

Select Board Regular Meeting
Tuesday September 3, 2019 - 7:00 p.m.
Longmeadow High School, Room A15, 535 Bliss Road, Longmeadow, MA

Present: Chair Marie Angelides, Mark Gold, Thomas Lachiusa and Marc Strange. Richard Foster absent.

Also, Present: Interim Town Manager Jay Moynihan, Paul Pasterczyk, Jackie Sullivan, Tom Shea, James Tourtelotte, Steven Marantz, Attorney Rose Crowley, Marybeth Bergeron and Dave Marinelli.

The meeting was called to order at 7:00 pm by Select Board Chair Marie Angelides.

The Pledge of Allegiance was recited.

Announcements: Marie Angelides announced that LCTV will be having an open house on September 12, 2019 from 6:00 pm - 8:00 pm.

Jay Moynihan announced that the Board of Health is in the process of putting together something to post on the towns website regarding Eastern Equine Encephalitis (EEE).

Resident Comments: Tom Shea of 81 Greenmeadow Drive stated that his current understanding is that the DPW facility is going to be approximately four million dollars over the amount that was originally projected, furthermore it is probable that the Select Board will be requesting the town tax payers to approve additional expenditures of 1.7 to 2 million dollars in the upcoming months in addition the project was supposed to take 15 months and be done by now but will take at least another 12 months to complete. Mr. Shea believes the DPW facility is needed but feels the transparency with the taxpayers has been woefully inadequate. Mr. Shea is asking the Select Board if they think that the average taxpayer has been appropriately informed of these overages and delays especially in light of the large expenditures that have been requested of the taxpayers throughout the year. Mr. Shea stated that the Building Committee has flagged this issue on numerous occasions. Tom Shea demands that on behalf of himself and the citizens of Longmeadow that at the next Select Board Meeting, the Select Board, Town Manager, Building Committee, Finance Director, Colliers and Weston and Sampson provide a comprehensive public update on the construction of the DPW facility on Dwight Road. Mr. Shea also submitted a list of 19 documents and questions that he would like documents or responses provided to him personally as soon as possible and made available to Longmeadow citizens. Mr. Shea finds it appalling that there was 7,000 yards of asbestos material found on that site. Mr. Shea stated that what he thinks is happening is that the original 2 million of cost savings has been used as house money, the thought was that the 2 million would be covered and that everything would be under budget so instead of being approximately 21 million it should have cost 19 million because there were cost savings in the contract and it currently looks like this cost 23 million. Mr. Shea stated that this was in the Building Committee notes. also, in the Building Committee minutes it said they may have to go to Town Meeting for additional funds. Mr. Shea also stated that he reviewed the Finance Committee minutes and there is nothing in their minutes about this. Mr. Shea requests that the Select Board hold a public meeting about the financial status and the progress of the DPW facility.

James Tourtelotte 64 Prynwood spoke about the recent postcard that Columbia Gas had sent out, Mr. Tourtelotte stated that Columbia Gas has said two different things, in its postcard it maintains "our plans are not about expanding our system in fact we are purchasing the same amount of gas." Mr. Tourtelotte feels if that were so there would be no need for an industrial distribution facility in Longmeadow. In Columbia Gas's original website under the heading Longmeadow supply strategy project, cma said it was establishing a new point of delivery in a non-residential area in Longmeadow to support existing and future growth. Tennessee Gas told the Energy Facility Siting Board that the purpose of the project is to increase the capacity and reliability of the natural gas transmission system, if you refer to the Energy Facility Siting Board letter of January 4th of this year that is clearly stated and is a clear quote. Mr. Tourtelotte also stated that in the Energy Facility Siting Board notice for the March 27th meeting that was held here in Longmeadow the EFSB said Tennessee asserts that the Longmeadow meter station will support the ability of Columbia Gas to serve future customers, it is

further said that if the pipeline is not built there would not be an ability to meet future demand. Mr. Tourtelotte feels it is important to note that utilities enter into contracts with pipeline developers and those contracts are basically the financial foundation for pipeline projects. If the Select Board desires to oppose the gas companies even if that opposition was only for the purpose of negotiation to improve the situation that is one avenue to take. It is important to note that there be no successful opposition or negotiation unless there is a positive legal step forward. Mr. Tourtelotte stated that he knows the Select Board has consulted with Attorneys and specialists, he feels that those attorneys can propose the appropriate steps which will let both gas companies know clearly that there is a determined strong opposition, which could then put the Select Board in a reasonable position to deal with those companies.

