



TOWN OF EAST LONGMEADOW
60 CENTER SQUARE
EAST LONGMEADOW, MA 01028

TOWN COUNCIL

(413) 525-5400 ext. 1001

Michael J. Kane, President,
Thomas C. O'Connor, Vice President
Donald J. Anderson, R. Patrick Henry, Kathleen G. Hill
Ralph E. Page, Marilyn M. Richards

Approved 3/23/2021

MINUTES
Town Council Meeting
March 9, 2021 at 6:00 p.m.
East Longmeadow, Massachusetts 01028

Present: President Michael Kane, Vice President Tom O'Connor, Pat Henry, Ralph Page, Marilyn Richards, Don Anderson and Kathleen Hill

Council President Kane opened the meeting at 6:00 p.m. followed by a Moment of Silence. The meeting was conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020. Announcements were made in accordance with Mass General Law, and it was noted that the meeting was being audio taped as well as in a virtual remote format.

President Kane noted that all votes taken would be roll call votes.

Public Comments: None

Council Comments: None

Town Manager Report: Town Manager, Mary McNally gave her report as shown in Attachment A.

Ms. McNally feels very strongly that the collective goodwill and cooperation of the Department Heads is evident each and every day and is a tremendous credit to the Town of East Longmeadow.

Approval of Minutes:

- A. Approval of February 9, 2021 Open Session Minutes
Councilor Anderson made a motion to approve the February 9, 2021 Open Session Minutes. Councilor Richards seconded the motion. Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.

Communications, Correspondence and Announcements: None

Public Hearings: None

Orders of the Day:

A. Legislative Update- Senator Eric Lesser

Senator Lesser commented that he is very proud to represent East Longmeadow. Senator Lesser thanked the Town for everything they have done; it has been a very hard year. The way the Community has responded to this over the last year, Senator Lesser feels very proud to represent a Community like this.

Senator Lesser updated the Council on the State Budget. The revenue numbers that have been coming in for the State have been very positive. While this is welcome news we are being cautious because it is month to month. He commented on the February numbers being far above the best case scenario, and the Federal Stimulus money that the State of Massachusetts should be getting soon. These two pieces combined Senator Lesser feels will give us a better budget. Senator Lesser does want to be cautious as it is a moving target. The Chapter 70 and the Local Aid allotments in the Governor's proposal are largely level. There are some very modest increases for East Longmeadow. There will be a lot more information in the next few months.

We have committed to an agreement to freeze UI rate payments for small businesses. This would have affected many small businesses in East Longmeadow so this is very good news for the small businesses stated Senator Lesser. They have also announced an intention to make the PPP loans to be tax free for Massachusetts income tax. There was going to be a very unfair dynamic at play because incorporated businesses that were set up to pay State Corporate taxes were automatically excluded based on how we linked to Federal Tax policy and that would not have been the case for businesses that pay personal income tax. It is not done but a press release did go out and Senator Lesser wanted to address this.

With regards to the vaccines, Senator Lesser stated he is a member of the new COVID19 Oversight Panel. They have learned a lot from the Hearing that took place. There will be another Hearing and Senator Lesser will keep everyone updated. Senator Lesser thanked East Longmeadow. He did have a conversation with Mary McNally and has been corresponding with the Fire Chief about the situation with the East Longmeadow Clinic. Personally Senator Lesser thinks it is unacceptable that vaccine doses were being pulled for our local Boards of Health and being sent to other places. Senator Lesser also feels it was unacceptable to pull vaccine doses from the local hospitals that know our communities the best and were being redirected to the centralized sites that may or may not have been close to our communities. That is in the process of being fixed. Doses have been brought back to Mercy and Baystate and they are still working on getting local Boards of Health Clinics reopened. Senator Lesser thanked everyone for reaching out to him regarding this

Senator Lesser answered some questions for the Council:

- Crumbling Foundation – Senator Lesser explained there has been a very comprehensive legislation put together. In addition to the Commission getting set up they stepped up the testing program where homeowners could get reimbursement for doing the pyrite core testing. We are really encouraging people to get there

foundations tested so we would know the degree of the problem. The next phase here will be to get this legislation to pass, which he is a co-sponsor of, so they can begin to create some sort of reimbursement process.

