

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

JUNE 1, 2009

President Letellier – Good evening everyone. Welcome to the Regular Council meeting for Monday, June 1, 2009.

Item 1. Citizen's Speak Time

President Letellier – I understand that no one has signed up.

Item 2. Roll Call

President Letellier – Barbara, could you please call the roll?

ROLL CALL – 10 PRESENT, 1 ABSENT (Councilor Mineo)

President Letellier – With ten present, one absent, we have a quorum. Councilor Mineo called and he is working late.

Item 3. Moment of Silence and the Pledge of Allegiance

President Letellier – Could you please rise for a moment of silence and the Pledge of Allegiance?

Item 4. Minutes

Regular Council Meeting – May 18, 2009

President Letellier – Do we have a motion? Moved by Councilor Simpson, second by Councilor Perry. Any discussion or amendments? No? Barbara, could you call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – With ten yes and one absent, you've unanimously approved the meeting minutes.

Item 5. Declaration from Council President

President Letellier – I have two. There was some discussion at the end of the meeting last week about moving the meeting until 7:00pm; I would be personally opposed to that. I think there are enough councilors here that either work out of state or have family members. That extra half an hour gives us time to go home, have dinner, spend some time with our families and we're gonna have some new councilors coming in too so I would like to keep it at 7:30 and see what the incoming council wants to do. I also, as all of you know, we had a meeting with the Mayor this morning about the budget. We will

get our budget books on or before June the 15th. We had a meeting this morning in which in a sort of worse case scenario list of budget cuts was prepared based on the cuts proposed by the Senate. The budget that was originally prepared was based on cuts proposed by the House but there have been two Senate budgets, both of which are much deeper in local aid cuts than the House, so that's the worst case scenario budget summary that was given to us this morning. Councilor Young couldn't attend so his was faxed to him. Councilor Simpson couldn't attend so I had Councilor Calabrese come with me as well. And Barbara has those summaries and they are stamped confidential so I would ask that you keep those confidential. They'll be in Thursday's packet but if you want them sooner, you can pick them up in Barbara's office.

Item 6. Presentation of Petitions, Memorials & Remonstrances

Resolutions

1. **TR-2009-15 - A Resolution Adopting the Fiscal Year 2010 – 2014 Capital Improvement Program (Mayor) (Public Hearing Date Set for June 15, 2009) (Majority of those present and voting)**

President Letellier – I think we should just table this item and I sent out a memo tonight about perhaps a July 27th public hearing but what's the Council's pleasure? What do you folks want to do? Move to table by Councilor Perry, seconded by Councilor Bitzas. Barbara, could you call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT

President Letellier – With ten yes and one absent, you've tabled the Capital Improvement public hearing.

2. **TR-2009-16 - A Resolution Adopting the Fiscal Year 2010 Annual Operating Budget for the Town of Agawam (Mayor) (Public Hearing Date Set for June 15, 2009) (Majority of those present and voting)**

President Letellier – Again, the public hearing was originally set for June 15th, that's gonna have to be moved. Do we have a motion to table? Moved by Councilor Simpson, seconded by Councilor Cavallo and Councilor Rossi. Barbara, could you call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, you've also tabled that public hearing. And again, there's a memo on your desk about new possible dates. If you can get back to me by the end of the week so that we can set up all the new public notices for the budget.

3. **TR-2009-19 - A Resolution Adopting a Continuing Appropriation Budget for July, 2009 Until Approval of Fiscal Year 2010 Annual Budget for the Town of Agawam (Mayor) (Majority of those present and voting)**

President Letellier – Moved by Councilor Simpson, seconded by Councilor Cavallo. Do we have any discussion? No? Seeing none, Barbara, could you please call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – With a vote of ten yes, one absent, we have adopted an appropriating budget for July.

4. **TR-2009-20 - A Resolution Authorizing the Reservation of Funds from the Community Preservation Fund (CPA) (Majority of those present and voting)**

President Letellier – Again, every year they have to set aside certain mandatory portions and we have that in our 2009-20. I’m sorry. Do we have a motion? Moved by Councilors Perry and Simpson, seconded by Councilor Cavallo. Any discussion? No? Barbara, could you call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – With ten yes, one absent, you’ve approved the CPA funding.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

1. **PH-2009-3 - (ZC-2009-3) Zone Change for the Property located on the Easterly side of Silver Street and Southerly of Doane Avenue in Agawam, for Aspenwood Associates LLC, and J. Kirk MacNaughton, Manager, Petitioning the Town of Agawam to Change the subject property from “Industrial B” to Residence A-1” (Referred to Zoning Review Committee)**

President Letellier – I now declare the public hearing open. For those of you who have not participated before, I’ll sort of explain to you all that we’ll do. Generally the Petitioner or the Proponent goes first. Every speaker has ten minutes to speak. The Council may interrupt to ask you questions, you will not lose any of your ten minutes. So first the proponent would go, then anyone who wished to speak in favor would go, anyone wishes to speak in opposition would be next, anyone who wishes to register his or her name in favor would then go forward and then anyone who wishes to register his or her name in opposition would go forward. And I’ll announce that as we switch from place to place. And just a reminder that the Planning Board has not issued a ruling yet so we will have the public hearing tonight, but the Council cannot vote. So we can either

close the public hearing tonight or we could table it to wait for the Planning Board. So I first ask Mr. MacNaughton, do you wish to make a presentation?

Kirk MacNaughton - Yes, yes I do.

President Letellier – Okay, come on up to the microphone and again, please state your name and address and you'll have ten minutes to speak.

Kirk MacNaughton - Okay, thank you.

President Letellier – You're welcome.

Kirk MacNaughton – I have a map here so I'll set this up so you folks can take a look at it.

President Letellier – Certainly.

Kirk MacNaughton – Are you able to see this?

President Letellier – Yes, thank you. You need to push the button so you are recorded. There you go, thank you.

Kirk MacNaughton – Okay, thank you. My name is Kirk MacNaughton. I'm with the company, Aspenwood Associates. As the Chair indicated, I am here to petition the Council for a zone change for a couple of parcels that are depicted on the map here. What we have is there's two parcels of land – they're both located on Silver Street. Silver Street's over here on the left side of the map, runs in the north and south direction. The map shows Doane Avenue and the Doane Avenue sub-division which runs in an easterly and westerly direction which is north of the property. This petition's for two lots. Aspenwood Associates owns the parcel that's on the – can you hear me okay –

President Letellier – Yup. We just need to make sure that you're recorded correctly.

Kirk MacNaughton – Okay. Aspenwood Associates owns the parcel on the westerly portion and on the easterly portion, there's a parcel that's owned by the Caruso family. Both of these properties are unusual in that they have land contained in two different zones. You can see that we crosshatched a section of the property here, the area that has the green crosshatch is currently a Residential A-1 zone, it's adjacent to Doane Avenue which is also a Resident A-1 zone and the parcel that's crosshatched here in the pink, is currently in the Industrial B zone. Now, the property generally is flat at the north where it's adjacent to Doane Avenue. This area here is pretty flat and the southerly portion of the property is kind of, has a deep gully and has a lot of wetlands – here. On the east side, we're bounded by an overhead power line and the property is owned by Western Mass Electric Company. The zoning to the north as I said on Doane Avenue is residential and on the other three sides of the property the current zone is industrial. So our game plan or our request is that we're gonna ask the commission or the City Council

