

Select Board Regular Meeting
Monday, October 5, 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, Rebecca Townsend, Ralph Santaniello, Scott Smith, Robert Humberston, David Morse

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.

Announcements

1. Flu Clinics have been scheduled for October 1, 6, 8, and 14. Appointments are required and can be made online on the town's website or by calling the Board of Health. Forms to be filled out can be found online and brought with you to your appointment. Clinics will be held at Greenwood Center. Masks are required.
2. Early Voting begins on October 17 and will be held at Greenwood Center for two weeks. Hours can be found on the town's website. The last day of early voting will be October 30. Absentee ballots can be mailed or dropped off at the Town Hall in a secure drop box at the front door.
3. The town is accepting applications for a Local Casino Mitigation Advisory Committee (LCMAC) member. Information can be found on the town's website. Please submit a letter of interest by October 23 to Town Manager Lyn Simmons a lsimmons@longmeadow.org.
4. The Massachusetts Department of Public Health has created a COVID-19 Community Impact Survey available online. This survey will give the MA DPH the information needed to take action and support the communities that need it most. This effort will help us better understand the impact of COVID-19 on our communities.
5. Mr. Lachiusa mentioned the historic preservation award, the 2020 Paul and Niki Tsongas Award from Preservation Massachusetts, recently bestowed on the Brewer-Young Mansion owners, Christopher Orszulak, Andrew Lam, and Henry Clement. The award recognizes the project for demonstrating the highest level of commitment to historic preservation in the Commonwealth. Past Chair of the Historic District Commission, Sandy Krein nominated the project for the award.

Residents Comments - none

Interviews for Historic District Commission and Energy and Sustainability Committee

1. Robert Humberston, 84 Burbank Road applied for a position on the Historic District Commission. Mr. Humberston has had an interest in history for some time, is a member of the Cultural Council and the Storrs Library Board, and is retired. His wife works for the Museum of History and they have been residents for 22 years. He loves the town and the diligence of maintaining the Historic District. Mr. Gold asked if Mr. Humberston was aware of the distinction between the three historic groups in town:

Historical Commission, Historic District Commission, and the Historical Society. Mr. Humberston was not aware of the Historical Commission and will look into it.

2. David Morse, 58 Emerson Road applied for a position on the Energy and Sustainability Committee. He has been a resident for 29 years and is now retired. He is interested in energy and sustainability and was part of the Longmeadow Transition Group. Mr. Morse has solar panels on his home and met Mr. Marantz through the Solarflair program.

Select Board Comments

1. Mr. Gold thanked the Recycling Commission for holding the free shredding event last Saturday in the high school parking lot. It was a great service to provide to residents.
2. Mr. Foster reminded residents that will be voting by mail not to wait till the last minute. Call the Town Clerk with any questions on ballots and voting.
3. Mr. Marantz noted that October 7 is the theoretical closing date for Eversource taking over Columbia Gas. The New England Pipeline Awareness Group does not want any more pipeline expansion in the state and may look to the Select Board in the future for support.

Town Manager's Report

1. Wolf Swamp Fields Renovation Project – Eleven bids were received; RAD Sports was awarded the project. Construction will start soon with a completion date of May 2021.
2. Community House Roof Project – Work on the roof is being done with CPC funding and should take about a month to complete. The satellite offices in the Community House will remain open.
3. Election Support Grant – A grant in the amount of \$5,915 was awarded to the town to assist the Town Clerk in hiring additional staff, training, and election assistance hardware.
4. Capital Improvement Program – The FY22 capital program has started, department heads were asked to begin preparing their project requests. Submissions are due October 22, requests will be reviewed the week of the 26th and the capital plan will be presented to the CPC in early November.

Old Business

1. Approved Minutes – *Mr. Gold made the motion to approve the regular meeting minutes from September 21, 2020 as presented. Mr. Marantz seconded the motion.*
Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES
Mr. Marantz made the motion to approve the special meeting minutes from September 23, 2020 as presented. Mr. Strange seconded the motion.
Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-Abstained, Mr. Foster-Abstained
2. DPW Site 170 Dwight Road/21E Clean up and Remediation – Ms. Simmons gave a summary of the letter received from our attorneys, Egan, Flanagan and Cohen who are representing the town in the mediation claim to recover response costs from the former owners (Mr. Leo Shapiro, Ms. Susan Shapiro, and in their capacities as managers of Famiglia, LLC) for the remediation of asbestos at 170 Dwight Road. The Select Board has been briefed on this over the past months in executive session. A discussion and vote in open session is required to proceed with the legal case. MGL 21E sets out a procedure under which a party that has undertaken necessary and appropriate response actions to remediate hazardous materials may recover the costs of the actions from the person(s) who caused or contributed to the release of the hazardous materials. The former owners were notified of the Town's response claim in two separate letters which contained substantial documentation of the response actions and related costs. The response costs incurred, including contractor delay costs, amounted to approximately \$4,000,000. The Town's good faith participation in mediation under 21E will provide the Town with an opportunity to recover its legal fees and costs should the mediation fail to resolve the dispute, the Town prevail on its claim at a following trial, and the court find that the former owners did not participate in good faith in the resolution process.

