

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated August 5, 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 – 9 PRESENT, 2 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, Rosemary Sandlin, Robert Rossi and Anthony Suffriti. Councilors Gina Letellier and Joseph Mineo were absent. With nine 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

Karl Schmaelzle spoke about property pins that were removed by town and not receiving responses or action. William Clark spoke about outfalls within the town and Jack Chamberland spoke about a fundraiser for America's VetDogs on September 7th.

Item D. Minutes

1. Regular Council Meeting – July 8, 2019

Motion to approve the minutes was moved by Councilor Sandlin and seconded by Councilor Suffriti. Voice vote approved with Council President Johnson noting the abstentions of Councilors Calabrese and Cavallo.

Item E. Declaration from Council President

None.

Item F. Presentation of Resolutions

1. TR-2019-50 - A Resolution accepting a grant from the Commonwealth of Massachusetts Department of Energy and Environmental Affairs pursuant to Massachusetts General Laws Chapter 44, Section 53A in relation to the Municipal Vulnerability Preparedness Program (Mayor Sapelli)

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

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) approving the item.

2. TR-2019-51 - A Resolution to appropriate Seventeen Thousand and Eight Hundred and Two Dollars (\$17,802.00) for the Massachusetts Nurses Association Agreement with the Town of Agawam (Mayor Sapelli)

Motion to approve made by Councilor Cavallo and seconded by Councilor Rossi. Council President Johnson stepped from the Chair to clarify this item noting that the prior contract expired one year ago. This item would bridge the gap

to get the union through June of 2019 and get them in line with the remainder of the unions. The Nurses Union is currently in negotiations.

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) approving the item.

- 3. TR-2019-52 - A Resolution to amend the Rules and Regulations of the Agawam City Council to allow for remote participation at City Council meetings (Councilor Johnson) (Referred to Legislative Committee)**

As sponsor of this item, Council President Johnson made the Motion to withdraw this item of Agenda which was seconded by Council Vice President Calabrese.

The vote was **8 YES, 1 NO** (Councilor Sandlin), **2 ABSENT** (Councilors Letellier and Mineo) withdrawing the item.

- 4. TR-2019-53 - A Resolution to appropriate Eighty Nine Thousand and Two Hundred and Ninety Five Dollars (\$89,295.00) for the Agawam Police Patrolman's Association Agreement with the Town of Agawam (Mayor Sapelli)**

Motion to approve made by Councilor Suffriti and seconded by Councilor Cavallo. After receiving the Settlement Agreement last week, Council President Johnson stated it appears to be reinstating the police career incentive (a form of the Quinn Bill) and has asked the Mayor for a cost analysis and how we would compare to surrounding communities. He would recommend tabling this item until this information is received and reviewed. Motion to table made by Councilor Cavallo and seconded by Council Vice President Calabrese.

The vote was **7 YES, 2 NO** (Councilors Sandlin and Suffriti), **2 ABSENT** (Councilors Letellier and Mineo) tabling the item.

Item G. Report of Council Committees

None.

Item H. Elections

None.

Item I. Public Hearings

- 1. TOR-2019-6 (PH-2019-5) - An Ordinance to amend the Code of the Town of Agawam Zoning Ordinance regarding personal wireless facilities and towers (Mayor Sapelli) (Two Readings Required) (Referred to Planning Board and Legislative Committee) (Suggest a Public Hearing Date of September 16, 2019)**

Council President noted that the Public Hearing for this item is set for the September 16th meeting. Motion to table made by Council Vice President Calabrese and seconded by Councilor Suffriti. Voice vote approved.

Item J. Old Business

- 1. TO-2019-26 - Order granting or renewing a Junk Dealer's PERMIT for Baki's Fine Jewelry, 9 North Westfield Street, Feeding Hills, MA (Clerk) (Referred to Administrative Committee)**

Motion to approve made by Councilor Rossi and seconded by Councilor Magovern. As Chair of the Administrative Committee, Councilor Rossi provided the report stating that the committee gave a positive recommendation to the Full Council with a vote of 4 Yes, 0 No, 1 Absent (Councilor Mineo). They were disturbed that this application was

extremely late and requested more timely submission of applications. Administrative Assistant noted that the Junk Dealer permit applications are from May to April not calendar year.

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) approving the item.

2. TO-2019-27 - Order granting a Class 2 Dealer’s LICENSE to 57 Auto, LLC, 371 South Westfield Street, Feeding Hills, MA (Clerk) (Referred to Administrative Committee)

Motion to approve made by Councilor Rossi and seconded by Councilor Cavallo. As Chair of the Administrative Committee, Councilor Rossi provided the report stating that this was a simple transfer of ownership and all conditions and site plan would remain the same. The committee gave a positive recommendation to the Full Council with a vote of 4 Yes, 0 No, 1 Absent (Councilor Mineo). Council President Johnson thought it made sense to add language to the Order that it was subject to the surrender of the existing license.

