

# **REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL**

**December 9, 2009**

**President Letellier** – Welcome to the Regular City Council meeting of the Agawam City Council for December 9, 2009.

## **Item 1. Citizen's Speak Time**

**President Letellier** – As always our first item is Citizen's Speak Time. We have five speakers. A reminder to the speakers, you must state your name, your address, the item which you will be addressing. You will have five minutes and the Council Administrative Assistant will keep the time. Our first speaker is Francis Curnow.

**Francis Curnow** – My name is Francis Curnow. I live at 115 Forest Hill Road in Feeding Hills and I'm currently a member of the Veterans Committee in the City of Agawam and I'm also the Commandant in the Marine Corp League in Westfield. I'm also a retired Marine of 23 years. I'd like to speak tonight for just a few minutes in support of the resolution to restore funding to the Holyoke Soldier's Home. In the past few weeks of course we've had a rally for that effort. We've had a bus trip up and this past Monday evening I spent the evening in support of that same resolution and I'm very proud to say that Mr. George Bitzas, Councilman Bitzas was there in support of that which makes me very proud that the Town of Agawam was well represented and all of Western Mass by the well over one hundred veterans and other elected officials throughout Western Mass. I think this is a very important issue. I think the veterans that I am familiar with from Westfield and around Western Mass, we have a large number that I'm very familiar with that need and use the service provided by the Holyoke Soldier's Home. They've come to partake of this and I just want to say that they have gotten very accustomed to being there and the service is absolutely outstanding. It is made to look like they could go to many other places which I supposed they might but the fact that they have given their time, they have given their service over many years and I'm talking of men from World War II and have served in Iwo Gima to Korean vets and right up through Vietnam to the current day. This provides an excellent place, it serves them well. They have served our country and I think the very least we can do is to continue to take care of them. I mentioned the other night that I know the Governor has pointed out that his care and concern for the veterans of our commonwealth and I just would ask him that he would back up with action and restore the budget of the words that he had mentioned earlier. Again, I thank you for your time and with this resolution I would hope that you would vote favorably on the same. Thank you.

**President Letellier** – Thank you Mr. Curnow. Our next speaker is Paul Wakem.

**Paul Wakem** – Good evening. My name is Paul Wakem. I reside at 660 North Street, Feeding Hills. Two issues that I want to speak on, the first is again, re-putting the funds back into the Soldier's Home. Freedom has a price that the protected will never know. The cost of freedom has just been put on the backs of the veterans again. When we went

through boot camp and we took an oath to the country, we were told that we would have certain insurance policies and what not provided for us. I'm a Vietnam veteran. I was told when I went in after four years that I would have insurance for the rest of my life. Gradually it's been taken from me and my fellow brother and sisters. This is deplorable. I ask that you sign the resolution. Agawam is supported with Councilor Bitzas. I know our state representative supports this and I ask for your support. My second issue is once again I'm applying for the position of Zoning Board of Appeals. Last year I had the support of three councilors and I thank you for that. I believe you have my resume and as a citizen, I believe you've seen me be active in the community and I ask for all your support this next term coming up and if there are any questions about my education or my background and me being a former member of the Zoning Board of Appeals in Yarmouth down on the Cape, I'd be more than happy to answer them. My phone numbers are on my resume if you have questions, I'd be more than happy to talk to anybody about my concerns and my ability to fulfill this capacity. Thank you very much.

**President Letellier** – Thank you Mr. Wakem. Our next speaker is Alan Griffen.

**Alan Griffen** – Hello Council. How you doing tonight? Okay, my name is Alan Griffen. I'm at 104 North Street in Agawam. I just want to bring something forward to your attention and so forth that I have been doing. I've been following all the vehicles around town, different vehicles and so forth. You know, I mean to take a vehicle and go out for joy rides and pay these guys that drive the vehicles, that's a lot of nonsense. You know, like our building department too you know, they're just as bad as any are, as anybody is, you know just to joy ride around town. I've been video taping a lot of stuff you know and I think there's a lot of gas that's going out the window that shouldn't be going out the window. We should put GPS units in our trucks you know save our money, you know put GPS units in them. Put cameras on the front of them. If they're out there working on a job and so forth. When we see our trucks burning our gas up, wearing out our tires, wearing out our vehicles, we've got to go out and buy a brand new vehicle because it's all wore out, it's got 200,000 miles on it. Well, that's the reason why so you know I mean you look at it this way, it's a good point that we oughta look into it. We oughta straighten it out you know because I'll tell you what, riding our trucks, we're burning up all our fuel. You know these guys should have special work orders where it's times marked, you know? Not give em time to ride around with the vehicles. You know what I mean? So, something's gotta be done here and it should be done tonight, you know? So let's look into things in a different way and all that stuff to see if we can you know bring ourselves together and save on our fuels that's going out. If you figure out how much fuel that's going out, you know I just kinda figured it out roughly just roughly figured, all the gases that they're burning up and all the fuel, you're probably talking about \$6,000.00 a month or more. You know, just burning up fuel, just driving the trucks around town, riding out to Southwick, riding out you know Feeding Hills and all that stuff and all the riding all around town and that's a lot of fuel to be burning up. So you better look at things in a different way. You know, by saving on this, we're gonna save our tax dollars. It's gonna bring our taxes down so we gotta look at things in a different manner so it's up to you if you want to think about it or if you want to burn up your gas and let the guys do whatever they want and pay em a paycheck to drive around and do

nothing all day, it's up to you but there's something that's gotta be done about this and it should be done right away, you know? I mean that's in all departments. I'm not blaming just one department, you know? So that's in all departments so it's up to you to use your knowledge and so forth. Go out there and do something about it. Straighten this out. Save on our gas fuels. Start marking down mileages on our vehicles so we know where all our vehicles go. If we gotta go to a job, you figure out the mileage. How much mileage it's gonna be to that job. Understand what I'm saying? So let's do something and do something right. It's up to you. If you want to see you gas burn up and go out the pipe, it's up to you and you want to see that you know paycheck being spent up, you know it's up to you. So I'm giving you good things to think about and look forward to, okay?

**Clerk** – One minute please

**Alan Griffin** – So check out everything and make sure everything is going right. You know even our building department is doing it. You know, I mean that's pitiful. That's a pitiful sight to see our building department go in coffee shops, sit there for half an hour and go to another coffee shop, sit there for another half an hour. That's terrible. Well, it's up to you and that's all I got to say, you know? And another thing I'd like to bring up something later on but I don't have time but I will bring it up at the next meeting. Thank you very much. Have a good day.

