 meeting.

PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT

President Manley opened the public hearing at 6:19 p.m. and Mr. Florence read the Notice of a Public Hearing into the record. John O'Leary, Community Development Planner for the Pioneer Valley Planning Commission, appeared before the Council for the final public hearing for the regional FY2017 Joint Community Development Block Grant Application for the towns of East Longmeadow and Hampden. The public hearing is an opportunity for the community to comment on the application. Mr. O'Leary discussed the proposed activities outlined in the application which are: housing rehabilitation program (East Longmeadow and Hampden); ADA self-evaluation and transition plan (Hampden); Town Hall accessibility planning project (East Longmeadow); ADA sidewalk infrastructure improvement project (East Longmeadow); and mobile food pantry program (East Longmeadow and Hampden). The grant calls for the Council to approve the application, including the grant not to exceed \$1,000,000, and to sign all related forms as authorization to move forward.

President Manley questioned the housing rehabilitation program, which plans for twenty units of housing, and asked Mr. O'Leary how many units are planned for each town. Mr. O'Leary replied that there are fifteen planned for East Longmeadow and five for Hampden. East Longmeadow currently has a sixty person waiting list, so there is definitely a need.

President Manley asked if there was anyone who wanted to comment on the application and there were none.

Motion: Councilor Federici made a motion to submit the proposed FY2017 East Longmeadow-Hampden Community Development Fund Grant application to the Massachusetts Department of Housing and Community Development in an amount not to exceed \$1,000,000 as detailed in the public hearing and to include funding for a Housing Rehabilitation Program, ADA Self-Evaluation and Transition Plan, East Longmeadow Town Hall Accessibility Planning Project, ADA Sidewalk Infrastructure Improvement Project, and Mobile Food Pantry Program. Councilor Anderson seconded and all were in favor.

Motion: Councilor Hill made a motion for the Town Council President to sign all required forms, documents, and authorizations pertaining to the proposed FY2017 East Longmeadow-Hampden Community Development Fund Grant application. Councilor Kane seconded and all were in favor.

PUBLIC HEARING: VERIZON'S REQUEST FOR POLE LOCATION-CHESTNUT STREET

President Manley opened the public hearing at 6:30 p.m., and Mr. Florence read the Notice of a Public Hearing into the record. The pole location is at the intersection of Chestnut Street and Shaker Road. Paul Davis appeared before the Council as a representative of US Synergetic, Inc., Sunderland, and is the contracted engineering company for Verizon. He explained to the Council that this would be a service pole for the construction project at that site. There was no public comment and President Manley closed the public hearing at 6:35 p.m.

Motion: President Manley made a motion to approve the pole location at Chestnut Street as described in the Notice of the Public Hearing. Councilor Kane seconded and all were in favor.

OLD BUSINESS**Town Manager Contract Status**

Councilor Kane reported that the Town Manager Contract Negotiations Sub-Committee and the Town Attorney have come to terms with the contract. The Council will go into Executive Session at this meeting to approve the contract with a possible modification.

LICENSING MATTERS

One Day Beer and Wine License for St. Michael's Parish

Motion: Councilor Federici made a motion to approve a one day beer and wine license for St. Michael's Parish for Saturday, February 25, 2017 from 6:00-9:00 p.m. at St. Michael's Community Center, and Councilor Kane seconded. All were in favor and the motion passed.

One Day Beer and Wine License for the Masonic Temple

Motion: Councilor Federici made a motion to approve a one day beer and wine license for the Masonic Temple of East Longmeadow for Saturday, February 25, 2017 from 6:00-11:00 p.m. at the Masonic Temple Hall, and Councilor Hill seconded. All were in favor and the motion passed.

Approval of Amendment Application for Bentley's Bistro

Councilor Federici abstained from this vote as he has a personal relationship with those who have interest in the application.

