



## Town Council

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

Donald J. Anderson  
Eric H. Madison  
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### MINUTES

#### Town Council Minutes

Tuesday, March 28, 2017 at 6:00 P.M.

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

Present: Joseph Ford, Kathleen G. Hill, Michael J. Kane, Donald J. Anderson, Denise Menard, Town Manager, Thomas P. Florence, Clerk of the Council.

Councilor Anderson opened the meeting in President Manley's absence at 6:03 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, as well as the East Longmeadow Board of Health, and The Reminder.

### PUBLIC COMMENTS

There were no Public Comments.

### TOWN MANAGER REPORT

Town Manager Denise Menard reported that she and the Town Accountant have met with the department heads regarding their budgets. She is asking a lot of questions, and it she has enjoyed getting to know the different departments better.

Renovations continue in the Town Hall, including carpeting in the new conference room and Benefits Administration office, which are now occupied, and work continues for the new Health Department office. The installation of the new sprinkler system has begun, and Ms. Menard appreciates the cooperation of town employees while dealing with the noise, dust and disruption during this time. Ms. Menard gave accolades to the DPW workers for their dedication and hard work.

Ms. Menard and the Director of Planning continue to meet with Package Machinery representatives as they plan for their mixed use proposal for their site. This is an exciting and forward thinking plan and Ms. Menard welcomes any thoughts the Council has for their plan, which she will bring to their next meeting.

Councilor Anderson asked if a site visit to the property would be welcome and Ms. Menard felt that it was too early for this but she will propose a site visit at their next meeting. She expanded on their plan commenting their will be two “U” shaped buildings, in a New England village style, with small shops, apartments and smaller offices. There will be concierge living within the live-work-play environment. Councilor Anderson asked if a zone change will be required, and Ms. Menard replied that they are aware of possible zone changes and is working with the Town Planner who has been involved with the meetings.

Ms. Menard reported that the Town Attorney filed with the court regarding the property on Maple Street belonging to Tree413, and she had distributed a copy of the filing to the Council.

Ms. Menard and Public Works Superintendent Bob Peirent continue to gather information regarding GreatHorse’s interest in connecting to East Longmeadow’s water and sewer lines. This subject is likely to come to Town Council in the near future.

The study for the six town regional dispatch will be not be going forward. Three of the six communities decided against this plan, and Ms. Menard and the Police and Fire Chiefs will pursue other alternatives.

Human Resources Director Karin Decker has been working on standardizing an employment contract intended for all non-union employees. Ms. Decker is also working on personnel policies and new hire information, and is doing this all still without a permanent office.

Ms. Menard announced that the new Building Inspector Kevin Duquette has started and has initiated public hours of 8:00-10:00 a.m. and 3:00-4:00 p.m. for residents and businesses to come in to see him, reserving the balance of the hours for inspections and enforcement issues.

The Health Director and Ms. Menard continue to work with other towns on a new waste disposal contract, as well as working with Republic Services to institute all available recycling opportunities for the Town. They are working closely with Republic Services to tighten up some of their operations and business practices.

#### ACT ON MINUTES AND MOTIONS OF OPEN SESSION MEETING OF FEBRUARY 28, 2017

Motion: Councilor Ford made a motion to accept the minutes of the Open Session Meeting of February 28, 2017. Councilor Kane seconded and all were in favor.

Motion: Councilor Ford made a motion to move the order of the licensing matter of the 99 Restaurant & Pub out of order to the present time. Councilor Hill seconded and all were in favor.

#### LICENSING MATTERS

##### Change of Manager for the 99 Restaurant & Pub

Jennifer Goraj appeared before the Council representing herself as the proposed new manager for the 99 Restaurant & Pub. Ms. Goraj stated that she has been with the restaurant for fourteen years, nine of those years as a manager. She has been manager for at least five years at the restaurant’s Eastfield Mall location. Councilor Anderson asked Ms. Goraj if she were TIPS® (Training for Intervention ProcedureS) certified, and she responded she was ServSafe® certified, as well as adhering to the restaurant’s own regulations regarding serving alcohol, which is a little stricter than the TIPS regulations.

Motion: Councilor Hill made a motion to approve the appointment of Jennifer Goraj as the new manager for the 99 Restaurant & Pub. Councilor Ford seconded and all were in favor.

**Approval of Entertainment and Sunday Entertainment Licenses for GMRC, Inc., DBA Fogueira**

There was no one at the meeting appearing on behalf of the applicant and the Council felt they needed more specific information regarding the types of entertainment the applicant is seeking. This licensing matter will be tabled until the Council's April 25, 2017 meeting and the applicant will be contacted to appear at that meeting to answer any of the Council's questions or concerns.