**President Letellier** – Thank you very much Mr. Griffin. Our next speaker is Peter Boadry.

**Peter Boadry** – Oh, hi, how ya doing, I thought this was about house tax tonight where you guys were gonna vote on the house tax –

**President Letellier** – Sir, your name and address for the record?

**Peter Boadry** – Oh, Peter Boadry, 188 Line Street, Feeding Hills, MA. and I think you should table the vote for the house tax until the new mayor gets in and I was threatened by a cop today in full uniform and I'm not too happy about that and if it happens, it's an abuse of power. Plain and simple. He's yelling across the street when I'm shoveling. You know I didn't start that fight, he did so it's an abuse of power, that's what it is and if you have to it on budgets and stuff I think you should wait until the new mayor takes over and I'm also up for that Board of Appeals also. Thank you.

**President Letellier** – Thank you. Our final speaker is Michael Grandfield.

**Michael Grandfield** – Thank you. Michael Grandfield, 27 Dorian Drive, West Springfield and I'm here to represent the West of the River Chamber of Commerce and my comments are concerning the tax classification which upon review of tonight's agenda and as long as I can confirm that, I'll defer my comments for now.

**President Letellier** – Yes, each speaker will have ten minutes to speak.

**Michael Grandfield** - Great. Thank you.

**President Letellier** – You're welcome. That's it for Citizen's Speak Time.

**Item 2. Roll Call**

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

**ROLL CALL – 10 PRESENT, 1 ABSENT (COUNCILOR ROSSI)**

**President Letellier** – Thank you.

**Item 3. Moment of Silence and the Pledge of Allegiance**

**President Letellier** – Please rise for a moment of silence and the Pledge of Allegiance.

**Item 4. Minutes**

**(a) Regular Council Meeting – November 16, 2009**

**President Letellier** – Thank you. Moved by Councilors Rheault and Simpson, seconded by Councilor Perry. Any discussion or corrections or amendments? No? Barbara, could you please call the roll?

**ROLL CALL – 9 YES, 1 ABSENT (COUNCILOR ROSSI), 1 ABSTAIN (COUNCILOR LETELLIER)**

**President Letellier** – With nine yes, one absent, you've passed the minutes.

**Item 5. Declaration from Council President**

**President Letellier** – I do have a few this evening. First congratulations to our own Chet Nicora for being named Mass. Emergency Manager of the Year. Chet takes his job very seriously and we appreciate all the hard work that he does. A couple of reminders to the public there is a carol sing at 5:00 at the Veterans' Green and there is a flu shot clinic at the Senior Center tomorrow from 1 to 3. If you are a senior the Town will accept your insurance, if you are not a senior it is \$15.00. I'm sorry what? Yes, sorry, 65 to get it free otherwise it's \$15.00 and last but not least I just wanted to thank Councilor Bitzas for appearing at the public hearing with the Governor the other evening.

**Item 6. Presentation of Petitions, Memorials & Remonstrances**

**(a) Resolutions**

- 1. TR-2009-49 - A Resolution Authorizing the Mayor to Allocate Funds from the Cable Account (Council) (Referred to Finance Committee and**

**Cable Commission) (Majority of those present and voting)**

**President Letellier** – Do we have a motion? Moved by Councilor Calabrese, seconded by Councilor Bitzas. Do we have a report from the Finance Committee?

**Councilor Young** – Yes, Finance Committee met or attempted to meet twice, met once this evening and the summary of this matter was that it was, because we already allocated funds through the original budget that was approved back in August that there was money allocated and I think with the stipulation that the Mayor was given the, like everything that we approved in the budget, the ability to appropriate those funds and then we had instructed the City Auditor to write a memo to the Mayor instructing her to just, I mean the only thing left to purchase were the microphones for \$12,000.00 or such, I think everyone here saw the communications and I believe it should be a go. So there was no official action taken by the Finance Committee other than we've officially approved of the handling of the matter. Thank you.

**President Letellier** – Okay, thank you. Any other questions or comments? No? Seeing none, Barbara, could you call the roll?

**ROLL CALL – 10 YES, 0 NO, 1 ABSENT (COUNCILOR ROSSI)**

**President Letellier** – With ten yes, one absent, you've approved the resolution and we look forward to the new equipment.

**2. TR-2009-50 - A Resolution Requesting Governor Deval L. Patrick to Restore the State Funds Budget Cut from the Holyoke Soldier's Home (Councilor Bitzas) (Majority of those present and voting)**

**President Letellier** – Do we have a motion? Moved by Councilor Simpson, seconded by Councilors Cavallo and Calabrese. Any discussion on the matter? Councilor Bitzas?

**Councilor Bitzas** – Yes, Madam President. Because we didn't vote in time because of the time is passing and everybody knows that the Governor vetoed the \$500,000.00 so I did make an amendment so I presented already as amended the resolution so I cannot – as amended – and if you'd like to read into the record, it's fine with me.

**President Letellier** – I don't think that's necessary. We've all gotten the amendment.

**Councilor Bitzas** – Okay, thank you.

**President Letellier** – Thank you for your hard work.

**Councilor Bitzas** – And I want to mention something and I wish you were there Monday night. I was very moved for all the veterans, it was packed and it was outside so many. I saw the anger towards the cuts and the services. I saw also their plight for the veterans who served this country. I saw their love for their country and also I saw tears to their eyes and you know I was really moved, really moved so I hope and I believe of course

we support strongly and I hope Mr. Duval Patrick restores the funds and thank you for your support.

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

**ROLL CALL – 10 YES, 0 NO, 1 ABSENT (COUNCILOR ROSSI)**

**President Letellier** – With ten yes, one absent, you have approved the resolution. I will sign it tonight so we can put it in the mail tomorrow and fax etc.

**Item 7. Report of Council Committees**

**(a) Council Sub-Committees**

**President Letellier** – I am gonna suggest because of the weather and the two public hearings that we table the sub-committee reports if that's okay. We will let our Auditor do her's but table the Council sub-committee meetings. Is that acceptable? So I'll need a motion. Motion to table by Councilor Simpson, seconded by Councilor Cavallo. Barbara, could you call the roll? This is on tabling the Council sub-committee reports only.

