

Select Board Regular Meeting
Monday May 20, 2019 - 7:00 p.m.
Longmeadow High School, Room A15, 535 Bliss Road, Longmeadow, MA

Present: Chair Mark Gold, Marie Angelides, Thomas Lachus, William Low and Richard Foster.

Also Present: Town Manager Stephen Crane, Paul Pasterczyk, Jackie Sullivan, Marybeth Bergeron, Kristen Carnahan, Patrick Carnahan, Paul Risenger (Verizon), Chief John Dearborn, Carolyn Reed, Richard Steingart, Thomas Ewing, Vincent McPartland, Dan O'Malley, Dan Healy, James Ryan, Saul Finestone, Judy Yaffe, Diane Fisher, Dawn Barkman and Bob Spaulding.

The meeting was called to order at 7:00 p.m. by Select Board Chair Mark Gold.

The Pledge of Allegiance was recited.

Announcements:

Marie Angelides announced that a Municipal Vulnerability Plan is being put together by the Fire Chief who has pulled together all the stake holders and they started working on a plan. In order to become one of the MVP communities they have to hold a public forum. The Public Forum will be held on May 22, 2019 at 7:00 pm at the Longmeadow Community House. Ms. Angelides thanked the Chief for all the work he is doing and is encouraging people to come to the forum to discuss the preliminary plans.

Stephen Crane announced that because of the heavy rains a lot of catch basins are covered with debris. The DPW is out trying to clear them all but if you have one in front of your house that they have not been to yet, please try and clear it. Stephen Crane also announced that it is campaign season and there are by-laws regarding signs on the tree belts, they are not allowed on the tree belts without prior authorization. Make sure the signs are on your own property. The Building Commissioner will collect signs that are not in compliance.

Resident Comments:

Kristen Carnahan of 311 Farmington Road is here tonight because the town's natural and cultural resources are important to her. Ms. Carnahan stated that she has volunteered for the town in many capacities, she has also actively supported Bliss and Laurel Parks under Article 97. Ms. Carnahan is concerned about the project that is currently going on at Bliss Park. Her concerns are both with the physical plans and the process itself. Ms. Carnahan stated that she is very disappointed that the town and its leaders did not think more thoughtfully and inclusively to ensure that the project embraced best practice, including universal design for outdoor resources. Ms. Carnahan feels that the current plan does not reflect state and federal guidelines, it simply falls short because we did not include outside stakeholders to ensure that the experience for persons with disabilities would be readily improved. Kristen Carnahan stated that she did not become aware of the project until May 2, 2019 when she arrived for the walking school bus at Bliss Park, she then took it upon herself to contact the town engineer, the assistant engineer and the DPW and she appreciated the time they took with her in email communications and a meeting on May 10, 2019. The physical concerns she has with the plan are, the trail itself is a minimum of a five-foot path, this does not easily accommodate wheelchairs for two-way traffic. State and Federal best practice standards would suggest 8,10,12 or 14 feet width minimums to accommodate multi use. Passing areas, passing spaces and resting areas are also not well accounted for in the design stated Ms. Carnahan. Ms. Carnahan also stated there are no accessible benches, picnic tables or seating areas identified in the plan, she is pleased to see since meeting with the DPW Director on the 10th that accessible picnic tables have been placed on site however she is sorry they were not part of the original plan. Ms. Carnahan stated there is no accessible path nor is there a solid surface around the picnic table to allow for a wheelchair to easily navigate around the picnic table also there are no accommodations. Ms. Carnahan believes there are specific details that are missing in the plan. Ms. Carnahan feels it is important for her to talk about the process because none of these physical items would need to be mentioned if the planning process was more open and inclusive. Ms. Carnahan asked why the town applied for a grant with the Office on Disabilities when a master plan was targeted to begin in the summer of 2019 for both Bliss and Laurel Park. Why did the town not apply for a technical assistance and planning grant and why did the town not include any opportunity for public input or comments? Also, why did the town not include the 112 residents identified by the Mass. Office on Disability that are living in Longmeadow for their input. Why did we not take our Town of Longmeadow ADA transition plan, which was prepared in 2018 by the Institute for Human Center Design. Why at any point in this project did we not pause and take consideration for an extension or a change order to more responsibly plan the accessible needs of this park. Ms. Carnahan stated that she brings these concerns to the Select Board because when she met with the DPW director and Town Engineer her comments were not compelling enough for a change in consideration, she begs the Board's consideration.