Motion to amend made by Councilor Sandlin and seconded by Councilor Mercadante. The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) amending the item.

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) approving the item *as amended*.

3. TO-2019-28 - Budgetary Transfer of \$16,705.00 from Salary Reserve (#16605-57350) to Regular Salaries (#15101-51010)

Motion to approve made by Councilor Rossi and seconded by Councilor Cavallo. Council President Johnson noted that this is the sister item to TR-2019-51 for the nurses’ union.

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) approving the transfer.

4. TO-2019-29 - Budgetary Transfer of \$89,295.00 from Salary Reserve (#16605-57350) to the following:

Regular Salaries #12101-51010	\$54,500.00
Overtime #12101-51030	\$ 6,675.00
Holiday Pay #12101-51050	\$ 3,420.00
Court Time #12101-51080	\$ 1,000.00
Science College#12101-51120	\$23,700.00

Council President noted that this was the sister item to TR-2019-53 and since that item has been tabled, that it made sense to table this item as well.

Motion to table made by Councilor Mercadante and seconded by Councilor Rossi.

The vote was **9 YES, 0 NO, 2 ABSENT** (Councilors Letellier and Mineo) tabling the item.

Item K. New Business

1. TR-2019-54 - A Resolution regarding the approval of an Intermunicipal Animal Control Shelter between the Town of Southwick and the Town of Agawam (Mayor Sapelli)

Next Agenda.

2. TR-2019-55 - A Resolution to exercise the Right of First Refusal Option to meet a bona fide offer to purchase lands classified under M.G. L. Chapter 61A located at 497 South Westfield Street, Feeding Hills, Massachusetts (Mayor Sapelli)

Next Agenda.

3. **TR-2019-56 - A Resolution confirming the appointment of Michele Calvanese, 136 Juniper Ridge Drive, Feeding Hills, MA. to the Agawam Board of Registrars to a term expiring April 1, 2023 (Mayor Sapelli)**

Next Agenda.

4. **TOR-2019-7 - An Ordinance to amend the Code of the Town of Agawam Zoning Ordinance regarding Permitted Uses in Business A Districts (Planning Board) (Two Readings Required) – Refer to Planning Board and Set a Public Hearing Date**

The Public Hearing for this item will be set for the October 7th meeting (unless there is a primary election, then it will be the day after on October 9th) and is officially referred to the Planning Board. It is also referred to the Legislative Committee.

5. **TOR-2019-8 - An Ordinance to amend the Code of the Town of Agawam Zoning Ordinance regarding Use Restrictions in Residence A-3 Districts (Mayor Sapelli) (Two Readings Required) – Refer to Planning Board and Set a Public Hearing Date**

The Public Hearing for this item will be set for the October 7th meeting (unless there is a primary election, then it will be the day after on October 9th) and is officially referred to the Planning Board. It is also referred to the Legislative Committee.

6. **TOR-2019-9 - An Ordinance to amend Site Plan Review requirements pursuant to Chapter 180 of the Code of the Town of Agawam (Planning Board) (Two Readings Required) – Refer to Planning Board and Set a Public Hearing Date**

The Public Hearing for this item will be set for the September 16th meeting and is officially referred to the Planning Board. It is also referred to the Legislative Committee.

7. **TO-2019-30 - Order granting or renewing a Junk Dealer’s PERMIT for John’s Trucking of Agawam, Inc., 415 Silver Street, Agawam, MA. (Clerk)**

Referred to Administrative Committee, next Agenda.

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

Councilor Suffriti asked if it made sense to hold a workshop for the four ordinances that were referred to the Legislative Committee, that way all councilors could attend and be informed. Council President agreed and a workshop is set for September 3rd after the close of the meeting. Council Vice President Calabrese talked about the Jack Jonah Foundation and how there will be camera crews about town filming for this foundation. They are using all volunteer actors and the purpose is to honor those who have passed away to addiction as well as inform of the dangers of opioid addiction and support the families of these victims. Councilor Cavallo asked for the crosswalks to be painted at Suffield and Silver Streets noting there is a lot of traffic there and many walkers and bikers. Councilor Mercadante mentioned he saw several crosswalks being painted in town and maybe that was on the list.

Item M. Adjournment.

The Motion to adjourn was moved and seconded around the house. Meeting was adjourned at 7:37pm.