to change the zone of the pink crosshatch area – the Industrial B – from Industrial B to Residential. We’ve met with the town heads of the different departments or the different staff heads, you’re probably familiar they have a pretty regular staff meeting for developments such as this and we met with the Head, the Police Chief, the Fire Chief, the Head of the DPW, the Engineering Department, Planning Department and so on. We went through this proposed zone change and then the resulting plan with them in detail and they were kind of, they didn’t have no objections to what we were doing. Our plan is to a residential sub-division here. We would like to change this to all Residential and we would propose to bring a road in this area here where we front on Silver Street, kind of loop it in through the property and connect it back in to the end of the cul de sac at Doane Avenue. We would of course have to comply with all the A-1 zoning requirements but with the amount of land that we have, we would be able to very comfortably exceed all the zoning requirements. The land owned by Aspenwood Associates, the land on this side, is about 17 acres, about twelve of which is in the Industrial zone. Of the Caruso property, their total property is approximately seven acres or seven and a half, and they have about five acres that’s in the Industrial zone. So this overall application is to change twelve more or less plus five - seventeen acres from Industrial to Residential. In anticipation of the zone change, the Town Planner, I’m sure you’ve seen her report, the Town Planner goes through the proposal and evaluates it and she wrote a very lengthy, detailed report but I wanted to just highlight what she says is that “the only access to the Blue Sky parcel” –now just for clarification purposes Blue Sky Builders is a company that I’m affiliated with. Blue Sky Builders recently conveyed this property to another company – Aspenwood Associates – so when she makes reference to the Blue Sky parcel, it says Blue Sky Builders on the map but that’s really the Aspenwood parcel that we’re talking about. She says “the only access to the Blue Sky parcel is through a Residential zone”, so right here, this is the Blue Sky parcel, the only access is here off of Silver Street through the Residential zone. “Under state law, you cannot access a less restrictive zone through a more restrictive zone.” In other words, you cannot provide an access road to Industrial land through a Residential zone. And she goes on to say “given these constraints, residential use would be the only feasible use of the property.” So what we’re really dealing with is a situation where this pink crosshatched area which is in the Industrial zone is essentially land locked because we can’t get access for an Industrial use to this property even though it’s zoned Industrial. So, that’s really the main reason for our request is to unify the zone so that we have all the Zone B Residential, both parcels. We considered the opposite request to unify the zone so that the entire parcel could be zoned Industrial. At the Planning Board meeting some of the neighbors thought that that would perhaps be better than Residential but I don’t personally agree with that. I think that there is a benefit to the Town in changing the zone because you’re going from a zone that’s very liberal – let’s all types of uses that really aren’t that compatible with Residential use allowed in the Industrial zone and by changing it, you’re going to really the most restrictive zone in the Town – the Residential A-1 zone – allows basically single family homes and a couple other things like parks and churches and town buildings but essentially you’d be going from a pretty liberal zone that allows all types of uses to a very controlled, conservative zone, the Residential A zone. Another benefit of this to the Town and to the residents of Doane Avenue is that right now Doane Avenue is about 1400 or 1500 feet long. It would not be allowed today under today’s zoning because in

today's zoning the maximum length cul de sac that the Town of Agawam allows is five hundred feet. This is 1400 feet. One of the reasons that the towns have such restrictive dead end road requirements and this is kind of similar in every town these days is that the fire department, the police department, the engineering, the public works, everybody is concerned about health and safety issues. They're concerned about a street like Doane Avenue with thirty residents on it, you have a situation where you have a traffic accident at the intersection or a tree drops across the road or all kinds of things, these are things that public safety people always bring out to developers when a developer wants to come in and do a long cul de sac, they say well no, it's dangerous, you run a risk where what happens if we need to bring an ambulance in here and there's a traffic accident here. Well this allows us to take a currently non-conforming use and make it conforming and make Doane Avenue a little bit safer. Some of the residents that came at the Planning Board meeting, they were very vocal and they talked a lot about the fact that Doane Avenue is in a lot of people's minds, sub-standard. It is narrower than most roads today and the cul de sac is smaller and they talked about situations where tractor trailers can't really turn around at the end of the cul de sac and that type of thing. So there's situations where well a tractor trailer drives to the end of the cul de sac and they have to back out, creating a nuisance in blocking the road and that type of thing. And that's one of the benefits that we would bring to that neighborhood, would be eliminate that non-conformity, that somewhat, possibly, hey who knows if its dangerous or not because until something like that happens, it's really not a danger but it does give the Town the ability to create a situation that would eliminate that type of circumstance. So that's really basically it. We're asking for the opportunity to utilize our property, to put it into a less restrictive zone, excuse me, a more restrictive zone and one of the by-products is we improve a situation and improve the current circumstances of Doane Avenue. Some of the residents are concerned that they feel like maybe they'll be more traffic going down their street but I don't really think that that's gonna happen if we have a new street coming in and looping in here. I would expect that people who were to build a new house on this street, they would use their new street for coming and going. I don't think that they would really be looping around and going up and down Doane Avenue. So I don't think that that's a real, a real concern. But that's what we're proposing. One thing to keep in mind is that because of the wetlands here and the deep gulleys along the southerly border, there is a natural buffer that will be left between what's currently existing as Industrial to the south of the property. So there is a natural buffer here that will protect these residences and further keep the Industrial use away from the Doane Avenue residences just by the nature of it and then as going through this approval process or going through the preliminary development planning process, we've spent a considerable amount of time with the Commonwealth of Massachusetts Endangered Species folks, we've talked with them at great length and have agreed that if this were to be developed as a Residential development, we already have an agreement with them that we'd create a large open space conservation area that would be kind of L shaped all the way along the southerly and the easterly border of this property that would remain permanent open space. So that's pretty much it. I'm happy to respond to any questions you have or provide any other information you may need.

President Letellier – Thank you very much. Any questions? Okay, we'll start from this side and go around. Councilor Perry?

Councilor Perry – Yes, thank you Madam President. Through the chair, if we allow this zone change to take place, how many housing units are you proposing to put in?

Kirk MacNaughton – I think the constraints on the side that about fourteen would be the maximum that would be able to be physically able to be built on the site.

Councilor Perry – Okay, now that narrow strip according to my map is 126 feet wide, that's ample for today's zoning requirement to put a street in for that length?

Kirk MacNaughton - Yes, it is. Fifty feet or sixty feet, depending on the number of residences is the required width that would meet either of that.

Councilor Perry – Okay, that's all that I have right at this moment.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – Thank you. Did the property that abuts Silver Street on your map to your left, see the pink hatched area is – yup, and then move your hand to the right, there you go, that property right there – did you say that that was Industrial zoned?

Kirk MacNaughton - Yes, it is. There's two small industrial use buildings here. Anchor Electric Motor is one and a plastic company, the name escapes me.

Councilor Calabrese – Toner, okay, yea, I know where Toner Plastic is, okay all right, I was just trying to get the point of reference. Now how frequently do tractor trailer trucks go down Doane Avenue?

Kirk MacNaughton - I have no way of knowing.

Councilor Calabrese – I was just gonna say – and Councilor Perry had actually asked the other question that I had. So, thank you.

President Letellier – Thank you. Councilor Simpson?

Councilor Simpson – Thank you. Just one brief question, if I saw this and if it was in here and I didn't see it, I apologize for asking it but approximately fourteen houses, what are we looking at for price range for these houses? Do you have any concept of where you're gearing for?

Kirk MacNaughton - Well, generally speaking, this is always kind of subject to change but yea, I think we're probably looking at home sizes that gonna range from 2200 square feet to 2800 square feet, you know kind of a middle you know real big houses but not small either. You know houses are gonna be priced at \$400,000ish maybe a little bit

more, \$500,000.00 something like that. They'll be nice. Because of this large open space, the conservation easement area, and the small number of lots, really the whole parcel is about 24 acres, so you've got quite a few lots that are two acres or greater so there is quite a bit of space and buffer there.

Councilor Simpson – Thank you.

President Letellier – Thank you. I think Councilor Messick had her light on next and then Councilor Cavallo.

Councilor Messick – Hi. Can you tell me who you spoke with at National Heritage? You say you walked the parcel with National Heritage?

Kirk MacNaughton - Oh, yes. Two folks, the staff person there is Misty Ann Merrill. I've met with her several times and then her supervisor also was very involved in the process and his name, you had to ask me this didn't you, was or is, I spoke to him many times, it'll come to me, if you want to give me a hint I can confirm if it is was him or not but –

Councilor Messick – That's okay. I can figure out who it is. If you told me Misty, I know who it is. The rule of thumb if a protected species is found on a property, you reserve two thirds of the parcel, and this entire parcel is in priority and estimated habitats so I saw a statement somewhere in here that said you'd agree with National Heritage to preserve fifty % of it?

Kirk MacNaughton - Well –

Councilor Messick – That's a little unusual.