Steven Marantz of 117 Rugby Rd. wanted to follow up on some of the comments about opposing the pipeline project. His first comments are to thank the Planning Board which has come out publicly at the May Town Meeting supporting and bringing forth a by-law that says if we are going to have this thing in the middle of a residential area it should be regulated. Mr. Marantz also thanked the Select Board for bringing the town vote. Mr. Marantz stated it would be helpful if the Select Board made a statement stating that this is not a good idea, the community would like their leaders to lead on this. Mr. Marantz hopes that the Board is allowed by the legal team to come out and say that they do not want the metering station in the middle of a residential area, he feels that as far as a community statement that would be quite significant.

Select Board Comments: None

Interim Town Manager's Report:

- The contract with Tanco on the LED light contract with LED lights is signed and they are doing an audit for us in preparation for the replacement of the street light cobra heads. There was a meeting with Eversource that two of the members of the board attended.
- There was air quality testing last week in the Town Hall and the Community House, that should be part of a regular process so they will be looking at that. Mr. Moynihan will update the Board when he gets the results.
- They met with Enfield's representatives relative to old Maple Rd. Which is an abandoned portion of Maple Rd. They did reach an agreement which is that Longmeadow would grade the road once a year and Enfield would be responsible for plowing and trash collection. They did indicate that if the Select Board had other concerns and wanted to discuss matters with them Enfield would be happy to have a meeting with the Select Board.
- They had a meeting last week with representatives of the Building Committee relative to going over with Colliers the question of change orders and how it was being done. They developed an improved communication process and understanding of some of the information they have seen regarding change orders and what is being referred to as change orders. What they have determined is that the items that were in the Boards minutes looked to be a compendium of several proposed change orders that they had as compared to just a single document. The meeting was positive, and they did identify some places where there were some gaps.
- Paul Pasterczyk is moving forward on preparing draft articles for the Town Meeting in November.
- They did open the bids for the landfill closure phase one, there is a meeting on that Wednesday 9/4/2019 and then they will have a better understanding of moving forward on that. DEP has granted a non-traditional work order, but they need to have a review of endangered species vegetation as a requisite. Currently they have the resources available to move forward on phase one.

Tom Lachiusa asked Jay Moynihan in terms of the discussion with Enfield what has changed, is it just that we are going to grade it. Mr. Moynihan stated that if there were a public safety concern the road really needs to be graded if there was an emergency the emergency vehicles would be challenged. Tom Lachiusa also asked about the MGM surrounding community agreement that was in the packet. Mr. Moynihan stated that himself, Chief Dearborn, Chief Stankiewicz and Paul Pasterczyk met with the legislative representative of MGM a couple of

weeks ago and went over the MGM project they noted that there will be an outstanding traffic study, which is a requirement of the agreement. Mr. Moynihan spoke to DPW and they showed him the 2015 baseline report. There is a requirement that within 15 months of the commencement of the agreement, which is in another three months, that an updated traffic study be done. They will take a look at that and meet internally and then send the information to MGM and see how they want to proceed.

Chair's Report: None. Marie Angelides was on vacation.

Old Business

1. **Approve Minutes:** August 19, 2019 Regular Meeting – *Mark Gold made a motion to approve the minutes of the August 19, 2019 meeting. Marc Strange seconded the motion. **The vote was 4 in favor 0 opposed and 1 absent (Richard Foster).***
2. **Goal Setting/Budget Directives:** Marie Angelides liked the idea of looking- Mission statement Paul Pasterczyk asks that the board look at the priorities of the policies. Mark Gold asked Jays perspective on OPEB funding his sense is that it is important to do. Are we better off not funding OPEB? Jay Moynihan stated that you do not want to jeopardize the towns rating. Prop 2 1/2 tax cap. Marie asked about the route 5 project. Marie Angelides stated that one of the issues last year was the MGM surrounding community agreement. Budget directives and mission statements - Marie stated. Mark Golds concern about writing a mission statement is overstepping their authority. It is in the charter. Target underperforming departments. Marie Angelides suggested that everyone bring 5
3. **Appoint PVPV Alternate:** Marie Angelides offered to be the alternate until a new Town Manager is hired. *Mark Gold made a motion to appoint Marie Angelides as the alternate PVPV until a permanent Town Manager is hired. Marc Strange seconded the motion. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster)***
4. **Charter Changes/warrant article** – Marie Angelides stated that they started working on this last year and they got a lot done at the Spring Town Meeting. Marie Angelides suggested they work on the Building Committee for the fall Town Meeting warrant. If everyone is agreeable, they can pull together the Town Building Committee section for the Fall Town Meeting warrant. Mark Gold stated that the document that was sent out is his take on what they said and how he thought it should be interpreted. The Board has to agree whether they think a Town Building Committee should be a standing committee specified in the Charter, if we agree let's add what they suggested we add. Marie Angelides asked if anyone had trouble with the Building Committee being part of the Charter, no one did.
5. **Potential Warrant Articles** - Paul Pasterczyk went over a list of potential warrant articles for the fall Town Meeting; Forestry (micro bursts costs), additional money for phase 1 of the landfill closure, additional bond authorization - DPW, MVP Grant matching share, Legal expenses, Community Preservation 10% allocation, Repeal of MGL Ch. 51 sec 16 A Election Commissioners vs Board of Registrars, Transfer of free cash to the operational stabilization fund, Speed Limit near HS, Eversource/ Columbia Gas conservation projects for Town Buildings, Street audit and Easements.

