



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

TOWN COUNCIL

(413) 525-5400 ext. 1100

Kevin M. Manley, President
Michael J. Kane, Vice President Kathleen G. Hill
Paul L. Federici Donald J. Anderson
Joseph A. Ford Thomas C. O'Connor

MINUTES

Town Council Minutes
Tuesday, January 9, 2018 at 6:00 P.M.
Council on Aging Media Room, 328 North Main Street
East Longmeadow, Massachusetts 01028

Present: Michael Kane, Acting President, Donald Anderson, Paul Federici, Joseph Ford, Kathleen Hill, Thomas O'Connor, Thomas Florence, Clerk of the Council.

Vice President Kane opened the meeting at 6:00 p.m. with the Pledge of Allegiance, followed by a Moment of Silence. Announcements were made in accordance with Mass General Law, and it was noted that ELCAT was taping the meeting.

PUBLIC COMMENTS

Joe Occhiuti, 215 Allen Street, thanked the Council for the opportunity to address them regarding Town communications. Mr. Occhiuti said he has had concerns the last couple weeks with the communication from the Town to residents. One of these was the problems with the trash pick-up. In his case the trash pick-up was affected between Friday and Sunday and, therefore, he could not call the Town Hall to inquire about it. There have been two occurrences with trash pick-up in January. He said he was not at the meeting to complain, but wanted to share his frustration with the lack of communication on this subject.

Mr. Occhiuti's second issue was with Charter Spectrum television. He had called the local Charter office because his television wasn't working and the response was maybe it was his television (and not the service). After some time, he was connected to an out of country service person who let him know that a telephone pole had been hit and knocked out the transfer. His point was he had to get his information from someone in another part of the world, rather than the Town.

Mr. Occhiuti said he moved into Town about four or five years ago and he likes the Town. He would feel better if the people are better served with more effective communication. He said if the Council could straighten this out, he would greatly appreciate it.

Councilor Anderson said that the Council has recognized this shortfall and, therefore, created a Social Media Subcommittee to address this, and Councilor Anderson was the chair. He said there was a new program, Smart911, which is on the Town's Facebook page and website. He feels it is very underutilized, but it works when the information gets out to people. They have to find strategies to let people know to sign up. Facebook is one option, but the main option is the Town's website. You have to log in and then you can pick what information you want to receive. This system gives out a lot of good information and the trash pick-up updates were on there.

Mr. Occhiuti said he understands what Councilor Anderson is saying, and he is glad there is a program. His concern is that we have a problem with communication in general. He is tired of the “robot” calls, and mentioned that Charter does have a process through the Federal Communications Commission (FCC) to block robot calls.

Councilor Anderson reaffirmed that the Council recognizes Mr. Occhiuti’s concerns and the next Social Media Subcommittee Meeting is Thursday, January 11, 2018, from 5:00-6:00 p.m. at the Library. All meetings are public and are posted on the Town’s website and at the Town Hall.

ACT ON MINUTES AND MOTIONS OF OPEN SESSION MEETING OF DECEMBER 12, 2017

Motion: Councilor Hill made a motion to accept the Open Session Meeting minutes of December 12, 2017. Councilor Federici seconded and all were in favor.

ACT ON MINUTES AND MOTIONS OF EXECUTIVE SESSION MEETING OF DECEMBER 12, 2017

Motion: Councilor Federici made a motion to accept the Executive Session Meeting minutes of December 12, 2017. Councilor Anderson seconded and all were in favor.

SOCIAL MEDIA SUBCOMMITTEE REPORT

Councilor Anderson, Chair of the Social Media Subcommittee, felt he had already given his report with his response to Mr. Occhiuti’s concerns. Councilor Ford commented that when residents sign up for the Smart911 system, they can simply sign up for e-mail alerts, and Councilor Anderson replied that internet access and access to the Town’s website is necessary; you do not need to be on Facebook.