Patrick Carnahan of 311 Farmington Road spoke regarding the ongoing construction at Bliss Park, in his analysis feels it is a violation of the Massachusetts Wetlands Protection Act. Mr. Carnahan stated there is a process that is supposed to be followed and that process did not occur. The process involves going in front of the Conservation Commission and seek a permit, the permit would be done in a public fashion at a public hearing and that has not occurred, there has not been a hearing yet. Construction has already started and all those areas they are working on will impact the waterways of the streams and are included in the Wetland Protection Act. After the process of the hearing there is a time period where the Conservation Commission considers the facts and then issues the permit, after that there is also a 10-day appeal period where residents who are impacted and abutters can file an appeal. Mr. Carnahan stated that none of this has occurred and construction has already started, he is informing the Select Board that the town is in violation of Mass. General Law, the Wetland Protection Act. Conservation Commission will have a hearing on the 22nd and they will look at the permitting process. Mr. Carnahan stated this is not the way to do business, you do not do the construction first and seek the permit after, he feels that this is poor practice and would like the Select Board to address it and would like to see better practices in town.

Annual Interviews:

- Carolyn Reed, incumbent is applying for the three-year term on the Board of Assessors expiring 6/2022.
- Richard Steingart, incumbent is applying for the three-year term expiring 6/2022.
- Thomas Ewing and Vincent McPartland both applied for positions on the Building Committee.
- Dan O'Malley, incumbent, is applying for a position on the Building Demolition Committee a three-year term expiring 6/2022.
- Dan Healy, incumbent is applying for a three-year term on the Capital Planning Committee expiring 6/2022.
- James Ryan, Associate incumbent is applying for a position in the Conservation Committee.
- James Ryan, incumbent is applying for a three-year position on the Energy and Sustainability Committee expiring 6/2022.
- Saul Finestone and Judy Yaffee both incumbents are applying for three-year positions on the Council on Aging Board of Directors expiring 6/2022.
- Diane Fisher is applying for a three-year position on the Historic District Commission expiring 6/2022.
- Dawn Barkman and Bob Spaulding both incumbents are applying for positions on the Recycling Commission.

Verizon Petition Hearing Petition # 1A3GNON Meadowbrook Rd.

Marie Angelides made a motion to open the Verizon Petition Hearing at 7:45 pm. Richard Foster seconded the motion.

The vote was 5 in favor 0 opposed.

Paul Risenger from Verizon stated that Verizon New England requests permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and such sustaining and protecting fixtures to be owned and used in common by Verizon NE, along and across the following public way or ways:

MEADOWBROOK ROAD: Place one (1) solely owned pole numbered T. 14 1/2 on the westerly side of Meadowbrook Road at a point approximately One hundred fifty (150) feet southerly from the centerline of Warren Tenace.

MEADOWBROOK ROAD: Place one (1) owned pole numbered T. 14 on the westerly side of Meadowbrook Road at a point approximately two hundred ninety (290) feet southerly from the centerline of Warren Terrace.

MEADOWBROOK ROAD: Place one (1) solely owned pole numbered T. 13 on the southwesterly side of Meadowbrook Road at a point approximately four hundred thirty (430) feet south/southeasterly from the centerline of Warren Terrace,

MEADOWBROOK ROAD: Place one (1) solely owned pole numbered T. 12 on the southerly side of Meadowbrook Road at a point approximately five hundred sixty-two (562) feet south/southeasterly from the centerline of Warren Terrace.

MEADOWBROOK ROAD: Place one (1) solely owned pole numbered T, I on the southerly side of Meadowbrook Road at a point approximately six hundred ninety (690) feet south] southeasterly from the centerline of Warren Tenace.

Reason: Place five poles on Meadowbrook Road to eliminate a trespass; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Also, for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Verizon NE agree to reserve space for one cross arm at a suitable point on each of said poles for the fire and police telephone signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Tom Lachiusa asked if the lines are currently running through backyards. Paul Risenger stated yes there are poles in the backyards at 111 and 103 and the houses to the east of 103. Paul Risenger stated Verizon would like to move the poles to the road to make accessing them easier. Marie Angelides asked if there were any poles on that street right now. Paul Risenger said there is one pole up near Warren Road and they would be adding five poles south of that. Abutters James and Virginia Schriber of 125 Meadowbrook Road spoke in regard to Verizon's petition. Mr. Schriber stated that one of the reasons they live on that street is because there are no poles. Mr. Schriber said he does not want poles in front of his house he firmly believes that putting poles up will reduce the value of his home. Mr. Schriber believes wires are less reliable and less safe and they are more open to falling trees and limbs. Mark Gold stated that he walked the route and noted that the poles are all rear fed wires and clearly understands the issue of replacing poles and gaining access, Mr. Gold stated that the petition says it is to eliminate trespassing; does Verizon have an easement they can use, and if they do not why wouldn't Verizon apply for an easement through the town so they can perform service on the poles? Mr. Risenger stated that the poles they are proposing are to feed the existing Verizon customers. Mark Gold also asked what it would take to bury the supply line. Mr. Risenger stated that he was not entirely sure what it would take to bury them, he can go back to Verizon and express these concerns if that is something they want to consider.

