



TOWN OF EAST LONGMEADOW
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EAST LONGMEADOW, MA 01028

TOWN COUNCIL

(413) 525-5400 ext. 1001

Michael J. Kane, President
Thomas C. O'Connor, Vice President *Kathleen G. Hill*
Donald J. Anderson *Ralph E. Page*
R. Patrick Henry, Jr. *Marilyn M. Richards*

Approved 9-22-2020

MINUTES
Town Council Meeting
August 11, 2020 at 6:00 pm
East Longmeadow, Massachusetts 01028

Present: President Michael Kane, Vice President Tom O'Connor, Pat Henry, Ralph Page, Marilyn Richards, Don Anderson and 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: None

Council Comments: None

Town Manager Report: Town Manager Mary McNally stated the report tonight is brief; as she was away last week. Ryan Quimby served as the acting Town Manager during that week and he advised her on her return that it was business as usual. We are now entering a period of time where hopefully we can reflect upon and review some of the obstacles that we faced in Fiscal Year 20 and figure out ways to better deal with them and make improvements, which is what we are always trying to do, improve our operations.

Ms. McNally stated that the Finance Office has a tall order pending. As you know Steve Lonergan just came into the town's employment in early July and they have a laundry list of items to catch up on to bring the Finance Department up to snuff. They are meeting on Thursday, as they are recently in receipt of the Fiscal 19 Draft Management Letter. There is a list of tasks that are delinquent based in large part because of the lack of staff in that office. The office should have four staff members, but has been operating essentially with two people for about seven or eight weeks. They are making progress but it is a slow haul and they want to do everything right and thoughtfully so they ask for the Council's indulgence and patience on these financial matters that have been pending for a while.

Ms. McNally reported that they did receive good news on the financial front; the Legislature has indicated that the funding levels will match FY20 for both Chapter 70 and for the unrestricted government aid. In

the budget that was passed we factored in what was roughly a 12% decrease in the unrestricted government aid line item. This will provide us with a bit of breathing room on our budget.

Unfortunately, the Corona Virus continues to dominate our focus and attention in Town Hall and throughout the School Department as well. Ms. McNally stated that she is sure the Council is aware that the School Committee decided to go to an all-remote educational system starting this fall, as have most other communities in Western Mass. Unfortunately, it puts us in a position where every time we try and get optimistic and work on a new project we find that we are bogged down by virtue of the fact that we have to be mindful of health considerations and the practical consequences that it imposes on our Town Hall operations. Every once in a while an employee shows up for work and is not feeling well then they have to go get a Corona test. There have been several instances where we have had to do contact tracing and it slows down certain departments operations as a result of this virus. It is certainly no one's fault; it is just an ongoing burdensome issue that overwhelms us at times.

The storm last week caused severe power outages, downed tree limbs, spoiled food in just about everyone's refrigerator, lack of cell service in some instances and there was also a water main break in downtown Springfield which caused enormous problems.

There were some residual difficulties with Westcomm Communications as a result of the storm. The system was overwhelmed with calls and there were over 2,000 calls in a 90 minute period. Chief Morrisette and Chief Dalessio attended an operational after event meeting at Westcomm. At the meeting they analyzed what went wrong and how it can be fixed in the future. The plan for the future is that they are going to install some additional computers, extra phones and specific dispatchers identified for East Longmeadow Fire and Police as well as for the other communities.

Ms. McNally worked with the Recreation Department this week; they are trying to get started again on resolving the outstanding issues on the open space plan. Pine Knoll also suffered some significant outages due to the storm that caused the camp to be closed for a week.

