

Special Select Board Meeting/Public Forum  
Wednesday September 25, 2019 - 6:50 p.m.  
Longmeadow High School, Room A15, 535 Bliss Road, Longmeadow, MA

**Present:** Chair Marie Angelides, Mark Gold, Thomas Lachiusa, Marc Strange.

**Absent:** Richard Foster

**Also Present:** Paul Pasterczyk, Dave Marinelli, Steve Kennedy, Tom Shea, Jeff Alberti, Tim Alix, Adam Dalessio, Mike Richards, Andrew Fox, Steve Wohlman, Mario Mazza, Matt Szork and Jackie Sullivan.

The meeting was called to order at 6:50 pm by Chair Marie Angelides.

**Approve Block Party Request** – Mark Gold *made a motion to approve the Block Party application for Lake Drive between Tanglewood Drive and Pinewood Drive on September 28, 2019 with a rain date of September 29, 2019 from 3:00 pm – 7:00 pm. Marc Strange seconded the motion. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster).***

*Mark Gold made a motion to adjourn the special Select Board meeting at 6:51 pm. Tom Lachiusa seconded the motion. **The vote was 4 in favor 0 opposed 1 absent (Richard Foster).***

**The Public Forum began at 7:00 pm.**

Marie Angelides announced that the reason for holding the forum is so that people would know what was coming up on the warrant for the Special Town Meeting in November and went through some of the warrant articles. Draft warrants were made available.

**Article #11** - Paul Pasterczyk explained that this article will be asking to bond an additional amount for the DPW project due to the environmental issues they have run into. Mr. Pasterczyk stated they are working on an actual number that will appear on the final warrant. Mike Richards and Jeff Alberti from Weston and Sampson were present as well as Tim Alix and Adam Dalessio from Colliers. The representatives from Weston and Sampson and Colliers gave a presentation on the DPW facility and went through a timeline associated with the asbestos that has been found at the site. They also spoke about the financial impact. Mr. Richards explained that there were a couple of environmental assessments done on the property, some of them were done before the purchase and acquisition and some of them afterwards. Mr. Richards stated that there was a non-invasive hazardous building material investigation done prior to the Town taking ownership and in March of 2017, just before the town took ownership of the property, there was a phase one environmental site assessment. Mr. Richards said this is very common before acquisitions of property. Mike Richards explained what the phase one does. Mr. Richards stated that they do file reviews at the DEP and they do reviews with the Fire Department and at that point there were no environmental concerns on the property. Mr. Richards noted that when the town took ownership of the property they were able to take samples and send them out to be tested as a result of this testing they found out that the tennis courts did contain some asbestos containing material. Mr. Richards went through the rest of the timeline presentation. After the presentation the representatives from Colliers and Weston and Sampson took questions from the audience members.

Tom Shea of 81 Greenmeadow Drive thanked them for doing the phase one environmental site assessment and asked if anyone had noticed if there was asbestos in the large berms around the property when they did the walk through. Mr. Richards stated that those berms have been sitting there for 15 years or so and were covered with leaves and other debris and they did not look out of the ordinary. Mr. Shea asked if there was a phase 2 done and Mr. Richards stated there was nothing from the phase one that would lead them towards a phase 2. Steve Wohlman of Pinewood Drive asked who is responsible for paying for the asbestos removal and also asked why the town has not filed a lawsuit against the previous owner for the total cost of asbestos removal. Marie Angelides stated that according to the law if you find it you have to remediate it, so the Department of

Environmental Protection was working with the town to make sure it was done appropriately and that it was removed safely and quickly. Ms. Angelides stated that in regards to what can be done further, they are working with their legal team to decide what the appropriate next step will be. Tom Shea stated that he believes in November the townspeople will be asked to approve an additional 1.5 or 1.7 million dollars for additional charges for this project. Mr. Shea stated that he does not like the process of how things have been done on this project in terms of transparency and fiscal responsibility. Mr. Shea feels that this project should have been done by now and asked how much longer it would take. Tim Alix from Colliers stated that it is expected to be done in June of 2020. Mr. Shea asked about the delay damages that the contractor is looking for and if that number shown in the presentation has been agreed to with the General Contractor. Mr. Alix stated no. Mr. Shea asked if that number could go higher and Mr. Alix informed him that yes potentially it could go higher. Mr. Shea asked about some of the change orders, he stated that last November there was a change order for 1.7 million dollars that went to Montford (the general contractor) and wanted to know if that contract had gone out to bid. Mr. Alix stated no. Mr. Shea asked why it did not go out to bid. Ms. Angelides stated that, as she had told Mr. Shea this morning when he asked that same question, that they are going to have to get back to him with this answer as they will have to check with the previous Town Manager and some of the staff to see why that was decided. Mr. Shea feels that the townspeople should know why it did not go out to bid. Tom Shea asked why, specifically when they were approving the town budget, they did not inform the town that it was going to cost more money and that it would take at least nine more months to build. Mr. Shea wanted to go on record stating that he feels that citizens are expected to watch Board meetings and look at minutes and ask questions. Mr. Shea feels that the Select Board and Town Manager chose not to disclose that there were problems. Ms. Angelides informed Mr. Shea that she disagrees with his characterization, however she does appreciate his opinion.