Councilor Anderson stated the message did get out to the constituents about the testing. Perhaps we can expand the good works of Mass Housing and put good parameters in place to protect the State but be able to have a verifiable structural engineer report in addition to an appraisal. This would afford our residents who are taking advantage of the testing and have a solid foundation, but for that presence, be able to refinance. Senator Lesser believes that is a good idea and they can follow up on that offline.

- Chapter 90 funding; has the Federal Government kicked in anything additional? The budget they are working on right now off Chapter 90 is roughly level stated Senator Lesser. There might be an update on this as there was a hearing today once Senator Lesser gets more information he will let the Council know.
- How are we doing with the East/West rail trail – Senator Lesser stated there was obviously a little bit of a delay with Covid but they have had a lot of good news. Mass DOT completed its study. They have identified some gaps and for the first time ever they now have a real blueprint and a set of recommendations.
- Vaccinations- Our town was fortunate to receive the first dose of vaccines and several hundred of them have been issued to our residents. Will the State guarantee enough vaccines to follow up with our residents for the second shot? Senator Lesser explained what the Baker administration has told them and that is that everyone who received a first dose they will find and ensure a timely second dose.
- Where is the uptick in Meals tax? Senator Lesser stated the meal and occupancy taxes are down. Capital gains are up and Income taxes are slightly up as well despite the mass layoffs that we have had. We have received significant one-time Federal Aid both from the Cares Act and multiple rounds of Federal Stimulus; all of that combined has meant that we have a more stable budget picture.

B. Annual Town Election Nomination Paper Update – Town Clerk

Town Clerk/Clerk of The Council Jeanne Quaglietti announced that the Local Town Election is on June 8, 2021 and if needed a Preliminary on May 4, 2021. February 4, 2021 was the day for people to take out nomination papers for two available seats on the Town Council and one available seat on the School Committee. As of today two people have returned papers for Town Council and two people returned papers for School Committee, which does not deem a Preliminary yet. People have until March 16, 2021 to return papers at which point we will know if we have to have a Preliminary or not. Ms. Quaglietti announced that if anyone does

want to take out nomination papers to contact our office and we will make an appointment to meet outside the Town Hall.

Public Hearings:

- A. 6:30 p.m. - Transfer of all alcohol on premises liquor license from GMRC, Inc. dba Fogueira's, 621 North Main Street, to Barrera, Inc., dba Torito Mexican Restaurant-

President Kane opened the Public Hearing. Town Clerk/Clerk of the Council read the legal notice into the record.

Also present was Attorney Jeffrey Oppenheim representing Barrera Inc. dba Torito Mexican Restaurant. Attorney Oppenheim introduced the President and Director Miguel Ramos. Jorge Ramos is the Treasurer Secretary and also Director. There are also two new shareholders, Ramon Michel Sr. and Ramon Michel Jr. who are both Directors. Attorney Oppenheim stated that Ramon Michel Jr. will be acting as the Manager under the application that he has filed.

Attorney Oppenheim gave a little bit of procedural background; they are requesting the license from GMRC Inc. of the existing on premises all alcohol beverage license. Last year on February 11, 2020 Attorney Oppenheim was before the Council and there was a Public Hearing on this transfer request. The Council granted on February 25, 2020 a liquor license subject to approval by the Planning Board of a Special Permit for the new restaurant at this location.

Soon after they were before the Council the worldwide pandemic hit and the result of that to our Corporation was that we lost some of the investors and the gentleman who was going to be the manager. This is the reason they are before the Council again. There has been change in the corporate structure and to the manager that will be running the restaurant, subject to the Council's approval.

Attorney Oppenheim stated that the whole restaurant industry went through some trauma and he is happy to say that his clients have managed to hold on to their restaurants and have worked very hard. His clients had to go through some painful rethinking of this project; it went from the purchase of that property to a lease. They had to get some new investors and by the end of the summer they applied for the Special Permit that is required of the Planning Board and had a meeting with the Planning Board on November 10, 2020. In the course of that meeting Attorney Oppenheim learned of an agreement that Town Council, Planning Board and Building Department had entered into with their landlord. They were told by the Chair of the Planning Board it was imperative that we come back to the Town Council to discuss the agreement and hopefully have the Town Council determine that is no longer applicable because of the potential new tenancy.

