



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

TOWN COUNCIL

(413) 525-5400 ext. 1001

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

MINUTES

Town Council Minutes
July 10, 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, Paul Federici, Joseph Ford, Kathleen Hill, Thomas O'Connor, Town Manager Denise Menard, and Clerk of the Council Thomas Florence.

President Manley 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

Theresa Borecki approached the Council on behalf of her photography and marketing business and thanked them for including her and other politicians in the parade. She took many pictures at the parade, and had a group photograph of those Councilors in attendance at the parade in addition to other attendees. She also had a banner of the same photo to present to the Council. The Council thanked her for the photographs.

COUNCIL COMMENTS

Councilor Federici commented that the parade was great fun, especially marching behind the militia. Councilor Anderson commented that Ms. Borecki posted her photographs on Facebook and they were incredible.

Motion: Councilor O'Connor then made a motion to take Agenda Item 8.C. Reorganization of Town Council Officers, out of order to the present. Councilor Kane seconded and all were in favor.

Reorganization of Town Council Officers per Article 2, Section 3 of the Charter

Councilor O'Connor nominated Councilor Hill as President of the Town Council. Councilor Anderson seconded and all were in favor.

Councilor Anderson nominated Councilor Kane to continue as Vice President of the Town Council. Councilor O'Connor seconded and all were in favor.

President Hill thanked the Council for their support.

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 JUNE 26, 2018

Motion: Councilor Anderson made a motion to approve the Open Session Meeting minutes of June 26, 2018. Councilor Ford seconded and all were in favor.

SOCIAL MEDIA COMMUNICATIONS SUBCOMMITTEE REPORT

Councilor Anderson, Chair of the Social Media Communications Subcommittee, said there was nothing new to report for this Subcommittee. Councilor Kane said he talked to some individuals recently that had seen Conservation Commission openings on the Town's Facebook page. Both of those people came forward to fill those positions; therefore, Councilor Kane wanted to commend Councilor Anderson's media communication efforts. This was a good example of how Town announcements reach residents through social media.

PLANNING MATTERS SUBCOMMITTEE REPORT

Councilor Anderson, Chair of the Social Media Communications Subcommittee, reported that there was nothing to report on this Subcommittee; however, he recently talked to Planning Director Connie Brawders regarding a matter that was voted on at last night's Planning Board meeting. A Wondering Spirit, recently approved for a beer and wine license by the Council, is applying for a Site Plan Waiver from the Planning Board and said they need a special permit because, regardless of how they present it, it's a bar, and East Longmeadow does not allow taverns, and that means they have to serve food. Councilor Anderson said that Planning Board Chair and Ms. Brawders all understand this. President Hill said they approved A Wondering Spirit for a beer and wine license and asked if they have to reverse that decision. Councilor Anderson said not necessarily; if they can come in with the approved Special Permit, and demonstrate food service as a restaurant, that's okay. If they come back with any deviations, then the approval is negated. It was agreed that it was a positive that the Planning Board is communicating with the Council on these issues and they are working together.

LICENSING MATTERS SUBCOMMITTEE REPORT

President Hill, Chair of the Licensing Matters Subcommittee, reported that the Subcommittee is somewhat in recess since they have addressed the license rates, and they are set for the balance of this year and next year.

Ms. Menard requested that the Town Manager Performance Review Subcommittee Report be placed on the agenda for the August 14 meeting.

SALARY SURVEY UPATE BY HUMAN RESOURCES DIRECTOR KARIN DECKER

Human Resources Karin Decker approached the Council and referred to the packet which was distributed to the Council, which included the Classification and Compensation Study and an outline on how the project proceeded, as shown in Attachment B.

Ms. Decker said the final report by The Collins Center was presented to her in March 2018 with their final recommendations. Right now she is meeting with the Town Employees Union (TEU) so they can understand the process. She has also met with Ms. D. Menard and Finance Director Sara Menard to go over the placements and they are just about finished. Ms. Decker added that even though it may seem like this took a long time, most wage studies take 1.5 to 2 years, so the fact that this study was done within a year is notable.