**NEW BUSINESS**

**Authorization for Superintendent's Submission of Statement of Interest Form for Core Program**

Superintendent Gordon Smith and School Committee Vice Chair Bill Fonseca appeared before the Council to ask for authorization to submit to the Massachusetts School Building Authority a Statement of Interest for the Core Program. Superintendent Smith commented that the motion would be similar to the motion made by the Council to go forward with a Statement of Interest for the Accelerated Repair Program, noting Priorities 3, 5 and 7 as outlined in the proposed Statement as presented to the Council. This Statement would allow the school to go forward and submit for the fourth year a Statement of Interest for a high school comprehensive project. The hope would be that East Longmeadow would be invited into their process, and start to work with them to move forward on a building project whereby East Longmeadow would be reimbursed by at least 50%. Councilor Hill asked what aspects of the accreditation report were most at risk, and Superintendent replied community resources.

Motion: Councilor Kane made a motion to authorize the Superintendent to submit the Statement of Interest Form for the Core Program. Councilor Ford seconded and all were in favor.

**Evaluation Procedure for Town Manager**

Councilor Hill proposed that the Council's discussion of the evaluation procedure for the Town Manager be moved to a later meeting since this was Councilor Madison's commentary and he was not present.

**PUBLIC HEARINGS**

Councilor Anderson commented that the approval of Public Hearings require a super majority of the Council, needing five members present, and there were only four Council members present; therefore, the Public Hearings scheduled for the meeting would have to be opened and continued to a future date.

**Zoning Change from Industrial District to Residential C District for Parcel 15-13-E, Grove Avenue  
Petitioned by Michael Carabetta**

At 6:30 p.m. Councilor Anderson opened and continued the above referenced public hearing. After discussion the Council agreed to schedule the public hearing at 5:30 p.m. at the April 11, 2017 Council Meeting.

Motion: Councilor Hill made a motion to open and continue the public hearing for the zone change from Industrial District to Residential C District for Parcel 15-13-E, Grove Avenue petitioned by Michael Carabetta to April 11, 2017, at 5:30 p.m. Councilor Kane seconded and all were in favor.

Councilor Anderson would like to have a site visit to the property in question, and asked Mr. Florence to arrange this and comply with the Open Meeting Law forty-eight hour notice. Councilor Kane asked Mr. Florence to communicate to all abutters the new date and time for the continuation of the Public Hearing.

Motion: Councilor Kane made a motion that the site visit to the property in question for the Industrial District to Residential C District for Parcel 15-13-E, Grove Avenue petitioned by Michael Carabetta be arranged and posted. Councilor Ford seconded and all were in favor.

#### Suggested Changes to Amend Zoning By-Laws to Align with Town Charter

This matter was being brought before the Council to allow the update of by-law language to correlate with the current Charter; for example, language referring to “town meeting” and “board of selectmen”. Councilor Anderson pointed out that there was not a super majority present to vote on this matter and notwithstanding, the language has to be read into two meetings. Counselor Anderson proceeded to read the proposed changes into the record and stated the Council would take action at the meeting in which the language would be read into the record for the second time.

**Motion:** Councilor Anderson made a motion to continue the public hearing for the amendment to the zoning by-laws to April 25, 2017, at 6:20 p.m. Councilor Ford seconded and all were in favor.

#### OLD BUSINESS

##### Recreational Marijuana Discussion by the Board of Health

The Board of Health appeared before the Council to continue their discussions regarding their concerns with the recent passage of the recreational marijuana state laws and the impact of those laws for the Town. Present were: Sara Perez McAdoo, Chair; Karen Robitaille, Vice Chair; Kevin Hinchey, Clerk; and Aimee Petrosky, Health Director.

Dr. McAdoo began by opening the Board of Health’s meeting with the Town Council at 6:26 p.m. and in accordance with Mass General Law, it was noted that ELCAT was taping the meeting, as well as the East Longmeadow Board of Health, and The Reminder. Dr. McAdoo commented that the focus of discussion at this meeting would be on the background of the law and its implications. The deadline to adopt the final regulation is June 2018. She reviewed the regulations relative to the number of dispensaries that can open in East Longmeadow, including medical marijuana dispensaries. She emphasized that the act does not address the ability of the local board of health to license, regulate or inspect establishments that sell marijuana or marijuana related products, such as edibles. This will be an important point relative to health implications. Municipalities may place limitations on the sale of marijuana and other related issues at the local level in various ways.