Attorney Oppenheim stated that Miguel Ramos and his wife Maria have interest in 10 Mexican restaurants. Miguel and his wife have worked 26 years in the restaurant business. They work very closely with Miguel's brother Jorge Ramos who is his business partner and has 17 years of experience. Attorney Oppenheim has represented both Miguel and Jorge Ramos and their corporations since the spring of 2015. These gentlemen have successfully acquired seven restaurants in the last six years. The other family that is involved in this enterprise Attorney Oppenheim has not known as long but they have very deep experience as well. Ramon Michel Sr., in his past has had 30 years' experience in the restaurant business, having owned 13 different restaurants and two grocery stores. Those have all been sold and he has two

restaurants in Rhode Island. Ramon Michel Jr. has been working with his father and has learned the business from the ground up he has been working in the restaurant business for eight years and for the last three years has had managerial experience at both the family restaurants. While under his management he has not had any liquor license violations in those two restaurants and has been TIPS certified for the last five years. Ramon Michel Jr. is the designated manager on their license application stated Attorney Oppenheim.

Attorney Oppenheim updated the Council on the location. The location has the seating capacity of 261 which is a correction from their application. There are 88 parking spaces and 5,656 square feet on the main floor and 4,339 square feet in the lower banquet room. They hope to have permits for the 174 occupants for the first floor and 87 occupants for the lower level. The first floor presently has two bars and they will be eliminating one of the bars. The other bar will be improved and will seat 22 people. The bar in the basement will have nine seats if we get the Council's approval. There are ample entrances and emergency egresses from this building. The interior will be renovated including the kitchens.

Attorney Oppenheim stated they would appreciate a second favorable vote from the Council.

Public Comments – None

Council Comments –

Councilor Richards asked what the status was with the Planning Board for this application. When it got to the issue of the agreement did it come to a halt? Attorney Oppenheim stated that they did come to a halt but they have reapplied and are scheduled to have a public hearing before the Planning Board next Tuesday. They are trying to move ahead and that is the reason for him to want to hopefully have a definitive discussion with the Council about this agreement which caused the Planning Board to take a position that they could not entertain making a decision until the Council decided what to do with this 2018 agreement.

Councilor Richards asked if there was something you were requesting within the Special Permit that was in opposition to the agreement. Attorney Oppenheim stated that they were requesting that we could use the decks for serving food and alcoholic beverages. This was the request 13 months ago as well. There was a Special Permit in place as a result of the agreement entered into by the landlord and the Town Council. That Special Permit limited the use of the decks to smoking. Attorney Oppenheim's client has told him that they are not interested at this time in pursuing outdoor dining and beverage service on the deck. Attorney Oppenheim stated there still is this agreement out there that seems to be hanging over this property and in fairness to his clients who will be making an investment not only in money, time and sweat equity, they understand what the community of East Longmeadow's position is on that agreement. Attorney Oppenheim asked if this is something that will be extinguished because the operator of that property will hopefully be his client under a 10 year lease. Councilor Richards stated that she just received a copy of the agreement and is aware that the agreement at this location is between the current property owner. Without looking at the agreement in its entirety Councilor Richards is struggling as to how to negate the agreement.

With regards to the agreement Councilor Page stated that he has only been able to scan a few minutes of it and if he remembers correctly this property used to be grandfathered in as a night club/bar. Councilor

Page believes through this agreement that this place can now only be a restaurant and the grandfather would no longer be relevant. Looking at it quickly it seems that is what the agreement is saying. Councilor Page would like to see the Town Attorney confirm this. Councilor Page is a little concerned with just waiving it and would like to see the Planning Board possibly issue a new Special Permit with set guidelines and until that is done he feels they should not grant the liquor license.

Councilor Hill stated that there are some inconsistencies that need to be sorted out and agrees with Councilor Page. So that we are not approving something that gives false impressions to the licensee then we would have to come back and undo it. Councilor Hill would rather that we wait for an opinion and take no action tonight.

Councilor Henry stated that 13 months ago we had an issue with respect to there being a second floor in that building and he noticed in the application there was no reference to a second floor. Attorney Oppenheim stated the second floor contains a small apartment and a small office which is outlined in the floor plan that was submitted to the Town Council and to the Planning Board.

Attorney Oppenheim stated this application was submitted on January 15th and we are now in the middle of March and that the Town should have been aware of this agreement a year ago when he was before the Council. Attorney Oppenheim was made aware of the agreement in November and was told the Town Council would be looking at this and now four to five months later it is still an issue. The agreement was to right a number of wrongs by the property owner, not his clients Attorney Oppenheim's clients will not be running a night club, they are running a restaurant.