Kirk MacNaughton - Well, not necessarily. I think I know more about the Endangered Species in the State of Massachusetts than I really care to and it's a constantly moving target but it's not a black and white target. The percentages that you are referring to – the 30%/ 70% - is a number that is kind of the stated number but in reality it's a negotiated number and in our particular case, like I said we spent time out there and there's a – we have two endangered species – well one's not endangered, one's protected; one's endangered. The protected species is the box turtle which is pretty common in Agawam and the other is the worm snake. The worm snake is off our property but we're still in the travel zone of the worm snake and the ...folks are very, they're very fond of worm snakes I guess is the best way to say it. I mean it's a species that they're very cogniscent of. It's a species that nobody ever, like there's probably ten people that have ever seen it because it's a little tiny, I've never seen one but, it's a little, tiny snake that looks like a worm that lives under rocks you know but because there is a worm snake nest in the area, they were very anxious for me to preserve a particular site on here without going through the whole negotiation process, and they basically said well look if you reserve this area for us for the worm snakes, we'll give you some flexibility on the box turtles and allow a little bit more development than the thirty/seventy. That's kind of the short of it but

they've seen my proposed development plan. I guess they've given the okay that they like it. They can't really give a preliminary approval on it yet because they need maps done to a certain standard which we haven't had completed yet.

Councilor Messick - Right. So you haven't had wetlands delineations done?

Kirk MacNaughton - Well, there's already, yes, there's been wetlands delineations done, prior to my owning the property but the data is still the same, but they look for a more detailed plan than what we have at this point because they need, see they need to see the actual development plan so they'll never give you, they'll never issue a preliminary approval until they see exactly where the road goes, where the houses will be, what the size of the houses will be, where the limits of the clearing will be, how does the utilities gonna work, storm water, and they need to see the whole thing before they will issue a statement. But the way the process works is they are pretty good at communicating with you and giving you know somebody like myself guidance as far as what they're looking for.

Councilor Messick – Okay, one more question. Are you aware of any vernal pools on the property?

Kirk MacNaughton – No.

Councilor Messick – Okay, thank you.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea, I just had a question. Coming in and going out of the development, when the people when the residents come out of the development do they go entirely around the cul de sac or do they take a quick left to get out onto to Doane Avenue, to come out to Silver?

Kirk MacNaughton - The current residents on Doane Avenue?

Councilor Cavallo – No, I'm talking about in your development. The fourteen homes – people are gonna be traveling out of there and they're exiting where the cul de sac is, correct?

Kirk MacNaughton – Well, the street will run from the cul de sac around out to Silver Street. So there'll be an entrance on here on Silver Street.

Councilor Cavallo - Okay.

Kirk MacNaughton – So I anticipate that most people, if you're gonna build a new home in a new home area, in this area here, you're probably gonna come and go from your own street. I don't think they're gonna go to the end of the street and further away from Silver cuz obviously everybody's got to go to Silver so I don't think they're gonna

go, like if their houses were here, I don't they'd travel in an easterly direction to get to the cul de sac, only to then come back in a westerly direction to Silver Street. I think they'd primarily just come in and out their own new road.

Councilor Cavallo – Okay.

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – So that parcel that you're gonna buy at the end from that couple at the end, that's pretty much to get around that 500 foot restriction? Is that the reason for it?

Kirk MacNaughton – I'm not sure which parcel you're referring to.

Councilor Rossi – The parcel on the end where you're gonna go through the cul de sac, the exit?

Kirk MacNaughton – The third parcel you're referring to.

Councilor Rossi – Right, right. Correct. Is that the reason that you're purchasing that – to get around that 500 restriction on the length of the road?

Kirk MacNaughton – Yes, that's correct because otherwise neither of these would comply with that, so yes, that's right.

Councilor Rossi – So that's really not, your intention is not to make Doane Avenue the primary street.

Kirk MacNaughton – Absolutely not. No. It wouldn't be. It wouldn't make sense that it would be. Mr. Rossi is referring, just so you know, the application for the zone change is for the two parcels – the Aspenwood parcel and the Caruso parcel. There's a very small sliver of land here between the Caruso parcel and the actual cul-de-sac on Doane Avenue owned by a Mr. Desrosiers who lives at the end of the cul-de-sac. I have an agreement to buy a strip of property from him in order to get access from Caruso to the Doane Avenue property. There is a letter in the file to that effect, that's I think what made Mr. Rossi ask that question.

President Letellier – Thank you. Any other questions? Councilor Perry?

Councilor Perry – Just real quick for clarification – through the chair- now all the parcel that is shaded in green, that currently is part of the whole Aspen property?

Kirk MacNaughton – The property line between the Caruso and the Aspenwood property is right here. It runs in a north and south direction. Everything on this side is the Aspenwood property. Everything on that side is the Caruso property but they both have the same issue. They both are part Residential, part Industrial.

Councilor Perry – Okay, thank you.

President Letellier – Thank you. Any other questions for this speaker? No? Thank you very much, Mr. MacNaughton.

Kirk MacNaughton – Should I stay around for questions?

President Letellier – I would suggest you do, yeah, just to be safe. Anyone else when Mr. MacNaughton is finished and also although there's no camera person up there, you might want to just turn your map, there's a camera up there, ah, yes, I'm sorry, hello, so that the people at home can see your, she'll tell you when you're in – oh I'm sorry is the side camera there? I'm sorry, I didn't see Ray and I didn't see a side camera so I apologize. Okay, all right, so, I don't want to waste time while she's coming down. If you could wait a couple minutes for the camera woman so she can get that on the thing

No problem. I'm not going anywhere.

President Letellier – All right and then next we'll have anyone else who wishes to speak in favor of the proposed zone change. That would be the next speaker. Here she is. Oh, Pete's there too? Pete is it picking up the map? Okay, great. Thanks Mr. MacNaughton. You go ahead, you can take your map and we'll have anyone else who wishes to speak in favor will be next. Thank you very much. Is there anyone else who wishes to speak in favor of the zone change? Last call for anyone wishing to speak in favor of the zone change? Okay, now we will open it up for those who wish to speak against the zone change. Again, if you wish to speak, please come up, state your name and address into the microphone and you'll have ten minutes per person. And you cannot give away any of extra time to the next person. Please state your name and address.

Shirley Kibbe – My name is Shirley Kibbe. I live at 40 Doane Avenue and I've lived there for 54 years. My husband and I both live there. I've submitted a petition to you signed by Doane Avenue and Agawam residents that are against the proposed zone change. There should have been about 150 names on the petition that you have. I think you all have a copy of it which were in your packet and I have two more pages here and I haven't had a chance to make copies of it yet but –

President Letellier – You can give them to the Council Clerk and she'll get the originals back to you and make copies for us.

Shirley Kibbe – So that would make quite a few, 185 almost 200, signatures on that and we're all against the proposed zone change and one of the reasons we bought our home on Doane Avenue in 1955 was because all the land around us was zoned Agricultural. Tobacco barns dotted the landscape and farmers plowed their fields. Then two men who bought land at the bottom of Silver Street hill petitioned to have all that land rezoned Industrial so that they could sell it as such. That left us as one little residential street within the perimeter of Silver, Suffield and Shoemaker Lane. That certainly wasn't done in our best interest but we had to accept it and we did. I mean they did vote for it at the

town meeting, they did vote for it. It wasn't, like I said, it wasn't made, this was a decision that was made in the Town's best interest years ago and the zoning should be upheld just as it stands. Now Mr. MacNaughton from Granby, CT. who bought some of the land behind Doane Avenue knowing full well what the zoning was, and after unsuccessfully trying to sell it himself, now he wants it changed to Residential A. All that that would be doing is continuing the hodgepodge of zoning we already have in this town although now we have a good Planning Director in our Town. These are our concerns. It's been a proven fact that homes cost the Town more money in municipal services than businesses or industries do. The Town has been constantly seeking businesses to come here not seeking more homes to be built. There's no scarcity of homes for sale in Agawam. There are at least 111 homes on the market right now. Residences pay taxes based on \$12.07 per thousand, as you know. Industrial and commercial pay \$26.04 per thousand, more than double. More homes means the Town must spend more money for services such as plowing, trash pickup, road upkeep, fixing broken water pipes, schools, teachers, busses, gas for the busses, etc. It all adds up to a higher expenditure for the Town. According to the Agawam School Department, the cost for one child to go to school for one year, is in excess of \$5000.00. We all know that the state has drastically cut back on all state aid including the schools. That leads me to wonder and ask the question, why would we want to change the zoning on land that is already zoned Industrial when it's much more profitable for the Town to keep it as it is? Right now it's not costing the Town anything. Not one dime. Leave it as it is. That's all I have to say except I had some questions for Mr. MacNaughton, when do we ask those? Do we get a chance to ask questions?

