



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

**TOWN COUNCIL**

(413) 525-5400 ext. 1001

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

Approved 9-14-2021

MINUTES  
Town Council Meeting  
August 10, 2021 at 6:00 p.m.  
East Longmeadow, Massachusetts 01028

**Present:** President Michael Kane, Ralph Page, Tom O'Connor, Pat Henry, Marilyn Richards, and Connor O'Shea

**Absent:** 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 that are taken will be roll call votes.

Public Comments:

A. Crumbling Foundations Senate Bill #548- Russ Dupere – Mr. Dupere of 134 Ashford Road Longmeadow MA updated the Council on the Crumbling Foundation Senate Bill #548. They have been working with a number of different politicians throughout Western and Central Mass. The politicians have submitted a bill that is pending, and it is currently before the joint committee on environment natural resources and agriculture, stated Mr. Dupere.

Mr. Dupere highlighted some of what is in the bill, including to create or enable a captive insurance company. There is a provision that would standardize property tax abatements. This would eliminate permitting fees for people that are replacing their foundations and a seller disclosure requirement that would notify individuals that may be buying a house that there is a potential that houses built in this period may have crumbling concrete.

Mr. Dupere is here tonight to ask the Town Council to send a letter to the joint committee in support of this bill

*Councilor Richards made a motion to send a letter of support to the appropriate committee regarding Senate Bill number 548. Councilor O’Shea seconded the motion. **Roll Call Vote- Councilor Page- Yes, Councilor O’Connor- Yes, Councilor Richards – Yes, Councilor O’Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

Mr. Dupere announced that on August 28, 2021 at 10:00 am there will be a forum at Granite Valley School in Monson. Experts will be there talking about the topic as well as some politicians if anyone would like to attend.

**Council Comments:** Councilor Page wanted to give the DPW a big thank you. Councilor Page commented that the DPW recently hired a company to do line striping around town and it has made a huge difference.

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

Ms. McNally also reported that she was at a meeting last week with the Health Advisory Board of the School Department and our Health Director. There is a debate right now about the mandating of masks in school. They are waiting for the CDC or the Governor’s office to make the decision in regards to masking. The children in K-6 have to wear masks but the issue revolves around other personnel and whether they should be required to wear masks.

Ms. McNally stated that East Longmeadow’s case numbers and positivity rates are increasing which is concerning but we are ready to deal with whatever circumstances face us regardless of how difficult they are.

**Approval of Minutes:**

A. Approval of July 13, 2021 Open Session Minutes

*Councilor Henry made a motion to approve the July 13, 2021 Open Session Minutes. Councilor O’Shea seconded the motion. . **Roll Call Vote- Councilor Page- Yes, Councilor O’Connor- Yes, Councilor Richards – Yes, Councilor O’Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

**Communications, Correspondence and Announcements:** none

**Public Hearings:**

A. 6:15 p.m. – Approval of a proposed zoning bylaw adding new item “i. Cottage Food Operation Exemption” to Schedule of Uses SECTION 3.090 Accessory Uses – first reading

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

Planning Board Chair Russell Denver was present and gave a quick history regarding the Zoning Bylaw. John Torcia, member of the Planning Board and Planning Director Bethany Yeo were also present. Mr. Torcia believes it is good to make the bylaws flexible to the times.

Ms. Yeo added that while the Board of Health and the state do regulate this use they are concerned about the preparation of the food. They are not concerned about traffic going to the house or signage outside the house; this is what the amendment will address.

There were no Public comments and the public comment portion of the hearing was closed.

Council Comments: Councilor Page wanted to be sure that this bylaw is to allow baking of goods that are then brought to an event and does not allow catering out of a house. Mr. Denver informed him that was correct.

Councilor Henry wanted to make sure the Planning Board has looked at this in a way that there are no cons against the normal baking of brownies for book groups, or anything like that because anytime you have a new law that is passed there is always some consequences.