Ms. Robitaille commented on the presentation that had been distributed to the Council. She said that there is still brain development until the mid-20’s, and marijuana use can change the brain for life. Twenty-five percent of youths in Massachusetts use marijuana. In Colorado they are seeing that 90% of marijuana use is not smoked. There are oils used with a vape pen, and waxes made with butane, as well as edibles. Also in that state communities are required to “opt in” if they want to sell recreational marijuana, whereas in Massachusetts, communities have to “opt out”. Robitaille said shops in Colorado are targeting younger users, including selling marijuana infused candies that look like Kit Kat Bars or Gummy Bears. In Colorado, retail marijuana shops outnumber McDonald’s and Starbucks. Ms. Robitaille said the state needs to review how alcohol and marijuana abuse can escalate to harder substances, including heroin. She said opioid related deaths have risen in East Longmeadow in the past few years, on par with Springfield. A majority of the Colorado shops are in pockets around the state, leading to a heavy influx of buyers and users in those communities.

Dr. Hinchey spoke regarding his concerns regarding edibles that are currently being marketed. A number of drugs interfere with the maturation of the brain, in addition to memory loss, confusion, and in general

not much different than the effects of alcohol. The edibles look like regular candy, and can be accidentally eaten when they're in the home. Colorado has seen an increase in overdoses of edibles amongst elementary school age children.

Dr. McAdoo outlined the next steps at looking to improve ways the community can live in a healthy environment. The community needs to know the health implications related to recreational marijuana, and be aware of a ballot question to ban the sale of recreational marijuana. Also, there needs to be additional effective strategies so residents can succeed at school and work. The Board of Health is planning educational community forums and is working with community leaders and would like to have the Town Council's support to waive the requirement of fifty signatures to initiate a citizen's petition in recognition of the time restriction for a ballot question.

Councilor Anderson asked if towns are allowed to say tobacco is allowed, but not marijuana edibles, and was told that it was "all or nothing". He then asked if the Town could add to the sales tax of marijuana. Unless the legislation is amended the tax cannot be increased beyond the additional 2% towns can assess on sales. The Assessor has estimated that approximately \$21,000 would be gained. Councilor Anderson then asked if there are abutting communities that are exploring the ban of recreational marijuana. Ms. Robitaille responded that Wilbraham is considering it, Medfield passed the ban last night, Westborough has already passed a ban, and at least a half dozen other communities are putting it on their ballots.

Councilor Ford asked about police and their ability to determine impairments due to marijuana use, and commented there's no standardized test for marijuana. Beyond that comment, he asked if the only way to ban this is by town vote. Dr. McAdoo said their biggest concern is the edibles. The law doesn't address this, and there isn't any other mechanism to regulate it. She added that this is a separate issue than a ban against medical marijuana. Councilor Ford then asked what happens if the question was put on the ballot and didn't pass. Dr. McAdoo said they will continue to look at by laws and ordinances, and at the moment it's an evolving process. She feels if they do not proceed now they lose the option altogether because of the time limitation of getting the question on the ballot. Ms. Petrosky added that a bylaw change is another way to ban the sale of recreational marijuana. She said they would like to proceed with a two-pronged approach similar to Westborough, by having the law passed by the people, as well as a by law change.

Councilor Ford asked if the Council had the authority to waive signatures and Town Attorney Jim Donahue answered that it's a separate process. The Council always has the ability to put a question on the ballot, but there is always the option of the citizens getting the required number of signatures and presenting that petition to the Council for action. Councilor Kane commented that obtaining signatures on a petition is a great way to get the word out regarding the petition. The more signatures gained, the more people will be aware. April 6 is the deadline to get signatures for the June 6 town election. The Town Clerk must have the language for the ballot by May 2.

There was much discussion regarding Article 8, Section 3 of the Town's Charter, and what is required to get the question on the ballot for the election. Councilor Anderson preferred that the Board of Health come back to a Council meeting showing demonstrative public support from the community. Ultimately, a town wide vote is required. Attorney Donahue commented that if the ban is voted on by the Town, then the subject comes back to the Council for general and zoning by law changes.

Dr. McAdoo made a motion to adjourn the Board of Health Meeting at 7:12 pm. Ms. Robitaille seconded and all Board of Health members were in favor.

#### District Improvement Financial (DIF) Financial Program

Appearing before the Council were: Julie Crowley and Michael Crowley, Developers, Middle Franklin Development Group, LLC; Vicki Donahue, Esq., Cain, Hibbard & Myers, PC, Representing Developer, Fairview Extended Care Services, Inc.; and Jeff Daley, Principal, CJC Development Advisors, LLC, DIF Consultant.