President Letellier – You don't. You can tell us what your questions are and if the Council wants to, we can bring him up to ask him later.

Shirley Kibbe – Okay. He mentioned something about the 126 foot buffer zone and I wasn't quite clear if that was gonna remain in place if he gets his zone change? I know it's in place now which the Town fathers gave to us you know 25 years ago. And also we had seen eastern box turtles back there and I believe they might be an endangered species or maybe a species of special concern, this realtor over here seemed to know, I mean this councilor seemed to know what it was, that is another thing I would like to know. And when he said the National Heritage minimizing everything? Well, there's plenty of wildlife out there, believe me. And I do want to know who the builder would be and I asked him that at the last Planning Board hearing but he said, he didn't give us a name, he doesn't have to I guess. I just thought if it was a local builder, someone who we were familiar with, might make a difference, I don't know. Okay, that's all I have to say. Thank you.

President Letellier – Thank you. Come on up, sir. Please state your name and address for the record.

Donald Gaunt – Madam Chairman, members of Council, my name is Donald Gaunt. I built a home on Doane Avenue 58 years ago and have resided there since. My chief concern is safety. When Doane Avenue was built back in late '49 or '50, I'm not sure

which the date is, I moved in in '51 and there were only three houses then, and the street was built very narrow. It does not meet the present requirements for a development in the width of the street. If they put in a development behind our homes and open up a road so that they will have two exits, it's going to be a race track around there and as it is now, we have a problem. I have some pictures that I have taken. I would like to pass them around. The first one shows, if you come out of Doane Avenue onto Silver Street, you will see this. There is a gradual curve in the road. You cannot see traffic coming down from say Lucia Lumber Company down. When you pull out to say go downtown, you are sticking your neck out because any cars come around that corner fast, they're gonna get you. And any of my members of Doane Avenue can attest to that, how dangerous it is. This picture shows just where you would be coming out of Doane Avenue and looking up toward Lucia Lumber Company. I use Lucia Lumber Company because everyone knows that location pretty well. This is another view of that. I don't know how many of you remember but quite a few years ago two girls were killed at this, just passed this intersection. A car came around the corner and a woman had skidded on the road and was crossways and this car hit it broadside and killed two little girls. I was there and know what they went through. This is another picture where their exit from their development comes out onto Silver Street. We not only have a blind exit there but we got another road coming out onto Silver Street. This is pretty much the same thing – just a little bit different view. Doane Avenue like I said was narrow. We don't have a playground for our children there, so the kids play in the road and you can imagine what's gonna happen if you put more traffic down that road. We've been very fortunate so far that no children have been hurt but we do here a squeal of brakes every once in a while. That exit going out onto Silver Street would be a very bad exit. You would not see it as they come out from Doane Avenue. The main reason we haven't had a bad accident I think there is it just happened that no one was coming up Silver Street at the time and you put your nose out into traffic and someone goes around you quickly and luckily no cars were coming up. But safety is my main concern. The land behind us is beautiful land for animals. We have deer in our backyards. We have, just tonight before leaving, there were five different kinds of birds in my backyard and I don't have a feeder there. We're not here in the winter time and so I don't think it's fair to feed the birds cuz when I'm not here, they're gonna miss me but we do have a lot of different animals back there and it has been a wonderful street to raise my children on and wonderful neighbors. Thank you.

President Letellier – Thank you, Mr. Gaunt.

Donald Gaunt - I'm sorry. If you have any questions, I have a hearing problem so –

President Letellier – Any questions for Mr. Gaunt? No? Thank you for your presentation sir. We'll get your pictures back to you.

Donald Gaunt - Thank you.

President Letellier – Thank you. Please state your name and address for the record, sir.

Jim Consolini – My name is Jim Consolini. I reside at 101 Doane Avenue. I've lived there for 53 years and let me tell you Doane Avenue as it is right now is a great place to live, great place to raise a family. It's a dead end street surrounded by woods and we sure as heck don't want to look out our window someday and find a road in our backyard and houses in our backyard. Contrary to what the petitioner has said at one point, we have had ambulances, we have had fire trucks come down Doane Avenue – no problem. Now he talks about a second road coming into Doane Avenue, an egress road, my understanding is that there's a strip of land there that he's already got a proposed contract with Mr. Desrosiers to buy. I question if that area is gonna be large enough to accept a road. A Residential A-1 requirement now says that a public right of way has to be fifty feet – thirty feet of paved road, five feet of side walk and five feet of a tree belt. I don't know if that area is that large to accommodate that kind of a road. Second, if that road comes in there, that would make the Cosimini property a corner lot and right now that's against the law. You cannot make a corner lot out of an existing home that's there now. The petitioner also says that he doesn't *think* that traffic will come down Doane Avenue from that end of the road. I kind of disagree. We might have a lot of traffic coming out and if this proposal does go through, you're gonna have a thirty foot road coming into an eighteen foot road on Doane Avenue. That's a big swing and very dangerous. And when you talk about danger on Doane Avenue from this additional traffic, you got to remember one thing – people and kids see the traffic coming from Silver Street down, they expect that traffic to come back unless it's somebody that lives there. They will not notice anybody else that's coming into that right of way, out of that egress, down to Silver Street – very dangerous. Now, we can also assume that the builder is going to build homes in the \$400,000.00 range, is what he said, you know currently in Agawam there are 65 homes in that price category that have been on the market for a long time, approximately seven months and counting. Do we need more? Yes, we do but where? That's a different story. Then also we've got five to six more developments in Agawam for additional homes. There are approximately 65 homes to be put up in those developments. How long will they stay on the market before they're sold? You people on the Council wanted to hear from us, you are hearing from us, you're gonna hear a lot of the opposition. We are the people of Agawam. We kind of expect you to vote in our favor because you are elected officials and I thank you. Are there any questions I can answer?

President Letellier – Thank you, Mr. Consolini.

Ruth Cosimini – Hi. My name is Ruth Cosimini. I am at 102 Doane Avenue. I wasn't really planning on speaking today but I'm going to. I work at a local business here in town and I get to see a lot of people coming in and out and asking them what they think about more houses in Agawam and they're totally, totally against it. I mean I'm right there with the people and most of the residents and I know how they feel. I wrote a letter to the Agawam Advertiser and to the Springfield Republican about how I felt and basically everybody has said what I had said in my letter and it's like, do we really need more houses when so many are standing vacant? Is this gonna put an extra burden on our Fire/Police? I am the corner lot. I am Cosimini, that corner lot, where it's gonna go right by my bedroom. The circle is right there, there is no way you can pull out and what are you gonna do, go around the circle or cut up on my land? No, it's just not right and as

everybody was saying, there's many, many animals that live back there. We have deer in our backyard and we have the turkeys and everything else. I mean with Agawam closing in on itself...that's about all I have to say. Anybody have any questions?

President Letellier – Thank you, Ms. Cosimini. Come on up, ma'am.

Stuart Kibbe – I guess I'm next people and I know all of you, one way or the other, all of you and I've been here for 76 years.

President Letellier – We may know who you are but the tape recorder doesn't know who you are.

Stuart Kibbe – Pardon me?

President Letellier – We may know who you are, but the tape recorder doesn't, you still have to say your name. Sorry.