Councilor O'Connor asked if there was a special permit that is issued limiting the hours of operation. Ms. Yeo informed that typically, there is not and this would probably come under site plan waiver. They do discuss hours of operation in a site plan waiver but that is not a recorded decision like a special permit. Councilor O'Connor is concerned that if they have a business that is very successful and they operate on a 24-hour schedule there will be a lot of activity in a residential area.

Mr. Denver stated that would be addressed through the Building Inspector and possibly the Health Department if that becomes a problem. Mr. Denver also commented that this bylaw is meant for micro businesses; it is not a commercial business.

Councilor Richards commented that the use is no different then what is happening in most kitchens throughout town. This is just one person who is baking in one oven. This bylaw is to address a small need. Councilor Richards feels this is a wonderful idea.

Councilor Richards read the bylaw into the record.

*Councilor Richards made a motion to continue the public hearing for a zoning bylaw amendment adding new item "i. Cottage Food Operation Exemption" to Schedule of Uses SECTION 3.090 Accessory Uses, to September 14, 2021, at 6:15 p.m. for a second reading. Councilor Page seconded the motion. Councilor Richards read the bylaw into the record. **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

*Councilor Henry made a motion to move out of order on the agenda to take item C2 continued discussion of authorization of the town of East Longmeadow to participate in the Massachusetts commercial property assessed clean energy program PACE and return back to order once completed. Councilor Page seconded the motion **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

### **Old Business:**

2. Continued discussion of the authorization of the Town of East Longmeadow to participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts) – taken out of order per aforementioned motion

Frank Canning of Mass Development was present and explained the program to the Council. Mr. Canning stated there are currently 45 municipalities in the Commonwealth that have adopted PACE legislation for their commercial property owners. PACE is a financing alternative for commercial property owners to finance energy improvements. The PACE assessment is a betterment and so that is why the towns opt-in vote is needed. Mr. Canning also explained the financing for PACE. Mr. Canning stated that the town's role in the assessor's office would be to add the betterment to the property owner's tax bill.

Councilor Page asked if the town would have to enforce if someone did not pay their betterment. Mr. Canning stated the capital provider that provided the funding would be responsible for collecting the PACE betterment the town would not have to go after the property owner.

*Councilor Page made a motion to approve the following motion:*

**WHEREAS**, pursuant to M.G.L. c. 23M, as amended (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements ("improvements"); and

**WHEREAS**, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

**WHEREAS**, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

**WHEREAS**, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

**WHEREAS**, the Town of East Longmeadow (the "Municipality") has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

**WHEREAS, NOW THEREFORE, BE IT [VOTED/RESOLVED]**, as follows:

The Town Council of East Longmeadow hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Town Manager to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Town Manager may approve as being in the best interest of the Municipality. The Collector Treasurer of the City/Town or such other City/Town agency as may be designated in the Agreement is authorized to

*levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City/Town without further authorization by this legislative body. Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts. Councilor O'Shea seconded the motion.*

President Kane asked Ms. McNally if she had any extra information she could share on this, as he knows she is very knowledgeable on the PACE Project.

Ms. McNally reiterated what she said at the last meeting. She views this as an opportunity to be business friendly. Mass Development as well as three or four commercial property owners in town inquired about this enactment of the law and on the benefits that it may bestow on those who choose to pursue it. Ms. McNally sees this as an opportunity to be business friendly without imposing any substantial burden on the town. The administrative costs were vetted and the establishment of the betterment is the sole obligation, which she is not minimizing because people are busy, but she knows it can be managed. Ms. McNally believes that this would be a good will gesture toward those business owners in the community that may want to apply for this financing.