Mr. Gold made the motion to accept the recommendation of counsel Egan, Flanagan and Cohen, P.C. in the matter of pursuing recovery of response costs, the remediation of asbestos at 170 Dwight Road by participating in mediation of the Town's response claims against the former owners/operators of the property. Mr. Strange seconded the motion.

Mr. Gold explained that the Select Board has had a lot of discussion on this in executive session.

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

3. Approve Appointments to Boards/Committees

Mr. Strange made the motion to appoint all 10 applicants and interviewees to the newly formed Coalition for Racial Justice Task Force. Mr. Lachiusa seconded the motion.

Discussion: Mr. Strange noted that he values anyone who steps forward to volunteer their time and talents. Mr. Strange noted that Mr. Hernandez shouldn't have used those words in his comments brought up at the last meeting and would probably choose differently if he had to do it again. We should look past this.

Mr. Marantz respectively disagreed and noted that not everyone is qualified for the committees they apply to.

Mr. Gold will vote against the motions because a number of 9 members was established.

Mr. Lachiusa believes that conflict leads to growth and that each interviewee brought a unique strength.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-NO, Mr. Foster-NO

The 10 appointees are: Bisrat Abebe, Kathleen Allen, Mara DeMaio, Neena Grover, Martin Hernandez, Rev. Charlotte LaForest, Ryan McCollum, Lauren Rollins, Michelle Tom, and Zach Verriden
Ryan McCollum will be the point person until members can be sworn in and a vote is taken later to determine a Chair.

Mr. Foster made the motion to appoint Minoo Tehrani to the Energy and Sustainability Committee for a term expiring June 2022. Mr. Strange seconded the motion.

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

4. Charter Review Committee Recommendations for Capital Planning Committee – The discussion was continued from the last meeting. The Select Board reviewed the new Section 2-11 proposed by the Charter Review Committee. Mr. Gold and Mr. Marantz agreed on 5 members, all appointed by the Select Board. Mr. Strange would like to follow the Charter Review Committee's recommendation of 7 members.

Mr. Gold made the motion to add Section 2-11 (a)(1) There shall be a capital planning committee consisting of five members appointed by the select board. Appointments are staggered for three-year terms. To the extent possible, members should have background skills appropriate for capital planning, such as construction, capital finance, and architecture. The purpose of the capital planning committee is to review and prioritize the town manager's capital improvement plan and annually report and make recommendations to the select board of capital expenditures no later than four weeks prior to the final Select Board approval of the warrant on which these expenditure recommendations are to appear. (2) The capital planning committee shall review capital requests. Capital is defined as pursuant to select board policy. (3) The capital planning committee shall submit to the select board a recommendation of capital items to be funded from appropriate resources. (4) The capital planning committee shall review prior years' capital appropriations to assure expenditures meet the purpose to which funds were appropriated.

(b) The capital planning committee shall receive, from the town manager capital improvements projects and needs of town departments, and capital improvement projects and needs recommended by town boards and committees. The capital planning committee shall review these projects and needs and assist the town manager in preparing a five-year capital improvement plan.

Mr. Foster seconded the motion.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-NO, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES

5. Halloween Activities Discussion continued from last meeting – Ms. Simmons created a document with Halloween safety guidelines from the CDC, Mass Department of Public Health, and Longmeadow’s Health Director. The Board of Health has not made an announcement about Halloween.

Mr. Gold made the motion that the Town of Longmeadow ban door to door trick or treating for Halloween of 2020 in response to COVID-19. Mr. Foster seconded the motion.

Discussion: Mr. Gold received a letter from a resident on Ellington Road who is concerned about the large numbers (700-1000) of trick or treaters that are normally in her neighborhood every Halloween, and also that the neighboring (high risk) city banned Halloween. Ms. Simmons requested that the Board of Health meet to discuss Halloween, they did not, and chose no action. Mr. Foster has been on Farmington Road on Halloween in past years and has seen the huge crowds that gather there; he feels social distancing is not possible. It will be worse this year with Springfield shut down for Halloween. It is in the best interest of the community to not have Halloween this year. Mr. Strange would like to add to the safety guidelines document, “no block party permits to be issued this Halloween season”. Ms. Simmons will check with legal counsel to see what authority for enforcement the Police Department would have. If Halloween was banned by the Board of Health, the Police Department would have the authority to enforce that order because it’s a response to a public health crisis. The Governor has established outdoor crowd limits of 50 right now. Ms. Simmons will speak with the Board of Health again.

Mr. Marantz made the motion to table Mr. Gold’s motion to ban Halloween until the next meeting on October 19. Mr. Strange seconded the motion.

If the Board of Health will not take up the discussion, Ms. Simmons will get a legal opinion on this.