Approval of Minutes:

Approval of July 14, 2020, Open Session Minutes-

*Councilor Page made a motion to approve the Open Session Minutes of July 14, 2020. Councilor Richards seconded the motion. Councilor Richards and Councilor Page had some corrections. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

Communications, Correspondence and Announcements: None

Councilor Richards made a motion to move item 8A on the agenda and defer to item 9A. Councilor O'Connor seconded the motion. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.**

Orders of the Day:

A. Licensing Matters

1. Update from the Town Council Licensing Committee – Policy for Revocation of License
Councilor Hill, Chair of the Committee, reported that the Licensing Subcommittee met on July 20, 2020 to discuss a situation with some of our liquor licenses. The Committee wanted to address what the Local License Authority recourses were for licensees who hold a license and do not use it. All towns are awarded a certain number of licenses based on town

population explained Councilor Hill. East Longmeadow's quota is 30 licenses across a variety of categories. There are no more licenses to award at this time and we have three holders that are not using the licenses to the extent that it was given. Councilor Hill stated that Councilor O'Connor sought advice from the ABCC. The ABCC gave some broad guidance but it is still subject to Local Authority. The committee felt that it would be reasonable to establish a policy that speaks to the fact that if a licensee is not using the license for which it was intended to the fullest extent then an administrative hearing would be called with that licensee. The license holder would be asked to attend a Council meeting and give legitimate reasons why they are not using the license the way it was intended. If it does not satisfy the LLA then we would establish a six-month period where if they do not use it then we would revoke it. The Committee will ask the Council to approve the policy that the Subcommittee recommends stated Councilor Hill. Councilor Hill said that at the close of the meeting it was recommended that friendly letters would be sent to the three establishments explaining their concerns.

Councilor Henry who is on the Committee, wanted to point out the actual recommendation that they made which was; the Liquor License Subcommittee recommends that the issuance of unused licenses be addressed on an individual basis by the LLA rather than creating a bylaw.

Councilor Richards added that when she was on the Board of Selectmen and they were the LLA they never had pocket licenses. It was always the position of the Town that if a license was inactive we brought in the applicant and if there was a legitimate concern we would give them a short period of time, but by and large those licenses came back if they were not being used. Councilor Richards is finding it frustrating that we have deviated from what was a pretty well established precedent years ago.

Councilor Page asked why the extended six months for them to bring it current. Councilor Page thinks if we brought the applicant in front of us and they had good reason then the LLA at that time, based on the reason, could make a decision in two or three months. Councilor Page thinks that six months is lenient because typically we are not going to bring someone in unless they have not been using the license for at least six months.

President Kane stated there were discussions on time frame and it being the first warning of the LLA for taking any kind of corrective action. We wanted to give everyone a little bit of lead time.

Councilor Hill stated they are hesitant to just put a blanket policy out there. Because it happens so infrequently that is why it would be treated on an individual basis.

Councilor O'Connor stated that when he had a discussion with the ABCC their strong words of recommendation was a six-month window but it is up to the LLA to set a time frame.

*Councilor Henry made a motion that the Town Council approves the process for the revocation of liquor licenses as presented by Councilor Hill on behalf of the Town Council Licensing Committee. Councilor Richards seconded the motion. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

Public Hearings:

A. 6:30 p.m. - Continued from July 14, 2020, for a Proposed Bylaw for Ground Mounted Photovoltaic Systems Moratorium – President Kane opened the Public Hearing at 6:30 pm. Town Clerk/Clerk of the Council Jeanne Quaglietti read the notice into the record.

Councilor Page stated that the petitioner is the East Longmeadow Planning Board and the representative is Russ Denver. Councilor Page read the bylaw into record as shown in Attachment A.

Russ Denver agreed with the bylaw that Councilor Page recited.

There were no comments from the public on the bylaw. President Kane closed the public comment portion of the hearing.

Council Comments- Councilor Henry stated that originally when this was presented he thought it would involve all districts and now it is just targeted towards the residential district. Councilor Henry wants to be sure that is exactly what is being proposed. Councilor Henry also asked about the date, he believes our lawyer recommended the date of June 30, 2021 rather than September 1. Councilor Page stated that what the lawyer originally said was it should be at least one year out and it could go up to 18 months but it cannot go any more than that because the AG would not approve it. By the time we got through this meeting and got everything done Councilor Page figured it would be about a year, which is where the September 1ST date comes from.

Councilor Anderson stated this is in no way an anti-solar bylaw; this is actually a chance for the Town to formulate a proper plan.

