

Select Board Regular Meeting
Monday, August 3, 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 this meeting was done remotely via Zoom.

Select Board Present via Zoom: Chair Thomas Lachiusa, Marc Strange, Steven Marantz, Mark Gold, Richard Foster

Also Present via Zoom: Town Manager Lyn Simmons, CFO Paul Pasterczyk, Debbie House, Fire Chief John Dearborn, Moderator Rebecca Townsend, Resident Andrew Fox

The meeting was called to order at 7:00 p.m. by Chair Thomas Lachiusa. Due to COVID-19 concerns, and the Governor's executive order, and 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 Lachiusa 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. This meeting allowed for public comment.

COVID-19 Update

Chief Dearborn gave the update. There are currently 7 active cases in the community. Cases are now travel related. The state website is showing an increase in cases. The Town is doing better than the state average. There are concerns of a fall resurgence. The Governor's travel restrictions will help. We have been stockpiling our PPEs and are in good shape right now. The schools are still waiting for some of their supplies. School fire drills and lockdown drills have to be re-planned. September 30 is the cutoff for FEMA reimbursements.

Announcements

1. Chief Dearborn reported that we are expecting a tropical storm coming up from the south on Tuesday. This is the remnants of Hurricane Isaias. Right now it has a westerly track with 3" of rain expected, flooding in low areas, winds 40-50 mph gusts, tree damage, and power outages. People are asked to stay off of the roads so that emergency services can do their jobs. Make sure cell phones are charged, flashlights have batteries, and loose lawn furniture is put away. Do not use gas grills in garages and make sure generators are wired properly and are outside. In the event of a tornado, move to the lowest level of your home (basement) or an interior room. This is a regional event so if power is lost it could be for a while, be patient.
2. Mr. Strange reported that the non-profit, environmental watchdog group, Food and Water Watch (FWW), filed a Petition for Review with the DC Circuit Court of Appeals claiming FERC did not comply and submit their Environmental Assessment of Tennessee Gas's 261 Project and Metering Station. FWW is asking the DC Circuit Court to compel FERC to complete the assessment.

Residents Comments

1. Rebecca Townsend, 160 Ely Road thanked the Select Board for the effort they are making in addressing anti-racism in our town. Ms. Townsend spoke about the formation of the Town Charter and the resident support of it. She also spoke about the Charter Review Committees' work in supplying the Select Board with recommendations which are being reviewed a few at a time. Ms. Townsend stated that voters approved a Charter that improves management of town functions, improves processes, and improves town decision making while enhancing opportunity for citizen voice unfettered by partisanship or lobbying.

2. Andrew Fox, 29 Lorenz Street wanted to responded to what he felt were slanderous insinuations made against him at the July 21 Select Board meeting by his neighbor Jonathan David during Resident Comments. The comments pertained to bylaw violations by Mr. David and bylaw enforcement requests by Mr. Fox. Mr. Fox stated that using proper town protocol to report actual and continuous bylaw violations is not harassment. The sole reasons for Mr. Fox's complaints to the town regarding bylaw violations are to maintain his family's quality of life, and maintain the value of his property. Bylaw violations should be enforced equally, swiftly and decisively and not be allowed to fester for years. There should be rules for speakers at Select Board meetings, they should be announced at the beginning of each meeting, and they should be enforced by the Chair.

Select Board Comments

1. Mark Gold – follow up from last meeting, 35 pictures (23 homes) were submitted by a resident as having bylaw violations. Mr. Gold could not see obvious violations in the photos, 12 ended up having a bylaw violation. Mr. Gold wanted to express that this is not going on all over town. Mr. Gold asked that the Resident Comment section of the Select Board meetings be maintained for residents only, it is not a public forum. Mr. Gold is concerned with the economic impacts of COVID-19 on town residents. He would like to engage Select Board members at a future meeting to talk about what the Select Board has in its authority to help residents address financial situations. Mr. Gold would like to see what we can do in our general capabilities to help out.
2. Richard Foster – agrees with Mr. Fox's comments. The Select Board needs to be aware of what is being put on air, and what we are sitting in agreement with. He also agreed with Mr. Gold's concerns with the economic impacts on residents and feels this is a good issue to take up.
3. Steven Marantz – nonresidents should not speak during the Resident Comment section of the Select Board meetings. The Select Board should look into anything we can do to help lessen the economic impact on residents.
4. Thomas Lachiusa – people have a constitutional right to tell their story; Select Board has no authority to limit that freedom of speech unless the speech is unlawful. Conflict belongs in the public forum and we can handle the conflict and grow from it.