Roll Call Vote on the motion to table: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-NO, Mr. Foster-NO

Mr. Foster questioned why put the Halloween safety guidelines on the website now when the subject is tabled to the next meeting. Mr. Strange feels the guidelines are still relevant. Mr. Foster feels that block parties are for protection.

Mr. Lachiusa made the motion to put the Halloween safety guidelines document on the town website.

Mr. Strange seconded the motion.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-NO

6. Close and Set Fall Town Meeting Warrant – The draft warrant attached to this meeting agenda was reviewed and discussed. Ms. Simmons and Mr. Pasterczyk recommended moving the following articles to the Annual Town Meeting since they are not time sensitive and can wait until May: articles 10, 13, 15, 16, 19, 20, and 21. Mr. Gold and Mr. Strange would like to leave article 21 on the fall warrant.

Mr. Strange made the motion to move articles 10, 13, 15, 16, 19, and 20 to the Annual Town Meeting Warrant. Mr. Gold seconded the motion.

Mr. Marantz would like to leave article 20 on the fall warrant.

Mr. Marantz made the motion to amend Mr. Strange’s motion and move articles 10, 13, 15, 16, and 19 to the Annual Town Meeting. Mr. Strange seconded the motion.

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

The vote on Mr. Strange’s original motion was:

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

Articles 20 and 21 will be left on the Fall Town Meeting Warrant.

Consent agenda consideration to limit the length of the fall meeting:

Ms. Simmons and Mr. Pasterczyk recommended consent agendas for articles 3-7, articles 9-14, articles 23 and 24, and articles 25 and 26.

Mr. Marantz would like to keep article 12 separate and not in a consent agenda. Mr. Gold would like to keep articles 23 and 24 separate and add the following wording to the end of article 24 (definition of commercial vehicle): “or is a van, truck or SUV of any weight that has decals or painted lettering that represents a commercial enterprise”. Walter Gunn feels article 24 is not written right and should be delayed to get it straightened out. Mr. Strange believes there will be much discussion on article 24 and

that this will prolong the town meeting. Mr. Gold noted that it would not be right to remove article 24 since people were told it would be on the fall warrant.

Mr. Marantz made the motion to remove article 24 (definition of commercial vehicle) from the Fall Town Meeting Warrant. Mr. Lachiusa seconded the motion.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-NO, Mr. Marantz-YES, Mr. Gold-NO, Mr. Foster-NO
Motion FAILED

Mr. Gold made the motion to amend article 24 to read: Article II. Definitions "Commercial vehicle." A vehicle registered for commercial use which has a gross vehicle weight rating of 12,000 or more pounds or is a van, truck or SUV of any weight that has decals or painted lettering that represents a commercial enterprise. Mr. Foster seconded the motion.

Roll Call Vote: Mr. Lachiusa-YES, Mr. Strange-YES, Mr. Marantz-YES, Mr. Gold-YES, Mr. Foster-YES
Mr. Gunn pointed out that one of the Citizen Petitions, article 27 was withdrawn at the June (Annual) Town Meeting. This was confirmed by Moderator Rebecca Townsend and will be removed from the fall warrant.

(with the removal of the above articles from the fall warrant to the Annual Town Meeting Warrant, the articles will be renumbered and the consent agenda groupings will change)

Mr. Gold made the motion to close the Fall Town Meeting Warrant, move articles 10, 13, 15, 16, and 19 to the Annual Town Meeting Warrant, utilize consent agendas for articles 3-7, 9-14, and 25-26, and remove article 27. Mr. Strange seconded the motion.

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

New Business

1. Liquor License Extension for Outdoor Dining – Per the Governor’s Order #50, the Select Board may approve requests for extensions of earlier granted approvals for outdoor liquor service issued pursuant to Governor’s Order #35, from November 1 for any period up to and until sixty (60) days after the end of the state of emergency. Posto and Max Burger applied for an extension.

Mr. Foster made the motion to approve, in accordance with the Governor’s order, Posto for an outdoor alcohol license extension and Max Burger for an outdoor alcohol license extension. Mr. Gold seconded the motion.

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

2. Approve 2020 State Election Warrant – *Mr. Marantz made the motion to approve the 2020 State Election Warrant. Mr. Foster seconded the motion.*

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

Mr. Marantz made the motion to adjourn the meeting at 9:25 p.m. Mr. Strange 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

Interview Schedule and applications

Town Manager’s Report 10/5/20

Draft Minutes 9/21/20 and 9/23/20

Egan, Flanagan & Cohen Letter RE: DPW Mediation

Appointment Memo to Coalition for Racial Justice Task Force and Energy & Sustainability Committee

Current Charter Section 7-7

Proposed Changes to Charter for Capital Planning Committee

Halloween Safety Guidelines document

10/05/2020 Regular Meeting

10/19/2020 Approved w/correction

Draft FTM Warrant

Outdoor Dining Extension Requests - Posto, Max Burger

ABCC Advisory on Outdoor Dining Extensions

2020 State Election Warrant

Correspondence: M. Bergeron, R. Foster, L. Goldberg