

**TOWN OF LONGMEADOW
SPECIAL TOWN MEETING
November 5, 2019 – 7:00 p.m.
Longmeadow High School
MINUTES**

Acting under the authority of the posted warrant, the qualified voters of the Town met at the time and place appointed. At 7:00 PM o'clock in the evening the Moderator declared the Special Town Meeting open, there being a quorum (50 Voters) present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, Richard Connor to give the invocation.

The Moderator Declared a 2/3rds Affirmative vote to advance Article 24 to after Article 5 and before Article 6.

ARTICLE 1.

It was a Majority Affirmative vote to raise and appropriate \$139,560.00 from the FY 2020 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$46,520.00, CPA Fund Balance Reserve for Community Housing \$46,520.00 and CPA Fund Balance Reserve for Historic Preservation \$46,520.00.

ARTICLE 2.

After a hand count of yes = 81 and no = 89 it was a declared a Majority Negative vote to raise and appropriate the sum of \$15,000.00 for the purpose of conducting a pavement distress survey that will provide the listing of condition on all roadway segments in Town, along with a recommended improvement action and the associated cost of such improvements.

ARTICLE 3.

It was a Majority Affirmative vote to raise and appropriate the sum of \$45,000.00 to supplement the FY 2020 Operating Budget - Fire Department line item for Firefighter Salaries.

ARTICLE 4.

It was a Majority Affirmative vote to raise and appropriate the following sums to supplement the FY 2020 Operating Budget for Debt Service as listed below to cover the FY 2020 debt service on the new Council on Aging Facility:

Maturing Principal on Long Term Debt	\$390,000.00
Interest on Long Term Debt	\$227,506.00

ARTICLE 5.

The Moderator declared a 9/10's Majority Affirmative vote to raise and appropriate the sum of \$100.79 for the purpose of paying bills of prior year.

ARTICLE 6.

It was a Majority Affirmative vote to (i) appropriate (a) \$1,265,000.00 from the premium paid to the Town upon the sale of the bonds issued on October 30, 2019, to pay costs of the (a) LED streetlights project authorized by vote of the Town passed May 14, 2019 (Article 15) in the amount of \$100,000.00 (b) landfill capping project authorized by vote of the Town passed May 14, 2019 (Article 14) in the amount of \$55,000.00 (c) the Council on Aging Facility project authorized by vote of the Town passed May 8, 2018 (Article 14) in the amount of \$1,085,000.00 (d) Repairing the Morningside Drive Culvert project authorized by vote of the Town passed May 8, 2018 (Article 10) in the amount of \$25,000.00 and to reduce the amount authorized to be borrowed for such projects, but not yet issued by the Town, by like amounts; and (ii) supplement each prior

vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

ARTICLE 7.

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$175,000.00 for the purpose of covering the cleanup costs associated with the July 6, 2019 microburst that hit the Town.

ARTICLE 8.

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$125,700.00 to supplement the Phase I costs associated with the permanent capping of the Birnie Road / Tina Lane Landfill.

ARTICLE 9.

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$125,000.00 to the FY 2020 Operating Budget for Legal Expenses to cover costs associated with protecting the Town's interest dealing with the distribution of natural gas in Town and other legal matters associated with the site for the new DPW facility.

ARTICLE 10.

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$45,000.00 for the purpose of providing the Town's share (25%) of a Municipal Vulnerability Program Grant.

The Moderator declared a 2/3rds Affirmative vote to advance Article 22 after Article 10 and before Article 11.

ARTICLE 11.

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$140,000.00 to supplement the FY 2020 Operating Budget - DPW Forestry account for the remainder of fiscal year 2020 for the purpose of continuing to remove or prune potentially hazardous trees on Town property or rights of way.

ARTICLE 12.

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$25,000.00 to supplement the FY 2020 Budget - DPW Planting account for the remainder of fiscal year 2020 for the purpose of satisfying 200+ tree planting requests.

ARTICLE 13.

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$102,800.00 to the Operating Stabilization Fund.

ARTICLE 14.

It was a 2/3 Affirmative vote after a hand count vote of: Yes: 111 and No: 45 to appropriate the sum of \$1,300,000.00 to pay additional costs of constructing and equipping a new Department of Public Works facility and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.C.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, the costs of such borrowing to be allocated among the Town's General Fund (from taxation), Sewer Enterprise Fund (from sewer charges), Water Enterprise Fund (from water charges) and from the Storm Water Enterprise Fund (from storm water fees). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like

amount. *Note also that the Department of Revenue is determining, under their policies, if the debt service on this bond authorization will be considered as a “debt exclusion” and be exempt from the limitations of Proposition 2 ½. The Department of Revenue’s policies allow this one-time determination for each excluded project.*

ARTICLE 15.

The Moderator declared a 2/3rds Majority Vote to authorize the Treasurer to borrow the sum of \$2,000,000.00 to complete Phase II of the capping of the remaining portion of the Birnie Road /Tina Lane landfill and related costs.

ARTICLE 16.

