



TOWN OF EAST LONGMEADOW
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EAST LONGMEADOW, MA 01028

TOWN COUNCIL

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

MINUTES

Town Council Minutes
Monday, March 19, 2018 at 6:00 P.M.
Council on Aging Media Room, 328 North Main Street
East Longmeadow, Massachusetts 01028

Present: President Kevin Manley, Vice President Michael Kane, Donald Anderson, Joseph Ford, Kathleen Hill, Thomas O'Connor, Thomas Florence, Clerk of the Council.

President Manley opened the meeting at 6:03 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.

TOWN MANAGER REPORT

Town Manager Denise Menard gave her Town Manager report as reflected in Attachment A.

ACT ON MINUTES AND MOTIONS OF OPEN SESSION MEETING OF FEBRUARY 27, 2018

Councilor Anderson had minor amendments to comments he made during the discussion during the public hearing for the creation of a mixed use district.

Motion: Councilor Anderson made a motion to approve the Open Session Meeting minutes of February 27, 2018, with amendments. Councilor Hill seconded and all were in favor, with President Manley abstaining.

COMMUNICATIONS, CORRESPONDENCE AND ANNOUNCEMENTS

Town Clerk/Clerk of the Council Tom Florence reported on the status of the candidates for the local election. There are two incumbents, Tom O'Connor and Don Anderson, who took out nomination papers for the two seats available for Town Council; therefore, there will be no race for Town Council. Three candidates took out nomination papers for School Committee. They are Jonathan Torcia, Susan Mantoni and Sarah Truoiolo. March 29 is the deadline for candidates to withdraw, and if no one withdraws there will be a preliminary election on May 1 to narrow the three candidates to two.

SUBCOMMITTEES

Social Media Communications Subcommittee Report

Social Media Communications Subcommittee Chair Don Anderson reported that there would be another meeting set up soon. Since the last meeting Bill Cole, owner of Tiger Web Designs, has joined the Subcommittee. The Subcommittee's next task will be to create a media communications questionnaire that he wants every department head to have to find out how they get communication out to the public, what their goals are and what the target market is. Also, Councilor Anderson noticed that a Planning Board agenda item for an upcoming meeting was very technically written. This shows him that the Town needs to convey to the public in more understandable terms what is being discussed at meetings.

Planning Matters Subcommittee Report

Councilor Anderson is also the Chair of the Planning Matters Subcommittee and wanted to comment on the summarization of the votes taken by the Subcommittee at its first meeting. The first vote taken was unanimous with all Subcommittee members in favor of using a Special Permit versus a Site Plan Review (for the 330 Chestnut Street project). The second vote taken, also unanimously, was that the minimum lot size be 20 acres versus 40 acres. Councilor Anderson wanted to correct the summarization of the third vote, which addressed the height of the apartment building size being 50 feet versus 60 feet. He wanted to clarify they were talking about the pitch and angle of the roof, and 60 feet might work depending on the area and based on the surroundings. Regarding the parking spots, they support 1 space per bedroom, not 1.5 per unit. A flexible parking scheme was also discussed whereas additional parking space can be added if needed.

Also to be considered is the impact this project will have on the Town, and perhaps bringing this matter back to the Planning Board. Missing from the old form of government is town meeting, and in the past the Planning Board made sure a matter was sufficient enough to bring to town meeting. Is this project consistent with the master plan, and is it smart planning to give up industrial land for residential use. In addition, this project will have zero impact on affordable housing requirements for the Town.

The next meeting of this Subcommittee is Wednesday, March 21, and Councilor Anderson invited the public to attend. There will be a permanent town planner starting April 9, and Councilor Anderson said the Subcommittee will continue so they can have her input.

OLD BUSINESS**Proposed Charter Amendments**

Mr. Florence updated the Council regarding proposed Charter amendments. We are close to twenty months with the new government and the Charter. Mr. Florence asked the Council if there were any small tweaks or enhancements they wanted to make to the Charter in order to be more efficient. He discussed suggested changes already addressed in Article 2 and Sections 2 and 6 as referred to in Attachment B.