Councilor Henry commented that Mr. Canning had indicated that this was a finance alternative and as a fiscal conservative he is naturally skeptical of any government program that promises to help us do something we can already do without the program. He looked at the flow chart last week and observed that it was a complicated Rube Goldberg type of presentation, stated Councilor Henry. The Town Manager assures us that it does not involve any significant effort or liability for the town. At last month's meeting and in the materials submitted for this meeting there was no mention of potential drawbacks to this program, which is required by Council Rules because we do not have the ability to dive into these things like the Departments can. Councilor Henry does not like the idea of putting a construction mortgage through our quarterly tax bills. The other issue Councilor Henry has is that he does not like the inference that the program will pay for energy improvements that the private sector banks will not. If this is true will the PACE program be approving risky loans? It is also disconcerting that the scheme is structured in such a way that the obligation does not show up as a liability on the business's balance sheet even though it is essentially a secured loan. As Councilors, Councilor Henry feels their obligations would be to go beyond the cost of the town and the benefits to the builders and businesses. Councilor Henry feels as Municipal Leaders we should be helping drive down unnecessary State spending.

Councilor O'Connor echoed some of Councilor Henry's comments. Councilor O'Connor understands that there is little overhead to the town. The town is going to bear the burden of this program if businesses decide to use the program and if it is going to be in the tax bill and if it becomes problematic for the commercial business to pay their benefit then the town may not get their tax bill paid, This could potentially cause a problem receiving revenue. Councilor O'Connor feels the concept is burdensome to the town.

To Councilor Henry's point Mr. Canning stated that one of the reasons why PACE would be an alternative is a bank may find a commercial business very attractive to lend to but the appraisal of the building does not allow any additional funding and they are maxed out with their mortgage that they have but the cash flow of the business is going great. That would be a case where a bank cannot and PACE may be an alternative for that business. It is not a loan and if the property owner were to sell the building the remaining PACE lien is assumed by the next owner. In terms of any default the Capital Provider is notified and it is their responsibility to work on the PACE loan.

Councilor O'Connor commented that there was no list of the pros and cons, which is a rule of the Council. This is something that should come from the experts who are presenting to us.

President Kane stated in fairness to the applicant that there are pros on the floor that is part of the explanation. President Kane asked if Councilor O'Connor is looking for the cons., Councilor O'Connor stated he is looking for both; he believes there should be a separate sheet listing pros and cons.

Councilor Page asked if Mr. Canning has heard anything negative from the other communities that are doing this. Mr. Canning stated the biggest thing they have heard is that it does add to the work of the Assessor's office, but it is a fixed rate payment schedule so it only has to be entered in one time. There is no risk to the town the capital is provided through an outside provider.

Ms. McNally confirmed for Councilor Page that she had several meetings discussing this with the Department Heads in the Assessors, Finance and Collectors offices.

***Roll Call Vote - Councilor O'Shea – Yes, Councilor Richards – Yes, Councilor Page – Yes, Councilor Henry-No, Councilor O'Connor – No and President Kane – Yes. The motion passes 4-2.***

**Orders of the Day:**

A. Licensing Matters

1. Approval of One-Day Liquor License for a Swimming Pool Dedication at Pine Knoll Recreation Area, on August 20, 2021, 6:00-11:00 p.m.

*Councilor O'Connor made a motion to approve a One Day Liquor License for a Swimming Pool Dedication at Pine Knoll Recreation Area, on August 20, 2021, 6:00-11:00 p.m. Councilor Henry seconded the motion.*

Councilor Page asked if they would be renting the facility at Pine Knoll and if the pool would be open. Recreation Director Donna Prather was present and informed the Council this was an invite only event; the only children that will be there will be the grandchildren of Sue Laing, Coach Silvia's daughter. During the portion when the alcohol would be served, there will be no pool activity.

***Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

2. Approval of One Day Liquor License for a Swimming Pool Dedication at Pine Knoll Recreation Area, on August 21, 2021, 5:00-8:00 p.m.

*Councilor O'Shea made a motion to approve a One Day Liquor License for a Swimming Pool Dedication at Pine Knoll Recreation Area, on August 21, 2021, 5:00-8:00 p.m. Councilor Richards seconded the motion. Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.*

3. Approval of One Day Liquor License for a wedding reception at St. Paul the Apostle on August 28, 2021, 5:00-11:30 p.m.