Town Manager's Report

1. The Open Space and Recreation Plan public forum was held remotely on July 29. The draft will be available at the end of August.
2. The Building Commissioner and Town Counsel reached an agreement with a resident regarding commercial vehicles/equipment parked on the property, in exchange for the fine being waived.
3. Juneteenth (June 19th) is now a state holiday. Personnel Policies and Collective Bargaining Agreements will be modified.
4. Fire Captain Karl Zinnack retired on July 30th. He was a firefighter for 33 years and served as the department's mechanic. He was an Explorer and a call member of the department for 5 years before becoming a career firefighter.
5. The town can apply for MIIA grants to assist and support risk management initiatives. Applications are due in November.
6. State aid estimates for FY21 were sent out. The amounts were a positive \$123K from the May revisions, local receipt estimates have to be amended downward to absorb declines beyond May. The two should offset each other leaving us back where we planned in May with a surplus of \$200K above the \$311K target excess levy capacity set in the FY21 budget goals.
7. Town Hall was closed to all employees at 2pm on Friday, July 31 for exterminator spraying.
8. A sweep of signs on town tree belts started today. Residents are asked to remove any signs on tree belts.

Old Business

1. Approved Minutes – *Mr. Gold made the motion to approve the meeting minutes from July 20, 2020 as presented. Mr. Foster seconded the motion.*
Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES
2. Polling Location Change Report – A Select Board report and survey are required to change a polling location. A CodeRed call and signage will notify residents of the location change. This is for the primary and presidential elections in September and November of 2020.
Mr. Strange made the motion to approve the Polling Place Relocation Report as presented. Mr. Gold seconded the motion.
Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES

New Business

1. State Primary Election Warrant – *Mr. Gold made the motion to approve the Warrant for the 2020 State Primary as presented. Mr. Foster seconded the motion.*
Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES
2. Open Meeting Law Discussion – Mr. Lachiusa reminded the Select Board that state guidelines put limitations on private deliberations of Select Board members in state statute. Business can only be conducted through public meetings unless there is an exception for executive session. Deliberations cannot occur between more than 1 other Select Board member, as a quorum would exist. Mr. Lachiusa became aware of an email that was sent to him, and had also been sent separately to another Select Board member. He contacted the AGO for guidance, it was suggested to discuss this in open session, remind Select Board members of their obligations under the Open Meeting Law, and make the emails in question public. Mr. Lachiusa asked that going forward all Select Board members keep all deliberations public.
Mr. Gold believes the issue of open meeting law violations is important, specific, and critical. He takes this very seriously. He polices himself and feels we all need to watch what we do. He will let people know what is an open meeting law violation. It is a slippery slope to police others. Lining up votes in advance is an open meeting law violation.
Mr. Foster pointed out that he believes another open meeting law violation occurred regarding the same emails and suggested Mr. Lachiusa be careful.
Mr. Marantz noted that when people are speaking others need to pay attention to what is being said. Mr. Strange is still learning the Open Meeting Law and appreciates it being brought up. One email comment from Mr. Foster states that, resident comments is what is still spreading thoughts of racism in our community which is not a positive message – implication is we should not be talking about racism because it is not a positive message. This is exactly why we are talking about racism. The message misses the point.
Mr. Lachiusa stated that he did talk to Mr. Strange about voting for him for chair. When he spoke to Mr. Marantz, he was not yet a Select Board member.
Mr. Strange stated that now that we all know the deliberation rules; we should not do it.
Mr. Lachiusa noted that the Town Manager could be included in emails amongst Select Board members so she would know if a violation occurred.
Mr. Gold stated that this would not protect from Open Meeting Law. You cannot deliberate, have to police yourselves. This applies to all boards and committees, there are fine lines. We need to educate ourselves.