*Councilor O'Connor made a motion to approve the proposed bylaw for Ground Mounted Photovoltaic Systems Moratorium as presented. Councilor seconded the motion. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

President Kane closed the Public Hearing at 6:43 pm.

*Councilor Hill made a motion to move out of order on the agenda to Item 9. Councilor Richards seconded the motion. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

Old Business:

1. Update from the Town Council Planning Matters Subcommittee - Councilor Anderson stated that the mixed use district bylaw was at the request of the East Longmeadow Planning Board. The Council has a copy of the draft in their packet. Councilor Anderson praised the members of the Committee for all of their hard work. This product is a mixed use village district and the purpose is that people in East Longmeadow have an option in our zoning. A development going through site plan review and the process will be able to have residential components, complimentary business, commercial, open space and also recreational. This is also going to try to encourage the use of public transportation. Councilor Anderson stated there is a lot of work behind this and the impetus behind this is the East Longmeadow Planning Board. Their challenge was not to design a bylaw specifically for one project but one that would serve the people of East Longmeadow. They have had a lot of meetings and comments over time and reshaped the bylaw. They put in a scale where 10% of the residential component would be affordable housing.

Councilor Anderson stated that they are very desperate for the Public's comments. These projects are huge and will hopefully have a positive impact in East Longmeadow but they really need to hear from the Public what their thoughts are. The draft will be on the Town website and they would welcome any critiques or comments.

Councilor Page thanked Councilor Anderson for all of the hard work he put into this, it is greatly appreciated. Councilor Page stated the product they are submitting to the whole Council is very in depth and it is important to really read through it. Councilor Page is hoping the citizens will read it and come out to the Public Hearings.

Councilor Richards stated that when they had the original proposal there were a maximum of 600 units that was shaved down and now the maximum would be 480. Of that maximum 10%, 48 units, would be affordable units. When they went through the project they were very specific with language that the affordable units would not be designed in any way different from any of the other units. We hope the 48 units will be directed towards East Longmeadow residents. There is a provision in there for home preference. It is important to know that in every step of the way that we had East Longmeadow on the table with us, stated Councilor Richards.

President Kane thanked everyone who participated in this.

New Business:

1. Proposed Bylaw for Prohibiting the Growth of Bamboo in East Longmeadow - Bob Black

President Kane stated that the Council has received many documents for the proposed bylaw and they are here tonight to vote on the bylaw and to give Mr. Black an opportunity to speak on the documents he submitted.

Bob Black of Edmund St. stated he has been a resident here for 36 years. Mr. Black stated this idea of prohibiting bamboo is in response to his neighbor planting quite a bit of bamboo. Mr. Black went over some of the dangers of bamboo. Bamboo is one of the most invasive plants; it is not only invasive but dangerous as well stated Mr. Black. It is a fire risk and can also lead to infestation. Mr. Black feels that the bamboo is attracting a lot of unwanted animals and he would like a bylaw prohibiting bamboo based on all the information he has supplied the Council.

Councilor Henry understands that this is a real problem for Mr. Black as a result of what appears to be invasive species from his neighbor. Councilor Henry cannot find bamboo on the list of invasive species on the State website, which lists over a hundred nuisance and invasive plants. Councilor Henry also stated that he found out that there are different types of bamboo. Mr. Black stated that in the state of Massachusetts it is illegal to sell bamboo and there are other cities and towns that prohibit you from growing it.

Councilor Anderson echoed Councilor Henry's comments about the different types of bamboo. Councilor Anderson does not know if an all-out ban would work

Councilor Richards thanked Mr. Black for doing extensive research. Councilor Richards stated that she is struggling with this proposal because she gets the sense that the focus of the bylaw is stemming from an issue with his neighbor and asked Mr. Black if he tried to solve the issue with the neighbor and if the neighbor is aware of the invasiveness of this product. Councilor Richards

stated in her opinion this would not be a Planning Board issue but more of a general bylaw and there is a lot of information that would need to be researched.

Councilor Henry made a motion to deny the proposal for a bylaw prohibiting the growth of bamboo in East Longmeadow. Councilor Page seconded the motion.