*Councilor Page made a motion to approve a One Day Liquor License for a wedding reception at St. Paul the Apostle on August 28, 2021, 5:00-11:30 p.m. Councilor Henry seconded the motion. **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

4. Approval of One-Day Liquor License for a Jack and Jill at Masonic Temple, on August 28, 2021, 5:00-11:00 p.m.

*Councilor Henry made a motion to approve a One Day Liquor License for a Jack and Jill at Masonic Temple, on August 28, 2021, 5:00-11:00 p.m. Councilor O'Shea seconded the motion. **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

5. Approval of One Day Liquor License for Deborah Ashe for a wedding reception at the Norcross House on September 5, 2021, 2:00-8:00 p.m.

*Councilor Richards made a motion to approve a One Day Liquor License for a wedding reception at the Norcross House on September 4, 2021, 2:00-8:00 p.m. Councilor Page seconded the motion. **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

6. Discussion of an annual renewal fee for a Farmer Brewery Pouring Permit.

*Councilor O'Connor made a motion to approve an annual renewal fee of, amount to be determined, for a Farmer Brewery Pouring Permit. Councilor Henry seconded the motion.*

President Kane commented that he has had discussion with Ms. McNally, Councilor Hill and other members of the Licensing Committee and asked if the Council was comfortable with inserting a fee at this time.

Councilor Page does not believe they can insert a fee under the Charter, Article 2 Section 7; a bylaw is required for any fees.

President Kane does not want to delay the opening of this business and thought they could incorporate a fee prior to having the bylaw in place and is open to suggestions.

Councilor Henry feels that the State is superimposing their will on us by allowing them to open whether or not we charge them a fee and asking us to give them a license. Councilor Henry does not believe the opening would be held up by anything the Council does.

After further discussion, Councilor O'Connor rescinded his motion and Councilor Henry rescinded his second.

*Councilor Henry made a motion to approve an annual renewal fee not to exceed \$1,000.00 for a Farmer Brewery Pouring permit. Councilor O'Connor seconded the motion.*

Councilor Page reminded the Council that they could not approve a fee without a bylaw and suggested that they recommend a fee that will be approved once a bylaw is created.

Councilor Henry and Councilor O'Connor rescinded their motion and second.

*Councilor Page made a motion that the Town Council allow the Brewery to operate under the malt beverage licensing fees until a pouring license fee can be created. Councilor O'Connor seconded the motion.*

Councilor Richards wanted to go on record that we currently assess \$1,000.00 for wine and malt and believes that is a little bit too steep for this operation and hopes this will be taken into consideration when a determination is made going forward.

***Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

### **Financial Matters:**

1. Approval of the Community Preservation Committee's application for a playground at Pine Knoll Recreation Area in the amount of \$180,000.

*Councilor O'Shea made a motion to approve the Community Preservation Committee's application for a playground at the Pine Knoll Recreation Area in the amount of \$180,000; \$50,000 to come from the Undesignated Account, and \$130,00 to come from the Open Space and Recreation Account. Councilor Richards seconded the motion.*

CPC Chair Jonathan Torcia was present for discussion. Councilor Page asked if any grants had been applied for. Mr. Torcia stated not to his knowledge.

Councilor Richards supports a playground like this for the kids but would like to know how shovel ready this would be. Historically they have approved money through CPC for recreation projects and then it has been rescinded because the money was never used, most recently the Heritage Park project. Councilor Richards is hesitant to support tying up \$180,000.00 when a definitive location has yet to be picked. Councilor Richards believes there are some issues that need to be worked out before it is brought to the Council and would like to hear what others have to say.

Mr. Torcia commented that he met with both the applicant and Donna Prather of the Recreation Department, and there were two locations that they were considering. Mr. Torcia believes they were leaning towards the one where the volleyball nets used to be but they want to make sure the land is ready for a playground. Mr. Torcia has been told that making sure the land is ready for a playground would cost very little in resources. The applicant and the Recreation Committee has offered to dedicate their time and resources privately making sure that the area would be ready. Mr. Torcia believes this is a high priority for the applicant and the Rec. Committee.