Councilor Federici asked if it would be an issue if the new figures were either decreasing or increasing. Ms. Decker replied that no one is going to lose money. If employees' salaries are a little more than the study shows, they will be "redlined", and their pays will be stagnate until they catch up.

Ms. Menard commented that this is happening at the same time as union negotiations, which is timely. The TEU seems to be understanding, and Ms. Decker said the salaries are pretty comparable to surrounding communities. Ms. Menard added that because there was enough money from a Community Compact grant they were able to conduct the wage study for the managers, as well.

Councilor Ford asked if the grade and step levels was all able to be tracked by Munis, and Ms. Decker responded that Munis shows where employees are currently and she can compare it to the wage scale and place them within the new grade system. He then asked, since most of the Town employees are part of the union, is the Town still in compliance with the new pay equity law. Ms. Decker replied yes, and in fact, the report does address that.

Councilor Kane said, in moving forward with the budget, are there any drastic changes to be made. Ms. Menard replied that there will be a total of \$70K that will be coming to the Council for funding, but this will be a one-time equity increase, and this will likely happen in September.

Councilor Ford asked if all the departments are now being paid biweekly and Ms. Menard responded that all are except for the DPW, which is pushing hard to stay on a weekly basis.

Councilor O'Connor asked where the firefighters fall. Ms. Decker replied that they are not part of the union, and President Hill added that they had an increase that was part of the approved budget for FY19. She then acknowledged that this study was a huge piece of work and thanked Ms. Decker.

Motion: Councilor Kane made a motion to take Agenda Item 8.B.1. Discussion of Combined Dispatch, out of order to the present. Councilor Ford seconded and all were in favor.

Discussion of Combined Dispatch

Councilor Manley commented that after the Council left their June 26 Executive Session there was some confusion on whether the direction was to continue to pursue a combined dispatch with Hampden or not. The "straw poll" that was taken indicated that they would not, but some people don't feel that way, and this is up for discussion.

President Hill said they were not violating Open Meeting Law since no vote was taken in Executive Session. The Council entered into a straw poll and a formal vote would have to be taken in Open Session. When the Council had the opportunity to participate in a regional dispatch back in the summer and fall, as a Council they had the chance to look into a contract. They had an opinion given by former Town Attorney Jim Donahue, and withdrew from the proposed contract. With that said, since there is a misunderstanding of the Council about where the Town stands, and there is no contract or written opinion by the Town's current Attorney Kevin Maynard, until the June 26 Executive Session minutes can be reviewed, President Hill is proposing a subcommittee be created. The subcommittee would work together and take advice from the Town Manager and any other players involved. The subcommittee should meet as soon as possible and be tasked with trying to get a very clear direction where the Council wants to go. Councilor Ford said he didn't believe it was within the Council's purview to review the contract, but only to understand it.

Attorney Maynard said his sense was there was a clear consensus at the Executive Session. He added that after reviewing the Charter it is the Town Manager's ultimate decision on whether to enter into a contract. He felt the consensus was clear, and if there was a rethinking of it, then so be it and he will wait for further instruction.

Councilor Ford felt this was a good lesson to be learned. The Council does not go into Executive Session very often. For him he would have liked some information beforehand to process. There was discussion at that Executive Session meeting with multiple department heads giving their opinions, and he's using that information; however, that was the first time he was hearing it. Looking back, Councilor Ford felt the Council could've handled this better. They should have had the information upfront and have questions prepared. He felt the Executive Session minutes were spot on. He would like to take a look at the information one more time, think it through, process it, make a decision, and move on.

Councilor Manley asked what happened at the meeting with the Hampden Board of Selectmen the day before. Ms. Menard replied that she had been invited, but was not allowed in, and there were three Council members in the meeting. President Hill commented that at this point that's a matter that needs to stay in Executive Session. Councilor Manley said there was an Executive Session in Hampden with members of the East Longmeadow Town Council to discuss the contract, and that violated the Charter.