**ROLL CALL – 10 YES, 0 NO, 1 ABSENT (COUNCILOR ROSSI)**

**President Letellier** – Thank you. We've tabled the Council sub-committee reports until the 21<sup>st</sup>.

**(b) Report from City Auditor**

Good Evening Councilors. During the last few months, the Auditing Department has successfully completed all of the Town of Agawam's financial reports for the fiscal year 2009. Our fiscal year end was June 30, 2009. Our department processed fiscal year 2009 bills through July 15<sup>th</sup>. From July 15<sup>th</sup> through the end of November it was an extremely busy period for our department. During this period, I prepared the Town of Agawam's financial reports including the fiscal year 2009 annual report, the Department of Revenue annual checklist with supporting schedules, the Schedule A, Schedule 1, Schedule 19 and the Community Preservation CP1 and CP2 Reports. The Town of Agawam's **annual report** is a 30 page report which includes a balance sheet, budget analysis, debt schedule, accounts receivable reconciliation and other miscellaneous schedules. A copy of this report was distributed to the auditors, department of revenue, and will be distributed to the mayor and council. We submit all of our department of revenue reports electronically through the gateway system on the internet. On September 2nd, the assessor and I prepared and submitted the Community Preservation Report **CP1** to the DOR. This form is required in order for the town to receive the community preservation state revenue. I prepared the community preservation **CP2** report and submitted it to the Department of Revenue on September 9, 2009. This report summarizes the 2009 fiscal year activity in the Community Preservation Fund. In September, I worked with the Renee Jury in the

school department to prepare the end of year school report due to the Department of Education on September 30<sup>th</sup>. I assisted her in preparing the **Schedule 1**, FY2009 actual figures and the **Schedule 19**, FY2010 estimated figures to make sure the town complies with the net school spending requirements. On October 2, 2009, I submitted the **fiscal year end checklist** along with a schedule of outstanding receivables, a detailed analysis of undesignated fund balance and balance sheet to the Department of Revenue through the gateway system. In addition, the treasurer and I submitted a cash reconciliation form, treasurer's quarterly cash report and statement of indebtedness. From this information the Department of Revenue certified the town's free cash on October 13, 2009. September 21 through October 2 the town's independent auditing firm, Powers and Sullivan performed the fieldwork for the town's **audit**. Laurel and I provided them with the necessary financial reports to perform their fieldwork. They issued their final report on the examination of basic financial statements on November 10, 2009 and a copy was forwarded to each of you. During the month of October, I prepared the 30 page **Schedule A**, which was submitted to the Department of Revenue on October 2nd. This report summarizes the fiscal year activity for all funds. If this report is not submitted timely the state will not issue the town's quarterly payments. The previous auditor paid our independent auditors, Powers and Sullivan, \$3,500 every year to complete the Schedule A. I have saved the town \$17,500 preparing this report myself since I was hired. Currently, I am working with the Assessor to complete the **tax rate recapitulation forms** that are submitted to the Department of Revenue to finalize the new tax rate for the new fiscal year. As of today all of our **accounts payable** are up to date and paid as soon as we receive them. We process accounts payable warrants daily. In fiscal year 2009, from July 1<sup>st</sup> through today, the principal clerk in the accounting department has processed 6403 invoices. In the **payroll** area, we have had a busy quarter. With temporary summer help for dept of public works, golf dept, and the election workers, we have been busy setting up these new employees in the payroll system. During this time of year we are contractually obligated to pay additional pays such as longevity, firearms, holiday pay which creates additional work. There were several holidays over the summer and fall which gave my administrative assistant less time to process payroll, but my staff work closely as a team were able to meet their deadlines in order for the employees to have their direct deposits on time. Other miscellaneous things that our department has been busy working on during this quarter are journal and budget entries, monthly reports, recording fixed assets, balancing accounts receivables, attend staff & council meetings, handling basic life insurance claims and answering the switchboard. As requested, I provided you with a summary of the school and town special revenue funds in your packets this week. If you further information let me know. This past quarter was an extremely busy time in the Auditing Department. We have successfully closed our fiscal year end and prepared and submitted all of our required reports prior to their deadlines. If any councilors would like to see any of these reports or if any of you have any questions please feel free to stop in the Accounting Department and I will be happy to meet with you. I would like to thank my staff for their hard work and thank you for your time. I hope you have a good evening and happy holiday.

**President Letellier** – Thank you very much Cheryl. Excellent work as always. Any questions from the Council? No? Thank you very much.

**Item 8. Elections**

None.

**Item 9. Public Hearings**

1. **PH-2009-6 (TO-2009-37) - GAS STORAGE LICENSE Application for Speedy Co., Daya Singh, 332 Suffield Street, Agawam, MA. 01001 (Clerk) (Referred to Public Safety Committee and License Committee) (Majority of those present and voting)**

**President Letellier** – We will first hold the public hearing and then we will have the committee reports. I call the public hearing to order. Do I have a motion on the item? Moved by Councilor Simpson, seconded by Councilors Rheault and Young. First we will ask for those people who wish to speak in favor of the license, then those who wish to speak against the license, then those who wish to register their name only in favor of the license and those who wish to register their name only against the license. Is someone here to speak on behalf of the petitioner? Come on up, ma'am. Please state your name, your address and you will have ten minutes to speak.

**Carolyn Parker** – My name is Carolyn Parker. I'm at 3 Lorion Ave, Worcester, Massachusetts. I'm here representing the owner of the property at 332 Suffield Street, Daya Singh. He recently purchased the property to update. Right now it's just a gas station that's been closed down for I'm not sure how long. We've done a whole site plan package. It's been recently approved by the Planning Board. Basically he's going to put an addition on the building. He's gonna take down all the old, take the old dispensers out, the old islands out, take the old tanks out of the ground. We've improved the curb cuts. We're gonna be installing a new canopy with new dispensers, new underground storage tanks. The reason I am here is that he currently has an underground storage tank license for 30,000 gallons but it doesn't currently show diesel and he is looking to put diesel at this property. The previous owner had diesel at the property but it was not on the underground storage tank license. The reason that's a problem now is that I am also doing a self-serve fire suppression plan to allow people to pump their own gas. In order for me, which I recently got it approved by Inspector Scott Mitchell from the town, in order for me to send it to the State Fire Marshall's office, I need to have a license that shows gasoline and diesel. So what I have put down, we're looking to have 24,000 gallons of gas and 6,000 gallons of diesel, although it might have been 23,000 and 7,000 that was put on the paper.

**President Letellier** – I'm sorry, 24,000 gas and 6,000 diesel?

**Carolyn Parker** – I have truck turn plans if anybody wants to see them or it just shows that truck can easily get in and out of the property. The Planning Board did say that they wanted the deliveries to be between 10pm and 6am so because I know it's a busy road, busy intersection. So like I said we've improved the curb cuts there so hopefully the kids won't be whizzing through from the high school up the street or whatever.

**President Letellier** – All right. Thank you. Is Mr. Singh here?

**Carolyn Parker** – Mr. Singh was not able to make it. He's up in Andover and with the weather and stuff wouldn't permit him.

**President Letellier** – Okay. All right. Does the Council have any questions for this speaker? No? Thank you very much ma'am.

**Carolyn Parker** – No problem.

**President Letellier** – Is there anyone else who wishes to speak in favor of the gasoline storage license? Final call for those who wish to speak in favor of the license. Anyone wish to speak in opposition to the license? Come on up. Just get in line and you'll each have to give your name and your address and you'll have ten minutes to speak.

