

Select Board Regular Meeting
Monday, May 4 2020 - 7:00 p.m.
REMOTE

Arrangements for remote participation by Select Board members and members of the public were made in accordance with Governor Baker's Emergency Order Modifying the State's Open Meeting Law. Participation in the meeting was done remotely via Zoom.

Select Board Present via Zoom: Marie Angelides, Chair, Mark Gold, Marc Strange, Richard Foster, and Tom Lachiusa
Also Present via Zoom: Town Manager Lyn Simmons, Paul Pasterczyk, Debbie House, Chief John Dearborn, Beverly Hirschhorn, Rebecca Townsend, Walter Gunn

The meeting was called to order at 7:00 pm by Chair Marie Angelides. Due to COVID-19 concerns and the Governor's executive order changes to Open Meeting Law remote participation, this meeting was held remotely with residents having the option of calling in or sending in their comments. All votes were taken by roll call. LCTV was also utilized to broadcast and record the meeting.

Chair Angelides confirmed that all members and persons anticipated on the agenda were present and could hear and be heard throughout the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. The meeting allowed for public comment.

Announcements

Ms. Angelides reminded residents of the Annual Town Election scheduled for June 16. She encouraged residents to request absentee ballots from the Town Clerk's office. Information and applications can be found on the home page of the Town's website, www.longmeadow.org. A ballot will be mailed out when requested. Apply sooner than later.

COVID-19 Update - Chief John Dearborn and Board of Health (BOH) Director Beverly Hirschhorn

Chief Dearborn noted there are currently 11 active cases in town, not including the nursing homes. The Town will be starting a mask distribution program with East Longmeadow. Logistics are being worked out, the plan is to start next week. The Chief has 3,000 masks to start with for our most vulnerable residents. Reopening plans are being discussed by the Task Force. It will be a slow phased approach. Protective measures will be in place for quite a while. The Task Force participated in a FEMA training last Friday.

Ms. Hirschhorn noted that the Board of Health has been working on contact tracing, monitoring quarantines, and enforcing essential service orders. Ms. Hirschhorn's office has been giving general information to residents and answering all kinds of questions. Mr. Gold asked how the number of days of isolation is determined. This is based on the CDC guidelines which are mirrored by the Mass DPH. Guidelines change almost daily. Mr. Gold asked if the BOH is considering any local regulations. One was being considered but was overridden by the Governor (facial coverings). Ms. Hirschhorn noted that it is better if communities stick with state guidelines. Mr. Gold asked if Longmeadow will be doing testing. That will depend on whether testing materials become available. Testing also requires PPE, which we do not have an abundance of.

Residents Comments

1. David Marinelli, 9 Overbrook Lane, is the Town's Tree Warden and is part of the Tree Committee. He informed the Select Board that two Tree Committee volunteers recently attended training, and a \$10,000 grant was awarded to the Town. Mr. Marinelli thanked Kathy Kucab and Pat Carnahan for their work on this.

Select Board Comments

1. Mr. Gold and Mr. Foster noted that they were having some issues with the Zoom meeting connection.
2. Mr. Strange asked if the dump would be opening soon. Ms. Simmons hopes to have it open within the next two weeks.
3. Mr. Lachiusa noted that he has seen a lot of people out at the waterfront in the warmer weather, they were social distancing.

