

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated June 3, 2019

Meeting was called to order by Council President Johnson at 7:00pm in the Auditorium at the Agawam Junior High School, 1305 Springfield Street, Feeding Hills.

Item A. Roll Call

ROLL CALL – 10 PRESENT, 1 ABSENT

Roll Call was taken with the following councilors present: George Bitzas, Council Vice President Cecilia Calabrese, Paul Cavallo, Council President Christopher Johnson, Robert Magovern, Dino Mercadante, Joseph Mineo, Robert Rossi, Rosemary Sandlin and Anthony Suffriti. Councilor Gina Letellier was absent. Council President Johnson sent along prayers for continued healing. With ten present, there was a quorum.

Item B. Moment of Silence and the Pledge of Allegiance.

Council President Johnson asked for a moment of silence and the Pledge of Allegiance.

Item C. Citizen's Speak Time

William Clark spoke in support of the Meals Tax resolution. He also provided some septic system information and stated he met with Senator Warren about the sewer situation in Feeding Hills.

Item D. Minutes

1. Regular Council Meeting – May 20, 2019

Motion to approve the minutes was moved by Councilor Suffriti and seconded by Councilor Magovern. Voice vote approved. Council President Johnson noted the abstention of Councilor Cavallo.

Item E. Declaration from Council President

None.

Item F. Presentation of Resolutions

1. TR-2019-42 - A Resolution accepting Massachusetts General Laws Chapter 64L, Section 2 which establishes the Local Option Meals Tax (Sponsored by Councilors Johnson, Mercadante and Suffriti) (Referred to Legislative Committee)

Motion to approve made by Councilor Mercadante and seconded by Councilor Cavallo. As Chair of the Legislative Committee, Councilor Magovern provided the report stating that there was quite some heated dialogue during the meeting. The state meals tax is 6.25% and this would increase it three quarters of a percent to 7%. It is estimated that with this increase, Agawam would receive about \$500,000 in revenue. The bulk of the meals tax would be from Six Flags. Southwick is the only neighboring community that has not implemented the Local Meals Tax option. This could be amended to implement it by October 1, 2019. Motion to send a positive recommendation to the Full Council by Councilor Rossi and seconded by Councilor Magovern. The vote was 2 Yes (Councilors Magovern and Rossi), 2 No (Councilors Calabrese and Sandlin), 1 Present (Councilor Bitzas). Discussion began with Councilor Mercadante speaking as one of the sponsors of the resolution. As a local restaurant owner in town, he is in favor of this tax. It is only $\frac{3}{4}$ of one percent. He feels it is more like a user fee. He recently went out to dinner with his family and on their \$200 bill the increase in tax would have amounted to \$1.50. He doesn't feel it is too much to ask residents. What he

likes is the ability to eat locally which promotes local businesses and the money stays in Agawam. Councilor Mercadante added that he does not like to add taxes but this is a good thing for Agawam and the surrounding towns other than Southwick already have this – it would cost more to drive to Southwick to avoid the extra $\frac{3}{4}$ of 1%. Councilor Magovern said he is fiscally conservative and against taxes however this could raise nearly \$500,000 for Agawam and is in favor of this resolution. Councilor Suffriti stated that as a sponsor, he agreed that no one is in favor of taxes and he didn't agree to sponsor it because Agawam is the only town not doing it. He stated that our needs continue to grow and this tax is a tax not solely placed on our residents. Again, it is $\frac{3}{4}$ of one percent and is hoping it can be earmarked towards infrastructure. That is one of the main reasons he was a sponsor of this resolution – it creates an opportunity at a small price that doesn't fall solely on our residents. Council Vice President Calabrese is against the resolution. It is another tax and we have enough taxes. The estimate of \$500,000 in revenue only represents .0052% of the overall operating budget. She feels for the seniors in town who may have to cut back and would be voting no. Councilor Rossi didn't see it as a tax but saw it as an opportunity for Agawam. He doesn't see it as overburdening our residents and provides money back into Agawam. The benefits outweigh the negatives. Stepping from the Chair, Council President Johnson reminded everyone that other than Southwick, Agawam was the only neighboring community that has not adopted this option. In 2016 (which was the last year the chart specified) Agawam would have received over \$500,000 if we had adopted this. It is clear that the bulk of the revenue would be from Six Flags. He, too, is fiscally conservative and like most, does not like to raise taxes however to him it equates to a choice. This tax is paid by patrons of Agawam restaurants. If he went to a restaurant in West Springfield, he would have to pay that tax to West Springfield. In order to fund the vital services in town, we must look for choices to raise revenue other than raising real estate taxes. The Operating Budget will create a 2 1/2 % tax increase however it might be less if we had already had this option. Council President Johnson also said he would rather pay tax money to a local restaurant. Councilor Bitzas stated it was difficult to choose either way and he was the one who voted "Present" at the sub-committee meeting. He wanted to listen to the debate of the Full Council before rendering his decision. No matter how you say it, it is still a tax and is hard to ask people to pay it. However, this is an affordable tax with the bulk of it being paid at Six Flags. Councilor Bitzas spoke to several residents who complained about yet another tax but also said if it could be earmarked for the streets then it would be okay. He was informed that the resolution could not be amended to include this type of earmark however Council President said he could present a resolution for the Council to vote on that would encourage the Mayor to spend this money for our sidewalks and streets. Councilor Cavallo was in favor of this item. How many people would really object to the few cents extra that it would cost? If someone didn't want to pay it then they don't have to go out to eat. We need to put our trust in the Mayor who is the leader of our community. He will keep us involved in how this will be used to benefit the town in the most productive way. Councilor Sandlin opposed this tax. She stated "as Council President said – it is a choice and my choice is to vote no". She stated enough is enough. Councilor Mineo stated his choice was to agree with it. He agreed it is another tax however with the majority of this being paid by those visiting Six Flags; he believed it to be minimal for the residents of Agawam noting we are leaving a half a million on the table without passing this. Council President mentioned it was discussed at the sub-committee level to amend the effective date to October 1st.