President Hill referred to Councilor Ford's comments, and she'll be the first to say the Council made a misstep during the June 26 Executive Session, and never should have run with an idea of a straw poll. Ms. Menard asked if any agreement was made at last night's meeting with Hampden. Councilor Federici added that some of the Council members didn't know about the meeting in Hampden.

Councilor Ford felt this was a teachable moment and that they all want what's in the best interest of the Town. They should take pause and not be so quick to react. He did not know there was an option to attend a meeting in Hampden. There seems to be two different factions that are not communicating, which made a situation worse temporarily, and now they have to work harder to fix it. Ms. Menard is processing the information, and if we decide not to move forward, we have Plan B.

President Hill said the core of the matter is to decide if this dispatch proposal is a good business decision for the Town of East Longmeadow and nothing else. Councilor Ford said in the future if a situation like this arises, there needs to be communication to the full Council. If he knew of that meeting, he would have advised not to go.

Ms. Menard said two days after the June 26 Council meeting she received notice there would be an Executive Session meeting of the Hampden Board of Selectmen and she would be invited. This would be appropriate since she has the authority to sign a contract. Since all the Council members couldn't be present, she wanted someone else in attendance with her so she invited Councilor Manley, who was the Council President at the time. The Fire and Police Chiefs were unavailable to attend. She felt it was less appropriate to have Vice President Kane with her because he is an employee of Hampden. She and Councilor Manley arrived at 5:55 p.m. for the 6:00 p.m. meeting and the meeting was already in session. They waited fifteen minutes in the hallway and was told twice by the recording secretary to stand back and not enter the meeting.

Councilor Kane said he found those facts inaccurate, and Councilor Manley said the Councilor Kane should be recused from any discussions regarding the combined dispatch with Hampden. President Hill asked if any other Councilors wanted to express any comments.

Councilor Anderson said he had to agree with Attorney Maynard, that the Council looks to the Town Manager to negotiate a contract, and the Council is the "purse" side that decides the funding. Regarding the matter from the last meeting, he would like a couple weeks of discussion, then hear any

concerns from the Town's Police and Fire Chiefs. He understands very clearly that in the June 26 Executive Session there was nothing binding, they were just getting a pulse of what the Council thought. If the terms are being changed, then let Hampden come back to us with a new proposal that is fair. The Council is representing the residents of East Longmeadow, and has a fiduciary duty to those residents.

Councilor Ford felt they are entering into a complicated marriage, and since the last Council meeting something changed, but the full Council wasn't made aware of the change. To be clear, the Council will not look over the contract, that is the Town Manager's responsibility. They need to take one more look to make sure they are doing their due diligence. Ms. Menard was concerned what a subcommittee will be doing, and its purpose, if they would not be looking at the contract. Why can't the opinion of the Town Attorney and her recommendation come to the full Council?

Councilor Ford said maybe that is fair, but in hindsight, the Council listened to the opinions of five department heads, which was unproductive. He would like at least forty-eight hours to review the information, and feels the Council doesn't need a subcommittee. Councilor Federici said, to Ms. Menard's point also, what can a subcommittee do if the Council can't negotiate a contract?

President Hill said when the Council visited the Chicopee proposal for a regional dispatch, they had a proposed contract and a written opinion from the former Town Attorney Jim Donahue. They then took a vote in open session. For this situation the Council has not looked at a proposed contract and only has the opinions by the department heads that are subjective. A subcommittee would meet with Ms. Menard and Attorney Maynard, and others as necessary to receive the pros and cons from their perspectives.

Attorney Maynard said he would be happy to meet with members of a subcommittee, but as far as he knows there is no proposed contract at this point. He met with Hampden's Town Attorney Rose Crowley, and there is a document, but there is no agreement or terms.

President Hill said she would look to Attorney Maynard to give his recommendation on the aforementioned document. She would do the same with Ms. Menard and the Police and Fire Chiefs, then have a subcommittee come back to the Council to make a recommendation, and would discuss in Open Session, unless directed to meet during Executive Session by Attorney Maynard.