Councilor Hill thanked Mr. Black for providing the background information. Councilor Hill appreciates the struggle Mr. Black is having in his neighborhood and would like to know how prevalent bamboo is in the community. Councilor Hill thinks that we should ask the Conservation Commission to get involved.

Councilor Henry understands Mr. Black's concerns however it is not on the Massachusetts list of nuisance and invasive plants which is a big deal to him as a Town Councilor. Councilor Henry hesitates to go to the Planning Board or the Conservation Commission with this because he is not certain that it would result in a bylaw.

Councilor Page stated that if we passed a bylaw, who is going to go out and determine whether it is running bamboo, clumping bamboo or Japanese knotweed. Councilor Page believes it would be a bylaw that is not enforceable.

Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.

Public Hearings:

- B. 7:00 p.m.- Proposed Transfer of License, Pledge of License, and Change of Location, from The Beer Shop, 33 Harkness Avenue, to CPM Liquors, Inc., dba Heritage Plaza Liquors, 406-436 North Main Street. President Kane opened the Public Hearing. Town Clerk/Clerk of the Council Jeanne Quaglietti read the notice into the record.

Attorney Matthew Porter, Attorney for CPM Liquors Inc. and shareholder, Monil Patel were both present. Attorney Porter explained that Mr. Patel is proposing that they transfer the license from the Beer Shop into their name, CPM Liquors Inc. dba Heritage Plaza Liquors and there would also be a change of location from 33 Harkness Ave. over to the Heritage Plaza. The space they are proposing is the one currently occupied by Olympia Sports. Olympia Sports' lease is running out at the end of the year and it would be a new build out of that location. Mr. Patel owns two other very successful liquor stores and his wife Roma Patel would be the manager on the license. They are both alcohol TIPS certified. Scanning machines would be installed to safeguard against underage sales.

Public Comment – None. The public input portion of the Public Hearing was closed.

Council Comment – Councilor Richards stated as a former member of the LLA in the former government they dealt with numerous transfer applications. With each application it was a transfer at the location where the license was active. You are now asking to transfer the license from the current owner to a new owner to a new location. Councilor Richards has no knowledge of a transfer form location to location. Historically when a business closes up shop if there is an existing license the license goes back to East Longmeadow. Councilor Richards is of the opinion that this particular license is a new application because we are dealing with a new location and a new individual. Councilor Richards would like to see this particular license come back to the town of East Longmeadow and we deal with it as a new license and have the client apply for the

license at the new location. Councilor Richards cannot support this the way it is being presented this evening.

Councilor Hill echoed Councilor Richards remarks that if in fact the Beer Shop is going out of business the license should revert back to the town.

Councilor Page asked if this was a sale of a license; where one entity is selling their license to another entity to open a business at a different location. Attorney Porter stated it is a purchase of the license and a purchase of the inventory. In essence it is a purchase of the license which is held by the seller. Attorney Porter understands the Council's concerns, however the seller's lease is coming to an end and they are in a location where there is not much growth. There is an opportunity for his client to purchase the goodwill of that license and the inventory from the seller. This is all permissible within the ABCC, stated Attorney Porter.

Councilor Richards stated that her understanding is that the license is owned by the town of East Longmeadow and we lease them to business owners on an annual basis. If the transfer were taking place at the same location that the license currently exists there would be no opposition. Councilor Richards believes that the owner went into agreement with someone to sell the license and they do not own the license.

Attorney Porter stated that this is not an inactive license. This is a license that is held in ownership by the seller.

Councilor Anderson asked what the two package stores that his client owns. Attorney Porter stated one is Quabbin Plaza Liquors and another there is another store in Barre.

Councilor Anderson suggests that they continue this hearing to our next meeting and in the interim ask our town counsel what rights we have as a town, and then determine whether it is appropriate to allow the move to another location or not.

Councilor Henry having received reassurance from Town Clerk Jeanne Quaglietti that all the paperwork was in order indicated he was in favor of approving the application immediately and voted nay on the motion to continue the Hearing.