LICENSING SUBCOMMITTEE REPORT

Licensing Subcommittee Chair Kathleen Hill reported that this Subcommittee met on January 3 for the purpose of looking over the schedule of fees that had been adopted in early December for 2018. The reason being that a number of licensees had attended a recent Council meeting concerned by the late notice of the increase in fees. The Subcommittee reconvened for those concerns, and the same three licensees joined them at that meeting. Councilor Hill felt it was a very productive discussion of how, down the road, the Council can make new attempts, as a new government, to elicit feedback from their constituents so that the voter or business person is able to be heard by the Council.

Councilor Hill said they don’t have a final mechanism in place, but all were in favor of a roundtable discussion in a venue like the community area of the Council on Aging building. This would be a “give and take” communication and an opportunity for the Council to interact with their constituents and get feedback. She has brought this to the attention to the Town Manager and they hope to put something in place in the next two months to attempt quarterly roundtables.

Councilor Hill said the Subcommittee then discussed the suggestion of the licensees to consider a tiered fee structure that would be spread over five years. Some members of the Subcommittee were concerned about the legalities. The Alcoholic Beverages Control Commission (ABCC) only has the purview to delineate fees from year to year. She has asked the Town Attorney and Finance Director to review a tiered structure by the Council’s January 23 meeting so they will have direction and know how to move forward.

Councilor Ford said if the tier structure is not possible, would it be prudent to readdress and raise the fee by one third, and then the net balance for the next year. Councilor Hill replied that they will wait to hear from the Town Attorney and Finance Director.

LICENSING MATTERS**One Day Liquor License for Masonic Temple for January 13, 2018, 5:00 p.m. – 12:00 a.m.**

Councilor Ford commented that the applicant is asking for a waiver of the license fee because it is a non-profit fundraiser, but the Council didn't know what the fundraiser was. In the future, he would like to get more detail if the applicant is asking for a fee waiver. It is difficult to make a decision without that information. Councilor Hill said that when the Council approved the fee increase from \$10 to \$65, the Council would consider the waiver based on the nature of the organization and the nature of the event. She suggested at this point, the Council take no action. Councilor Anderson said the Masonic Temple is a regular applicant for one day liquor licenses. After discussion, the Council agreed to approve the license at this meeting since the event takes place before their next meeting, but the applications should be revised to ask for more information in the event of a fundraiser, and be sure to include the new fee.

Motion: Vice President Kane made a motion to approve the one day liquor license for Masonic Temple for January 13, 2018, 5:00 p.m. – 12:00 a.m., for a fundraising event (lecture) and waive the fee as requested. Councilor Hill seconded and all were in favor.

Pasquale's Ristorante Update from Town Attorney

Town Attorney Jim Donahue reported that there was a liquor license attachment by the creditor from the district court submitted to the Town Clerk. The attachment states not to transfer or otherwise limit the scope of the license as it exists without the authority of the court. At this point, it's just a notice not to do anything with the license.

Councilor Hill asked if this would tie up the potential for the property to be sold. Attorney Donahue said he's assuming that there is also an attachment against the real estate if it's owned by the same entity.

Councilor Anderson asked if someone holds a liquor license, what's the period of time for lack of use that it's considered abandoned. Attorney Donahue replied that the ABCC has an unwritten rule that if there is inactivity for six months, the license should not be renewed, but there is no hard and fast rule. Councilor Anderson then asked at what point does their license not become their license and becomes available to issue to someone else. Attorney Donahue said it doesn't happen unless there's some action taken by the Town, and the license would have to be revoked from the current holder. Councilor Hill asked him if the Council could do that, and Attorney Donahue responded that they would have to notify the court and challenge the effectiveness of the attachment. Councilor Hill said unless they have potential licensees lined up for that type of license there's no reason for urgency. Attorney Donahue said if we get near the end of the year and it's not resolved and the renewal comes up, you would want to resolve that attachment.

NEW BUSINESS**Amendment to Article V of Traffic Rules & Orders Regarding Parking of Commercial Vehicles**

Councilor O'Connor read a suggested motion to amend Article V of Traffic Rules & Orders regarding parking of commercial vehicles as shown in Attachment A.