Motion: Councilor Hill made a motion to approve the Amendment Application for a Change of Benefit Interest of Transfer/Issuance of Stock for Bentley's Bistro. Councilor Kane seconded and all were in favor.

Common Victualer License for Subway

Motion: Councilor Kane made a motion to approve the Common Victualer License for Dhanya Corporation DBA Subway. Councilor Hill seconded and all were in favor.

The Council called a five minute recess at 6:40 p.m.

PUBLIC HEARING: NATIONAL GRID'S REQUEST FOR POLE LOCATION-HIGHLANDVIEW AVENUE

The Council reconvened and President Manley opened the public hearing at 6:47 p.m. Mr. Florence read the Notice of a Public Hearing into the record. Lisa Jasinski appeared before the Council as a representative of National Grid, and informed the Council the purpose of the pole location was for new service. Jerry Tyler of Columbia Gas approached the Council and requested the service provider in the record be corrected to be Columbia Gas Company and not Bay State Gas Company. There being no other public comments, President Manley closed the public hearing at 6:50 p.m.

Motion: Councilor Federici made a motion to approve the pole location at Highlandview Avenue as described in the Notice of a Public Hearing amended so as to replace Bay State Gas Company with Columbia Gas Company. Councilor Hill seconded and all were in favor.

Motion: Councilor Hill made a motion to go into Executive Session at 6:51 p.m. for the purpose to discuss Town Manager contract negotiations, and to return to Open Session to vote on the Town Manager contract and conduct further business. Councilor Kane seconded and all were in favor.

The Council returned to Open Session at 7:12 p.m.

Motion: Councilor Federici made a motion to approve the motion that was made in Executive Session to approve the Town Manager's contract. Councilor Kane seconded and all were in favor.

PUBLIC HEARING: NATIONAL GRID'S REQUEST FOR POLE LOCATION-MAPLE STREET

President Manley opened the public hearing at 7:13 p.m. and Mr. Florence read the Notice of a Public Hearing into the record. Lisa Jasinski appeared before the Council as a representative of National Grid, and informed the Council the purpose of the pole location was for service for a new development, which includes widening the road. There being no public comments, President Manley closed the public hearing at 7:16 p.m.

Motion: Councilor Federici made a motion to approve the pole location at Maple Street as described in the Notice of a Public. Councilor Kane seconded and all were in favor.

NEW BUSINESS

District Improvement Financing Presentation

Appearing before the Council were: Michael F. Crowley, Developer, Middle Franklin Development Group, LLC; Vicki S. Donahue, Esq., Cain, Hibbard & Myers, PC, Representing Developer, Fairview Extended Care Services, Inc.; Jeff Daley, Principal, CJC Development Advisors, LLC, DIF Consultant; Stephen J. Savaria, P.E., Senior Project Engineer, Fuss & O'Neill, Consultant for Traffic and Engineering

The above named appeared before the Council to propose and seek approval for the creation of a District Improvement Financing (DIF) District, and the approval for a 20-year District Improvement Financing (DIF) Financial Program. Attorney Vickie Donahue said the proposal will be in collaboration with the Town of Longmeadow and will encompass the Dwight Road/Maple Street intersection, and implements Mass. General Laws Chapter 40Q. The project includes a 7.18 acre parcel in Longmeadow, and a 12.08 acre parcel in East Longmeadow, and involves adding on to the existing nursing home on the property, as well as selling all property west of the town line. Town Manger Denise Menard, Planner Robyn Macdonald, Assessor Diane Bishop, and Town Accountant Sara Menard have all been very active and helpful in the process of planning this proposal.

The DIF proposal encourages commercial development, and the formation of the District sets a pathway for a town to construct major infrastructures and improvements, while creating funding for the same. Discussions started with the initial plans with both towns, and a point of concern was the traffic, an already problematic area. A traffic study was completed, which both towns received. After input from Longmeadow and East Longmeadow, a more broadened study was done which revealed extensive work just to address the current conditions. The DIF proposal is a potential solution if the proposal is adopted by the two towns.