**Article #6** - Marie Angelides explained that they have had a waiver in regards to the landfill capping for many years and DEP suggested the best place to take the asbestos would be down to the landfill but it had to be capped within one year. It is in two phases and the total amount when completed will be three million dollars. Matt Szork from Tighe and Bond was present and explained what is happening with the landfill cap. Tom Shea of 81 Greenacre Drive asked if the dumping of the asbestos that was brought to the landfill from the new DPW site increased the cost. Mr. Szork stated no it did not it is the same system required by Mass. DEP for solid waste disposal. Mr. Shea asked if this accelerated the necessity of capping the landfill. Ms. Angelides stated that she cannot be sure when DEP would recommend that the landfill should be capped.

Dave Marinelli the Tree Warden spoke on **Article 5** - Mr. Marinelli stated they will be asking for additional funds to cover the cleanup costs associated with the July 6, 2019 microburst which knocked down a number of trees.

Dave Marinelli spoke on **Article 9** Mr. Marinelli explained why they will be asking for \$140,000.00. Dave Marinelli noted that last year they ran out of money in February and although he had tree hearings to identify trees that needed to be removed he could not remove any until July 1st, the start of the new fiscal year, so some of the trees rolled over into this fiscal year. Mr. Marinelli would like to avoid that happening again.

Dave Marinelli also spoke on the planting Article and explained how he came up with the figure of \$25,000.00.

Marie Angelides spoke on **Article 7**. Ms. Angelides stated that Article 7 will be asking the town to transfer \$100,000.00 from available funds in the treasury for legal expenses. Ms. Angelides stated that there are two reasons they need to set aside money for legal expenses, one is to deal with the asbestos issue at the new DPW facility and the other is to protect the Town's interest in dealing with the distribution of natural gas.

**Article 8** - Marie Angelides explained the Municipal Vulnerability program grant and the town's 25% share.

Mark Gold spoke on **Article 17-A**. Mr. Gold stated that the article is to see if the town will vote to amend a section of one of the by-laws under water and sewer to add the phrase by fees based on connection and measured usage section 2-601F. So it will now read The Department of Public Works shall install and maintain in proper working condition a water meter on each service and shall charge for water by fees based on

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connection and measured usage the DPW shall require a separate connection from each estate. Mark Gold stated the intent of this Article is to try and create some equity.

Mark Gold also spoke on **Article 16** which is another by-law proposal. Mr. Gold stated that this article proposes that we open polls at 7:00 am for Local Elections rather than 8:00 am. This will make the Town elections consistent with the State and Federal Elections in terms of hours that the polls be open. A member of the audience asked if the Town Clerk was consulted on this and Mr. Gold stated that the Town Clerk was the first person they checked with and it would not be a problem for the Town Clerk.

**Article 15** - Mark Gold explained that this Article is to see if the Town of Longmeadow will allow the Select Board to petition the Mass. State Legislature to revoke a May 14th Town Meeting vote whereby the town accepted a provision of the Mass. General Law and created a four-member Board of Election Commissioners to replace the three member Registrars of Voters. Mr. Gold stated that this a fairly detailed legal requirement and explained how this came to be. Steve Kennedy of 11 Western Drive stated that he was formerly one of three appointed registrars of voters. Mr. Kennedy stated that Mass General Laws allowed for the town to adopt a provision of Chapter 51 which allows for the town to have three appointed Registrars which could be two registered Democrats and one Republican or vice versa plus the Town Clerk who is registered as unenrolled. Mr. Kennedy stated that at the last Annual Town Meeting it was voted to adopt a different section of the Mass. General Law and he is not sure that anyone ever read what that section was because it opened up a whole lot of problems for the Town of Longmeadow specifically, upon acceptance of Chapter 16 the Town Clerk is to turn over all records to this new group of four people. Mr. Kennedy stated that the four people do not want it and that they do not know how or what to do. Mr. Kennedy feels this is a big problem.

Andrew Fox of 29 Lorenz St. referenced Article 41 from the May 2019 Town Meeting that did not pass. Mr. Fox believes there are by-laws that are not being enforced and that there are back complaints that have not been addressed. Ms. Angelides advised Mr. Fox that if he feels there are by-laws that are not being enforced he should contact the current Town Manager.

Marie Angelides concluded by stating that this is the draft warrant, the final warrant will be posted on October 22, 2019 and there will be other articles on the final warrant. Ms. Angelides also informed everyone that if they had any questions regarding any of the warrant articles they could call or email the Select Boards office.

The Public Forum ended at 8:30pm.

Respectfully Submitted,

Jackie Sullivan

**Documents:** Agenda, Public Forum posting, Block Party application, Warrant STM Nov 2019 draft.