Stuart Kibbe – My name is Stu Kibbe. Stuart Kibbe and I've lived here for 76 years and maybe 76 more, hopefully, not really, but I'm opposed to what his idea is. I can't talk like these people and I can't talk like him but I can talk like Stu Kibbe talks and he talks like Cliff Kibbe talks probably if you remember him. I talk from the heart and the head. Let's go back thirty years ago. First of all, this guy trampling on the Council's thoughts that were imposed when the property was zoned and the buffer zone was put there, it was put there by the Town Council at that time which is Eddie Caba and probably people like that, I don't recall all of them, but if you guys change it, you're trampling on the other people's, the guys that preceded you to your job, you're trampling on their thoughts and their wishes. Think not, if you think not, but I feel that way. Now just to be quick and dirty, about thirty years ago there was a group of people that came into the Town of Agawam that said we need a race track so bad and we need that Industrial Park that you have there, we can use all that property and we enforce this and for four or five months of the year, but the other six or seven months and traffic, well we don't want to know nothing about that. I can go on for ten hours if I keep talking. I'm upset. There is box turtles there. I also have a little garden behind my house. I've had it there for fifty-five years, ever since I moved up there. I've been up there since, I came home from Korea and I bought that house. My wife found it for me. She said I found a cute little house up there on Doane Avenue and I bought the house. I had \$1,000.00...and all my friends all bought cars and I said I'm gonna buy that damn house and I bought that house. Excuse me, my pants are slipping here. I'm an old guy, I can't help that, but I tell you, I talk from my head, my wife said be careful what you say. I'm being careful as I can babe but I'm Stu Kibbe and I know you. I'll remember you mister. I'll remember you one way or the other. You're a smooth talker, I'll tell you that. You can talk, you can talk a slimy snake out of a hole probably but you can't talk me out of anything. Okay? Okay, Charlie. Let me see if I got any notes...I'm telling you. I don't want you all falling asleep here. I'm gonna look at my notes okay? I've got ten minutes right?

President Letellier – That's okay. Take you time, Mr. Kibbe.

Stu Kibbe – Okay, I'm gonna wake you guys up, all of ya.

President Letellier – We're awake.

Stu Kibbe – Okay. Well, what's the matter with waiting forty/fifty years and when the town really does need a piece of property, it'll be available. If it's gone, it's gone. This guy will have his houses and the people there, and there will be no property to develop. Donald Rheault knows that. He's lived here all his life. When, this town when I was born, I got town books from way back, there was 3,000 people in this town and it was a wonderful thing. You didn't have to lock your cars, you didn't have to lock your house, you could do anything. Nobody stole anything. It just, I guess I'm not ready for the change. I'd like to see it left for my children, my grandchildren, my great-grandchildren. There's land there that can be used. Why should some guy that, speculate and purely speculate to the limit buy some land at a stealing price. I would have bought the damn thing if I knew it was \$127,000.00 and you could probably just sit on it forever and it'd be worth \$270,000.00 in a few years and you could make some money that way. You wouldn't have to build a house or get your hands dirty or anything. But I don't know what to say to you. But I want you to think that this guy isn't gonna be happy. I've lived there, there's deer there. I defy you or I dare you, not defy you, I wish you would just take a walk down where Dennis (?) Crowley runs his horses. It is the most gorgeous piece of land down there, it's all dirt road, Rosati has taken a lot of gravel out of there, there's a wetland back there where he's gonna be contending with, there's a pond at the end of the road now that Tommy Rosati and I'm not knocking Tommy cuz he selling the gravel and it's 500 yards down the street from me so I don't care but there is water there. You are assured of that right?

President Letellier – Mr. Kibbe, address the Council

Stu Kibbe – I can't address him? Oh, I'm sorry.

President Letellier – Yes, address the Council.

Stu Kibbe – But I want him to hear me though.

President Letellier – I'm sure he can hear you. We all can hear you. We can hear you fine.

Stu Kibbe – I want him to. I don't want to use my whole ten minutes over here.

President Letellier – That's fine.

Stu Kibbe – If I drive you up the wall, I'm sorry. Let's see. Oh, and the things like I said, thirty years ago they came through, some guys from somewhere in New Hampshire I think, wanting to put a race track in and somehow the Council was wise enough to turn it down and the Industrial Park came and we had a wonderful guy that was on the

Council and he's gone now – Eddie Caba – he was in our back field and he helped us 100 % and there's nobody here to listen to him but I'm here to tell you that Eddie Caba was my kind of guy. He stuck with us and we defeated people like him that want to change things that – I feel sorry for the man but he didn't – he's speculating. I kind of speculate, I got \$127,000.00 I could have bought that too. But I said well, let's just let it sit, it's open land and something nice could happen there someday, other than a bunch of houses that might sit vacant or people come in and whatever, okay. I guess that's all Mr. Kibbe's got to say tonight but if I can think of anything else I'll bring it up to you though I promise you. Okay?

President Letellier – Thank you Mr. Kibbe.

Stu Kibbe – Okay, thanks. I hope you don't forget me.

President Letellier – We won't. You are unforgettable. Thank you Mr. Kibbe. Come on up, ma'am.

Linda Jacobs – Hi. My name is Linda Jacobs and I reside at 64 Doane Avenue. I'm kind of gonna speak on a little different – I haven't been there fifty four years – I've been there ten years. The reason we moved there is I had younger children. As you can tell, the street is kind of cycling where we have a lot of the older people who are either moving out or unfortunately pass away and a lot of new people are going in there, myself and my husband being one of them. And the nice thing I liked about it was the fact that my son and my daughter could go in the back, they can walk down the trail, they can see the wildlife, the turkeys and the deer and the turtles and coyotes, yes, we do run into them. And also, just kind of walk in there, it's a nice place to go as they had said previously, there's really no parks, there's no where for them to go around there. So riding their bikes on the street, we do have a cul-de-sac, it's pretty safe as they had said, everybody knows the neighbors that are coming in, we know everybody that lives there. We know if they're gonna stop, we know if they're gonna just go around and it's just a really nice neighborhood to move into. Everyone's very friendly. But the nice thing about it is, it is a really nice neighborhood that you can have younger children come in. We do have another house that's up for sale and hopefully as you see, there's younger children that are coming in, so I speak kind of on a different angle from some of the older people that are on the block, one of the newer people that's coming in but I do oppose it and I think that you'd be taking a lot away from younger children as they move into that neighborhood as well. Thank you.

President Letellier – Thank you, Ms. Jacobs.

Joan Martel – Hi. I'm Joan Martel. I've lived on 80 Doane Avenue for 47 years and I don't hear anything that this proposal is saying that is good for Doane Avenue, that is actually good for Doane Avenue. I think that personal experience I've had a friend come and visit us with a tractor trailer and he had no trouble going around the turn around and I know it only happened once or twice but my good neighbors never complained about him parking in my front yard for overnight because he wanted a warm meal and a soft bed. I

personally have had an ambulance come for my sick husband when he was with me and they had no problem coming down the road either and in the long run, this has been a wonderful, wonderful street to raise children. My grandchildren come to visit and this development is gonna cut down all those gorgeous trees and we're gonna lose the privilege of seeing deer and turkeys in my backyard. And everybody's had the wildlife and it's been wonderful but the children enjoy it and we enjoy it. It's quiet. It's a wonderful community street and I know it's longer than it should be but in my 47 years, I've never heard of a problem with fire engines or ambulances or anything coming down the street. And I think if there's to be nothing done with this property, the Conservation group could maybe spend some money and make a park out of it or a little picnic area or something. I do not see where houses would be an asset. There's nothing good going with houses behind our little street. It's just a wonderful neighborhood and I hope it stays that way. Any questions? Thank you.

President Letellier – Thank you, Ms. Martel. Any other speakers? Come on up.

Christine Root – Good evening. I'm Christine Root. I live at 93 Doane Avenue. I've lived in Agawam all my life and I recently remarried and bought a home on Doane Avenue about approximately four years ago. Our home is across the way from where the building is gonna be, however, my property I have a down driveway and I have a three mile pond right behind, in my backyard, behind my home. What I have seen on this street is drainage problems and I want to know if a development comes in, are they gonna have the same drainage problems as we have? Our street fills up with water. It is a very small street. We've had tractor trailers, we moved in with a forty-eight footer – no problem – whipped right around the cul-de-sac. I've had ambulances at my home. I don't see any benefit to knocking out that cul-de-sac, they'd have to totally take that whole island right out, otherwise the egress would have no way of making that turn. I see no benefit to the neighborhood. My home is currently for sale and we're not having any bites on it and it's reasonably priced. I see no benefit to building homes that will not sell. I see many homes in this town; people just cannot afford that price range. Our schools are small, they're over-crowded and I just see no benefit in to tons more families moving into this town. Thank you.