*Marie Angelides made a motion to close the hearing at 7:58 pm. Richard Foster seconded the motion. **The vote was 5 in favor and 0 opposed to close the hearing.***

*Marie Angelides made a motion to deny the petition. Richard Foster seconded the motion. **The vote was 5 in favor and 0 opposed.***

Town Managers Report:

DPW Project

The construction of the new DPW continues to be hampered by unfortunate circumstances that have resulted in significant delays and cost escalations. The near-historic rainfall of the past months has yielded very high groundwater levels that have not only made installing underground infrastructure challenging but also destabilized the embankment of the dingle at the north end of the site. The project is nine months behind schedule and the Town, along with the Building Committee, design team, and OPM, are evaluating the impacts to the project's costs and remaining funds. A more detailed discussion will be scheduled for an upcoming Select Board meeting once the evaluation is complete.

Adult Center Project

The bid opening has been delayed one week due to the issuance of an addendum that the general contractors needed additional time to process. Bids will now be open on Thursday, May 23 at 1PM. Additionally, the Planning Board will have a public hearing about the project on June 12. The construction schedule will not be known until after the bid opening and contract execution. Significant planning has been put in to ensure safe access to the pool during the summer and limiting the disruption to summer camp activities.

Town Meeting Follow-up

After the positive outcomes at the Annual Town Meeting, the implementation steps for the approved articles will be prioritized with Department Heads in the next few weeks. The landfill capping is near the top of the list due to erosion control issues with the temporary cap as a result of the heavy rains. Additional items that will be advancing in the short term are seeking AG approval of the natural gas facility bylaw, Wolf Swamp Fields public outreach, and the streetlight purchase (a request to expend the remaining Green Community funds on this has been submitted to the State).

Shared Health Services

PVPC received a grant from Compact Communities in the amount of \$55,000 to fund a regional health needs assessment and to fund additional administrative support from PVPC to help complete the intermunicipal agreement and other documents related to this effort. The health needs assessment is a crucial step in this process as it will give the towns accurate local health information that will inform public policy decisions, resource allocation, and planning for future needs.

Stephen Crane addressed some of the comments that were made tonight about Bliss Park. Mr. Crane stated that it is a little frustrating to hear the comments that were made about the project at Bliss Park, as the Board knows there are multiple projects going on at a time and in the grand scheme of things this project is not that big, they would not do a community meeting for a relatively small project. They are on a tight timeline; the work has to be completed by June 30th according to the grant. We received the grant because we finally have an ADA transition plan. Mr. Crane stated that now for the first time they are going to have a paved parking lot and paved pathways so that people with disabilities can really enjoy Bliss Park. Mr. Crane feels that this is a positive project. The Massachusetts Office on Disabilities funded the grant and reviewed and approved the plans. The engineering department developed the plans in accordance with the expectations of the funder. The Tree Warden and the Chair of the Conservation Commission walked the site, the work that is going on now is not in the buffer area of the wetlands, Conservation Commission is aware of the work that is being done and they

have not issued a stop order. Mr. Crane takes exception to the fact that they are violating Mass. General Law, he feels the project is going well. Tom Lachusua asked about the process, Stephen Crane stated that the public process is the review by the Massachusetts Office of Disabilities, they require their review, approval and sign off, they are the representatives of people with disabilities statewide.

Tom Lachusua also asked if the town would receive state funds for the capping of the landfill, Stephen Crane stated they are still working on it.

Richard Foster stated that the standard issue for two wheelchairs is 60 inches (5 feet), which is what they did. Richard Foster asked if there were any overlooks on the wetlands. Stephen Crane stated they did have a sequencing issue; the Town Engineer has noted that there may be a sequencing issue and as soon as he realized that there may have been a sequencing issue he had the Chair of the Conservation Commission out to look at the project. Based on the correspondence he has seen; Mr. Crane feels that the Conservation Commission does not have a problem with the sequencing.

Marie Angelides asked if the Park Board was involved with this. Stephen Crane believes it was presented to the Park Board. Marie Angelides asked about the addendum on the new Adult Center was it a change in the plan? Stephen Crane stated there was a modification. Marie Angelides asked if they could get a copy of the after-action reports from the Fire Department that were mentioned in the Fire Department's monthly report.