This went through an unusually long process, which is why some of the quotes might be a little outdated. The exact price is not known, which is why they kept it at \$180,000.00 just in case but he expects it to be considerably lower, stated Mr. Torcia. The project has the support of the Rec. Department and Rec. Committee.

Councilor O'Shea commented that something that came out of the Master Plan was making sure that all projects are accessible not only to all members of the public but especially those with disabilities or other needs. Councilor O'Shea is not sure that this proposal addresses those types of needs.



Councilor O'Shea also commented that the application and the supporting documents make it seem like the project is intended to help the kids that are going there for camp during the day. We charge those people money to go there for camp. Councilor O'Shea stated he struggles with the town having to continue to provide its own funds on top of the funds that are being paid to send your child to camp especially if there are other projects that could be considered elsewhere in town that would have an impact on everyone.

Mr. Torcia stated that to his knowledge Pine Knoll is open to the public on a regular basis when there are no events taking place.

Councilor Henry stated Mr. Torcia is correct and Pine Knoll is open to the public and asked if that also included people in 16 Acres as well. Mr. Torcia believes that he is correct that it does serve neighboring communities, such as Springfield. Councilor Henry is appreciative that Mr. Torcia has listed the pros and cons. Councilor Henry stated that some of the cons bothered him. Councilor Henry does not believe that the Council should be micromanaging when it is going to start or where the location is going to be. This is why we have the CPC and other professionals who work with them. Another thing that bothers Councilor Henry is that there have been many projects done there and he feels there should be something like this in a different area more central to the town.

Councilor Page stated that Mr. Torcia said \$180,000.00 would be a maximum. Going through some of the estimates some of them are well over the \$180,000.00 and part of Councilor Page's concern is that in the last year everything has jumped up in cost. You may only get half as much of a playground for the \$180,000.00 that you normally would. Mr. Torcia stated that some of the older quotes did run higher but he still feels confident that it would considerably lower than the \$180,000.00.

Councilor O'Connor asked what the current balances were in the two accounts. Mr. Torcia stated the most recent is from February of this year. The Undesignated has about \$738,000.00 and the Open Space and Rec., after two projects had been paid for, were at about \$265,000.00. That does not include the monies that will be going towards the resurfacing of the High School track. Mr. Torcia feels that there is a healthy amount in the budget. Over the last two-year period, they have had a small number of applications.

Finance Director Steve Lonergan gave the Council updated figures of the balances in the CPA account. The Open Space account after taking out the amount for the track is at \$143,906.00 and the Undesignated is at \$863,037.76.

Thomas Kaye of the Recreation Commission was present and informed the Council that he and Donna Prather put together a presentation. Mr. Kaye answered some of the questions the Council had and explained how they came to the \$180,000.00 figure. Mr. Kaye stated that this would not only serve the campers it also serves the swimmers that are there all summer, the recreation soccer program and the tee-ballers in the spring and fall.

After further discussion, the following roll call vote took place:

***Roll Call Vote-Councilor O'Shea- No, Councilor Richards- No, Councilor Henry – No, Councilor O'Connor- No, Councilor Page – No and President Kane – No. The motion failed 6-0.***

2. Per Massachusetts General Law Chapter 44, Section 53A, approval of the donation of \$8,500 by Dr. Kevin Coughlin to be expended by the DPW

*Councilor O'Connor made a motion to approve the donation of \$8,500 by Dr. Kevin Coughlin to be expended by the DPW. Councilor Henry seconded the motion. Roll Call Vote- Councilor*

***Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

3. FY21 Estimated Turn Backs – Finance Director Steve Lonergan

Finance Director Steve Lonergan informed the Council that a large portion of these turn backs is because of the Department Heads and their staff who worked hard during a pandemic to not only keep core services going but also to have had minimal impact on those core services. We are looking at an estimate of 2.6 million dollars being turned back which is approximately a little over 4% of the budget. This will flow down into free cash once it is certified.