President Manley commented regarding the change of having a “reasonable synopsis” of a proposed bylaw published in a local newspaper instead of the full verbiage. Publishing the full verbiage of the bylaws has been expensive so far and budget wise it is difficult to predict how much money may be needed for this in a given year.

Mr. Florence would like to try to get the Charter amendments on the June 5 ballot, and with the Council’s approval would need to get the proposed language of the amendments to the attorney general’s office sixty days prior to the election (for approval) targeting April 5. He asked the Council to let him know if they had any other changes they want to propose and he will meet with the Town Attorney regarding the language.

NEW BUSINESS**Authorize Superintendent to Submit Statement of Interest Form to the Massachusetts School Building Authority for the Core Program for East Longmeadow High School**

Superintendent Gordon Smith thanked the Council for the opportunity to appear before them. He said this request is similar to last year’s in that he needs the Council’s approval in order to submit the Statement of Interest Form to the Massachusetts School Building Authority (MSBA). In this case, this request is for the Core Program for East Longmeadow High School, which will need the approvals of both the Council and School Committee. President Manley read the entire motion into the record as shown in Attachment C.

Motion: President Manley made a motion to authorize the School Superintendent to submit the Statement of Interest Form to the Massachusetts School Building Authority for the Core Program for East Longmeadow High School. Councilor Hill seconded and all were in favor.

Motion: Councilor Hill made a motion to take the Public Hearings out of order of the agenda to the present. Councilor Anderson seconded and all were in favor.

PUBLIC HEARINGS

Public Hearing for a Liquor License Transfer from Pasquale's Associates to Redstone Pasta Company

Councilor Anderson recused himself from this public hearing and explained he didn't have a conflict of interest with the public hearing; however, the attorney representing Pasquale's shares office space with him. President Manley opened the Public Hearing at 6:37 p.m. and introduced the Council members. Mr. Florence read the legal notice into the record.

George Akkouris, proposed buyer of Pasquale's, and his attorney, Joel Castleman, addressed the Council. Mr. Akkouris operates a restaurant Golden Irene's in East Windsor, CT, and he would like to open another restaurant in East Longmeadow. He makes everything from scratch, including the pasta and he would like to incorporate that to the next level. Mr. Castleman said that Mr. Akkouris has been in the restaurant business for over twenty years and has been operating Golden Irene's for fifteen. It is a small restaurant and he's done an excellent job with a full bar, and never has had a liquor license violation. Pasquale's is in a great location but needs a little work. Mr. Akkouris has already been to the East Longmeadow Fire, Building and Health Departments, and Mr. Castleman feels this is someone you would want in your town as a restaurant owner. Mr. Akkouris plans on having a staff of fourteen servers, five bartenders and eight cooks, and will hold monthly management staff meetings. His wife will take over the operation of Golden Irene's so he can concentrate on Redstone Pasta Company (the new restaurant replacing Pasquale's), and he distributed a sample menu. Also, he has had contractors looking at the building, he has a loan in place with Suffield National Bank, and will be ready to close as soon as the license is approved locally.

Mr. Castleman added that an issue arose last week whereas the Alcoholic Beverages Control Commission (ABCC) is now requiring a Certificate of Good Standing (COGS) from the Department of Revenue from the current licensee which is required for ABCC approval for the Transfer of License. He is asking that the Council approve the transfer contingent upon the receipt of the COGS. Also, there was a concern with a lien on the liquor license owed by the current licensee; however, that lien was paid off today and evidence has been provided.

The restaurant operating hours Mr. Akkouris is proposing are seven days a week, 11:00 a.m. to 1:00 a.m. with a regular menu until 10:00 p.m. each night and a late night menu until midnight. These are proposed hours at this point, and he will be flexible if necessary.