Councilor Federici commented that if a recommendation is given to a subcommittee, and a subcommittee is giving that to the Council, just give the recommendation directly to the Council. Attorney Maynard said that could be done in Open Session, and Councilor Federici asked that Attorney Maynard give the Council his opinion, with no financial information and no specific terms, but give an overview and state if this is a good idea or not.

President Hill said the purpose of a subcommittee is to do the homework and give the Council the information gathered and a recommendation. Councilor Manley asked why the Council couldn't do that during their meetings. Councilor Anderson suggested that instead of a subcommittee, have the Council President do some fact finding, and determine whether that information should be shared in Open or Executive Session. Ms. Menard said that's what former Council President Manley's role was, and the President is more aware day to day of the Council's business. Councilor Anderson felt they already have a subcommittee with the Town Manager and the department heads.

Motion: Councilor Federici made a motion that the Council President represent the Council to fact find and gain information from the already existing committee, consistent with the Charter, with a more descriptive opinion, to give direction to the Council by August 14, 2018, to enter into a combined dispatch with Hampden, or not. Councilor Anderson seconded and all were in favor.

Municipal Separate Storm Sewer System (MS4) Presentation

DPW Superintendent Bruce Fenney addressed the Council and introduced Fred Civian of the Department of Environmental Protection (DEP) to discuss how the Municipal Separate Storm Sewer System (MS4) permits will affect the Town and to answer any questions.

Mr. Civian approached the Council and thanked them for the opportunity to speak to them. He explained that 260 of Massachusetts towns are facing an increasingly detailed set of requirements to reduce pollution from stormwater. The DEP looked at rivers and streams and most have too many pollutants to meet water quality standards. The pollutants are not coming from wastewater and individual facilities; they are coming from stormwater. In 2003 the Environmental Protection Act adopted the first MS4 permit; however, the amount of detail is new and expands the scope of responsibility to more than the DPW. The new permit has about 225 separate requirements. One example is that you need to sample every outfall you have during the first three years of the permit. Stormwater systems do not have treatment facilities unlike sewage systems. Intensive public education to residents and commercial industries is needed to explain what stormwater pollution is, where it comes from and what we can do about it.

Ms. Menard asked about the other towns (besides the 260), and Mr. Civian replied that the town requiring compliance is based on population and the very small towns are not included. He referred to the Summary of Major Requirements as shown in Attachment B, and explained that the requirements are staged over a number of years. He added that the Conservation Commissions have been doing this kind of work since 1997, and the new federal requirements will have to involve the Planning Board and rules for developments and redevelopments will have to be revised.

Councilor Anderson asked if there was any federal or state money available to help fund MS4. Mr. Civian said there is some, and some towns are forming coalitions and writing one model documents to be shared. Councilor Anderson asked if there was funding available through the Pioneer Valley Planning Commission (PVPC). Mr. Fenney replied that the PVPC is working on public outreach videos and other educational materials. They have been a great asset to East Longmeadow and are helping them move forward.

President Hill said this is a pretty comprehensive mandate for towns, and asked Mr. Fenney how he is feeling based on the tremendous amount of added work. Mr. Fenney responded that it will be a learning curve. For example, right now street sweepings are considered waste and he hadn't taken that into consideration. Also, road salt dissipates; therefore, towns are moving away from sand and using strictly salt.

Mr. Fenney added that even though it is a learning process, he feels he is ahead of the game. Two interns have started testing and the stormwater systems have already been mapped. He will be coming to the Council for some funding, some of which is planned from the enterprise fund. Mr. Fenney added that some communities are not even considering MS4 because they don't have the money to fund it. However, the previous DPW Superintendent started preparing for it for a long time knowing that it was coming.

Mr. Civian offered the Council and anyone else his contact information and invited them to call or e-mail him if anyone had any questions.

Motion: Councilor Kane made a motion to adjourn at 7:22 p.m. Councilor Federici seconded and all were in favor.

Respectfully submitted,

Jeanne R. Guertin
Assistant Town Clerk