Mr. Gold asked to discuss on a future agenda, the financial impact of COVID-19 on residents and possible ways the town could assist them. He suggested Paul Pasterczyk and Lyn Simmons come up with some ideas for a future discussion.

08/03/2020 Regular Meeting

08 17 2020 Approved

Mr. Gold made the motion to adjourn the meeting at 8:05 p.m. Mr. Marantz seconded the motion.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES

Respectfully submitted,

Debbie House

Documents:

Agenda

Draft Minutes July 20, 2020

Report on Longmeadow Polling Place Relocation

Warrant for 2020 State Primary

Emails (2) from Richard Foster to Tom Lachiusa dtd 7/21/2020

Correspondence: Email from Tom Dignazio dtd 7/23/2020

August 3, 2020

Dear Longmeadow Select Board,

I write in response to the informal discussion that Mr. Foster initiated at the end of the last Select Board meeting on July 20, 2020. Longmeadow had the same form of government for 220 years. After a broad coalition of citizens collaborated to address some key problems in our government, only sixteen years ago, we created our Charter. In the *Annual Town Report* one year after voters approved this change to local governance, the Select Board Chair wrote that Longmeadow voters “overwhelmingly supported [the Charter Commission’s] work.” As the elected Clerk of that Commission, I wrote the minutes. They are hardly “minute.” They are copious descriptions of deliberations among elected Charter Commissioners (Chair Roger Wojcik, Vice Chair Arlene Miller, Clerk Rebecca Townsend, Kathleen Grady, William Hoff, Peter Landon, Roger Nadeau, Joseph Occhiuti). I encourage you to seek these minutes from the Town Clerk. I offer to be a resource to you in answering questions you may have about why decisions were made a certain way, and I can point to minutes of deliberations that explain that.

Together with steady citizen contributions, this wide-ranging group of elected Commissioners researched what problems our town faced and how the structure of government fostered certain problems and generated more. We researched several alternatives, with many variations. We were systematic and wide-ranging in our work and narrowed in on the specific solutions that emerged, identifying solutions that worked together to address the problems we faced. The key concern was management. While some have argued we have not fully implemented those changes, we as a Town did not let the Charter go un-examined. Our recent Charter Review Committee (Chair David Martel, Tass Angelides, Liz Bone, Michael Clark, Peter Landon, Arlene Miller, Gerry Nolet, and Larry Starr) recently completed its work. I understand the Select Board is examining their report’s recommendations in a piecemeal fashion.

We have only had two prior Town Managers, and our third is a person not yet into a full year in the position, at a time dominated by response to a global pandemic that found Longmeadow in the 9th worst hotspot locations at one point. Town Manager Lyn Simmons’ work, with her colleagues in the government, has put in place measures and systems that has made our community safer. She has an inclusive approach to management and citizen engagement, one in which I have been pleased to see places a high premium on citizen knowledge, citizen engagement, and citizen voice. She recognizes that our town legislators are smart, engaged people who have demonstrated capacity for reason and a desire to do what’s right.

When we are not in crisis mode, I look forward to working with her, and you and others on developing even more opportunities for citizen engagement. Elected officials who relate to citizens for the mutual exploration of problems a community faces collaborate in problem-solving. We focus on issues that are problems and seek ways to improve our community together. Having a Town Manager who is eager to do just that makes this an exciting time in our Town’s history. Longmeadow voters approved a Charter that improves management of town functions, improves processes, and improves town decision making while enhancing opportunity for citizen voice unfettered by partisanship or lobbying. Just when people are trying to be heard in more equitable ways, now is the time to work with citizens who seek additional involvement and engagement.

I look forward to working with you, and our Town Manager, in moving forward toward solving problems with our fellow community members.

Sincerely,

Rebecca M. Townsend, 160 Ely Road, Longmeadow, MA 01106