Councilor Henry commented that this is huge for not only Mr. Lonergan but for Ms. McNally and everyone who worked as hard as they did to recover this money. Councilor Henry also commented that seeing \$150,000.00 left over on the Highway Department, which he knows they cannot spend it without the Council's approval, but he would have liked to see that spent on the roads.

**Old Business:**

1. Recommendation of the Town Council Bylaw Review Committee for the adoption of a Stretch Energy Code Bylaw-

Councilor Henry stated that at the last Council meeting the Council voted to defer the question of adopting the Stretch Energy Code to the Bylaw Subcommittee. The Bylaw Subcommittee is not formally recommending the adoption of the Stretch Energy Code Bylaw because they have not voted on the bylaw language and the placement. They want to present the whole package at one time. Councilor Henry informed the Council that the discussion began by noting that the required pros and cons from the Planning Board and Building Department were not presented at the last meeting. They only had a statement recommending adoption by the Town Manager and the Planning Director and the marketing materials submitted by the state. There were multiple questions answered by two Energy Department Representatives who were present. Councilor Henry went over the advantages and the disadvantages that the subcommittee came up with during the meeting. After a great deal of discussion the subcommittee voted three to two to support adoption of the Stretch Energy Code and also voted to request that Councilor Page draft the bylaw based on samples the committee has received and reviewed. Councilor Henry stated the Bylaw Subcommittee intends to review the complete package at their next meeting and refer to the Council at their next meeting.

President Kane stated he had spent some time talking with Building Commissioner Kevin Duquette and found out that most builders are complying with about 95% of everything in the code. Out of 361 communities, 289 of them have adopted this.

2. Town Manager Performance Evaluation-

President Kane explained how the process works. Once the information is compiled, it is sent to him. There were approximately 17 suggested goals. It is up to himself to take suggested goals and any other information that himself or Mary obtains and sit down with the Town Manager and finalize goals. There were also 10 questions that were submitted that each Councilor participated in grading. Ms. McNally's grade was 95 plus percent approval. President Kane noted that is a stellar evaluation.

President Kane thanked Vice President Page for his help in deciding what was most important and what they felt was best for the community.

President Kane went over the goals that himself, Ms. McNally and Vice President Page agreed upon.

- Work on a process for Civil Service, either to exit or decide what is best for the community.
- Pursue opportunities regarding open space properties.
- Technology Improvement.
- ADP replacement.

Ms. McNally thanked President Kane for the opportunity to have input into what the goals will be.

Ms. McNally commented that these goals, in her opinion, are not achievable independent of third party assistance and typically a goal is something that a person can accomplish on their own. Ms. McNally stated that all the goals are very important and if she had to prioritize, she would put them in reverse order because that is how strongly she feels about helping our operational efficiencies.

*Councilor Henry made a motion that the Council indicate its approval of these goals. Councilor Richards seconded the motion **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

**New Business:**

1. Summary: Action Items for Next Meeting -Bylaw fee for the brewery-pouring permit.

*Councilor Richards made a motion to adjourn the Open Session Meeting. Councilor O'Connor seconded the motion. **Roll Call Vote- Councilor Page- Yes, Councilor O'Connor- Yes, Councilor Richards – Yes, Councilor O'Shea – Yes, Councilor Henry- Yes and President Kane – Yes. The motion passes 6-0.***

The Open Session Meeting adjourned at 8:32 pm. The next scheduled meeting is September 14, 2021 at 6:00 pm.

Respectfully submitted,

Jackie Sullivan  
Assistant Town Clerk

Documents: Agenda, Town Manager Report, Community preservation application Pine Knoll playground, Pine Knoll playground PDF, Stretch Energy Code information memo, Pouring permit renewal fees document, Open Session draft minutes from July 13, 2021, One Day Liquor License applications for Pine Knoll 8/20/2021, Pine Knoll 8/21/2021, St. Paul the Apostle 8/28/2021, Masonic Temple 8/28/2021 and Norcross House 9/5/2021, FY2021 Estimated turn backs memo, Crumbling Foundation PDF, Pace program information, Zoning Bylaw Cottage Food Operations information, Donation from Kevin Coughlin.