President Letellier – Thank you, Ms. Root. Any other speakers?

Kenneth Jones – My name is Kenneth Jones. I'm at 34 Doane Avenue. The petitioner deserves the right to use the property as they would hope and make a profit from it but in this particular instance, I don't think we've heard, the people who live nearby, have heard exactly what's gonna happen there – whether they're gonna move wetlands or try to build retaining ponds or what's gonna go on there. It's all kind of vague right now so I oppose the change until we at least know exactly what's gonna happen. I don't think they want to do that until they get permission to go ahead so, we're kind of at a loggerhead I guess. So that's all I have to say.

President Letellier – Thank you, Mr. Jones. Anyone else wishing to speak in opposition?

Melissa Jacobs and Mike Jacobs – My name is Melissa Jacobs. I'm Mike Jacobs. We live at 64 Doane Avenue. You've already heard our mother, she pointed out that we like to go for walks in the woods. We take our dog out into the woods. If they build houses behind us, is it gonna hit our property? Are we gonna lose our backyard? Are we gonna lose our privacy? Because right now, we enjoy having friends over, we play, we have a huge trampoline, we're going to get a pool and we don't want to lose the privacy and the quiet that's on the street. There's younger kids on the street that I babysat as they were growing up and now he babysits them. They play, they come into our yard, they play, we go in the woods with them. We just don't want to lose it and I think right now there's a lot of confusion as to what is going to happen behind the house. Nobody understands but I don't think we want to understand because we don't want it.

President Letellier – Thank you. Anyone else wishing to speak in opposition? Last call for anyone who wishes to speak in opposition? I'm all set Shirley. I've got it under control. Anyone who wishes to speak in name only in favor of the zone change? Name only in favor of the zone change? Seeing none, anyone who wishes to speak in name only in opposition to the zone change? Please come to the microphone and state your name and address if you wish to speak in opposition. Register your name in opposition. Come on up folks. Just come right around to the microphone.

Roger Sherry – Roger Sherry, 70 Doane Avenue. I'd like to speak in opposition to the traffic. Thank you.

President Letellier – Thank you.

Patricia Sherry – Hi. I'm Patricia Sherry, 70 Doane Avenue, and I am opposed to this, I would like to say. Thank you.

President Letellier – Thank you ma'am.

Joanne Mason – My name is Joanne Mason. I live at 88 Doane Avenue and I am also opposed to this project. Thank you.

President Letellier – Thank you.

Evelyn Bragg – I am Evelyn Bragg. I live at 79 Doane Avenue and I am also against the proposition that they're planning on.

President Letellier – Thank you, ma'am.

Robert Griffith – My name is Robert Griffith. I live at 94 Doane Avenue and I am against the zoning.

President Letellier – Thank you, sir.

Dolores Jones – My name is Dolores Jones and I live at 34 Doane Avenue and I am in opposition to this project.

President Letellier – Thank you. Anyone else?

Lawrence Taylor – Hi. Lawrence Taylor, 102 Doane Avenue and I definitely oppose the proposition. Thank you.

President Letellier – Thank you, sir. Last call for anyone wishing to register in name only as opposed to the zone change? Last call? Seeing no further speakers, I will gavel the public hearing closed unless the Council wishes to table it pending the Planning Board review. Councilor Perry?

Councilor Perry – Yes, I'd like to make a motion to table and keep it open until we get –

President Letellier – All right. So let's have a motion on the underlying matter and then we'll have a motion to table. So, can we move the underlying zone change? Moved by Councilor Perry, seconded by Councilor Cavallo. Councilor Perry your motion? You wish to table the public hearing?

Councilor Bitzas – Before we table, can we hear the report of the committee.

President Letellier – We're gonna table the public hearing but we can still open it up for Council discussion. So we moved to table the public hearing by Councilor Perry, seconded by Councilors Cavallo and Messick. Barbara, could you call the roll on tabling the public hearing?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – With ten yes, one absent, you've tabled the public hearing. As I said before the Council cannot vote on the item because we do not have a Planning Board report yet so we wish to table the entire item or do you want to hear the Zoning Committee report? What's the Council's pleasure?

Councilor Messick – I don't mind giving the report.

President Letellier – Okay. We'll have the report from Councilor Messick.

Councilor Messick – Essentially on this issue, it's obviously there's a lot of public sentiment involved and I know that the Planning Board has heard the same words from these people. Our consideration as far as what our recommendation is, is that the Planning Board has not made it's decision yet and we're not sure which way they're likely to go with it, so we think it would be expedient for us to wait until they have made their decision and then take that under consideration. And so I'm glad that we're tabling it and we did take a vote that 3-0 that we should make that recommendation from the sub-committee.

President Letellier – Okay, so the sub-committee also wishes to table it.

Councilor Messick – Yes.

President Letellier – Okay. Any other discussion? If not, we'll move to table the whole item. Motion to table the item? Moved by Councilor Cavallo, seconded by Councilor Simpson. Barbara, could you call the roll? This is on tabling the zone change.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Thank you. So the Planning Board, I'm sorry, our public hearing and the discussion will be moved to June the 15th. Thank you all for coming. And I think, let's take a one minute recess in between zone changes to let the folks leave. Okay? So we'll take a one minute recess. Don't go too far.

2. **PH-2009-4 - (ZC-2009-4) Zone Change for the Property known as Mark Drive, Agawam, MA. and Langone Realty Corp., Norman Pelley, Jay A. Pelley and Evelyn M. Pelley, Frank Olbrych, Jr. and Carol A. Olbrych Petitioning the Town of Agawam to Change the Current Zones from Resident A-2, Business A and Agricultural to Resident B (Council) (Referred to Zoning Review Committee)**

President Letellier – We are back on record. Please note that Councilor Cavallo and Rossi are still in the hallway. I call the public hearing to order. I believe Attorney Liquori you have a presentation? Thank you.

Attorney Liquori – Good evening ladies and gentlemen. My name is Gary Liquori and I represent the petitioners in this case. I'm an attorney at 84 Park Street, West Springfield, Massachusetts. The petitioners are all requesting a zone change for the shaded area on this particular map. It's probably the only subdivision in Agawam where it has a mix – there's three different zones. It's my understanding it's the only subdivision where there's three zones cutting across this land. This was a subdivision that was initially started in 1974. It's been a little slow in coming but as you can see on this side of the street, Mark Drive, and you've probably driven down there, there are three duplexes on the easterly side of Mark Drive on this street. All the petitioners want to do is to keep this as a duplex subdivision. We've got the, I don't want to get away from here, these lots to the right, they're all deep lots and you can see it's partially zoned Business A and partially zoned Agricultural. The Business A zone could give you four-plexes which Mr. Langone and Mr. Pelley do not want to have on this street. Mr. Langone lives at the end of the street and he'd like to keep this a duplex subdivision. He'd like to keep it consistent the way it is today and in that same light it'll be more attractive because these lots along the right that are part Business A and part Agricultural are deep lots because he wants to be able to stagger those lots and make it look a lot better. The duplexes along the left are high quality duplexes and I've been inside the duplexes – they're really nice inside. And so what you have here is it gives you affordable housing for the Town of Agawam and I also believe it's a good transition zone from the Business A of the Six

Flags/Riverside area to the Residential A-2, it gives the Town something that is nothing but a positive all along. The Planning Board initially, initially we had gone to change it all to Business A with the hope that we were gonna just build duplexes there and we could put a restriction on the deeds but the Planning Department asked us to come back and make it Residence B. So I think it makes sense in this way, Residence B we can only build duplexes. As it stands right now, you could have four-plexes along the right side of Mark Drive and they can build four-plexes to this day but they would be close to the street and it wouldn't be attractive. So I think in terms of the economics of this and how it's gonna look and in terms of how it's gonna be for the Town of Agawam, it really makes a lot of sense. It's probably the nicest duplex subdivision that I've seen in Western Massachusetts. It's really a quality subdivision. I think Mr. Pelley and Mr. Langone should be proud of that and I think that this makes sense for the Council. We're not asking for a lot of change as opposed to the last petition. We're just asking for some, make it uniform so that we'll have duplexes and I think it makes sense for the Town of Agawam. Are there any questions?