New Business

1. **Library Agreement/Atty. Rose Crowley** – Rose Crowley gave a brief overview of the agreement. Storrs Library was represented by Attorney Eric Lucentini who has experience with the Northampton Library. Together they tried to work out an agreement that they felt they could both recommend to their clients and that protected their interests. They viewed the interests of the town and the fact that the library is run primarily through public funds and from the library point of view the are caught in their continuing contributions and their ability to set the direction for the library. The purpose of this amendment was to clarify certain lines of authority and aspects of the relationship between the town, the charitable corporation, which is Richard Salter Storrs Library Inc. and the Library Director. The Library Director is the key here. They looked at the selection of the library director, the library director is an employee paid by the Town and therefore they wanted to preserve the fact that the town would

ultimately hire or appoint the director. Ms. Crowley stated there was some conflict in the past the original operating agreement was created in 1990 and the Home Rule Charter was created in 2004 and therefore the Home Rule Charter cannot negate the agreement. With respect to the selection of the Library Director, the process is that the Trustees can put whomever they choose on the committee. The Town Manager would be one person from the town who would be present at all meetings where the selection of the candidate was taken place. There is no restriction on who they have sit on the committee. Then that committee in cooperation with The Human Resource Department, and with the presence of the Town Manager selects candidates for Library Director then those candidates are presented to the Select Board, the Select Board have the power of appointment. Ms. Crowley talked about clarifying responsibilities and roles within the towns organizational structure. With respect to that there was an acknowledgement that the Library Director serves two masters, on the one hand she serves the Trustees, the Board of Trustees set her policies and goals. In recognition of the fact that the Town Manager is running a town consisting of various departments it is set out that the Library Director will attend meetings when called upon to do so by the Town Manager because the Library is part of the town. Rose Crowley stated there the Library Director will not be a Department Head within the meaning of the charter. The reason for that is that the operating agreement predates the charter. Marie Angelides asked if that meant the library director would lose any benefits, Ms. Crowley stated it does not mean that she is a Town employee. For purposes of the Mass. General Laws she is a Department Head she is not a Department Head within the meaning of the Charter. Tom Lachiusa thanked Rose Crowley for all her work on this matter. Mark Gold asked about section 5 C1 personnel policies, which says personnel policy shall be subject to and consistent with personnel policies established by the personnel policy board of the town, Mr. Gold asked why wouldn't that say that the personnel policies shall be identical to or shall be the personnel policies of the town just so there is no wiggle room for any deviation between those two policies. Rose Crowley said there may be unique policy concerns with respect to the library, it just gives a little breathing room to the library for things that they may uniquely convey to their employees. Paul Pasterczyk stated that the town does not have a personnel policy board anymore, it was kind of abandoned with the Charter, in essence those responsibilities were given to the Town Manager. Paul Pasterczyk also stated that as one of the individuals that is going to have to interpret this when it comes to liability insurance, budgeting, policies and personnel policies he would like to have the opportunity to sit down with Rose Crowley and get some of these things clarified, there is a lot of things that he is thinking one way and Ms., Crowley is interpreting a different way. Paul Pasterczyk would just like to make sure they are on the same page. Tom Lachiusa asked if Paul wanted more time, Paul Pasterczyk stated that yes, he would. Marie Angelides also had a concern about how the budget and the capital planning is going to flow through all this. Jay Moynihan stated that there were some things he wanted clarified as well. Marie Angelides stated they would bring this up at a meeting in the beginning of October.