Town Manager's Report

1. COVID-19 updates will continue to be posted on the Town's website, www.longmeadow.org/coronavirus.

2. 88 Town positions have been furloughed due to the closure of some town services; 50 from Parks and Recreation day care, before/after school care, program coordinators, administrative assistant; 25 crossing guards from the Police Department; 10 Library staff; 2 DPW seasonal laborers; 1 part time position from the Treasurer/Collector's office. These positions are furloughed until June 30 but may be brought back sooner if needed.
3. The leaf dump closed on May 2 and the yard waste portion of the recycling center opened. The Recycling Center hours are Saturdays 8am-5pm, Sundays and Wednesdays 10am-5pm. A current dump sticker is required.
4. A community meeting with The Conway School will be held on May 7 at 7pm via Zoom and streamed on LCTV. This is part of the Bliss and Laurel Parks master planning process.
5. The work done on the shared health services agreement with East Longmeadow allowed the Longmeadow/East Longmeadow Public Health Partnership to apply for a DPH grant as a district and receive funding to help the Towns' response to COVID-19. Longmeadow received \$25,000 in grant funds.
6. In February General Code formalized a codification project which includes a full legal review to identify inconsistencies within the bylaws and changes in state law. The General and Zoning bylaws will be converted to an easy to use and search online format. Changes may include renumbering of the bylaws for clarity and consistency. The final proposal will have to be adopted at a Town Meeting.

Old Business

1. Approval of Minutes – *Mr. Gold made the motion to approve the regular meeting minutes from April 21, 2020 as presented. Mr. Foster seconded the motion.*
Roll Call Vote: Ms. Angelides-yes, Mr. Foster-yes, Mr. Strange-yes, Mr. Gold-yes, and Mr. Lachiusa-yes
Mr. Gold made the motion to approve the special meeting minutes from April 24, 2020 as presented. Mr. Foster seconded the motion.
Roll Call Vote: Ms. Angelides-yes, Mr. Foster-yes, Mr. Strange-yes, Mr. Gold-yes, and Mr. Lachiusa-yes
2. Tax Ceiling Warrant Article – Mr. Gold, Chair of the Task Ceiling Task Force informed the Select Board that the task force looked at two options; eliminating the tax ceiling and raising the tax ceiling. The task force supported eliminating the tax ceiling. A warrant article has been adopted by the task force and proposed to the Select Board to go before Town Meeting. It would have to be adopted by a 2/3 vote and then a referendum vote. This may take 2 years to go through legislation. Ms. Angelides noted that there are 2 parts to the law; can raise 2.5% each year, and there is a \$25 ceiling. Mr. Lachiusa stated that he sees this as a long term solution to a short term problem. Mr. Pasterczyk added the bottom line is up to the voters each year, Town Meeting does not have to vote to raise. Mr. Gold noted that the value of homes is not in our control. Ms. Angelides was concerned with the removal of the cap as opposed to an adjustment. She understands from PVPC that once the tax ceiling is reached, the town will be cut out of a lot of grant programs. Ms. Angelides would like to allow the residents to vote on this.
Article: Shall the town of Longmeadow petition the General Court of the Commonwealth of Massachusetts to permit the town, subject to approval at a town-wide referendum vote, to exempt the Town of Longmeadow from the requirements of paragraphs (b), (d), and (e) of Section 21C of Massachusetts General Law Chapter 59 by adding paragraph (f) as follows:
(f) The local appropriating authority of any city or town may, by two-thirds vote, seek voter approval at a regular or special election to accept this paragraph f, thereby rejecting the limit set forth in paragraph (b) and not be subject to it provided however that the question submitted shall be as follows:
"Shall the (city/town) of ___ adopt paragraph f of MGL Chap 59 section 21C thereby rejecting the 2.5% of assessed market value tax ceiling limit set forth in paragraph b of MGL Chap50 Sec 21C ? Yes ___ No ___";
and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".
or in other ways modifying Chapter 51 section 21C to affect this local exemption from the 2.5% of assessed market value tax ceiling limit, or take any other action thereunder.
Mr. Gold made the motion to add the tax ceiling task force article to the Annual Town Meeting Warrant. Mr. Strange seconded the motion.
Roll Call Vote: Ms. Angelides-yes, Mr. Foster-No, Mr. Strange-yes, Mr. Gold-yes, and Mr. Lachiusa-No
3 in favor, 2 opposed, motion passed.