Ms. Donahue said they had come before the Council at their February 14 meeting for approval of a DIF District, and the approval of a DIF Financial Program is the second part of the process, which involves the towns of East Longmeadow and Longmeadow. Longmeadow approved the DIF District at their February 27 Board of Selectmen Meeting to appear on the warrant for voting at their Town Meeting in May.

Mr. Daley gave an outline of what the procedure would be once the Council approved the DIF Financial Program. Longmeadow approved the DIF District plan as is. They are hoping to have East Longmeadow's approval so that after Longmeadow's Town Meeting and anticipated favorable vote, they can go forward with the project. He went over the benefits for East Longmeadow, as presented at the February 14 Council Meeting, whereas East Longmeadow would be receiving a great deal of needed infrastructure work.

Councilor Ford asked about the development agreement language with concerns if it were a binding agreement. Ms. Menard replied that the Town Attorney would have to review and approve the language. Councilor Ford asked about the \$20,000 East Longmeadow would have to pay under the agreement, and Mr. Daley replied that Longmeadow had the same concern. He said that there is a lot of work planned for both towns, and Longmeadow wanted to ensure that East Longmeadow was "on board". There is no financial obligation yet. The financial obligation would come later in the summer when the financial and development agreements are brought forward.

Councilor Anderson voiced Councilor Madison's concerns, which Councilor Madison had forwarded via e-mail due to his anticipated absence at the meeting. Councilor Madison thought it would be prudent for East Longmeadow to secure the commitment in a legally binding document before they commit to the funding. Mr. Daley replied that tonight's agreement is not binding. If Longmeadow decides against it then the agreement goes away. There is no financial commitment on either side until the development agreements are lined up.

Councilor Kane asked what would happen if the project failed after a few years, and was told that at the very least East Longmeadow would have the asset of the new facility and the repurposing of the existing facility. If another party bought it and used it, then the facility will always be there. The parent company has several facilities throughout the state and will be operating them for quite some time. Ms. Menard added that before East Longmeadow entered in any monetary commitment, they would need to feel comfortable for any situation in case of a change in hands or going out of business.

Councilor Ford made a motion to approve a 20-year District Improvement Financing (DIF) Financial Program known as the "Dwight Road/Maple Street Invested Revenue District Development Program", which will assist in the funding of the roadway and related improvements proximate to the DIF District. 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. The duration of the Inter-municipal Agreement will be 20 years running concurrent with the DIF Financial Program.

There was discussion regarding the financial obligation for East Longmeadow under the motion, and Councilor Anderson suggested that the wording “on terms acceptable to the Town of East Longmeadow” be inserted into the motion.

**Motion:** As a result, Councilor Ford made an amendment to the motion so as to approve a 20-year District Improvement Financing (DIF) Financial Program known as the “Dwight Road/Maple Street Invested Revenue District Development Program”, which will assist in the funding of the roadway and related improvements proximate to the DIF District. The Town will contractually be obligated via an Inter-municipal Agreement with the Town of Longmeadow *on terms acceptable to the Town of East 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. The duration of the Inter-municipal Agreement will be 20 years running concurrent with the DIF Financial Program. Councilor Hill seconded and all were in favor.

## FINANCIAL MATTERS

### FY18 Budget Update

Ms. Menard reported that she didn't have any budget matters to discuss outside of the Town Manager Report she had given. It has been a challenge for departments to meet the 1% guideline they were given, but they are working through it. Everyone is looking very hard at their budgets and some have come in under the 1%.

Councilor Ford has had two issues brought to his attention by residents that he would like to address. The first was the sidewalks and the budget plans for the future. The sidewalk work thus far has changed the whole dynamic of those areas, and he asked about the longer term sidewalk budget plan. Ms. Menard said she talked with the particular concerned resident and will forward that communication to Public Works Superintendent Bob Peirent. Councilor Ford offered that they could possibly do a little more, and turn a five year plan into a three year plan.

Councilor Ford also voiced the concern of residents that the artificial turf field had not been plowed. Try outs have been held in the parking lot and one student broke her ankle. The sports are now two weeks behind schedule. East Longmeadow does not plow the turf field, and he feels this should not be a school budget issue since the field is not used exclusively by high school athletes. He would like to explore the cost and plan for plowing the turf in the future. Ms. Menard said she had just heard of this today and will talk to Mr. Peirent. She believes this is a complex question and involves special equipment.

Motion: Councilor Hill made a motion to adjourn at 7:56 p.m., and Councilor Ford seconded. All in were in favor and the motion passed.

Respectfully submitted,

Jeanne R. Guertin  
Assistant Town Clerk