**Linda Delapegarara** – My name is Linda Delapegarara and I reside at 360 Suffield Street and I am so glad that we don't have a gas station anymore at that corner. It is a safety hazard for people coming in and out of those roads that go back and forth. I noticed in the petition, they had the 30,000 gallon tank but they also had a thing about above ground 500 gallons and I was wondering what that was for, why they would have an above ground amount of 500 gallons.

(Ms. Parker speaking off microphone)

**President Letellier** – If we want you, you can come back again. We can ask you questions as well.

(Ms. Parker – “okay thank you”)

**Linda Delapegarara** – Right now we have so many businesses coming in and out of that corner right there in those five streets all matching at once, we've already had I don't know how many accidents there. One hit a pole and the poor woman was trapped inside her car for I don't know how many hours and the amount of people and traffic when people come up and they whiz around the corner, I just think it's going to be even worse now. And for me who likes to walk down the street to go to Pajer's or the Dairy Store to pick up stuff, I don't want to get in my car and drive. You can't walk across, couldn't walk across that area at one time because of the gas station's there, now there's no gas stations and you can walk across there. There's safety, there's no sidewalks other than walking on people's property and I'm on the side the gas station's is on so it's easy for me just to walk in front of my neighbors and then through that gas station area so with cars coming in and out of there now if they have cars coming in and out of there, I won't be able to walk there anymore. And I just think it's just a hazard all the way around having another gas station there. I think they should put something else there and tear the gas station down. Thank you.

**President Letellier** – Thank you ma'am. Any questions for the speaker? No? Anyone else wishing to speak in opposition? Go ahead. One at a time. All of you can speak.

**James Greco** – Yes, James Greco here owner/operator of the Dairy Store at 335 Suffield Street in Agawam. I've been there about 36 years and have observed a lot of traffic and businesses on that corner. I personally don't feel that we need another convenience store on that corner. I'm not sure if that has anything to do with this storage permit or not but I just gotta express my feeling on the traffic problems that are involved there and I live in Hampden but we own the property and we own the house next door and someday I might move there and I'd be a little bit concerned about the gas station hours of operation. My stores are open from 6 to 9 and I think that's plenty long enough without disturbing the quiet enjoyment of people's property so I would just be worried about having like a 24 hour station there and all the traffic problems and things that would occur. So I guess that's all I have to say and thank you.

**President Letellier** – Thank you sir. Any questions for the speaker? No?

**Margareta Czyzewski** – Good evening. My name is Margareta Czyzewski and I reside at 333 Suffield Street. It is actually the house that's on the funny corner angle to the road. It was initially I believe there before the road was there, it got moved and therefore we have that funny house property. I am actually right exactly across from the gas station, the old Gary's gas station, it would be lovely to see the place being updated of course but I am very concerned about the safety and the traffic issues around that corner. I believe it was last year on New Year's Eve there was a huge car accident as the other speaker mentioned, one of the light posts, there was a plowing truck that fell right into the pole of the sign, the sign crushed one of the electric posts, there was no electricity for hours, there was a person trapped under the light electrical wires of the post, it was a big issue and every single winter there is a big traffic issue right there. With the gas station being there, I understand, I hope there's all the safety has been addressed and analyzed for that but being a very busy intersection I would really like to make sure that all that is being considered very carefully. Also, being right, that's a funny intersection because there's my house, there's a house right next to the gas station and it isn't used obviously, residential/business area but there's quite a bit of residents that live there and how is that being considered if this is gonna be a busy gas station and we are not aware of the gas hours operation at this point. Obviously I don't want to be looking at a glaring gas station that's open 24 hours or anything like that. So I would really like to bring that up to the Board and make sure that you guys consider those issues. Thank you.

**President Letellier** – Thank you ma'am. Anyone want any questions for the speaker? No? Are there any other speakers who wish to speak in opposition to the license? Last call for those who wish to speak in opposition to the license? Does anyone want to speak in name only, list their name only, in favor of the license? Anyone wish to register their name only in opposition to the license? Come on up, folks.

**Cheryl MacFadzen** – My name is Cheryl MacFadzen and I live at 352 Suffield Street and I am opposed.

**President Letellier** – Thank you.

**Carmela Marzano** – I’m Carmela Marzano and I live at 422 Cooper Street.

**President Letellier** – Thank you.

**Rita Ducharme** – Rita Ducharme, 14 Greenacre Lane.

**President Letellier** – Thank you.

.... - ? at 344 Suffield Street.

**President Letellier** – Thank you. Anyone else wishing to speak in opposition? No? I call the public hearing closed.

**Councilor Calabrese** – The woman, she wanted to respond.

**President Letellier** – Well if the Council wants her to respond but she already spoke. If the Council wants to ask you a question they will ma’am. We can go into committee as a whole.

(Ms. Parker off microphone – “I am trying to answer their questions...”)

**President Letellier** – I understand that ma’am but you had your time, it’s just, I have to follow certain rules. If the Council wants to ask you a question, we will have the opportunity to do so. Thank you. I call the public hearing closed. First we will have the report from the Public Safety Committee, Councilor Perry?

**Councilor Perry** – Yes, thank you Madam President. Our committee met on this issue on November 6<sup>th</sup> present were my committee members – Robert Rossi and Don Rheault. We met at the library. The only item of agenda was the storage license application. At that point in time I did have information from Debbie Dachos in regards to the Planning Board’s summary to date of that meeting in regards to some of the concerns that they had and she did have the list that we did review. At the point of our meeting we did not have adequate information in regards to how the Planning Board was going to accept, they had not officially voted on it and that point in time no official action was taken. In the meantime, the Planning Board has met on this issue, I believe it was on the 19<sup>th</sup>, I did ask because I did not see anything in our packet in regards to it, I did ask Barbara to look into that for me today and I believe she emailed all of us in regards to the Planning Board’s findings on that and I believe they held a public hearing on it and voted 3-0 to send a positive recommendation for this license to this committee. I do have some concerns in regards to the residents also on the traffic. The police have reviewed the egress in and out, there is certain exits that have been moved to improve traffic flow in and out of the property itself and the Fire Chief has reviewed the storage tank issues and has sent a positive recommendation to the Planning Board in regards to the safety issues in regards

to storage there. So that's the report. There was no official vote taken from our committee in regards to a recommendation one way or the other to the Full Council. Thank you.

**President Letellier** – Anyone else from the Public Safety Committee wish to speak? Councilor Rheault did you want to add anything? No. All right. And the Licensing Committee? I know Councilor Rossi is not here. Councilor Simpson, do you have the Licensing Committee report? Thank you.