3. FY21 Budget Recommendations – Mr. Pasterczyk recommended FY21 budget revisions and reviewed them with the Select Board. Mr. Strange asked if any Federal aid is expected. Mr. Pasterczyk replied \$27,000 was received for ambulance revenue and additional monies should be coming through from FEMA/MEMA. Ms. Angelides asked about MGM money. Some revenue is in the budget now, not sure what will happen. Mr. Foster added that the MGM money is not a guarantee and should be separate from operational expenses. Mr. Pasterczyk is expecting a larger than usual free cash number. Mr. Gold noted that we will have the free cash and stabilization fund now and can adjust in the fall if need be. Ms. Angelides would prefer no cuts now. Mr. Foster asked if there was more in capital that could be deferred. Mr. Gold agrees to look at the capital. Mr. Gold suggested a Select Board pay cut for one quarter which would amount to \$2,500. Mr. Strange believes more capital can be cut, he would rather see capital cut than employees' salaries.

4. Annual Town Meeting Warrant Final Review – The Warrant was reviewed article by article. Consideration was taken to create consent agendas so that several articles could be voted on in one motion to save time. Mr. Gold is not convinced that consent agendas are beneficial for the town.

Mr. Foster made the motion to open the Annual Town Meeting Warrant. Mr. Lachiusa seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to hold the Annual Town Meeting on Tuesday, June 23, 2020 at the Longmeadow High School at 6:00 p.m., with a rain date of Wednesday, June 24, 2020. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to approve the amount change of \$62,000 to Article 4 – supplement FY20 snow and ice deficit. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to have a consent agenda for Articles 2, 3, 4, 5, and 6. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-NO, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Note: Articles 5 and 7 changed positions. Article 5 was “bills of prior year” and is now energy saving projects.

Mr. Gold made the motion to defer Article 8 – Rt. 5 survey and design work to the Fall Town Meeting. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-NO, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-NO, Mr. Strange-NO

Motion did not pass, 2 in favor and 3 opposed.

Mr. Lachiusa made the motion to move Article 9 – supplement FY20 Police budget for training and uniforms to the consent agenda. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-NO, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to change the amount in Article 10 – operational stabilization fund to \$7,975. Mr. Gold seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

After some discussion, Mr. Lachiusa made the motion to approve Article 13 – FY21 budget with the revised budget numbers recommended by Mr. Pasterczyk. Mr. Gold seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

A note will be added to the explanation section of Article 13 stating that the budget was modified and the amount it was decreased by.

Mr. Lachiusa made the motion to change the amount in Article 14 – wage settlement account to \$44,089. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to defer Article 15 – operational stabilization fund to the Fall Town Meeting. Mr. Gold seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Pasterczyk recommended two cuts to Article 16 – capital (fire truck reserve and fire kitchen update). Mr. Foster believed more projects could be postponed, and capital cuts could be more significant. Mr. Gold would like to leave as is. Mr. Pasterczyk added that the budget will be out of balance if left as is. Mr. Lachiusa feels it is appropriate to take these two items out of the capital budget. Mr. Strange agrees.

Mr. Lachiusa made the motion to approve the two cuts to Article 16 – FY21 capital recommended by Mr. Pasterczyk. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

Mr. Lachiusa made the motion to defer Article 18 – replace water mains on Birch Road to the Fall Town Meeting. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-NO, Mr. Foster-NO, Mr. Lachiusa-yes, Mr. Strange-NO
Motion did not pass, 2 in favor and 3 opposed.

Mr. Lachiusa made the motion to change the amount in Article 20 – equip a new ambulance to \$322,000. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-NO, Mr. Foster-NO, Mr. Lachiusa-yes, Mr. Strange-yes
Mr. Gold made the motion to include Articles 24 – 29 Community Preservation in a consent agenda. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-NO, Mr. Strange-yes
Mr. Lachiusa made the motion to defer Article 32 – MGL for short-term rentals to the Fall Town Meeting. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
Mr. Lachiusa made the motion to defer Article 33 – amend MGL warrants to the Fall Town Meeting. Mr. Strange seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
Mr. Gold made the motion to defer Article 35 – HDC general bylaws to the Fall Town Meeting. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
Walter Gunn was consulted on the deferment of Planning Board articles.