Richard Foster asked what part of the responsibility for the water problem at the new DPW site falls on the primary contractor. Stephen Crane does not believe this is the time for that conversation. Richard Foster asked if the conversation was going to take place, Stephen Crane said it would take place.

Marie Angelides stated that the Police report post MGM was a great report. Ms. Angelides also noted that she is having trouble reading the DPW's monthly report.

Old Business:

1. **Approve Minutes May 6, 2019 Regular Meeting:**

*Tom Lachusua made a motion to approve the minutes from the May 6, 2019 regular meeting. William Low seconded the motion. **The vote was 5 in favor 0 opposed.***

2. **Clerical Contract Report:** Mark Gold stated that following the executive session at the May 6, 2019 meeting the Select Board voted unanimously to approve the clerical contract.

New Business:

1. **Review EMS fees for the next fiscal year:** *William Low made a motion to accept the 3% increase in the FY20 EMS rates. Richard Foster seconded the motion. **The vote was 5 in favor 0 opposed.***

2. **Renew Bond Anticipation Notes:** Paul Pasterczyk stated the Town Treasurer did take bids last week, there are two bans that they are talking about, one for \$1,700,000.00 for cash flow on the Council on Aging project and one for \$573,125.00 for 5 or 6 other projects. They took in 6 bids for the \$1,700,00.00 and 7 bids for the \$573,125.00. Paul Pasterczyk and the Town Treasurer are recommending that they award these to the low bidder which is TD Bank of North America.

*William Low made a motion to award TD Bank the two bans, first is the \$1,700,00.00 ban with a rate of 2.130% /175 days. The second is the ban for \$573,125.00 with a rate of 2.180%/359 days. Tom Lachusua seconded the motion. **The vote was 5 in favor 0 opposed.***

3. **DPW Project Change Order:** Marybeth Bergeron stated that the Building Committee is recommending that this change order be approved.

*Richard Foster made a motion to approve the DPW change order. William Low seconded the motion. **The vote was 5 in favor 0 opposed.*** Marie Angelides thanked Marybeth Bergeron for the amount of work she is doing as the Chair of the Building Committee.

4. **Acceptance of MGL Ch 51, S16A/Board of Election Commissioners:**

Mark Gold stated that at the May 14, 2019 Annual Town Meeting Article 36, the acceptance of MGL CH 51, S16A passed. This will allow the Select Board to appoint a 4th person to the Board of Registrars which now becomes the Board of Election Commissioners. There are currently two Republican Registrars, so a second Democrat would need to be appointed. Mr. Gold reached out to the Town Democratic Committee Chair. The chair of the Democratic Committee gave him 3 names.

*Marie Angelides made a motion to appoint Erin Freed as an Election Commissioner. Mark Gold seconded the motion. **The vote was 4 in favor 1 opposed.*** Richard Foster opposed, Mr. Foster indicated that he is not opposed to Erin Freed however he is opposed to the process.

5. **Review Water and Sewer Rates for the next Fiscal Year:**

Paul Pasterczyk gave a presentation on the Water and Sewer rates. Speaking on the sewer rates, he noted that the sewer rates do look a little bit higher than he has historically recommended, a lot of this is being driven by two things, the continuation of the Capital Projects and this will be the first full year that the water and sewer rates are going to be absorbing some of the debt on the new DPW facility. Mark Gold asked why build in another \$100,000.00 for reserves when we are already above the target for our sewer retained earnings fund. Mr. Gold would like to propose changing the \$100,000.00 to \$50,000.00 he feels if we did that we would still be in pretty good shape. William Low asked what the reasoning is behind already being over \$137,000.00 from the policy and then adding another hundred. Paul Pasterczyk stated we continually have capital needs that are going to come up annually, if we get hit with a large project in the near future we are going to be bonding the money. William Low stated that maybe the policy is wrong, maybe it should be more than \$500,000. Paul Pasterczyk stated that is a possibility \$500,000.00 is a number that is probably ten years old. Mark Gold feels that we are overbilling people for sewer. Marie Angelides feels that there should be a full policy review. Speaking on the water rates Paul Pasterczyk stated that it is the same type of mathematical calculation as the sewer, Mr. Pasterczyk is proposing that \$100,000.00 go into water reserves, this happens to be more of a seasonal factor. This would give us an amount of \$2.8 million to be raised, and this would give us a rate proposal of \$3.45. Mark Gold stated that we buy the water from the City of Springfield and we do get a monthly report on how much we have bought, but what we do not get is how much we have actually sold. Mark Gold noted that in the last 10 years we have purchased more than we actually sold. Mr. Gold is asking if there is a report we can get for the next meeting that states how much water was sold in the last few years so that we can get the correct denominators. Paul Pasterczyk stated that he can get that information.