**Councilor Simpson** – Yes, thank you. We met this evening. Councilor Rossi had emailed me and asked me if I would chair the meeting in his absence so myself and Councilor Cavallo met this evening. We talked about it briefly. We had just gotten the hard copy of the minutes from the Planning Board hearing with their positive recommendation however, hearing some concerns now from the neighborhood I think that there's some open questions that we would not have the ability at that time to come under discussion so at this point, unless Councilor Cavallo has any issues, I would like to leave it open that we would not send a recommendation yet pending the possibility of some further discussion this evening.

**Councilor Cavallo** – Yea, I agree with Councilor Simpson on this.

**President Letellier** – Thank you Councilor Cavallo. Councilor Bitzas?

**Councilor Bitzas** – Well, if we have no recommendation from one committee. We have no recommendation from the other committee, we have some unanswered questions for the previous safety committee, how can we vote tonight? I'm not ready to vote. So I'd like to find the answers, I'd like to know about the concerns and we go from there.

**President Letellier** – Thank you. Councilor Perry?

Councilor Perry – Yes, Madam President, I can make a, I will make a recommendation to table. I'll call another Public Safety meeting, you know get the Police Chief and the Fire Chief involved and get their opinions in writing to us and go from there but I won't that make that motion to table unless anybody else wants to speak.

**President Letellier** – That's what I was waiting to see if there was any further discussion before we made the motion to table. Thank you. Councilor Cavallo?

**Councilor Cavallo** – Yea, I mean we just received this this evening, the report from the Planning Board and I don't think it's appropriate for us to receive this material the night of the meeting. We should have it beforehand as you mentioned so that we can digest it and be able to ask intelligent questions and I don't feel I'm in a position right now to do that. I'd like to make a motion that we table this.

**President Letellier** – Thank you. Before it's seconded, is there any further discussion? Councilor Simpson?

**Councilor Simpson** – Thank you. Just one brief thing since Councilor Rossi is not here to Councilor Perry, if you could get in touch with him when he gets back, maybe there could be a joint meeting with the Licensing Committee, I'm just putting that out there for Bob.

**Councilor Perry** – Yes, no problem. I'll talk with Bob.

**President Letellier** – And I would ask that the Administrative Assistant notify the person who spoke tonight of the sub-committee meeting. Any other discussion?

(Ms. Parker off microphone)

**President Letellier** – No ma'am, it's not your turn to speak, sorry, it's just the Council's time to speak. All right so if there's no further Council discussion. Oh go ahead, Councilor Simpson?

**Councilor Simpson** – I'm sorry, I was gonna second, sorry.

**President Letellier** – All right so we have a motion to table which has been seconded. Barbara could you call the roll?

**ROLL CALL – 10 YES, 0 NO, 1 ABSENT (COUNCILOR ROSSI)**

**President Letellier** – With ten yes, one absent, the item has been tabled to the December 21<sup>st</sup> meeting and the sub-committee will meet and it will be posted.

(Ms. Parker off microphone)

**President Letellier** – Not right now ma'am, no. After the meeting, I'm happy to answer your questions but the public hearing is over. Thank you.

2. **PH-2009-7 (TO-2009-48)- A Resolution Adopting Residential Factor of .817547 Pursuant to Massachusetts General Laws, Chapter 40, Section 56 (Mayor) (Referred to Finance Committee) (*Majority of those present and voting*)**

**President Letellier** – Do we have a motion? Seconded by Councilor Cavallo. Do we have a report from the Finance Committee?

**Kevin Baldini** – Kevin Baldini, Assessor for the Town of Agawam. Good evening Councilors and thank you for inviting me to speak tonight. Each year the City Council of Agawam must decide at its public hearing on classification to allocate the tax levy between the residential and business classes of property. For the past twenty years, the Town of Agawam has chosen to reallocate or shift a portion of the tax levy burden onto the business class of property. Mayor Dawson is recommending a shift of 1.71 for Fiscal 2010. This shift results in a residential factor of .817547 and a proposed residential tax

rate of \$12.94 and a proposed business rate of \$27.07. Last year's shift was 1.75 which is the maximum allowed by law. The residential rate last year was \$12.07 and the business rate was \$26.04. The allocation of the tax levy at this shift is shown on the proposed Fiscal 2009 Tax Classification spreadsheet. The tax levy for the residential class would be approximately \$28.7 million and the tax levy for the combined business class would be about \$15.5 million. For example, if no shift was adopted, the single tax rate for all classes of property would be \$15.83 per thousand and the tax levy for the residential class would be approximately \$35.2 million and the tax levy for the combined business class would be about \$9 million. In looking at the page entitled 'Fiscal 2009 Average Single Family Tax Bill', Agawam is very competitive with surrounding communities. Last year average single family tax bill in Agawam was \$2,811.00. As can be seen on the spreadsheet, the three communities that have lower tax bills than Agawam were Springfield, Chicopee and Holyoke which are cities with more urban density to them. However, Agawam compares favorably to similar communities such as Westfield at \$3,350.00 annually and West Springfield at \$3,507.00 and very favorably to less commercially built up towns such as East Longmeadow at \$4,416.00 and Longmeadow at \$6,239.00. The last sheet labeled 'Comparative Tax Effect' is a good indicator of the affect this shift will have on the typical residential, commercial and industrial property in Agawam. For the comparison, three actual properties have been selected that are close to the average class value for single family homes and commercial and industrial properties. The highlighted orange box on the spreadsheet contains the information for the proposed shift of 1.71. For the commercial property which is valued at \$656,100.00 for Fiscal 2010, the actual tax increase from last year would be \$366.00. For the industrial property valued at \$1,457,500.00, the actual tax increase would be \$756.00. For the single family home valued at \$226,600.00, the actual tax increase would be \$111.00. Based on the relationship between the value of the properties, the tax increase for each type of property is relatively proportionate at the recommended shift. In other words, the value of the commercial property is approximately three times greater than the value of the single family home and the tax increase would be about three times greater than the tax increase on the house. The same proportions apply to the industrial property. The value is about 6.5 times greater than the value of the house and the tax increase would also be 6.5 times greater than the tax increase on the residence. By way of contrast, if the maximum shift of 1.75 were adopted, the tax increase on the commercial property would be \$786.00 which is about 10 ½ times greater than the \$75.00 tax increase on the house even though the value was still only three times greater. At 1.75, the increase on the industrial property would be \$1,689.00 which is about 22 times greater than the house tax increase of \$75.00 even though the value remains only 6.5 times greater. In closing, the three properties on this spreadsheet are actual properties in town and the tax increase is not an estimate but an actual amount. Since these three properties are representative of the vast majority of properties in town for each class, the affect of this tax shift would apply in a similar manner to most of the properties in town. I thank you for your time and would be glad to answer any questions that you have for me.