Councilor Kane wanted to clarify that at this point the applicant is looking for the transfer of the liquor license, which is contingent on the real estate sale of the property. If the sale doesn't go through the current owner will not sacrifice the license. The COGS document from the DOR did not concern him, and he asked when the closing is planned for. Mr. Castleman said that, if approved and submitted to the ABCC in the next few days, it would probably be with the ABCC for three to four weeks. Once they get ABCC approval they could be ready in five to seven days.

Councilor Kane told the other Councilors that he had gone to the Town Hall today and reviewed the application and documents, and is satisfied that real estate taxes owned by the current owner will be paid at the time of the closing.

Mr. Castleman said there are significant taxes to be paid, which will be paid out of the proceeds, and the sellers have confirmed that with their attorney; in fact, the amount collected at closing exceeds the amount of taxes owed.

At this time President Manley opened the floor for public comments. George Kingston, chair of the Planning Board, wanted to point out that the restaurant is under Special Permit and the zoning bylaw requires that a full menu be available whenever the bar is open.

Motion: Councilor Kane made a motion to approve the liquor license transfer from Pasquale's Associates to Redstone Pasta Company contingent upon the ABCC Transfer of License approval and the real estate closing. Councilor Ford seconded and all were in favor.

Public Hearing for Liquor License Change of Category from Wines and Malt Beverages Off Premises to All Alcoholic Beverages Off Premises for The Beer Shop

President Manley opened the Public Hearing at 6:55 p.m. and introduced the Council members. Mr. Florence read the legal notice into the record. Richard Caudill, owner of The Beer Shop at 33 Harkness Avenue, and his wife Tatiana Caudill, manager of the The Beer Shop, addressed the Council. Mr. Caudill said five years ago he applied for the wines and malt beverages license with hopes he would have a full liquor license in the future.

Randy White, 49 Harkness Avenue, appeared before the Council with his wife, Doreen. Mr. White said he is concerned with the units of measure the alcohol would be sold in, specifically nips, half pints and pints. He said there is an endless parade of people crossing his lawn and leaving those empty containers on his lawn. He also said from time to time The Beer Shop has tastings and asked the Town Attorney Jim Donahue if Massachusetts allowed sampling of hard alcohol. Attorney Donahue said you have to be licensed to have these types of activities and have a separate approval.

Mr. Caudill said their intention is to serve the community, and stay in the niche of craft beers and craft spirits, although he does understand the concerns about the nips.

Carl Perella, owner of the Heritage Village Shops where The Beer Shop is, said both Messrs. White and Caudill have been great neighbors. He added that Mr. Caudill has done an outstanding job serving the community. He took a chance opening The Beer Shop as a new business and has proved to be a very good business model doing a phenomenal job. Mr. Perella, said he hires a company to clean the area of debris. They employ handicapped people and they are hired to scour the premises once a week. He would be willing to extend that service to Mr. White's property, and added that any nips that are littered in the area are not coming from The Beer Shop.

Mr. Caudill commented that when they first opened there were containers littered in the lot of products they don't sell. Periodically, the police will come by and he feels it's gotten better. However, Mr. White feels it's remained the same, but added that he wants to see Mr. Caudill succeed and he's been a good neighbor. It was discussed that there were three package stores all in within one mile; however, one of those is in Springfield.

Mr. White said his last concern was that Peppa's by the Slice has a BYOB policy, and he feels they have untrained waitstaff. In their advertisements, The Beer Shop is mentioned. If they are advertising BYOB, a patron can buy a fifth of vodka next door at The Beer Shop and bring it to Peppa's, and Mr White feels this is a public safety issue. Mr. Caudill commented that their BYOB policy does not include alcohol. Ms. Caudill said that she and her husband are TIPS® certified and they can tell if someone comes from Peppas's and shouldn't be served in their store.

Mr. White said, in closing, if the Council does approve this Change of Category for The Beer Shop, could they put a restriction on the volumes of alcohol that can be sold. He expects if this is approved this will increase the amount of traffic that crosses his lawn and he's already spent \$2,200 in surveillance equipment.