Mr. Lachiusa made the motion to defer Article 36 – amend Zoning Bylaw non-conforming building, and Article 37 – amend Zoning Bylaw garages to the Fall Town Meeting. Mr. Foster seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
Articles 41, 42, and 43 are Citizen Petitions and will remain on the warrant. The petitioners may withdraw the petitions on Town Meeting floor.

Mr. Foster made the motion to close the Annual Town Meeting Warrant. Mr. Gold seconded the motion.

Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes

5. Board/Committee Interview Process Update – The Select Board will hold a meeting next Monday, May 11 to start interviewing applicants for reappointment and to fill vacancies. Ms. Angelides, Mr. Foster, and Mr. Gold will conduct the interviews.
6. Annual Town Meeting and Town Election Process - Moderator Rebecca Townsend gave an overview of the plans so far for the Annual Town Meeting. The Governor’s ban does not include Town Meeting. There is currently no state guidance. The ATM is scheduled for June 23, 2020 at 6 p.m. in the parking lot of the high school. A public health and safety plan has been developed for Town Meeting. The Town Meeting will be outdoors in the parking lot, chairs will be spread out for social distancing and masks will be required. Consent agendas, and deferring non-urgent articles to the fall Town Meeting are suggested to shorten the Town Meeting. A company has been contacted to handle the audio for the outdoor meeting. A rain date of June 24, 2020 has been established. Safety precautions will be taken when checking in to the meeting; PPE, spacing, dividers. Ms. Townsend would like to create a survey to get a rough idea of how many people plan to attend the Town Meeting to plan better. The parking is still being worked on. Russell Field is not being used due to electricity and restroom issues. Ms. Townsend will not hold the Town Meeting if the Governor’s advisory is in effect. She can make a “recess and continuance” declaration and file it with the state. A budget is needed by July 1.

New Business

1. Quarterly Cash Investment Report – Mr. Pasterczyk reviewed the report from the Town Treasurer/Collector with the Select Board. *Mr. Lachiusa made the motion to accept the quarterly cash investment report as presented. Mr. Gold seconded the motion.*
Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
2. AGO Guidance on Local Authority (COVID-19) – Ms. Simmons supplied the Select Board with the Atty. General’s Guidance on Local Authority Amid COVID-19 dated April 27, 2020.
3. MGL c110G Adoption-electronic signature – *Mr. Gold moved that the Longmeadow Select Board hereby recognizes and accepts the provisions of MGL c110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Mr. Strange seconded the motion.*
Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes
The Certificate of Vote will be signed by the Chair, notarized, and recorded at the Registry of Deeds.

05/04/2020 Regular Meeting
05/18/20 Approved

*Mr. Gold made the motion to adjourn the regular meeting at 10:23 p.m. and enter into Executive Session in accordance with MGL Chapter 30A, Section 21(a) (3) to discuss strategy with regard to anticipated litigation relative to the new DPW facility, and anticipated regulatory litigation relative to the TGP 261 Upgrade Projects and Columbia Gas lateral/meter station, and petition to intervene, discussion of which in open meeting may have a detrimental effect on the litigating position of the Town and the Chair so declares, not to reconvene. Approve and vote on minutes from 4/6/2020. Mr. Foster seconded the motion.
Roll call vote: Ms. Angelides-yes, Mr. Gold-yes, Mr. Foster-yes, Mr. Lachiusa-yes, Mr. Strange-yes*

Documents:

Agenda
Town Manager Report
Library March Report
Draft Minutes 4/21/20 and 4/24/20
Tax Ceiling Task Force warrant article
FY21 budget adjustment sheet/Guesstimate FY21 Revenue Impact/FY21 Budget Overview
ATM Warrant – color coded
Gen. Bylaw Appointment to Boards/Committees
Moderator memo dtd. 4/26/20
Moderator – Weather or Public Safety Emergency Protocol
Investment Report 5/4/20 cover letter and excel sheet
AGO Guidance on Local Authority Amid COVID-19
KP Law Update – Use of Electronic Signatures dtd. 4/28/20
Email – Curt Freedman