Steve Savaria said his firm was retained initially to prepare a traffic impact report required by the site plan review in both towns. Mr. Savaria discussed developing a better infrastructure to allow for freer flow in that area, as well as address current congestion points and existing conditions. The environment needs to improve to succeed. Discussion included widening Dwight Road to better accommodate the left turn south, signals at the Converse Street/Dwight Road intersection and extending the sidewalk on the south side of the project.

Jeff Daley, has been working with Michael Crowley and the entire teams from both towns. Brockton was the first city in the State to implement such a project, and the East Longmeadow/Longmeadow project would be the second one. He feels it is an exciting opportunity where revenue from properties and development help assist towns to grow. Mr. Daley described how the DIF proposal would use tax revenue from new development which would be earmarked for the DIP project. He outlined three pieces that are needed for this project's success. First, each town, according to Chapter 40Q, has to establish a DIF District. The second being there needs to be a financial plan, including spreadsheets showing how the DIF would perform. The final step is the approval of a DIF District by both towns.

Councilor Federici asked the team what would happen if the project fails, resulting in \$2.5 million worth of development and no way to pay for it. Mr. Daley replied that the DIF is a mechanism to support the public infrastructure with the monies from private development earmarked for those funds. Ms. Donahue added that most of the dollars for the project would be coming from Longmeadow. The DIF is set up to encourage development and the work that needs to be done. Normally, a DIF will be set up, followed up by having a project, then figure out how to fund what the infrastructure improvements are going to be. Those steps are close together in this case since the project is here at hand. There was a budget developed for the entire project for both sides, and East Longmeadow will have an inter-municipal agreement with Longmeadow. As outlined in the proposed DIF Financial Plan: “The Town will contractually be obligated via an Inter-municipal Agreement with the Town of Longmeadow, to pay \$20,000 in funds annually towards the debt service payments under the DIF Financial Plan financing instrument entered into by the Town of Longmeadow, which \$20,000 will be paid to the Town by the owner of the property in the DIF, Fairview Extended Care Services, Inc., in the form of a developer fee payment and/or real estate tax payment on properties located in the DIF District.”

Ms. Donahue added that Fairview Extended Care Services stated at this stage they will construct a new nursing home on the property and the old nursing home will likely be converted to assisted living. The assisted living building will be taxable, and the new nursing home will not since it is tax exempt use. They have agreed that the current owner on the East Longmeadow side will make that contribution to the town East Longmeadow of \$20,000 in the nature of a developer payment or taxes. Whatever taxes are paid will reduce the amount of the \$20,000. If there are no taxes we will pay \$20,000 out of pocket. If \$25,000 of taxes is generated in the future, East Longmeadow would keep \$5,000 and pay \$20,000 to Longmeadow.

Councilor Kane asked what the proportionate property is for Longmeadow versus East Longmeadow. Mr. Crowley answered that the entire property is roughly 20 acres. He is acquiring 7.1 acres of land in Longmeadow, which has professional offices. Fairview Extended Care is selling Mr. Crowley land in Longmeadow, and as a result of many lengthy discussions and meetings between Bay State and Berkshire Health he is developing land on that property. Joint planning meetings ensued with town departments from both sides. He said it’s remarkable what has been accomplished by Planner Robyn Macdonald, DPW Superintendent Bob Peirent, Assessor Diane Bishop and Town Accountant Sara Menard. The biggest challenge is the currently overburdened intersection, which will be added to by new development. After discussions with both towns the traffic study was expanded to address that intersection. They looked at all four buildings within the project coming on line at once to see what impact they would have on the traffic. Fuss & O’Neill Engineering has come up with the proposal that was already discussed by Mr. Savaria that will cost \$2.5 million. He and Berkshire Health and the developer for the Longmeadow side have agreed to pay approximately \$300,000 in actual capital to initiate and pay for Fuss & O’Neill to go forward. Also, a contribution will be made to East Longmeadow to study and perhaps do mitigation work at the intersection of Westwood and Maple Streets. Also at Mr. Peirent’s request they plan on replacing the signalization at Benton and Chestnut Streets, extending the pavement all the way up to the property line of Fairview, and putting sidewalks along the north side of Maple Street. Mr. Crowley said the project may not happen if they don’t do the traffic mitigation efforts.