Councilor Kane asked Attorney Donahue if this motion was phrased properly; that if a commercial vehicle shows up at a resident's house to put up a new roof, they would need written consent (from the East Longmeadow Police Department), and Attorney Donahue replied yes. Councilor Kane commented that a sider could be siding a house for three days.

Attorney Donahue said the reason the amendment was drafted that way was because there were commercial vehicles parked in residential areas without oversight, and without some kind of approval by the police department. He admits it is cumbersome for the police department, but feels if there is a commercial vehicle parked for a period of time in a residential area, that needs to be enforced.

Councilor Kane said there were numerous complaints received that people were bringing their commercial vehicles home from work and leaving them there for three weeks. Councilor Hill said if it's simply a hot water heater being replaced, and the vendor is there for three or four hours, who will know enough to contact the police department? How will the Town get the message out to the vendor or taxpayers? Councilor Ford said it seems like it's a lot of work for the outside vendor that won't know the rule, and suggested hours be limited; for example, no parking between 8:00 p.m. and 8:00 a.m.

Attorney Donahue said, in reality, if someone has a blocked sewer line and they call someone that has a business in Chicopee, they're now going to have to go to the police department, and it would be a function of the police department to make a determination. He suggested you could also limit hours of parking from 6:00 p.m. to 6:00 a.m. Councilor Federici said even in that case if a truck doesn't get to your house until 10:00 p.m. at night, who is going to call about that? If a building permit is taken out, then the Town knows a truck is supposed to be there. He agrees it is cumbersome.

Councilor Ford said they are trying to delineate two different issues: someone doing a temporary job versus someone who is keeping a commercial vehicle at their residence. He doesn't want to make it difficult for a tradesman to do their job. Councilor Kane said no one can guess how long a contractor will be at a residence. He has talked to the police department about this, and they are not looking for vendors providing their services. They are looking at those who are violating the bylaw. He feels they need more consideration than the hours they are parked, and wants to make it more appropriate to the offense, and not more difficult for the police department or the contractor. Councilor Ford suggested that this amendment be tabled. Councilor Kane will work with Attorney Donahue to rewrite the amendment to reflect the discussion of the Council.

Request of John Grimaldi for Amendment to Zoning Bylaw 3.092, Garaging or Parking Commercial Vehicles

Councilor Anderson said that the petitioner wants to be able to put his vehicle in his driveway without being hassled by Town enforcement. He said several years ago the Town's building inspector was on leave and another building inspector came in to a large number of complaints regarding tradesmen and the storage of their vehicles. He started enforcing relative laws that had never been enforced by the prior building inspector. A group of those adversely effected by that enforcement called a special town meeting and included a bylaw that would have negated it. The majority of the people at the poorly attended meeting were supporters of a proposition which said you could put a commercial building in one acre of space. As Chair of the Planning Board at that time, Councilor Anderson spoke at that meeting and said by the May Town Meeting you will have a satisfactory bylaw that will not have an unintended consequence. The group acquiesced and the Planning Board worked with a newly formed group, ELSBA (East Longmeadow Small Business Association), and put together a bylaw to address those specifically aggrieved people. One of the concerns the Town had was to make sure people were not using commercial vehicles in the neighborhoods. What we can address is, for streets like Lee Street, to see if it's fair for a person to keep a commercial vehicle of a certain size on the property within the current bylaw. However, we want to avoid the commercial vehicles becoming billboards advertising their businesses. Also, we have businesses that are growing and they can't support housing their commercial vehicles, so they have their employees take them home.

John Grimaldi, 102 Lee Street, approached the Council and asked how many complaints the Town gets a year. Mr. Grimald had a petition with him with ninety-one signatures, and asked again, how many complaints does the Town get? Councilor Anderson said complaints go to the building inspector, not the Town Council. Councilor Kane said Mr. Grimaldi is requesting a bylaw change which the Council would have to refer to the Planning Board. Councilor Hill would like to hear from the building inspector to see if he's on board. In response to Mr. Grimaldi's comment that someone is taking pictures of his vehicle, Councilor Kane commented that the building inspector has done that because of a complaint. The bylaw is

meant for everyone, and you can park your commercial vehicle in your garage. If it doesn't fit you can plant shrubs or put up a fence, and Mr. Grimaldi responded he just wants to park in his driveway. He wants to change the bylaw. Councilor Kane said he is not in favor of changing the bylaw at this point.