President Letellier – Thank you Mr. Liquori. Any questions? No? Thank you very much. Is there anyone else who wishes to speak in support of the proposed zone change? Last call? Anyone who wishes to speak in opposition to the proposed zone change? Last call? Anyone who wishes to register in name only in favor of the proposed zone change? Seeing none, anyone who wishes to register in opposition in name only for the proposed zone change? Seeing none, I call the public hearing closed. Do we have a motion from the Council? Moved by Councilor Cavallo, seconded by Councilor Calabrese. Any discussion? Councilor Calabrese?

Councilor Calabrese – Yea, I just want to compliment the plan that was laid out here. I think it makes sense and going with the duplexes instead of the four-plexes renders this a less dense populated area. I am familiar with that area, I'm familiar with that area and it is very well done and I'm gonna support this.

President Letellier – Thank you. Any other discussion? Councilor Cavallo?

Councilor Bitzas – Do we have a committee report?

Councilor Cavallo – Yea, I will support this for the same reason -

President Letellier – Okay, I'm sorry. You're right. We do need to have a committee report. Thank you. Thank you Councilor Bitzas. Councilor Messick? I apologize.

Councilor Messick – Hi, yes, we did hold a Zoning Review Sub-Committee meeting this evening to discuss this particular zone change. Councilor Rossi and Councilor Bitzas and myself were in attendance and one thing Attorney Powers (Liquori) just said, makes this very much makes sense for this parcel in that when they were looking into zoning it Business A, they could have done what they want to do, in other words put the duplexes there, but the siting and the setbacks and the lot restrictions would have been much more difficult to work with and in this case, going to Residence B it gives you a lot more

leeway as far as setbacks and lot lines and so that they can design it to be much more attractive and currently it's a real nice area. So, we voted 3-0 in favor to make a positive recommendation for this zone change to the rest of the Council. Thank you.

President Letellier – Thank you, Councilor Messick and thank you Councilor Bitzas for reminding me. Councilor Cavallo?

Councilor Cavallo – I just want to say I do support this. The fact that you're not building the quads is important to me. It does maintain the character of the town by building just the duplexes so I think it's a good move. The land is vacant. You might as well occupy it. Thank you.

President Letellier – Thank you. Any other discussion? No? Seeing none, Barbara, could you call the roll? Eight votes are needed.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – With ten yes and one absent, we've approved the Zone Change. Gentlemen, thank you for waiting and for your patience. You're welcome.

3. **PH-2009-5 - (TOR-2008-6) An Ordinance Amending Section 180-8B of the Code of the Town of Agawam Governing the Height of Fences within the Setback Area of Corner Lots (Councilor Simpson) (Referred to Ordinance Committee)**

President Letellier – I believe we do have the report from the Planning Board which is in support. I will call the public hearing to order. Is there anyone wishing to present or to speak in favor of the setback fence ordinance? Seeing none, anyone wishing to speak in opposition to the fence setback ordinance? Seeing none, anyone wishing to register in name only to the fence setback ordinance? Anyone wishing to register in name only as opposed to the corner fence setback? Seeing none I call the public hearing closed. Do you have a report from the Ordinance Committee?

Councilor Rheault – The Ordinance Committee did not meet on this because it was an oversight from the first time and there was no need for a meeting and that's it.

President Letellier – It was previously recommended, correct?

Councilor Rheault – Correct.

President Letellier – Correct. Okay, any further discussion? No? Barbara, could you call the roll? This is our first reading.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, you've approved the first reading.

Item 10. Old Business

1. **TOR-2009-3 - An Ordinance Amending Section 61-1 of the Code of the Town of Agawam Increasing the Size of the Agawam Veterans Council (2/3) (Mayor) (Majority of those present and voting)**

President Letellier – This is the second of three readings. Do we have a motion? Moved by Councilor Calabrese, seconded by Councilor Bitzas. I did get a call from Chris Sanchez from the Veterans Council the first time this was on and he wanted me to indicate that the Veterans Council is in fact in favor of expanding its size. Any discussion? No? Barbara, could you call the roll on the second reading?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, you've moved the second reading. Move the third reading, motion to move the third reading by Councilor Simpson, seconded by Councilors Young and Messick. Any discussion on moving the third reading? Barbara, could you call the roll on moving the third reading and then we'll actually have the third reading?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, we've moved the third reading. Barbara, could you call the roll on the third reading?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, we've approved the third reading and increased the size of the Veterans' Council.

2. **TO-2009-22 - An Order Granting or Renewing a Junk Dealer LICENSE – T's Jewelers, 559 Springfield Street, Feeding Hills, MA. (Referred to License Committee) (Majority of those present and voting)**

President Letellier – Moved by Councilors Rossi and Simpson, seconded by Councilor Cavallo. Councilor Rossi, do we have a report?

Councilor Rossi – Yes, we do. I met with my committee members, Councilors Cavallo and Simpson, and they were all in agreement that we should send a positive recommendation to T's Jewelers. T's Jewelers has been in town quite a few years as you all know and there was no opposition to his renewing his license at this time.

President Letellier – Thank you. Any discussion? No? Barbara, could you call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Mineo)

President Letellier – Ten yes, one absent, we have approved the license.

Item 11. New Business

1. **TOR-2009-4 - An Ordinance Adding Section 3.8.5 to the Code of the Town of Agawam Establishing the Agawam Energy Commission. (Councilors Calabrese, Letellier and Messick) (3 readings) (Majority of those present and voting)**

President Letellier – That'll go over to the Ordinance Committee, next Agenda.

2. **TO-2009-23 - Transfer from Reserve Fund (16605-57300) to Line Items - Street Lighting (16602-52120) (Auditor) (Majority of Full Council or six votes)**

President Letellier – That'll go to the Finance Committee, next Agenda.

3. **TO-2009-24 - Transfer from Reserve Fund (16605-57300) to Line Items - Water & Sewer (16602-52490) (Auditor) (Majority of Full Council or six votes)**

President Letellier – That'll go on to the Finance Committee, next Agenda.

4. **TO-2009-25 - Transfer from Reserve Fund (16605-57300) to Line Items - Medical Claims/Insurance (16603-57060) (Auditor) (Majority of Full Council or six votes)**

President Letellier – Again, to the Finance Committee, next Agenda.

5. **TO-2009-26 - Order Granting or Renewing a LICENSE for Weekly Amusement Device(s) – Alano Club of Springfield; 36 King Street, Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – This is for live music. So it's to go onto the Licensing Committee and that's next agenda.

Item 12. Any other matter that may legally come before the City Council.

President Letellier – Let's see. Where did we start last time? We'll start with Councilor Simpson this time.

Councilor – Thank you. I thought I had it in front of me and I just couldn't find it but we had a memo of regarding going out to bid for the ...of the Middle School and I know at our, we had a joint meeting with the School Finance Committee and our side for the School Budget and towards the end of the meeting that information was kind of talked about, wanting to figure out how everything lied with that and what I was wondering through our Chair, if we can, I know that there was some information that they said that they wanted to, that they had to go out to bid, but some monies had been spent and there

was some clarification of what the actual amount still was for that cuz they had done some work and some things hadn't finished, I was wondering if you could check up or even Barbara could send a memo saying that if there is some documentation on what the cost actually have fallen out to be?

President Letellier – So you want to break down on what the estimated cost is, what's already been spent and what's going out to bid?

Councilor Simpson – Right.

Councilor Calabrese – May I butt in?

President Letellier – If you have the information, sure.

Councilor Calabrese – I don't have the information but Barbara, double check that, I believe on this Wednesday at 5:00 at the Junior High, there's gonna be a meeting about that issue. I don't if you are available to go to that but I stuck around for the last school committee meeting and they had talked about following up on that particular issue and some other issues but that one in particular was talked about. So if you are available –

Councilor Simpson – And if not, if we could still, maybe through Barbara, that we could get the updated information in case people can't make that meeting.

Councilor Calabrese – Exactly.