Councilor Henry stated he is sympathetic with Attorney Oppenheim's contention and it appears to him as though the agreement is between the Town of East Longmeadow and the Coelho's and has nothing to do with Attorney Oppenheim's client. Councilor Henry believes the agreement should stay in place but should not affect the application.

Councilor Page commented that he believes the Special Permit follows the property and would like to see our Attorney work in conjunction with the Planning Board on a new Special Permit for this restaurant.

After further discussion:

*Councilor Henry made a motion that the Town Council instruct the Planning Board to consider the application for special permit by Barerra Inc. while the existing agreement with GMRC remains in force. Councilor Richards seconded the motion. **Roll Call Vote- Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor- Yes, Councilor Henry – Yes, Councilor Page- Yes, Councilor Anderson – Yes and President Kane- Yes.***

Councilor Hill made a motion to approve the transfer of the all alcohol on premises liquor license from GMRC Inc. d/b/a Fogueira's, 621 North Main Street to Barrera, Inc., dba Torito Mexican Restaurant. And to also approve Ramon Michel Jr. as the manager as shown on the transfer application. Councilor Henry seconded the motion.

Councilor Page would like to amend the motion to read contingent upon the successful issuance of a Special Permit by the Planning Board.

*Councilor Hill amended the motion to read approve the transfer of the all alcohol on premises liquor license from GMRC Inc. d/b/a Fogueira's, 621 North Main Street to Barrera, Inc., dba Torito Mexican Restaurant. And to also approve Ramon Michel Jr. as the manager as shown on the transfer application contingent upon the successful issuance of a Special Permit by the Planning Board. – Councilor O'Connor seconded the amended motion **Roll Call Vote- Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor- Yes, Councilor Henry – Yes, Councilor Page- Yes, Councilor Anderson – Pass and President Kane- Yes.***

*President Kane made a motion to close the Public Hearing at 8:00 pm. Councilor Richards seconded the motion. **Roll Call Vote- Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor- Yes, Councilor Henry – Yes, Councilor Page- Yes, Councilor Anderson – Yes and President Kane- Yes.***

*Councilor Page made a motion to move out of order on the agenda and move to number 3 under New Business- Review of the Town Council Oversight Committee's responsibilities. Councilor Henry seconded the motion. **Roll Call Vote- Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor- Yes, Councilor Henry – Yes, Councilor Page- Yes, Councilor Anderson – Yes and President Kane- Yes.***

New Business:

3. Review of the Town Council Oversight Committee's responsibilities

Jim Broderick, Chair of the Financial Oversight Committee, and Christine Saulnier were present. Mr. Broderick explained that they wanted to lay out what their responsibilities are. Mr. Broderick stated the Committee was created by Town Council as a Committee of the Town Council. The purpose of the Committee is to review on behalf of the Town Council the draft fiscal year town budget. Both operating and capital, revolving and enterprise funds and to make recommendations to the Town Council of any changes to the draft budget for the Council to consider in its deliberations regarding the budget and its vote authorizing the final approved fiscal year budget.

Mr. Broderick presented the Council with a document as shown in Attachment B. Mr. Broderick stated this is what they perceive as their charge and wants to make sure it is consistent with the Town Council's understanding.

President Kane believes it is and would like for the record to refer to Rule 11 –“and the Financial Oversight Committee will be comprised of up to three Council members and up to three town residents that will be responsible for working with the Town Manager and Department Heads to review the Town Manager's proposed annual budget and capital plan and report its recommendations to the full Council”.

Councilor Richards is glad that they were able to have this discussion. To see something in writing is always better so that there is continuity going from Council year to Council year and a Financial Oversight Committee to another Financial Oversight Committee. Councilor Richards asked where we can keep this document so that future the Committees will know. Can we keep it in the Council Rules?

Councilor Hill suggested that we consider wrapping this language right into the piece of Rule 11 and then it is memorialized.

*Councilor Henry made a motion that the document entitled Responsibilities' of the Town Council's Financial Oversight Committee be included immediately under Rule 11 of the current Town Council Rules. Councilor O'Connor seconded the motion. **Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

Mr. Broderick stated that there was a second document and it is basically just an informational guideline. It puts down on paper what they typically have received, in his experience, for the three years that he has been on the Financial Oversight Committee. It just puts it in writing the package the package that they would anticipate receiving in order to review and discharge the responsibilities that they have.