Approved

TR-2019-50

A RESOLUTION ACCEPTING A GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENERGY AND ENVIRONMENTAL AFFAIRS PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A IN RELATION FOR THE MUNICIPAL VULNERABILITY PREPAREDNESS PROGRAM

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Department of Energy and Environmental Affairs ("EEA") is a division with the Commonwealth of Massachusetts Executive Branch; and

WHEREAS, EEA has awarded the Town of Agawam a grant for the Municipal Vulnerability Preparedness ("MVP") planning process to achieve MVP climate community designation; and

WHEREAS, the grant is in the amount of twenty four thousand and zero dollars and zero cents (\$24,000.00); and

WHEREAS, the grant monies would be utilized to select a vendor to assist the Town to complete the planning and stakeholder engagement exercise; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant; and

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to M.G.L. c.44, §53A to accept this grant from the Commonwealth of Massachusetts Department of Energy and Environmental Affairs in the amount of up twenty four thousand and zero dollars and zero cents (\$24,000.00).

DATED THIS 24th DAY OF August, 2019.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, Solicitor

Org - CLK.
cc - Council
cc - Auditor
cc - Treasurer
cc - Planning

Approved

TR-2019-51

A RESOLUTION TO APPROPRIATE SEVENTEEN THOUSAND AND EIGHT HUNDRED AND TWO DOLLARS (\$17,802.00) FOR THE MASSACHUSETTS NURSES ASSOCIATION AGREEMENT WITH THE TOWN OF AGAWAM

(Sponsored By Mayor William P. Sapelli)

Whereas, the Town of Agawam has negotiated a Collective Bargaining Agreement with the bargaining unit, the Massachusetts Nurses Association; and

Whereas, the Town and Union have executed the Settlement Agreement; and

Whereas, the Settlement Agreement has been ratified by the Union; and

Whereas, the Settlement Agreement is a one year agreement that provide for an increase in wages as outlined in Article XXII of the agreement along with retroactive pay; and

Whereas, pursuant to G. L. c. 150E, § 7, the Agawam City Council is required to appropriate the necessary funds; and

Whereas, it is in the best interest of the Town of Agawam to appropriate the necessary funding.

NOW THEREFORE, BE IT RESOLVED BY THE AGAWAM CITY COUNCIL that seventeen thousand and eight hundred and two dollars (\$17,802.00), shall be appropriated from the following account to fund the one year agreement between the Town of Agawam and the Massachusetts Nurses Association.

REGULAR SALARIES 15101-51010 \$17,802.00

Dated this 24th day of August, 2019.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, City Solicitor

Org - CLK
cc - Council
cc - Auditor
cc - Treasurer
cc - Health Dept
cc - Personnel

Withdrawn

TR-2019-52

A RESOLUTION TO AMEND THE RULES AND REGULATIONS OF THE AGAWAM CITY COUNCIL TO ALLOW FOR REMOTE PARTICIPATION AT CITY COUNCIL MEETINGS (Sponsored by Councilor Johnson)

WHEREAS, the Agawam City Council desires to amend its Rules and Regulations to allow for remote participation by members of the Agawam City Council at City Council meetings;

WHEREAS, the Commonwealth of Massachusetts has prepared regulations which govern remote participation at duly called public meetings;

WHEREAS, it is in the best interest of the Town of Agawam to amend the rules and regulations of the Council to allow for remote participation by members of the Agawam City Council at City Council meetings; and

NOW THEREFORE, BE IT RESOLVED that the Agawam City Council hereby amends its Rules and Regulations by adding the following:

Rule 36 - Remote Participation

The City Council strongly encourages its members to physically attend all City Council meetings whenever possible. However, the City Council recognizes that in some cases a City Councilor may not be able to physically attend a meeting. Therefore, pursuant to 940 CMR Section 29.10, the City Council shall permit remote participation by City Councilors at future City Council meetings and City Council Sub-Committee meetings if physical attendance would be unreasonably difficult.

Dated this 24th day of August, 2019.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY

Stephen Buoniconti, City Solicitor

Approved

TO-2019-28

BUDGETARY TRANSFER FORM

Table with columns: Department, Amount, Title of Account, Account Number, Amount. Includes Health Department, SALARY RESERVE, and REGULAR SALARIES.

Reason for Transfer:

To fund the newly ratified Nurses' Contract.

Department Head signature

I hereby certify that funds are available to make the above-stated transfer.

Date: 7/5/19

Cheryl St. John, Auditor

I hereby approve placement of the above-stated transfer on the Council agenda.

Date: 7/28/19

William P. Sapelli, Mayor

Approved as to form and legality.

Date: 7/5/19

Stephen J. Buoniconti, Solicitor

PER ORDER OF THE AGAWAM TOWN COUNCIL - APPROVED ON Aug 5, 2019

Date: 8/5/19

Christopher C. Johnson, President

APPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby approve the Council passage of the above-stated transfer.

Date: 8/5/19

William P. Sapelli, Mayor

DISAPPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby disapprove the Council passage of the above-stated transfer.

Date:

William P. Sapelli, Mayor