Motion to amend the effective date from January 1, 2020 to October 1, 2019 made by Councilors Rossi and Magovern and seconded by Councilors Cavallo and Suffriti.

The vote was **8 YES, 2 NO** (Councilors Calabrese and Sandlin), **1 ABSENT** (Councilor Letellier) approving the amendment.

Main Motion as amended vote was **8 YES, 2 NO** (Councilors Calabrese and Sandlin), **1 ABSENT** (Councilor Letellier) approving the resolution *as amended*.

2. TR-2019-43 - A Resolution confirming the reappointment of Mario Tedeschi, 150 Juniper Ridge Drive, Feeding Hills, MA to the Agawam Board of Registrars to a term expiring April 1, 2023 (Mayor Sapelli)

Because Mr. Tedeschi pulled his papers to run for City Council, he is resigning from this board. Motion to withdraw made by Council Vice President Calabrese and seconded by Councilor Suffriti.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) withdrawing the item.

- 3. TR-2019-44 - A Resolution confirming the reappointment of Timothy McGrew, 99 Red Fox Drive, Feeding Hills, MA. to the Agawam Board of Registrars to a term expiring April 1, 2023**

Motion to approve made by Councilor Sandlin and seconded by Councilors Calabrese and Magovern.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the reappointment.

Item G. Report of Council Committees

None.

Item H. Elections

None.

Item I. Public Hearings

- 1. TR-2019-41 (PH-2019-4) - A Resolution adopting the Fiscal Year 2020 Annual Operating Budget for the Town of Agawam**

Council President Johnson declared the Public Hearing open at 7:30pm. He asked for anyone wishing to speak in support of the budget and in support in name only. No one spoke. He then asked if anyone wished to speak in opposition to the budget or in opposition name only. William Clark spoke in opposition in name only. Council President Johnson declared the Public Hearing closed at 7:31pm.

Since tonight was only the Public Hearing and the vote would be at the next meeting, a Motion to table until June 17, 2019 was made by Councilor Cavallo and seconded by Councilor Suffriti. Voice vote approved.

Item J. Old Business

- 1. TO-2019-21 - An Order granting or renewing a Junk Dealer's PERMIT for Block Jewelers, Inc., 299 Walnut Street, Agawam, MA (Clerk) (Referred to Administrative Committee) (Tabled 5/20/19)**

After receiving information from the Police Department and Solicitor that this application is now in compliance with the state computer system, NESPIN, Councilor Rossi as Chair of the Administrative Committee stated that his committee had previously recommended passage of this application pending resolution of this issue.

Motion to take this item off the table made by Councilor Sandlin and seconded by Councilors Magovern and Suffriti. Voice vote approved.

Motion to approve made by Councilor Suffriti and seconded by Councilor Sandlin.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the item.

Item K. New Business

- 1. TR-2019-45 - A Resolution authorizing the reservation and appropriation of funds from the Community Preservation Fund (CPA)**

Since this is simply the reservation of the amounts that comes before the Council annually, no referral is necessary. Next Agenda.

Item L. Any other matter that may legally come before the City Council.

Councilor Bitzas congratulated the graduating Class of 2019. Councilor Cavallo commended the Veterans Council in Agawam who put on such a wonderful ceremony on Memorial Day – he was very moved when they read the names of those veterans on the memorial. Council Vice President Calabrese wished her son a happy birthday and congratulated all of the high school and college graduates. Councilor Sandlin congratulated the Veterans Council for selecting Lou Massoia as this year’s parade Marshall noting it was well deserved. Council President Johnson wished Councilors Sandlin, Rossi and Calabrese happy birthday. He also really appreciated the constructive dialogue that was had regarding the meals tax issue – it made him proud to serve as Chair when that happens.

Item M. Adjournment.

The Motion to adjourn was moved and seconded around the house. Meeting was adjourned at 7:36pm.