Orders of the Day:

- A. Licensing Matters – None
- B. Financial Matters
 - 1. Approval of Community Preservation Funding of \$11,625 from the Historic Preservation Account for the reimbursement to the Friends of the Norcross House for repairs to the porch of the Norcross House.

Jonathan Torcia, Chair of the CPC, was present and updated the Council on the projects that the CPC voted on.

*Councilor Page made a motion to approve the Community Preservation Funding of \$11,625 from the Historic Preservation Account for the reimbursement to the Friends of the Norcross House for repairs to the porch of the Norcross House. Councilor O'Connor seconded the motion. **Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

- 2. Approval of Community Preservation Funding of \$4,600 from the Open Space and Recreation Account for a Bark Park partial walkway installation

Councilor Richards made a motion to approve the Community Preservation Funding of \$4,600 from the Open Space and Recreation Account for a Bark Park partial walkway installation. Councilor Anderson seconded the motion.

Councilor Page has a couple concerns on this; one being on capital we have a very large request that is to fund redoing all of Heritage Park and possibly moving the Bark Park. Councilor Page does not want to see us spend money on something and then tear it apart. Personally Councilor Page feels it will be a few years before we get to that. Councilor Page also asked about funding a walkway under the Open Space, is it an actual walkway? Councilor Page is unsure if this qualifies under CPC guidelines.

Mr. Torcia stated that the dog park is located on the edge a little bit so the walkway won't be touching the property line. Depending on where the location of the dog park is, Mr. Torcia is not sure of the significant changes that might be happening to Heritage Park it may be closer to the middle of the park but he has not seen the project.

With regard to Councilor Page's second question, Mr. Torcia has received confirmation that it was acceptable under the CPC guidelines. Mr. Torcia commented that a lot of the wording for CPC can be flexible, however there are some limitations that you cannot have. So the walkway would fall under the CPC guidelines.

Councilor Page asked Ms. McNally if she was good with this knowing where we are going. Ms. McNally commented that she is a little ambivalent about this project and had expressed to Mr. Torcia some months back some reluctance to fund this. Not for the reasons you are discussing tonight. Ms. McNally was more concerned about some liability issues to the Town that may arise. Heritage Park could well be one of the largest endeavors that the community takes on over the next 10 years, despite that it is a small amount of money and she does agree with Councilor Page that if this project at Heritage Park does take off chances are that there will not be any true impact to the land for several years. Ms. McNally thinks it is small money to pay for the use and enjoyment by those who would use it. Despite her reservations about liabilities and access Ms. McNally thinks it is worth a chance.

William Couzelis was present and commented that the Dog Park has been in existence since about 2012. At that time they went through quite a process with the Planning Board and the other Committees in town including the Conservation Committee so that the design of the park itself is contingent on the distance from the wetlands and some open areas that the Planning Board wanted to maintain. The concept of the park was granted to them for the Dog Park based on the dimensions that fit in Heritage Park. To move the Dog Park now would be quite a major project. Mr. Couzelis cannot imagine any other places in Heritage Park where the Dog Park would fit.

Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.

3. Amendment of July 21, 2020, motion regarding allocation of funds for high school feasibility study-President Kane explained that the Attorney of the firm that was hired to help with the language recommended specific language if we are going to try and recoup through a grant any portion of the money for the feasibility study. This motion only has to do with tweaking the original motion so the grant hopefully would not be denied in the future.

*Councilor Henry made a motion That the Town of East Longmeadow appropriate the amount of \$1,260,000.00 dollars for the purpose of paying estimated costs for feasibility study for construction and/or rehabilitation of the East Longmeadow High School, 180 Maple Street, East Longmeadow, MA, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the ELHS Building Committee. To meet this appropriation the Town Treasurer, with the approval of the Town Council is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a no entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Councilor Hill seconded the motion. **Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

Old Business

1. Update on kennel licenses from Bylaw Committee

Councilor Henry stated the Bylaw Committee met on February 24, 2021. Also present was Planning Director Bethany Yeo. The Committee noted that Doherty Wallace had indicated that our existing special permits were fine as is but that we should require kennel licenses for pet daycare facilities and execute planning to do that.