Mr. Daly explained the second point of the project, where East Longmeadow will pay \$20,000 towards the debt service payments under the DIF Financial Plan, which \$20,000 will be paid to East Longmeadow by Fairview Extended Care Service.

President Manley said if there's no growth in the market as described, East Longmeadow still gets the benefit of \$20,000, breaks even and gets a new intersection. Mr. Crowley suggested that there may even be new growth in the industrial park area because of an improved intersection.

Mr. Peirent approached the Council to say he agreed with Mr. Crowley about solving an existing problem, and he has been speaking with Longmeadow for some time about how to solve the problem at that intersection. The DIF project allows the problem to be solved and generates the revenue source to do so, with secondary benefits. The East Longmeadow corridor will be fully upgraded and thought technically it was a very good solution. Ms. Menard added that she thought it was a very positive project, and is a creative solution to a big problem.

Councilor Federici made the motion to approve the creation of a District Improvement Financing (DIF) District known as the Maple Street Improvement District for the purpose of facilitating roadway and related improvements proximate to the District for the term of 22 years from date of Longmeadow District adoption. The District will consist of approximately 13.08 acres of property, and encompass properties currently known as 305 Maple Street, 313 Maple Street, 319 Maple Street, and 331 Maple Street. Councilor Hill seconded the motion.

Town Attorney Jim Donahue asked that if the Council votes tonight on the above motion, does the statute allow the Council to revoke that vote, and he was told yes.

Councilor Anderson would like language in that motion to include an exhibit of the project which is site specific. He added that the motion should be conditional upon Longmeadow entering into the agreement, as well, and have a specific date for them to go into effect.

Mr. Crowley said they had their first meeting with Longmeadow, and there is another meeting on February 27th. They hope to have an article on the Longmeadow Town Meeting warrant for approval, which is May 7. He added that if East Longmeadow moves forward now it will go a long way for Longmeadow's approval.

Atty. Donahue discussed the language used in the contract ("Town Meeting" and "Board of Selectmen") and asked who the entity is entering into the contract, and why isn't the Town Manager, as Chief Executive Officer, the person for submission of approval to Town Council. Mr. Daley said that the Chapter 40Q statute calls for Town Council approval. Ms. Donahue added that Chapter 40Q requires Town Council for both votes, then delegates the contracts at the Town Manager level.

Mr. Daley commented that the motion clearly states the term is "22 years from date of Longmeadow District adoption"; therefore, there is no financial obligation from East Longmeadow until Longmeadow agrees. There is no risk to East Longmeadow. If all else fails, you have a DIF District established and are not committing to any money. Most funds will come from the Longmeadow side.

Councilor Anderson would like to reword the motion made by Councilor Federici as stated previously, and is not prepared to vote on the second motion (regarding approving a 20-year District Improvement Financing (DIF) Financial Program) until we have approval from Longmeadow. It was agreed that it helps the whole project if East Longmeadow approves the first motion. Mr. Crowley asked Councilor Anderson if he would be comfortable if the team came back the first week of March for approval for the Financial Program, and the Council agreed.

Motion: Councilor Federici made the motion to approve the creation of a District Improvement Financing (DIF) District known as the Maple Street Improvement District for the purpose of facilitating roadway and related improvements proximate to the District for the term of 22 years from date of Longmeadow District adoption. The District will consist of approximately 13.08 acres of property, and encompass properties currently known as 305 Maple Street, 313 Maple Street, 319 Maple Street, and 331 Maple Street. Councilor Hill seconded the motion. This motion is to include a site specific exhibit, an acceptable inter-municipal agreement, and a vote by Longmeadow Town Meeting that they will adopt the DIF District. Councilor Hill seconded and all were in favor.