Tabled 3-20-19
Approved

TO-2019-21

ORDER GRANTING OR RENEWING A JUNK DEALER'S PERMIT FOR
BLOCK JEWELERS, INC. LOCATED AT
299 WALNUT STREET, AGAWAM, MA. 01001

Pursuant to Massachusetts General Laws, Chapter 140, Section 54 - 56 and Section 114 of the Code of the Town of Agawam, the Agawam City Council hereby granting or renewing the listed Junk Dealer's PERMIT to the following applicant for the period commencing May 1, 2019 and expiring on April 30, 2020:

Name of Licensee **BLOCK JEWELERS, INC.**
Business Address **299 Walnut Street
Agawam, MA. 01001**

State Purpose for which permit is requested:

To obtain a Junk Dealer's Permit to be a dealer in or keeper of a shop for the purchase of jewelry, watches, precious metals and coins and second hand articles

Dated this 3rd day of June, 2019

PER ORDER OF THE AGAWAM CITY COUNCIL


Christopher C. Johnson, Council President

APPROVED AS TO FORM AND LEGALITY


Stephen J. Buoniconti, City Solicitor

Org - TH CLK
cc - Council

Approved

TR-2019-44

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
TIMOTHY MCGREW,
99 RED FOX DRIVE, FEEDING HILLS, MA 01030
TO THE AGAWAM BOARD OF REGISTRARS
TO A TERM EXPIRING
APRIL 1, 2023

WHEREAS, the appointment of Timothy McGrew on the Agawam Board of Registrars has expired; and

WHEREAS, the Mayor has reappointed Timothy McGrew, 99 Red Fox Drive, Feeding Hills, MA 01030 to the Agawam Board of Registrars to a term expiring April 1, 2023; and

NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the appointment of Timothy McGrew, 99 Red Fox Drive, Feeding Hills, MA 01030 to the Agawam Board of Registrars to a term expiring April 1, 2023.

DATED THIS 3rd DAY OF June, 2019

PER ORDER OF THE AGAWAM CITY COUNCIL


Christopher C. Johnson, President, Agawam City Council

Org - TH CLK
cc - Council
cc - Mayor

APPROVED AS TO FORM AND LEGALITY


Stephen J. Buoniconti, City Solicitor

Approved

TR-2019-42

RESOLUTION ACCEPTING MASSACHUSETTS GENERAL LAWS
CHAPTER 64L, SECTION 2 WHICH ESTABLISHES
THE LOCAL OPTION MEALS TAX

(Sponsored by Councilors Christopher C. Johnson, Dino R. Mercadante and Anthony R. Saffriti)

WHEREAS, the Commonwealth of Massachusetts allows cities and towns to impose a local option meals tax equal to three quarters of one percent on any restaurant meals originating in their community;

WHEREAS, according to estimates prepared by the Commonwealth of Massachusetts Division of Local Service, Agawam would have received over \$500,000 in calendar year 2016 had it accepted the local option meals tax;

WHEREAS, the local option meals tax is paid by the patrons purchasing the restaurant meals and not the restaurant owners;

WHEREAS, according to the Commonwealth's website, virtually every city and town in our area has adopted the local option meals tax, including Springfield, West Springfield, Chicopee, Holyoke, East Longmeadow and Longmeadow;

WHEREAS, it is in the best interests of the City of Agawam to accept Massachusetts General Laws Chapter 64L Section 2 and adopt a local meals tax; and

NOW THEREFORE, BE IT RESOLVED that the Agawam City Council hereby accepts Massachusetts General Laws Chapter 64L Section 2 allowing the imposition of a local sales tax upon the sale of restaurant meals originating within Agawam by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals, effective ~~October 1, 2019.~~

Dated this 3rd day of June, 2019.

PER ORDER OF THE AGAWAM CITY COUNCIL


Christopher C. Johnson, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY


Stephen J. Buoniconti, City Solicitor

Org - TH CLK
cc - Council
cc - Auditor
cc - Treasurer
cc - Health

Withdrawn
4/3/19

TR-2019-43

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
MARIO TEDESCHI,
150 JUNIPER RIDGE DRIVE, FEEDING HILLS, MA 01030
TO THE AGAWAM BOARD OF REGISTRARS
TO A TERM EXPIRING
APRIL 1, 2023

WHEREAS, the appointment of Mario Tedeschi on the Agawam Board of Registrars has expired; and

WHEREAS, the Mayor has reappointed Mario Tedeschi, 150 Juniper Ridge Drive, Feeding Hills, MA 01030 to the Agawam Board of Registrars to a term expiring April 1, 2023; and

NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the appointment of Mario Tedeschi, 150 Juniper Ridge Drive, Feeding Hills, MA 01030 to the Agawam Board of Registrars to a term expiring April 1, 2023.

DATED THIS _____ DAY OF _____, 2019

PER ORDER OF THE AGAWAM CITY COUNCIL


Christopher C. Johnson, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY


Stephen J. Buoniconti, City Solicitor