The Bylaw Committee recommends two amendments to be made:

1. Under the General Bylaws Section 4.04 Town Clerk a line number 33 be added for kennel licenses. 1-4 dogs \$30.00, 5-10 dogs \$60.00 and \$20.00 for each additional dog over 10.
2. We amend the Zoning Bylaws Section 7.2 Special Permits Subsection 730 Criteria that adds a new Section I, that says all require state and local licenses must be acquired and kept current. This will solve the issue of whether a dog license is required under the special permits going forward.

If the Council approves these suggestions the Bylaw Committee will draft a redline copy with the town Attorney in advance of scheduled Public Hearings.

Councilor Richards asked about the numbers of the dogs that are being licensed under the kennel license are these private kennels? Councilor Henry stated yes they are.

Councilor Richards believes the changes in the Zoning Bylaw would have to come from the Planning Board and they have to have a Public Hearing for the change in the Zoning Bylaw. Councilor Henry stated that yes we do have to do that.

Councilor Page stated as the Subcommittee they are recommending that the Town Council send the Zoning thought language to the Planning Board because they have to hold the Public Hearing.

*Councilor Page made a motion that we send the Zoning Bylaw change to the Planning Board. Councilor Richards seconded the motion. . **Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O’Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

New Business:

1. Street Acceptance of Silver Fox Lane -

*Councilor O’Connor made a motion to approve the street acceptance of Silver Fox Lane. Councilor Page seconded the motion. . **Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O’Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

2. Establishment of a Town Council Code of Conduct –
President Kane stated that this has been on the table for about a year and half now and they have been going back and forth with suggestions and recommendations.

Councilor Hill explained that about a year ago Councilor Henry had put some thoughts on paper regarding communications protocol for the Council. It did come out informally to the whole Council but with the onset of the pandemic it was not the priority of their focus so it was set aside. In late fall Councilor Hill began to look at what Councilor Henry had written and put together her thoughts on how Councilors interact with each other, with constituents, with Boards and Committees and with the Town Manager.

Councilor Hill penned a similar draft and after discussion with President Kane it was decided that rather than bring it back to the Council, President Kane had sent both versions to the Town Attorney. Attorney Jesse Belcher-Timme wanted some background as to what they were trying to accomplish. Councilor Hill informed him they were looking for a set of guidelines so that communication is appropriate, civil and does not violate any of the social media platforms. Attorney Belcher-Timme's experience with other municipal clients was that they developed a code of conduct handbook. What is presented tonight is Attorney Belcher-Timme's compilation of the work that Councilor Henry and Councilor Hill have put on paper.

Councilor Page was hoping they could have a chance to review both documents before taking a vote on this so that other Councilors are able to chime in.

Councilor Henry appreciates Councilor Hill referencing him in this but stated that he wrote a communications protocol and shared it with the Council a year ago. Councilor Henry stated this is not a communications protocol this is a conduct protocol. Councilor Henry feels almost nothing of what he wrote and what he believes, which is communications, is referenced here; it is mostly conduct. Councilor Henry is not comfortable with this in its current format.

Councilor Anderson stated there is a difference between respect and control and feels this is not ready to be voted on today. Councilor Anderson also feels we should have a list of Council responsibilities.

Councilor Page made a motion to table this until a future meeting. Councilor O'Connor seconded the motion.

Councilor Richards asked if this could get put on the agenda in the next four weeks so it will not be tabled indefinitely. Councilor Richards feels this is something that needs to be addressed.

Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.

3. Summary - Action Items for next meeting
 1. Council meeting on March 23, 2021 pertaining to Charter Review
 2. Council meeting on March 30, 2021

March 9, 2021

Councilor Page made a motion to adjourn the Open Session Meeting. Councilor O'Connor seconded the motion. ***Roll Call Vote – Councilor Richards- Yes, Councilor Hill – Yes, Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Page- Yes and President Kane – Yes.***

The Open Session meeting was adjourned at 9:08 pm. The next Town Council Open Session Meeting will be March 23, 2021 at 6:00 pm.