**President Letellier** – Thank you Mr. Baldini. Any questions from the Council?

**Councilor Rheault** – I missed what you said the average homeowner was taxed at presently now? Value at, I'm sorry.

**Kevin Baldini** – The average value? The average single family home is about \$226,600.00.

**Councilor Rheault** – Oh, I'm sorry, I missed that, it's right above it. Okay, thanks.

**Kevin Baldini** – That's on the spreadsheet, that's okay. It's about average and like I said these are actual properties that I tried to get that are close to the average value for each class so it was very representative of what the tax increase would be.

**Councilor Rheault** – Thank you.

**President Letellier** – Any other questions? No? Thank you very much for your time and we're sorry you came to a couple of meetings without a quorum.

**Kevin Baldini** – That's okay. Thank you very much.

**President Letellier** – Anyone else from the Town wish to speak on the tax factor? Any resident wishing to speak in favor of the tax factor, or sorry, anyone wish to speak in favor of the tax factor? Anyone wishing to speak in opposition of the tax factor?

**Michael Grandfield** – Again, Michael Grandfield, 27 Dorwin Drive, West Springfield representing the West of the River Chamber. Good evening Madam President, members of the Council and residents of Agawam, as I mentioned I am chair of the West of the River Chamber of Commerce which represents over 275 businesses in Agawam and West Springfield. I am here this evening to advocate for a tax shift factor that we believe is fair and that I believe you have previously received in my letter. Recently in conjunction with the Mayor's office the Chamber has commissioned a study of Agawam residents to determine the appetite for economic development in town. This survey was conducted by the Western New England College Polling Institute and the results proved very interesting with residents expressing both their desires and their concerns. It is the hope of the Chamber that the information will be useful to the Mayor and the Council as economic development opportunities present themselves in the future. We believe that growing our business tax base is as important to Agawam as it is to most communities. Just a note, the survey will be officially presented tomorrow night by the polling institute here at the Agawam Middle School at 7:00, it will also be aired on the Town's public access channel and I'm told that the survey which is extensive will also be linked to the Town's website eventually.

**President Letellier** – I hate to interrupt you but it's the library, not the Middle School.

**Michael Grandfield** – Oh, thank you. No I believe it is here and we'll have to confirm that for you.

**President Letellier** – The flyer that we got from the Town says the library.

**Michael Grandfield** – Okay, well, we'll clarify that for you. We're happy to work in partnership with local government and we are committed to continuing this partnership for the benefit for both the residents and businesses of Agawam. As is done every year and first I'd like to thank Mr. Baldini for your presentation. I've attended a few of these and the information was provided in a timely fashion and it's a very complicated issue and your presentation made it much more easy for even myself to understand which I appreciate. As is done every year around this time, tonight the Council will likely set the tax shift between a portion of overall taxes paid by the residents and that paid by the businesses. As we all know, these are tough economic times for all. Employees are being asked to take cuts or being let go all together. Employers are tightening their belts until a time where they can win back the revenues they have lost over the past few years. Our local governments are being asked to make tough decisions involving the fine line between raising taxes or reducing services. I'm not a business owner but through my position as a commercial loan officer at a local bank, I have about one hundred clients who are local business owners. Of my clients, as you can probably guess, very few are in expansion mode. Most are reducing expenses wherever they can. In this service economy, unfortunately employees are typically the necessary expense reduction needed to allow these companies to survive. These are unusual and perhaps historic times. That is why setting the tax shift is especially important to the Chamber this year. I'm advised by the Chamber that seventy percent of businesses have twenty employees or less and about forty percent of town residents work here in town. Therefore, we are all affected by excessive taxes on businesses. Each year a representative of the Chamber speaks on behalf of our members concerning the tax shift. Given that there are thousands of residents and only hundreds of businesses, we understand the incentive to shift taxes from residents to business but we ask that the Mayor and Council provide a balance that is fair and equitable. That is all we have asked for over the years. We have never advocated going back to a single rate. We have advocated for a fair split and we do so again this year. Since 2000, the amount businesses pay in property taxes above what they would pay if they were single rate has grown dramatically. We call this a subsidy. It's a subsidy business base which helps keep the residents' tax bills low. This subsidy just ten years ago was under two million dollars and in the current year it's over 6 ½ million dollars. We believe that the Mayor's proposal recommendation for a tax shift of 1.71 has been well thought out and proposed as a rate that would be fair to all but does add to that subsidy. Based on the financial stress being faced by many of our business owner members and the need to bring this large subsidy gradually down so that it does not stifle business here in town, we are recommending a shift factor of 1.70 which results in a subsidy slightly smaller than last year but still above 6.3 million dollars. We considered asking for more but recognize that the residents who are employees and customers are facing difficult times as well. We believe this is a fair and equitable position and ask for your support. We have asked our members to provide evidence of their support and we do have many, many names, I'm not going to read them because sometimes it's awkward for business owners to put their name in the spotlight for such an issue but we'd be happy to provide this information to the Council separately. Thank you very much.

**President Letellier** – Thank you. Any questions for Mr. Grandfield? No? Thank you very much. Anyone else wishing to speak in opposition to the tax factor as proposed?

(Mr. Boadry of microphone – “Is this the house tax?”)

**President Letellier** – Yes, it’s the tax factor that was proposed – the tax shift.

**Peter Boadry** - Well one of the issues I have is -

**President Letellier** – Sorry, excuse me, sir, sir? You need to state your name and address.

**Peter Boadry** – Sorry, Peter Boadry, 188 Line Street, Feeding Hills, Mass.

**President Letellier** – Thank you.

**Peter Boadry** – One of the issues I had when I ran for Mayor was lower the house tax and I think it should stay lowered and why don’t you just table this house tax issue until the new mayor gets in and he can re-figure the issue and that’s it, okay? Thank you.