President Letellier – Plus we got a memo in our packet that it is going out to bid. Okay.

Councilor Simpson – It's just that at the time there was talk about that some things, you know how some things had been done and some haven't, what has been spent, what's left, that kind of thing. Thank you.

President Letellier – Okay, yup, makes sense. Thank you. Councilor Cavallo?

Councilor Cavallo – Yea, I just have one item regarding the memo that we received from Solicitor Johnson and regarding Councilor Rossi's attempt, hopefully successful attempt, to acquire the Sportsman Club property that we're looking at, hopefully to adjoin to the School Street Park and it seems that, I think all of us got this in our packet, and I'm hoping that this comes to fruition. Apparently the issue is that the land has been identified as ...been contaminated but the cost estimates, we're unaware of that and but Solicitor Johnson says in the letter "the important thing at this point is that EPA has agreed to undertake the removal action and site will be cleaned" but we're going to absorb the cost, I believe is that – unless there's any kind of money – the Community Preservation people I believe and I'll yield to Councilor Rossi when it's his turn if in fact, I don't remember quite well that night if in fact they not only would maybe help us with the cost of the clean up and have you heard anything about that or are there other avenues that can be explored that could cover the cost? I'm sure according to his letter, it's gonna

be very, very expensive to clean up the contamination but the point I'm trying to make, it's a good move, it's going in the right direction and I hope that we see something come out of it in the next few months. That's all I have to say.

President Letellier – I can, you weren't on the Council when this first came before the Council, but one of the reasons the Council chose not to pursue it was the clean up costs and so to the best of my knowledge, CPA funds cannot be used for environmental clean up so there needs to be a source of outside funds and that pre-dates your election to the Council. The Town's been working on it for quite some time cuz we do not want to buy it until we know what the cost is, cuz it's going to be exorbitant.

Councilor Cavallo – Oh, yea, yea, I agree with you. I'm just saying that it is a move, I mean, who knows? I mean maybe we might be able to make it a reality. Who knows? But it certainly makes a lot of sense in terms of logistics in relation to the park.

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – Yes, thank you. Just briefly, the wheels are still turning in that direction, slowly, I'll admit, but hopefully we're gonna keep moving on it but for my, I would like to get a letter sent if I could up to the Mayor's office. I'm getting several complaints over and over again about this person who has goats up on North Street. I know it's a very difficult subject but my understanding is that there was a Court Order for those things to be removed and at the time of the Order there were two goats and now I understand there are four goats and that this person is even walking them like he's walking a pet dog or something in through the neighborhoods. And some of the neighbors up there I guess are, they feel as though they've been slapped a little bit on this thing and quite can't understand why if someone was asked to remove something that was in violation of the zoning in that particular area, then why we haven't been able to do anything about that. So I would like to see if we can get an update on the status of that thing, find out where it is, where we are and where we intend to be going with this thing? If there is such an Order that those things should be removed, my question is, why haven't they been? And I would like to get that information if I could so the next time I get a call on that, I can speak intelligently to it. Thank you.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – Yes, Barbara, if you would schedule an Ordinance Committee meeting for the Energy Commission and I would suggest that you also invite Tony Albro because I believe that he's taken some steps in this regard, who's on that? Paul you're on my committee and CeCe, is Monday night convenient? We don't have a meeting. See if something is available next Monday night, Barb, if you would? Thank you. That's it.

President Letellier – Thank you. Councilor Perry?

Councilor Perry – Nothing this evening, thank you.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I would just like to say congratulations to all the Agawam Seniors who will be graduating this weekend. Thank you.

President Letellier – Including your own Abbey. Councilor Bitzas?

Councilor Bitzas – Yea, I wish, like to wish also the Seniors, best of luck, good life and success and the other thing is a few weeks ago, I discussed with the Council with you that I'm going to have very soon as a Chair of the Recreation Committee, we are going to have a meeting to discuss the next phase of the School Street Park and what money can be used from CPA money and I spoke with Chris Sparks last week and when we have all the logistics I'll let you know so Councilor Cavallo can be there. We had to put on the Agenda also the property that is a disgrace now but we have to be very, very careful not to spend too much money, of the taxpayers' money, for that property that belong to somebody else, not to our town, so we like to take this but I hope we don't use taxpayers' money and lots of money, thousands and thousands of dollars would cost to clean up, some thing and we don't have it so we have to be very careful how to do it so I invite all of you to come to the next meeting and discuss that to see what the best interest of the town and what we should do.

President Letellier – Thank you. Councilor Young?

Councilor Young – Just that I would, I like your idea Madam President of moving the July meeting to the end and then using that as the Budget Public Hearing so I will make my schedule to do that so hopefully everyone else can do that as well. It seemed to make a lot of sense. Since I managed to miss the Budget meeting today, did I catch in your email or memo that or I guess maybe you could explain to us how we're gonna get – the budget – apparently won't be in place by June 30th, right, and with our best efforts we might be able to have one to vote on at the end of July, so we're gonna go with a one month budget.

President Letellier – We passed that tonight – the Ordinance for the July 2009 continuing budget. For the current budget, one-twelfth of the current budget.

Councilor Young – Okay.

Councilor Rheault – So everything is frozen.

President Letellier – Right and then we meet July 27th and I had suggested to the Solicitor that he prepare the same Ordinance for August in case on July 27th we say hey, listen, we're not ready yet, we need more time, so we would have that in August and we don't have any gun over our heads saying pass this or else.

Councilor Young – Okay, great, so they can, is there some additional reporting that our Auditor will provide on that one month or as many months as it takes?

President Letellier – Whatever we want her to print out in terms of expenditures, I mean she does it quarterly now, but I certainly have asked her to do interim reports before and I don't see that as being a problem.

Councilor Young – The only reason I ask is in the eleven years of budgets that I've reviewed, did I recall when we get it last minute and we're pressured to review it and approve it by the Administration, there's some threat of some ...procedures to go to that 1/12 monthly budget process and I haven't heard anything of that sort revealed to us yet so I was just curious if there was more to it then just moving along at will?

President Letellier – Not that I'm aware of. We've passed the Continuing Appropriation for July. I asked the Solicitor to prepare one for August, if he doesn't we'll just do the one we already have and put August instead of July, but my understanding from today's meeting is that the Budget Book was printed already based on what the House numbers were. The Senate has since passed two budgets with much deeper cuts in local aid than the House has. So what was given to us today was a summary of the cuts the Town would make based on the Senate's most drastic cuts thus far. And if in fact there's a compromised budget between the House and the Senate and the numbers are better for us, then we can either put the money in free cash or do a supplemental budget or a combination of both, depending on when those numbers come out. So the reason that I was thinking of the end of July for our public hearing and our meeting, is you want to maintain as much as possible of that forty-five day review period. So if we get it on June 15th, we have to vote by the end of July. So if by June (July) 27th I think it let's people have the budget, have their July 4th vacation, talk to, get your sub-committee meetings in place, get the extra data, if you want extra data. We'll actually have June 30th year end information from Cheryl, from our Auditor, absent bills that came in after the fact, but she should be able to that print out for us so for the first time we'll actually have a budget with a full year of expenses. And if we need more time, then we would have to do a continuing appropriation for August as well.

Councilor Young – Just a last question on that, is the School Department re-doing their's one more time?

President Letellier – The School Department is NOT re-doing their budget.

Councilor Young – Okay, so -

President Letellier – They are depending on the federal stimulus monies that they were awarded.

Councilor Young – So the one that was delivered is the one?

President Letellier – Correct and no change in the Capital Improvement Budget either.

Councilor Young – Thank you.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – I just wanted to wish all the senior Happy Graduation and Best of Luck out there and that's all for this evening. Thank you.

President Letellier – Thank you. I too want to wish all the graduates, as a fellow Brownie, I want to wish the future Brownie alumni congratulations and also Happy Birthday to Councilor Calabrese this weekend.

Councilor Calabrese – Thank you.

President Letellier – And if that's it, we'll have a motion – oh, and Councilor Rossi's birthday is coming up apparently too, someone just whispered in my ear, so Happy Birthday to you as well. If there's nothing else, we'll have a motion to adjourn. All those in favor? Opposed? Thank you.

Adjournment.