Mr. Perella said he lived in East Longmeadow for sixty-one years and when Mr. Caudill asked him about his idea for a full liquor license it was a matter of dollars and cents for his business, and he would not want to see a good quality business leave town. It is important for the The Beer Shop to have this type of merchandise to profit, and he well deserves to have it.

James Burns of 52 Harkness Avenue said he lives across the street from Mr. White, and said it's not The Beer Shop's fault, but he is also concerned about hard liquors being sold. He recommends The Beer Shop to people and says it is an upper class store, but also fears there will be an increase in the nips on his property if they sell alcohol.

Mr. Caudill commented that when they are carding people they are predominantly from East Longmeadow, Hampden and Enfield. His goal is to sell the higher end alcohol. When someone comes in for a mix and match six pack of beer and wants to purchase a smaller container of alcohol to make a sangria he has to satisfy that customer. Also, he has talked to alcohol sales representatives and the way the industry works is the higher quality alcohol accounts go with higher volume sales.

Jim Garvey, owner of Eddie's Package Store on Allen Street in Springfield, said he is a competitor. His concern is not The Beer Shop getting the all alcohol license, but what happens in a couple of years if business isn't good. A liquor license in West Springfield was sold to Costco for \$750,000. He asked if there was any way, if approved, the license could stay with the location.

Attorney Donahue said that issue will never exist in East Longmeadow, and you cannot restrict the location of a license to a specific site. Once it's granted it is available to be transferred to any location.

Councilor Hill said she would like a little more time to think about this and drive around the area, and suggested they continue the Public Hearing until the Council's next meeting on Tuesday, March 27.

Motion: President Manley made a motion to continue the Public Hearing for the liquor license Change of Category from Wines and Malt Beverages Off Premises to All Alcoholic Beverages Off Premises for The Beer Shop to March 27, 2018, at 6:45 p.m. Councilor Kane seconded and a roll call vote was taken: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; President Manley – aye; Councilor Ford – aye; Councilor O'Connor – aye.

Continuation of Public Hearing for a New General Bylaw Prohibiting the Use, Growth, Cultivation, Manufacture and/or Sale of Recreational Marijuana

President Manley said the purpose of this continuation was for a second reading of the bylaw per the Charter. He opened the Public Hearing at 7:20 p.m. and Councilor Kane read the proposed bylaw into the record as shown on Attachment C.

Motion: President Manley made a motion to approve a new general new general bylaw prohibiting the use, growth, cultivation, manufacture and/or sale of recreational marijuana as read into the minutes at the February 27 and March 13, 2018 Town Council Meetings. Councilor Ford seconded and a roll call vote was taken: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; President Manley – aye; Councilor Ford – aye; Councilor O'Connor – aye.

Continuation of a Public Hearing for the Creation of a Mixed Use District from Industrial Garden Park District for Parcel 18-38-0 (330 Chestnut Street)

President Manley opened the continuation of the public hearing at 7:30 p.m. and introduced the council members. Mrs. Florence read the legal notice into the record.

John Taikina, Director of Real Estate Development of M & M Realty Partners and representing the property owner, appeared before the Council. He said he has attended two meeting with the Town Council Planning Matters Subcommittee and felt they were very productive. He also apologized for missing that Subcommittee's report that occurred earlier in this meeting.

Councilor Anderson said there will be another Planning Matters Subcommittee Meeting on Wednesday (March 21) and added there is very good news being that a permanent town planner had just been hired and she has extensive experience. She starts April 9 and he would love to have her involved with this matter. She was invited to the meeting on Wednesday and it was unsure if she was available to attend. Councilor Anderson suggested they continue the Public Hearing even further to the Council's April 24 meeting, and continue discussion with the subcommittee meetings in the meantime.

Mr. Kingston approached the Council and said he had heard an earlier comment regarding sending the matter back to the Planning Board for additional work. He said the process would be for the Council not to accept the Planning Board's recommendation and send it back with suggested changes. The Planning Board would then hold a new Public Hearing. Mr. Kingston added the sooner the Council decides they want to refer the matter back to the Planning Board, the sooner they can get the process going.