Councilor Hill suggested they hear from the building inspector to see how many active complaints he's had since he's come on board. Councilor Anderson suggested this topic be discussed at a future meeting with the building inspector included and open it up to the public. As it appears on this meeting's agenda, it is not a public hearing, and they can't take comments from the public. Not every driver of a commercial vehicle owns that vehicle. The Town needs to do what makes sense after weighing the pros and cons.

John Maybury 215 Prospect Street, addressed the Council and commented he has over forty employees who drive his commercial vehicles home. East Longmeadow is his hometown and he wants to earn a living and be productive, but the Town says you can't bring that vehicle home and park in your driveway. Councilor Anderson repeated that they have to be mindful of unintentional consequences of bylaws.

PUBLIC HEARING

Continuation of Public Hearing for a proposal for the liquor license authority (LLC) and permit-granting authorities of the Town to deny or revoke any local license or permit who has neglected to pay any municipal charges and is not in compliance with the State Building code, sanitary code and town bylaws, including all health, fire, and police and building codes

Vice President Kane said this is a continuation of a public hearing for the second reading of the bylaw as reflected above.

Ralph Page of 306 Prospect Street, approached the Council with a point of order. He said according to the Charter, Article 2, Section 6, (Town Bylaws), the entire proposed bylaw has to go in the paper. Any proposed bylaw has to be published (in a local newspaper) before a second reading, and he proceeded to read that Section from the Charter. Attorney Donahue agreed that a publication is required and some form or internet posting.

There was discussion amongst the Council, Attorney Donahue and Mr. Florence regarding this. Mr. Florence suggested they continue the hearing until January 23 and they will publish the bylaw before that meeting.

Motion: Councilor Federici made a motion to continue the public hearing to January 23, 2018 for a second reading to approve the liquor license authority (LLC) and permit-granting authorities of the Town to deny or revoke any local license or permit who has neglected to pay any municipal charges and is not in compliance with the State Building code, sanitary code and town bylaws, including all health, fire, and police and building codes. Councilor O'Connor seconded and all were in favor.

Continuation of Public Hearing for a proposed bylaw amendment to MGL Chapter 40, Section 57 regarding License and Permit Denials by changing existing language on overdue municipal charges from 12 months to 6 months

Motion: Councilor Federici made a motion to continue the public hearing for a second reading of a proposed bylaw amendment to MGL Chapter 40, Section 57 regarding License and Permit Denials by changing existing language on overdue municipal charges from 12 months to 6 months. Councilor Ford seconded the motion.

Councilor Anderson commented that the two previous motions did not include the date and time of the continuations which should be January 23, 2018, at 6:30 p.m. and 6:40 p.m., respectively.

Motion: Councilor Anderson made a motion to amend the original motion to continue the public hearing to January 23, 2018, at 6:40 p.m. for a second reading of a proposed bylaw amendment to MGL Chapter 40, Section 57 regarding License and Permit Denials by changing existing language on overdue municipal charges from 12 months to 6 months. Councilor Ford seconded the amendment and all were in favor to amend the motion.

Motion: Councilor Anderson made a motion to continue the public hearing with the approved amendment to *January 23, 2018, at 6:40 p.m.* for a second reading of a proposed bylaw amendment to MGL Chapter 40, Section 57 regarding License and Permit Denials by changing existing language on overdue municipal charges from 12 months to 6 months. Councilor Federici seconded and all were in favor.

Motion: Councilor Anderson made a motion to amend the motion to read to continue the public hearing to *January 23, 2018 at 6:30 p.m.* for a second reading to approve the liquor license authority (LLC) and permit-granting authorities of the Town to deny or revoke any local license or permit who has neglected to pay any municipal charges and is not in compliance with the State Building code, sanitary code and town bylaws, including all health, fire, and police and building codes. Councilor Ford seconded and all were in favor.