**President Letellier** – Thank you. Anyone else wishing to speak in opposition to the tax factor?

**Alan Griffin** – Well, the thing we gotta do

**President Letellier** – Sir, I’m sorry –

**Alan Griffin** – Oh yea, my name is Alan Griffin, I’m sorry I was up here earlier and so forth but like I said we need to check and see where all our money is going in the town because I tell you what when we’re wasting so much money in this town, it’s building up things, taxes are going up and so forth. Why not try to lower ‘em, you know? Why go up on the people? People are having a hard enough time you know and taking away from people. People have hard feelings; people have hard times and so forth. I mean you come in there you tax the hell out of us persons, what’s a person got to show? Spend. Spend. Spend. He never has anything, you know? So why don’t we turn around instead of going up on this thing, lower this thing, you know I mean hey, we can spend money foolishly, you know. We gotta look at where our money’s being spent and that’s the thing that is, you know? I mean our fuels are way outta price in this town, trucks running around and different things and so forth, I mean look at different ways of cutting instead of cutting from the people of Agawam. Understand what I’m saying? Taking away from people in Agawam, that’s wrong. So you know I mean it’s up to all you to think about it, you know, you all have good heads on your shoulders. You know how to think. You know? You oughta be ashamed of yourself if you’re gonna higher the taxes, that’s ridiculous, you know? So you think about that. We have people out there that’s just about surviving, older folks, younger folks, all races, all kinds, so you know, you don’t want to start doing this. You want to cut taxes. You want to save things in this town. I

mean look at the way this town's going. You really don't have a chance to look at things, you know, I mean you guys maybe think I'm talking through my butt, you know, but I'm not talking through my butt, you know but the thing of it is the Council's gotta wake up themselves. I can bring things forward to you, I can tell you this, I can tell you that under the moon, you know but that's something you're gonna have to think about because you guys are on the Council and you're gonna have to get some kind of a team together. Do something about this, you know? Not pay our guys that ride around town waste our tax money.

**President Letellier** – Sir, do you have any comments that specifically addresses this proposal?

**Alan Griffin** – That's what I'm doing. I'm bringing comments about.

**President Letellier** – Sir, you're not addressing the proposal.

**Alan Griffin** – And I'm supposal that we should have tax cuts instead of going up. All right? I thank you very much. Have a nice day.

**President Letellier** – Thank you very much. Anyone else wishing to speak in opposition to the proposed tax factor? Anyone wishing to speak in favor in name only of the tax factor? Come on up.

**Laurel Placzek** – Laurel Placzek, 10 Stuart Circle, Westfield, Treasurer/Collector for the Town and I'd like to speak in favor of the factor.

**President Letellier** – Thank you. Anyone wishing to register in name only in favor of the tax factor? Anyone wishing to register their name in opposition to the tax factor? Last call for speakers. Seeing none, I call the public hearing closed. Thank you. Now we will have a report from the Finance Committee.

**Councilor Young** – Thank you. The Finance Committee met this evening at 6:30. Present were myself, Councilors Calabrese, Perry and Mineo. Also present were Councilors Bitzas, Simpson, Rheault, Messick and also in attendance were our City Assessor, Kevin Baldini, City Treasurer/Collector, Laurel Placzek, and City Auditor, Cheryl St. John. After Kevin our Assessor did a fine job of explaining the details, again, the basis for our decision here tonight is just on the factor that's gonna pay for the approved budget that this group approved back in August I guess it was which gives us very little leeway to do anything about lowering rates. It's really as others have pointed out about how do you shift it and so it's really more about who's gonna, both groups are gonna pay more, commercial/residential, it's just who pays the most. After much discussion with detail that we actually are decreasing the shift has been, the brunt of the shift has been taken by the commercial rate in recent years. We've, for the first time in my recent memory, are shifting back the other way slightly in reducing that shift from 1.75 to 1.71 and basically that's the recommendation put forth and motion was made by Councilor Mineo and seconded by Councilor Perry to approve by a vote of 3-1.

Councilor Calabrese voted not to approve an affirmative recommendation to the Full Council to approve the proposed tax factor.

**President Letellier** – Thank you so the Finance Committee supports the 1.71 shift? Yes, okay, thank you. Any other discussion? Councilor Cavallo?

**Councilor Cavallo** – Yes, I again, these comments are in no way directed to our Tax Assessor who I came at the tail end of the report and you did an excellent job. My concern is a couple of things. First of all I think and I did vote for the budget so I will preface this my comments by saying that but I think maybe I was remiss in doing that because I look at some of the information for example that has come in my packet this week regarding some of the accounts, the revolving accounts and other accounts, that exist in the town and when I look for example in the School Department and by the way a very well run program before and after school program run by Miss Cichetti who does an excellent job and I look at a balance of \$563,000.00 in that account and then I look at the School Lunch program that has a balance which by the way is self-sufficient, they do not budget for their program, the funds come from the money that comes in, okay, it's a revolving account, they have a balance of \$216,000.00. I know that will go down but what I'm trying to say is that when the budget was made out, I think the Mayor or whoever it is, the Department Heads, you have to begin looking at some of these accounts. I know for a fact, for example, with the School Choice Account in the School Department that money is used okay very liberally with taking care of retirement benefits that are owed to retirees. These are concerns that I have and then I look at the Town side of this report that was given to us and I look for example at the Tuckahoe Rental property now, I didn't have a chance to call but I assume Tuckahoe's our property and we do rent that property and it shows a balance here going into the year of \$194,818.00. I think the public also should know that this budget was also predicated on 2.5million dollar Free Cash to help balance it. I think that's important to know and it's also important to know that we took some money out of the Stabilization Account when the Mayor came in with a later proposal that we at first, I tabled, and she came back with it so I think we, well you know, I won't be here next year but I think we have to look at these budgets a little bit more carefully and I think obviously it's difficult to send this budget back to the Mayor at this point but the other point I wanted to make is I do have some feelings for the business community. When I ran for mayor and many of you did 'cuz I heard your statements, you're certainly concerned about the business climate in the Town of Agawam, the City of Agawam and down where I live at Southgate Plaza in the south end of town, there are only three businesses operating where Geissler's is right now. The rest have moved out and across the street the video store has been vacated and if you go even further where Tomasso's is located, three empty store fronts. Now businessmen own these buildings. If they're not getting any rent, then they're having problems as was mentioned by the gentleman, Mr. Grandfield, previously so I think that we have to do a little better job here in terms of, I know it's only a small increase \$111.00 but the businesses are being burdened here. There's no question about it. I did look at the figures when Mr. Grandfield was talking and if I'm correct, if you move the tax factor down to 1.70 it burdens the homeowner with a ten dollar increase based on the information that was given us tonight and of course it decreases the business tax considerably from \$366.00

down to \$267.00 which is a hundred dollars. So again, I am really perplexed here at this particular point when I look at some of these figures and I say to myself boy, weren't there other places that we could have robbed from Peter to pay Paul and probably have been able to reduce the amount of Free Cash that was used to help balance the budget. It makes sense folks and I wish I had had this before and maybe I would have looked at things a little differently. But again, it's water over the dam at this particular point but I believe I'm still gonna issue a negative vote tonight regarding the tax factor. Thank you.