It was a Unanimous Affirmative vote to transfer from Water Retained Earnings the sum of \$236,000.00 for the purposes of replacing Water Mains on Fairview Street.

ARTICLE 17.

It was a Majority Affirmative vote to Take No Action: To see if the Town will vote to transfer from the Community Preservation Act account for the Wolf Swamp Fields Ring Road the sum of \$50,000.00 to a Community Preservation Act account for Irrigation Improvements at Glenbrook Middle School.

ARTICLE 18.

It was a Majority Affirmative vote to Take No Action: To see if the Town will vote to transfer from the Community Preservation Act account for the Leveling of Wolf Swamp Fields the sum of \$71,500.00 to a Community Preservation Act account for Renovations of Baseball Fields at Blueberry Hill School, Wolf Swamp School, Glenbrook Middle School and Bliss Park.

ARTICLE 19.

It was a Majority Affirmative vote to authorize the Longmeadow Select Board to petition the Massachusetts State Legislature to revoke the May 14, 2019 Annual Town Meeting vote of Article 36 whereby Town Meeting accepted the provisions of Massachusetts General Law Chapter 51, Section 16A which created a four (4) member Board of Election Commissioners to replace the three (3) member Registrars of Voters.

ARTICLE 20.

It was a Majority Affirmative vote to amend the General Bylaws, Article Three Town Procedures, Chapter 200 Town Elections, Section 3-202 Voting Hours:

The polls shall be open from 7:00 o'clock in the morning until 8:00 o'clock in the evening. The hour of opening may be earlier if ordered by the Select Board. For elections in which state officers are to be elected, the Select Board shall order the polls to be open such additional time as shall be necessary to meet the requirements of General Laws, Chapter 54, Section 64.

ARTICLE 21.

It was a Majority Affirmative vote to amend as follows Section 2-601(f) “Water and Sewer” “Water Service” of the General Bylaws of the Town.

1. Add the phrase “by fees based on connection and measured usage” to Section 2-601(f) so that, as revised, section 2-601(f) of the Bylaw would read as follows:

(f) Water Service. The Department of Public Works shall install and maintain in proper working condition, a water meter on each service and shall charge for water by fees based on connection and measured usage. The DPW shall require a separate connection for each estate.

ARTICLE 22.

Citizen Petition

It was Moved in Terms of the Article.

To see if the Town will vote to ban the sale and use of single use plastic straws and polystyrene food and beverage ware and packing from stores, food establishments and public venues, or take any other action relative thereto.

SINGLE USE PLASTIC STRAW and POLYSTYRENE FOOD AND BEVERAGE WARE AND PACKAGING BAN Bylaw.

Purpose:

Single Use Plastic Straw and Polystyrene Food and Beverage Ware and Packing Ban Intentions and Findings

It has been found that: 1) Plastic straws are rarely recycled. 2) Plastic straws take up to 200 years to degrade and are never fully absorbed by the planet. 3) The degrading of plastic straws releases chemicals toxic to wildlife and the environment the United States uses 500 million straws per day. 4) There is currently a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available. 5). The elimination of expanded polystyrene food containers is in the best interests of the health and welfare of town inhabitants because, in 2011, the U.S. Department of Health and Human Services, through its National Toxicology Program, has determined that styrene is reasonably anticipated to be a human carcinogen, which can leach into food and beverages via polystyrene containers.

Because Longmeadow has a duty to protect the natural environment, the economy, and the health of its citizens, this by law proposes to ban the sale or dispensing of single use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Longmeadow as well as prohibit the use of polystyrene food and beverage containers or serving items from food service establishments if the packaging takes place on the premises of food service establishments

Definitions

As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Plastic straw” shall mean any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

“Disposable Food Container” All containers – bowls, plates, trays, cartons, cups, lids, and hinged or lidded containers – designed for one-time or non-durable use that are used by food establishments for heating, storing, packaging, serving, or transporting prepared or ready-to-consume food or beverages. This includes any containers used by Food Establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages.

Polystyrene: Blown polystyrene and expanded and extruded foams, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term also refers to clear or solid polystyrene, also known as “oriented” or “rigid” polystyrene.

“Store” means a retail establishment store, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers’ markets, public markets, jewelry stores, and household goods stores.

“Food Establishments” shall mean any operations including without limitation schools, farmers’ markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this bylaw.

“Public Venues” shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and schools.

“Director” means the Health Director, or other administrator assigned by the Town Manager.

“Department” means the Longmeadow Department of Health.

Use Regulations

Single Use Plastic straws or Polystyrene shall not be used, dispensed, or sold by food establishments, retail establishments and/or public venues within the Town of Longmeadow on or after six months after this by law is approved by the Attorney General’s office of Massachusetts.

PENALTIES AND ENFORCEMENT

A. The Director of the Longmeadow Department of Health, or other administrator as assigned by the Town Manager shall have the authority to enforce this bylaw.

B. Each “Store, food establishment, and public venue” shall comply with this bylaw.

C. If it is determined that a violation has occurred the Director shall issue a warning notice to the Store for the initial violation.

D. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than: 1. \$25 for the first offense 2. \$50 for the second offense and all subsequent offenses. 3. No more than one penalty shall be imposed upon a “Store, food establishment or public venue” within a seven (7) calendar day period.

4. The Store, food establishment, or public venue shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

5. **EFFECTIVE DATE** All of the requirements set forth in this bylaw shall take effect within six months of passage. In the event that compliance with the effective date of this bylaw is not feasible for a small Store, food establishment, and public venue because of undue economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner’s representation to the Board of Health.

6. **SEVERABILITY** It is the intention of this bylaw that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

It was a Majority Affirmative vote to approve two amendments so the article now reads:

To see if the Town will vote to ban the sale and use of single use plastic straws and polystyrene food and beverage ware and packing from stores, food establishments and public venues, or take any other action relative thereto.

SINGLE USE PLASTIC STRAW and POLYSTYRENE FOOD AND BEVERAGE WARE AND PACKAGING BAN Bylaw.

Purpose:

Single Use Plastic Straw and Polystyrene Food and Beverage Ware and Packing Ban Intentions and Findings

It has been found that: 1) Plastic straws are rarely recycled. 2) Plastic straws take up to 200 years to degrade and are never fully absorbed by the planet. 3) The degrading of plastic straws releases chemicals toxic to wildlife and the environment the United States uses 500 million straws per day. 4) There is currently a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available. 5). The elimination of expanded polystyrene food containers is in the best interests of the health and welfare of town inhabitants because, in 2011, the U.S. Department of Health and Human Services, through its National Toxicology Program, has determined that styrene is reasonably anticipated to be a human carcinogen, which can leach into food and beverages via polystyrene containers.

Because Longmeadow has a duty to protect the natural environment, the economy, and the health of its citizens, this by law proposes to ban the sale or dispensing of single use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Longmeadow as well as prohibit the use of polystyrene food and beverage containers or serving

items from food service establishments if the packaging takes place on the premises of food service establishments

Definitions

As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Plastic straw” shall mean any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

“Disposable Food Container” All containers – bowls, plates, trays, cartons, cups, lids, and hinged or lidded containers – designed for one-time or non-durable use that are used by food establishments for heating, storing, packaging, serving, or transporting prepared or ready-to-consume food or beverages. This includes any containers used by Food Establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages.

Polystyrene: Blown polystyrene and expanded and extruded foams, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term also refers to clear or solid polystyrene, also known as “oriented” or “rigid” polystyrene.

“Store” means a retail establishment store, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers’ markets, public markets, jewelry stores, and household goods stores.

“Food Establishments” shall mean any operations including without limitation schools, farmers’ markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this bylaw.

“Public Venues” shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and schools.

“Director” means the Health Director, or other administrator assigned by the Town Manager.

“Department” means the Longmeadow Department of Health.

Use Regulations

Neither Single Use Plastic straws, unless being used to accommodate for persons with limited mobility or any other condition that necessitates the use of a single use adjustable straw or pre-packaged drinks that come with plastic straws nor Polystyrene shall not be used, dispensed, or sold by food establishments, retail establishments and/or public venues within the Town of Longmeadow on or after six months after this by law is approved by the Attorney General’s office of Massachusetts.

PENALTIES AND ENFORCEMENT

A. The Director of the Longmeadow Department of Health, or other administrator as assigned by the Town Manager shall have the authority to enforce this bylaw.

B. Each “Store, food establishment, and public venue” shall comply with this bylaw.

C. If it is determined that a violation has occurred the Director shall issue a warning notice to the Store for the initial violation.

D. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than: 1. \$25 for the first offense 2. \$50 for the second offense and all subsequent offenses. 3. No more than one penalty shall be imposed upon a “Store, food establishment or public venue” within a seven (7) calendar day period.

4. The Store, food establishment, or public venue shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

5. **EFFECTIVE DATE** All of the requirements set forth in this bylaw **shall take effect on or after six months after this by law is approved by the Attorney General’s office of Massachusetts.** In the event that compliance with the effective date of this bylaw is not feasible for a small Store, food establishment, and public venue because of undue economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner’s representation to the Board of Health.

6. SEVERABILITY It is the intention of this bylaw that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

The main motion as amended was approved by a Majority Affirmative vote.

ARTICLE 23.

Citizen Petition

It was a Majority Affirmative vote to transfer from available funds in the treasury \$110,000 to construct a sidewalk along the east side of Knollwood Drive stopping at the intersection of Knollwood Circle.

ARTICLE 24.

Citizen Petition

It was a Majority Negative vote to transfer from available funds in the Treasury the sum of \$15,000 for the study of the design, layout, and location on Town-owned land of an outdoor skate park. The park shall be designed for the use by people engaged in skateboarding, cycling, scootering, rollerblading or similar activity.

The meeting dissolved at 10:52 p.m.

The number of registered voters in attendance was 220 (1.89% of eligible voters), there being 11,658 registered voters as of October 25, 2019.

Katherine T. Ingram
Town Clerk