Attorney Donahue felt this was a new concept, very much is involved, and there were amendments made to Chapter 40Q in November of 2016. To advise the Council he needs to know what Longmeadow's obligations are, as well as East Longmeadow's obligations.

FINANCIAL MATTERS

Article 6 of Charter, Financial and Fiscal Procedures

Ms. Denise Menard gave a synopsis of the last meeting's discussion regarding Article 6 of the Charter in that, at that meeting, there was a presentation by the Debt Advisory Committee and significant conversation with the School Committee, as well as a brief overview of the financial status for the Town by Town Accountant Sara Menard. She feels Step 1 of Article 6 in the Charter has been accomplished for the budget process, and she and Ms. Sara Menard want to communicate to town departments that they can start budget planning, but Step 2 still needs to be accomplished by April 1. Ms. Sara Menard is going to present significant information for the Council at the request of one of the Council members. The Council agreed with Ms. Denise Menard's thoughts.

Ms. Sara Menard distributed copies of her FY18 Sources & Uses Projections (broken down in two spreadsheets) to the Council and said at the last meeting she was asked to provide the budget in four different formats. Those formats she's provided are a level funded budget, and budgets projected at 1%, 2% and 3% increases. Ms. Sara Menard explained the General Fund Sources in the projections in the first spreadsheet regarding Revenue Sources, and the FY18 projections are based on included influences such as new growth and debt exclusions. She also did estimates on local receipts based on current year activity, prior year history and any other outliers she many know of. She also discussed other variables, such as the Governor's budget, Massachusetts School Building Authority (MSBA) reimbursements and transfers from the Community Preservation Fund. Those factors resulted in her preliminary projection of approximately \$58 million in revenue.

The second spreadsheet includes more information and is at a summary level. Ms. Sara Menard described the General Fund categories: Benefits and Legal Obligations, Debt, General Government, Education, and Public Works. She provided the FY17 approved budget and that estimate as of today is per the debt service schedules. She also discussed the other General Fund uses showing the FY18 projections based on the four formats as requested and the monetary impact of each. Some projections are her best estimates of what she currently has at her hands.

After discussion with the Council, Ms. Sara Menard recommended that they stay conservative and stay at 1-2% increase. She added that it would be prudent to work with the 1% increase overall. President Manley questioned staying within 1% for education funding which is a major piece of the budget. Councilor Hill replied that the School Committee would have to stay within the 1% if given that direction from the Council.

Ms. Denise Menard commented that the Town will have challenges such as collective bargaining, personnel costs and health insurance. She will communicate the 1% direction to the department heads, and will continue to work through difficult budget tasks at each Council meeting as to where we're heading with the budget, and get guidance from the Council. Ms. Sara Menard commented there could be changes, such as the Governor's budget changing, but felt they should at least have a clear direction in the six weeks they have to prepare a draft budget.

Councilor Hill asked if the capital projects could not exceed \$1.1 million if they agreed to the 1% option, and Ms. Sara Menard said yes, but it could be discussed as they move further into the budget process.

President Manley asked about the Capital Improvement Project and where this would put us with the Accelerated Repair Program for the school. Ms. Sara Menard replied that those would not be impacted and they could discuss this at the next budget meeting when they have more information. Councilor Hill added that the Submission of Intent for the Accelerated Repair Program doesn't have to be submitted until Friday (February 17) and doesn't impact this year.

Ms. Sara Menard said she will have debt information at the next meeting and send out the drafts to the Council prior to the meeting.

Motion: Councilor Anderson made a motion to adjourn the meeting at 8:50 p.m. Councilor Federici seconded and all were in favor.

Respectfully submitted,

Jeanne R. Guertin
Assistant Town Clerk