



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

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**TOWN COUNCIL**

(413) 525-5400 ext. 1100

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*Donald J. Anderson*                      *Ralph E. Page*  
*R. Patrick Henry, Jr.*                      *Marilyn M. Richards*

**BYLAW COMMITTEE MEETING**

August 4, 2021  
Via Zoom Webinar

Present: Councilor Pat Henry, Councilor Ralph Page, Deputy DPW Superintendent Tom Christensen, School Committee member Bill Fonseca, Town Clerk/Clerk of the Council Jeanne Quaglietti

Also Present: Mark Rabinsky and Will D'Arrigo, Massachusetts Department of Energy Resources

Committee Chair Henry called the meeting to order at 2:32 p.m.

Motion: Mr. Fonseca made a motion to approve the February 24, 2021 minutes. Councilor Page seconded and all were in favor via a roll call vote.

Chair Henry stated that the Bylaw Committee was being asked by the Town Council to recommend to the Council whether or not they should be adopting the stretch energy code. If adopted, the Town could become a Green Community. The Bylaw Committee has also been tasked with drafting the adoption language.

Mark Rabinsky, Regional Coordinator for the Massachusetts Department of Energy Resources, was present and said if adopted, the stretch energy code would be added to the Town's general bylaws and added to the energy code. He further explained this would pertain to only new construction, and all new buildings. Mr. Rabinsky also said that Chapter 25A calls for the installation of energy-efficient equipment, and the only way to meet that requirement is to adopt the stretch energy code.

Councilor O'Connor asked if the state oversees this, and Mr. Rabinsky replied that the building inspector is required to enforce this. Councilor O'Connor then asked what is the potential penalty to builders? Will D'Arrigo, also of the Massachusetts Department of Energy Resources, replied there is no penalty. The discussion would be between the building inspector and the builder. Councilor O'Connor said if builders are already complying with what's in the stretch energy code, why are we implementing a new law? Mr. Rabinsky responded because East Longmeadow is interested in being a Green Community and Criteria #5 is to adopt the stretch energy code.

Councilor O'Connor asked what this would do to the Building Commissioner's office; is there more work for them to do? Mr. Rabinsky said he has talked with Building Commissioner Kevin Duquette and Mr. Duquette is familiar with the code. Mr. D'Arrigo added that there are already close to 300 communities that have adopted the stretch energy code, and many of the building commissioners like this avenue.

Chair Henry had received an email from Mr. Duquette in which Mr. Duquette stated that the current Massachusetts codes are almost the same as the stretch energy code, and this would create no real changes for most homeowners and builders since they already comply.

Chair Henry said that in the Council Rules it states that when information is presented, there should be a list of pros and cons, and they've heard all the pros. He can think of the following cons: this is not really necessary to mandate if most builders already comply; once adopted, the Town must agree to any changes without any recourse; there is no financial incentive; and this could add to construction costs.

Councilor Page noted that the last time this was raised with the Board of Selectmen it was rejected. In that early process builders felt there were two separate guidelines, a stretch code and the regular code. Therefore, they would have to build differently based in the town in which they were building. Council Page went on to say that he recently talked to builders and the builders now find that most of their clientele want to build with all energy savings. There are no issues anymore since houses are already complying to the stretch energy code. Councilor Page commented that this was a problem five or six years ago, but most of that has been alleviated.

Councilor Page had submitted to the Committee sample language for adopting the stretch energy code that came from Charlton. This is not the same language as what Mr. Rabinsky had submitted to the Committee. Councilor Page will create a document that will be specific to East Longmeadow and send it out to Committee members.

**Motion:** Mr. Christensen made a motion that Councilor Page create sample language for the Town of East Longmeadow's adoption of the stretch energy code, and Councilor O'Connor seconded.

There was more discussion regarding Charlton's language, and it was agreed that East Longmeadow doesn't have to use the same language. There was a roll call vote and the motion passed unanimously.

Chair Henry then focused on the task of recommending to the Council whether or not to adopt the stretch energy code. Councilor Page said that based on the fact that 289 of 351 Massachusetts communities have adopted this and all the builders he talked to are already implementing it, he would agree that the Town should adopt it.

Chair Henry repeated that he didn't think it was necessary if builders are already doing it and it adds expense if it is mandated. Councilor O'Connor also felt it would add undo expense to builders.

Mr. Christensen commented that in order to be a Green Community, adopting the stretch energy code is a requirement and we would be missing out if we don't adopt it. Also, Mr. Duquette is okay with it. Councilor Page felt that if the builders are already doing it and codes are almost identical he didn't see the drawback or a reason not to do it.

**Motion:** Councilor Page made a motion that the Bylaw Committee recommend to the Town Council that they adopt the stretch energy code, and Mr. Fonseca seconded.

Councilor O'Connor said that part of the process for many years has been that they should receive information in a timely manner, with a list of pros and cons. Based on that, this information is incomplete. Chair Henry said he understands this and agrees, but in this case, this should have been presented to the Council at a Council meeting, but the Council voted to send it to the Bylaw Committee for a recommendation.

A roll call vote was taken: Councilor Page-yes, Mr. Christensen-yes; Mr. Fonseca-yes; Councilor O'Connor-no; Chair Henry-no. The motion passed 3-2

Chair Henry said the recommendation will be made to Council, and the Bylaw Committee will recommend it be implemented January 1, 2022.

Councilor Page will check the Town's draft ecode and other towns regarding a possible location for the code. Chair Henry suggested that a location be chosen from both the current bylaws and the draft ecode.

Chair Henry then discussed the General Code agenda items, and said there is a Schedule A, which is 44 pages, and reflects what we had sent to the Council. He asked the Committee if they thought it was necessary to divide this amongst the Committee members to review.

Ms. Quaglietti said she had taken the table of changes that the Committee had last sent to General Code, and compared it to both the paginated version of the draft as well as the online version and saw that everything was covered except for the storm water rates in Chapter 75. She had sent that to Councilor Page asking him to review if he had time. Ms. Quaglietti also questioned Claudia Zuch of General Code about this. Ms. Zuch had replied that the Committee had contradicted itself over the past reviews and she put together the section based on her interpretations of all our submissions on this subject. Ms. Quaglietti said based on her experience in working with Ms. Zuch, she would trust Ms. Zuch's judgment; however, she will send this material to the Committee for their review.

Mr. Christensen said he has been through up to  $\frac{3}{4}$  of the document and so far hasn't seen anything, and Mr. Fonseca said the same.

Chair Henry had a question of whether General Code had all the changes we have made in the past two years. Ms. Quaglietti said she had sent General Code any bylaw changes up to the general and zoning bylaw changes relative to kennel licenses, and had also sent the most current Charter with the changes that had been voted on at the June election.

Ms. Quaglietti commented that she sent the Town Attorney Jesse Belcher-Timme the suggested adoption language provided by General Code. He had just left on vacation, but will review the language upon his return.

Councilor O'Connor said they should take another look at the Traffic Rules and Regulations, and perhaps have Police Chief Mark Williams look at it. Ms. Quaglietti explained a recent issue that related to commercial vehicles and the current Traffic Rules and Regulations did not include the change in commercial vehicles rules that was approved in 2018. She sent Chief Williams the current Traffic Rules and Regs, as well as the ecode draft, and the changes that were made from the current to the draft version. Ms. Quaglietti will contact Chief Williams to ask him if he had reviewed that.

Motion: Councilor O'Connor made a motion to adjourn at 3:29 p.m., seconded by Mr. Christensen. All were in favor via roll call vote.

Respectfully submitted,

Jeanne R. Quaglietti  
Town Clerk/Clerk of the Council