*Councilor Anderson made a motion that this Public Hearing be continued until September 8, 2020 at 6:15 pm and during that time the Town Council gets opinion from the Town Attorney as to what rights the town has visa-vis a sale of a license to a new owner at a new location. Councilor O'Connor seconded the motion. **Roll Call Vote- Councilor O'Connor – Yes, Councilor Anderson – Yes, Councilor Henry – No, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

1. **Summary:** Action Items for Next Meeting –

Councilor O'Connor - When we revisit the budget on September 8th we should amend it according to what funds we may be getting from the State and Federal Government. Also allow us the opportunity to add or make cuts to it. It is important we have all the info we need and part of that is a five-year Capital Plan.

Councilor Richards –update on the AW Brown parking issue.

Councilor Page – update from the Attorney regarding the liquor license.

Councilor Hill – Update on the shared Public Health with Longmeadow.

*Councilor Hill made a motion to adjourn the Open Session Meeting. Councilor Page seconded the motion. **Roll Call Vote- Councilor O’Connor – Yes, Councilor Anderson – Yes, Councilor Henry – Yes, Councilor Richards- Yes, Councilor Page – Yes, Councilor Hill – Yes and President Kane – Yes.***

The meeting was adjourned at 7:45 pm. The next Open Session Meeting will be September 8, 2020 at 6:00 pm.

Respectfully submitted,

Jackie Sullivan
Assistant Town Clerk

Documents: Agenda, Mixed Use Table of Uses, Mixed Use Village District, Memo Mixed Use Village, Letter to AG/ RE: Moratorium, Definitions MUV, Approved Temporary Solar Bylaw, Approved Solar Bylaw Moratorium, Proposed Solar Moratorium, Proposed Bamboo Bylaw, Memo Mixed Use Bylaw, Beer Shop Transfer and July 14, 2020 Open Session Draft Minutes.

Petitioner: East Longmeadow Planning Board
Representative: Russ Denver

7.50 Temporary Moratorium: Ground-Mounted Solar Photovoltaic Installations

1. Background and Purpose

The Town of East Longmeadow is experiencing rapid growth of ground-mounted solar photovoltaic installations. However, the Town has not adopted zoning requirements specifically related to East Longmeadow for such installations that balance the rights of property owners with those of abutters and with the overall needs of the Town. Deficiencies and limitations in the Town's zoning bylaws have been documented in the recent East Longmeadow Municipal Vulnerability Preparedness Summary of Findings collated by Pioneer Valley Planning Commission in 2019. In addition, the electrical distribution system is experiencing capacity issues that are being addressed by an ongoing Affected System Operator (ASO) study conducted by National Grid which is expected to be issued by the end of 2020. Concerns have been raised including but not limited to the placement of large scale commercial/industrial appearing facilities in residential zones, the visual impacts on abutters, potential loss of property values, potential loss of agricultural lands and prime agricultural soils, the clear cutting of forested land, environmental impacts including erosion and sedimentation, hazardous materials, impacts on wildlife, storm water management, and safety implications of the solar projects proposing power storage by battery and methods of financial assurance for the eventual decommissioning for such installations.

In order for the Town to have sufficient time to engage in a comprehensive planning process to protect the interests of the Town and its citizens, it is critical that the Town act now to establish a temporary moratorium on the approval by any board or commission in connection with the same and on the use of land and the construction of structures related to such Ground-Mounted Solar Photovoltaic Installations. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medium-scale and large scale ground mounted solar energy systems in the residential districts of the Town, consider the Massachusetts Department of Energy Resources' Guidance for regulating Solar Energy Systems, and shall consider adopting new Zoning Bylaws in response to these new issues.

2. Temporary Moratorium

For the reasons stated above, and notwithstanding any other provision of the Zoning or General Bylaws to the contrary, the Town of East Longmeadow hereby adopts a temporary moratorium on the use of land or the building of structures for ground mounted solar photovoltaic systems in residential districts, that equal or exceed 40,000 square feet in area or over 250 KW of energy production. The Moratorium shall be in effect through September 01, 2021, or until such time as the Town of East Longmeadow adopts Zoning Bylaw amendments that regulate the installation of ground-mounted solar photovoltaic systems in residential districts, whichever occurs earlier.