6. **Review Storm Water Fees for The Next Fiscal Year:**

Paul Pasterczyk stated that the annual operating budget went up almost \$200,000.00 and about half of that was driven by the debt services for the capital improvements we are making and to get the \$292,000.00 worth of revenue it would put the rate at \$3.39. Paul Pasterczyk stated that he has been trying to strive for this over the years within the enterprise fund as with any enterprise fund it should be funded 100% by the rate structure. Mark Gold asked what it looks like in 5 to 10 years going out. Paul Pasterczyk stated that he would take small jumps 5% to 10% at best. Mark Gold asked if that is a Board policy or a financial decision. The intent that Paul Pasterczyk has is to get away from this being funded mainly by the general fund and have it funded by rates. Marie Angelides believes there should be a policy in place.

7. **Town Manager Evaluation:** *Marie Angelides made a motion to accept the evaluation without discussion. William Low seconded the motion. **The vote was 4 in favor 1 opposed.** Mark Gold opposed.*

8. **Town Manager Search Report:** Stephen Crane stated that he has not formally resigned. Mr. Crane reached out to MRI and Community Paradigm, he feels like the focus should be Community Paradigm. Marie Angelides asked if they should put together a subcommittee. Marie Angelides and Tom Lachiusa have been appointed to identify the criteria that they want to use to select the consultant and report back to the Select Board.

Select Board Comments: Marie Angelides stated that for the past 6 years they have been working diligently to outline the responsibilities of the Town Manager but what they have failed to do was to review and repair their own house, the Select Board. Ms. Angelides is very concerned about the actions of a member of the board and believes they need to have a serious discussion on what the responsibilities and duties are as board members. Ms. Angelides believes that their main duties are to present a budget and a warrant to Town Meeting, she finds it inappropriate and chaotic to have a member of the Select Board go to the other boards and ask that they not support decisions of the Select Board. If a board member disagrees with the decision of the board, he or she has the right to argue on the Town Meeting floor as a citizen. Marie Angelides is putting in a formal protest and requests that this board on a future agenda sit down and have a discussion on what the policy is and the duties of the Select Board are. Ms. Angelides also feels that they should at some point update the Select Board Manual.

Subcommittee Reports: None

William Low made a motion to adjourn the regular meeting and enter into executive session for the purposes of (1) Approve minutes from May 6, 2019, (2) to discuss strategy with respect to collective bargaining or litigation and the Chair hereby declares an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. Richard Foster seconded the motion.

Roll call vote: Richard Foster–Yes, Mark Gold–Yes, Marie Angelides–Yes, Tom Lachiusa–Yes, William Low–Yes.

05/20/19 Regular Meeting
06/03/19 Approved

The regular meeting was adjourned at 10:07 p.m. The next Regular Select Board Meeting will be on June 3, 2019.

Respectfully submitted,
Jackie Sullivan

Documents: Agenda, Applicant Interview Schedule, Verizon Petition, DPW review comments, Town Manager Report, Solarize Mass Metrics Summary, MVP flyer, BOH Monthly report, Building department monthly report, COA monthly report, DPW monthly report, Finance Dept. monthly report, Finance estimated receipts, Fire Department monthly report, Library monthly report, Park and Rec. monthly report, Police MGM -4 month crime report, Police Dept. monthly report, Veterans Agent monthly report, Select Board Draft Minutes 5/6/2019, 1 BANS 5-20-19 doc., Note sale info. 1b BAN May 2019, DPW site tree quote, Acceptance of CH 51 S16a document, Democratic nominations 3-2019, Water Sewer and Stormwater rates FY20, Water rate proposal FY20, Sewer rate proposal6 exec FY20, Stormwater fee calculation, FY20 EMS Rates Package, Town Manager Evaluation FY19 compiled, Building committee minutes 04/02/19, COA minutes 2/21/2019, COA minutes 3/21/19, Comm Preserv. Minutes 1/29/19, Comm. Preservation minutes 04/11/19 minutes, Historic District Minutes 03/12/19, Historical Comm. Minutes 3/21/19, Planning Board Minutes 04/03/19, Email 5/15/19 D. Marinelli, Email 5/15/9 Cress F, FERC data request, FERC correspondence, Motion to intervene pdf, PLAN Response to April 30 NISource comment