Respectfully Submitted,

Jackie Sullivan

Assistant Town Clerk

Documents: Agenda, Town Manager Report, February 9, 2021 Open Session Draft Minutes, A-1 Floor Plan 621 North Main St., Town Council Code of Conduct, Street Acceptance, Loan Order Vote, FY22 Proposed Budget Package Document, Fogueira License Transfer, Fogueira License Transfer II Financial Oversight Responsibilities, CPC Norcross Porch Project, CPC Bark Park Walkway, CPC Account Balances, Fogueira Agreement,

**TOWN OF EAST LONGMEADOW**

Town Manager's Report

March 9, 2021

Good evening:

The bulk of activity in the month of February involved FY 22 budget preparation. Operational and capital budgets have been submitted to my office, with the exception of the School Department budget which I expect to receive next week. Steve Lonergan and I have met with each Department Head to discuss budget submissions and long range goals for each Department. Most of the budgets have not necessitated significant revision as they reflect the ongoing attention of management staff to fiscally prudent decision-making. The Department Heads, with few exceptions based on requests for new positions, have also maintained level funding but for pre-existing contractual obligations. The Capital Advisory Committee has begun its review of capital projects for FY 22 and will be meeting weekly to discuss and make recommendations on projects. We are also in the process of determining next steps regarding financing options for FY21 capital projects.

The Commonwealth's decision regarding vaccine administration by local Boards of Health has previously been forwarded to you by copy of the letter from Secretary Sudders. The Town has also recently placed a robocall to residents informing them of these most recent developments and where residents can seek alternate sites. We communicated with Senator Lesser and expressed to him the frustration we experienced by not being able to serve our population in the manner we felt was best. He was understanding and appreciative of our comments regarding the relative advantages of local sites over mass sites and expressed them in the Covid committee hearing held last week. We have no additional recourse in this regard.

Elaine Grimaldi has finished her work for the Town as of February 26, 2021. She served admirably over a fifteen month period, assisting in the restructuring of the department and development of orderly processes in our Human Resources functions. Her graceful demeanor, kindness to all and professional competence will be sorely missed. Joan Iwanicki is settling in nicely, integrating with employees and familiarizing herself with Town Union contracts among other issues.

The Master Plan Steering Committee continues its work. The visioning session conducted on Saturday, February 13, 2021 was very well done and successful. Many Town residents participated in that meeting to give the Town the benefit of their input about the issues that are important to them and what they see as strengths, weaknesses and opportunities. Their contributions will be considered in the final Master Plan. As a result of this meeting, I recently received an email from a local family, the Chrusciels, who credited this meeting with inspiring them to lead an Earth Day initiative in Town, which I forwarded to you under separate cover.

ELCAT has a number of initiatives underway. The Charter license agreement is under review after a number of edits suggested by the Town. Don Maki and Jamie Rooke are working together with several Departments to create informative videos on a number of topics of interest. For example, they are working with the COA staff on their monthly program regarding activities; the Planning Board has suggested a video on the permitting process and zoning issues; school sports are being live streamed by Jaime, who is simultaneously mentoring and developing student broadcasters in that area; acts for SPARTANUM are being taped for a virtual presentation and there is interest in providing some type of candidate forum as the election period approaches.

The 2020 Town Annual report has been sent to the graphic designer prior to final review before printing. Town Departments continue their diligent efforts to serve their constituents; Recreation, Library and COA continuously develop and offer programs to address quality of life issues during Covid. All other Departments are carrying on the necessary business of the Town without interruption despite the ongoing difficulties presented by the pandemic. Their collective good will and cooperation are evident every day and are a credit to the community.

The Board of Directors for Westcomm reviewed the responses to the RFQ's for a feasibility study and design services regarding improvements to be made at the former Salter College building in Chicopee for an operations center. A contract for services will be negotiated with Kaestle Boos Associates, Inc. of Foxborough, Ma. which was the most highly rated submission.

There has been considerable publicity regarding a recent audit of the Hampden County Retirement Board by PERAC. The findings have been referred to authorities with enforcement powers for further investigation. Many of the errors acknowledged by the Board, while egregious, are in the process of being addressed and corrected. The investigation is ongoing and I will advise as reliable information becomes available.

Respectfully submitted,

Mary E. McNally
Town Manager

Responsibilities of the Town Council's Financial Oversight Committee

1. Created by Town Council as a committee of the Town Council
2. Purpose is to review, on behalf of the Town Council, the draft FY town budget, both operating and capital, revolving, and enterprise funds, and make recommendations to the Town Council of any changes to the draft budget for the Council to consider in its deliberations regarding the budget and its vote authorizing the final approved FY budget.
3. Authorized by the Town Council to conduct a review of the draft budgets, and to contact (on behalf of the Town Council) the town manager, department heads, boards, including school board and school administration, as needed to discuss and investigate the budgets in order to develop the Committee's recommendations to the Town Council.