Public Hearing for a Zoning Map Amendment to rezone Parcel 18-38-0 (330 Chestnut Street) for Industrial Garden Park District to Mixed Use District

Vice President Kane opened the public hearing at 7:04 p.m. and introduced the Council members. Town Clerk Tom Florence read the legal notice into the record.

Frank Fitzgerald of Fitzgerald Law, 46 Center Square, and **George Kingston**, Planning Board Chair, approached the Council. Mr. Kingston said since the Council had not yet heard the change in the bylaw to create a mixed use district, it was not possible to change the zoning map. It doesn't make sense to assign a parcel to a district that does not yet exist. It was agreed by the Council and Mr. Kingston that the proposal for the creation of the mixed use district did not go to the Council for approval. The information for the proposal for the creation of the mixed use district has since been submitted to the Town Clerk.

Councilor Hill asked if, at this point, the Planning Board has done all the work that needs to be done for the Council to act. Mr. Kingston replied that there are some minor issues regarding how the sections are currently numbered, but that is all that needs to be done.

Mr. Florence commented that he has been in contact with Mr. Kingston and the goal is to have first readings of both proposals on February 13 and the second readings on February 27, at Council meetings, and the bylaws finalized at the February 27 meeting.

Mr. Fitzgerald said he is in full agreement and wants the Council to have the opportunity to fully vet the project. If there was any special way they would like to have the presentation, he would be happy to hear from them. The principles of the project are at tonight's meeting, and they will be back on February 13 with their presentation and detailed discussion.

Motion: Councilor Federici made a motion to continue the public hearing to February 13, 2018 at 6:30 p.m. for a Zoning Map Amendment to rezone Parcel 18-38-0 (330 Chestnut Street) for Industrial Garden Park District to Mixed Use District. Councilor Ford seconded and all were in favor.

Vice President Kane closed the public hearing at 7:12 p.m.

Public Hearing for Alteration of Licensed Premises for Gunther-Rowley Post 293, American Legion, Inc.

Vice President Kane opened the public hearing at 7:12 p.m. and introduced the Council members. Mr. Florence read the legal notice into the record.

Roger Kellman, Financial Officer of the American Legion, and Mike Flynn, bar manager, attended the meeting. Mr. Kellman addressed the Council and described the history of the American Legion. He also described the interior layout as it exists, and went over the details of the request as shown in the application. The main request is to add a 420 square foot patio that can be used for the warmer months for barbeques and special events.

In addition to the request for an Alteration of Licensed Premises, Mr. Kellman would like to make a number of changes regarding the American Legion's regulations. These include the ability to have the public served at the bar for monthly dinners and after the 4th of July parade. They would like members of the public to interact with the veterans. He would also like to include spouses, guests of members and members of the Sons of the American Legion, to be able to be served alcohol. Another change is to add the authorized hours to include Saturdays from 12:00 p.m. to 1:00 a.m.

After discussion amongst the Council and Attorney Donahue regarding Mr. Kellman's proposed changes to regulations, it was decided that Attorney Donahue would research what is allowable under ABCC regulations for a club license.

Motion: Councilor Federici made a motion to approve the Alteration of Licensed Premises for Gunther-Rowley Post 293, American Legion, Inc. Councilor Ford seconded and all were in favor.

Motion: Councilor Hill made a motion to adjourn to Executive Session for the purpose of discussing pending litigation regarding GMRC, Inc., coming back into Open Session only for the purpose of adjournment. Vice President Kane took a roll call vote: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; Councilor Ford – aye; Councilor Federici – aye; Councilor O'Connor – aye.

The Council reentered into Open Session at 8:10 p.m.

Motion: Councilor Anderson made a motion to adjourn at 8:11 p.m. Councilor Hill seconded and all were in favor.

Respectfully submitted,

Jeanne R. Guertin
Assistant Town Clerk