Councilor Anderson said he spoke with the interim planner Larry Smith, and he seemed to believe that the changes are so substantive, that referring the matter back to the Planning Board is probably what is going to happen.

Motion: Councilor Kane made a motion to continue the public hearing for the creation of a mixed use district from Industrial Garden Park District for Parcel 18-38-0 (330 Chestnut Street) to April 24, 2018, at 6:30 p.m. Councilor O'Connor seconded and all were in favor. A roll call vote was taken: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; President Manley – aye; Councilor Ford – aye; Councilor O'Connor – aye.

Continuation of a 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

Motion: President Manley made a motion to continue the 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 to April 24, 2018, at 6:45 p.m. Councilor Kane seconded and all were in favor. A roll call vote was taken: Councilor Kane – aye; Councilor Hill – aye; Councilor Anderson – aye; President Manley – aye; Councilor Ford – aye; Councilor O'Connor – aye.

FINANCIAL UPDATE

Town Manager Denise Menard told the Council she asked Finance Director Sara Menard to attend the meeting to see if the Councilors had any questions regarding the budget. Ms. D. Menard needs clear direction from the Council as a whole. She is hearing changes may need to be made to what was presented last year and the Council should discuss this.

Councilor O'Connor said he didn't see a five-year capital plan and they've had them before. There was discussion amongst some of the Councilors and Ms. S. Menard regarding this and they had been included

in the town reports. That information can be found on the Town's website, and Councilor Ford asked Ms. S. Menard to send them the link so they can easily access it.

Councilor Ford asked if adding bathroom facilities to the high school's turf field had gotten lost in the shuffle. He does not think that project should be part of the school's budget, since that field is not only for high school students, but also for younger kids and for the Town's use, and it keeps getting passed off year after year. The project needs to be done, but it shouldn't be put on the school every year because they have some really significant priorities. This project was meant to be finished, but we are now in year seven of the turf field and the project is still not complete.

Ms. D. Menard said she had discussed this with DPW Superintendent Bruce Fenney and he didn't feel it was the level of priority that he could put it in his capital plan. She added that the new Recreation Director started after the capital planning was submitted. With the organization in place we'll be able to add that to our priorities, but not in this year.

Councilor Ford commented that another year has gone by and next year someone has to own it and it needs to get done. Ms. D. Menard said there are some things that the Mr. Fenney works very closely with the School Superintendent, and that project was one that needs to be discussed by both sides. Councilor Ford said this needs to be resolved and Ms. D. Menard said will put on the radar again.

Ms. D. Menard then asked if there are any other priorities that should be looked at. Councilor Kane commented that the cost of students attending East Longmeadow schools that don't live in the community is approximately \$2M, and there is no safety net for decreasing penetration. He suggested creating a fund for a position, not necessarily a truant officer position, but someone that could screen people and vet them to make sure they are residents of East Longmeadow. If the school could save money by keeping non-resident students out of the system that money could be spent on the turf field, computers, etc. Ms. D. Menard said she would speak to the Superintendent about this.

There was more discussion regarding this topic and what policies are currently in place at the school to ensure families are East Longmeadow residents. There was general agreement that this was a frustrating situation, and the Council agreed with Councilor Kane this was worth exploring. Ms. D. Menard said as the school budget is being reviewed, that dialog could get started.

Councilor O'Connor was concerned about questions that already have been asked regarding town employee staffing and there was discussion that the present software system, Munis, has limitations and it is difficult to retrieve certain information from it. Councilor O'Connor said he understands the restrictions but still would like the answers to his other questions. Ms. S. Menard said she and Ms. D. Menard are working on that information.

Motion: President Manley made a motion to adjourn at 7:55 p.m. Councilor Hill seconded and all were in favor.

Respectfully submitted,

Jeanne R. Guertin
Assistant Town Clerk