2. **Tree Warden/Wenonah Place Trees** – Dave Marinelli the tree warden spoke about two large ash trees on Wenonah Place. Mr. Marinelli stated that the Tree Warden is allowed to move hazardous trees and has hearings for trees that are not hazardous. The two ash trees on Wenonah Place are lifting the sidewalk Mr. Marinelli noted that all of the ash trees in Longmeadow will be dead within five years unless we treat them for the emerald ash borer, it would cost about \$500.00 per tree to treat these two trees. Dave Marinelli stated that in his opinion it is not worth spending the money to treat these trees they are the wrong trees for this location. Mr. Marinelli held a public hearing and prior to the hearing they discussed this at a tree committee meeting there was a unanimous decision that these trees be replaced with more appropriate trees. Nobody came to the hearing but prior to the hearing he had two written objections. According to Mass General Law a tree warden is not allowed to remove a public shade tree if there is a written objection at or before the hearing unless such cutting is approved by the Select Board or Mayor so that is the reason, he is here tonight to get approval from the Select Board. *Mark Gold made a motion to accept the recommendation of the tree warden to remove the two trees. Tom Lachiusa seconded the motion. The vote was 4 in favor and 0 opposed 1 absent (Richard Foster).*

3. **Block Party Approval/Pleasantview Avenue** – *Marc Strange made a motion to approve the block party application for 168 Pleasantview Ave. September 21, 2019 from 3:00 pm - 7:00 pm. With a rain date of September 22, 2019. Mark Gold seconded the motion. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster).***

4. **One Day Liquor License/St. Mary's KOC Polish Night** – *Tom Lachiusa made a motion to approve a one-day liquor license for Knight of Columbus St. Mary's Polish night on September 29, 2019 from 2:00 pm - 7:00 pm. Marc Strange seconded the motion. Mark Gold questioned the number of one day liquor licenses. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster).***

5. **One Day Liquor License/St. Mary's Guild Meeting** – *Tom Lachiusa made a motion to approve a one-day liquor license for St. Mary's Guild on September 18, 2019 6:30 pm - 8:30 pm. Marc Strange seconded the motion. **The vote was 4 in favor 0 opposed 1 absent. (Richard Foster)***

6. **DPW Change Order-** *Marybeth Bergeron stated that the Building Committee met last week, and they were presented with three change orders, they approved the first two because they fell under the guidelines for approval directly by the Building Committee. The third request is PCO # 48 which directly relates to additional acm material found on site. The location is at the south western embankment where there will be a retaining wall. The DEP is requiring that be resolved. The contractor came up with the best way to deal with that was to bury it on site. It is a total of \$45,750.31 they feel it is the least expensive way to address the issue. Jay Moynihan stated that dealing with the asbestos issue that is being proposed here is consistent with what DEP is allowing. *Mark Gold made a motion to approve the Change Order for \$45,750.31 to have the asbestos containing material buried on site. Tom Lachiusa seconded the motion. **The vote was 4 in favor 0 opposed and 1 absent (Richard Foster).****

Subcommittee report: Mark Gold stated that they met with Eversource regarding the LED lights and it sounds like they will be moving forward fairly quickly with purchasing their street lights.

*Tom Lachiusa made a motion to adjourn at 9:28 pm. Mark Gold seconded the motion. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster).***

The next Regular Select Board Meeting will be September 16, 2019.

Respectfully submitted,

Jackie Sullivan

Documents: Agenda, MGM surrounding community agreement, 8/28/2018, Q&A 8-28-19 Trash barrel program, Verizon letter 8/20/2019, 8/19/2019 Draft minutes, SB Mission statement and budget directives, PVPC Alt-Plan Bd, note, SB charter changes, Sb Registrar of voters Chap. 51, Proposed library operating agreement for presentation, Wenonah place trees pdf, Block party application Pleasantview Ave, One day liquor license K of C Polish festival application, One Day Liquor License St. Mary's Guild application, Change Order PCO 48, PCO Info., Conservation Commission Minutes 7/10/2019, Planning Board Minutes 6/12/2019, Planning Board Minutes 6/26/2019, Planning Board Public Hearing 06/12/2019, Budget Calendar FY21 revised, Comcast letter 8/15/19, EEE Alert, EEE and West Nile Virus Prevention, Max Burger ABCC Decision, List of potential warrant articles for Fall Town Meeting, Letter from Thomas Shea.