**President Letellier** – Thank you. Any other discussion? Councilor Calabrese?

**Councilor Calabrese** – Yea, way back when when we were talking about the budget, this is exactly what I had in mind which is why I had opposed and voted against the budget because I could see that this was coming down the pike. I've done this long enough and Mr. Baldini, you've done a wonderful job and I understand how your figures came up and my opposition to setting the tax factor based upon the levy has nothing to do with your work. I think you're doing a fine job and just so people know, the values are based upon the actual sales of property for calendar year 2008 which is the way we always set our values and they're always done very fairly and I think that they, had I been more in favor of the budget, I absolutely would not have had a problem with a 1.71 shift. I think that that is fair and equitable and does spread the burden equally among residents and businesses. But again, my opposition to setting the tax factor is just an echo, a second shoe dropping with regard to my opposition to the budget that we have in place now. Thank you.

**President Letellier** – Thank you. Any other councilor wishing to address? Councilor Bitzas?

**Councilor Bitzas** – Yes, I understand it's very difficult to make a decision. What do you favor? The residents do you favor or you favor the business more? Now, last year, we had the lowest allowed by the state shift. Now we went the other way to the businesses about four steps to favor the businesses instead of the residents. Damned if you do, damned if you don't. It's very, very difficult. I cannot see from last year that we are the lowest for the residential factor to go four steps against them. Many of the businesses own also homes in our town so it's a wash out. They save some money for the homes and pay a little more for the businesses and I don't believe at all that we don't have any retail business in Agawam because of the tax rate factor, not at all because we still have the lowest one in the area for businesses. I know I have no support from the lowest to lower it down to favor the residents but I will support at least half way to go down to 1.75, I compromise and meet the Mayor's and the recommendation of the Finance Committee half way through, half way so I will make a motion and maybe nobody will second it to go to 1.73 instead of 1.71. We are in very difficult times. People they lose their jobs, people they lose their homes, people they have families, elderly people are there because they're paying for the taxes and every single dime counts and to be fair I think we should go to meet halfway. So that's my recommendation – is and I make a motion to go to 1.73.

**President Letellier** – We have a motion to make this make this factor 1.73. Do we have a second? Last call for a second? Motion has not been seconded.

**Councilor Bitzas** - That's fine.

**President Letellier** – Discussion will continue. Councilor Cavallo?

**Councilor Cavallo** – Yea, I think, with all due respect Councilor Bitzas but I don't believe all the people own businesses in this town live in this town especially the people who own Six Flags don't live in this town and the people that own Chez Josef don't live in this town but the people who work for them live in this town so I think the more you burden the business owner okay, it affects our employees who live in this town because they may very well if they close down, not that they're going to, they don't have a job. Okay? So I think you have to look it from that point of view, you know the fact that many of the people who live in town work at Geissler's, they work at all of these Rockie's Hardware, not many come from out of town so they're supporting our employment force in this town. If I were to make a motion, and maybe I will is to reduce it to 1.70. I wouldn't burden the businessman with a \$576.00 rate compared to the \$366.00? With all due respect unless I'm misinterpreting this, if you go to 1.70 it burdens the homeowner with a \$10 increase from \$111.00 – the average assessment at 121,000.00 and if you go down to on commercial property again I'll stand corrected, I'm not an assessor, theirs would go down to \$267.00. I don't know if that would even carry here but again I think you know we have to consider that particular point here if we're so pro-business, I don't want to burden the homeowner, I pay taxes to and I live in a condominium and I don't get any services, but I'm not here to talk about that, I'm here to talk about what is fair and equitable.

**President Letellier** – Are you making a motion Councilor Cavallo?

**Councilor Cavallo** – Yea, I will make a motion that we drop it to 1.70.

**President Letellier** – Okay, motion on this floor, do we have a second? Seconded by Councilor Messick. We have a motion to amend, any discussion on the motion to amend? Councilor Mineo?

**Councilor Mineo** – Can I speak? I think the 1.71, I thought that was fair, the 1.71, if you go to the 1.70 you're increasing from 12.94 to 12.98 and you're decreasing business from 27.07 to 26.91. I don't see what that and I understand it's only a few dollars but I just don't see what's fair about it.

**President Letellier** – Thank you. Any further discussion on the motion to amend?

**Councilor Mineo** – Can I just mention one other thing real quick?

**President Letellier** – Yup. I'm sorry. I didn't mean to cut you off.

**Councilor Mineo** – As long as I've been on this Council, I'm almost positive we've always used the Free Cash to balance the budget and I've been on the Council since 2000. Every year we've balanced the budget our annual Operating Budget with Free Cash.

**President Letellier** – Right but not with the Stabilization Fund.

**Councilor Mineo** – Right. That yes.

**President Letellier** – Councilor Messick?

**Councilor Messick** – I'd just like to point out some of the statements that are made, we're talking about a difference between \$111.00 and \$121.00. It's not an increase of ten dollars. We're talking about increasing the tax bill for a property that's valued at \$226,600.00. \$111.00 in total versus \$121.00 in total and the scale of our increase that we're talking about runs from \$75.00 to \$168.00 for residents. Even \$168.00 is I mean it is more of a burden. \$75.00 obviously would be less of a burden but what we're talking about for businesses is because of the proportion of the shift - \$786.00 increase in total versus \$257.00 decrease – so we're sitting here we could actually decrease a business's tax bill by going with 1.65 as the shift. So talking about 1.71 okay to increase a business's tax bill \$366.00 versus 1.70 to increase a business's tax bill \$267.00, for every ten dollars we move up and down the scale residentially, we move \$100.00 commercially. I was actually gonna make a motion to have a tax shift of 1.69 because I feel twenty dollars to save a business \$200.00, I think that's pretty fair. However, Mr. Grandfield has requested 1.70, I thought 1.71 was more or less fair so I would be willing go along with the 1.70 but just to clarify we're talking about everybody's tax bill increasing. Thank you.

**President Letellier** – Thank you. Any other discussion on the motion to amend, anyone who hasn't spoken yet? All right Councilor Bitzas.

**Councilor Bitzas** – To answer Councilor Cavallo that the Six Flags they employ people, we're talking about moms and pops businesses that live in town. Six Flags the tax rate is a fraction of a penny and they're not going to hurt them at all because they make lots of money so I wouldn't worry about that, I would worry about tomorrow when we face the people in the street, in the market, in the coffee shop where the tax will be higher. I'm not going to support 1.70 and I know I have no second for 1.73 but I have to vote for one factor ...so with reluctantly I will support 1.71 because there's no other choice but I'm against 1.70.

**President Letellier** – Thank you. Anyone else wishing to speak on the motion to amend the factor to 1.70? Okay, seeing none, Barbara, could you call the roll? We have a motion to amend the proposed shift from 1.71 to 1.70.

**ROLL CALL – 3 YES (Councilors Cavallo, Letellier and Messick), 6 NO (Councilors Bitzas, Mineo, Perry, Rheault, Simpson and Young), 1 ABSENT (Councilor Rossi), 1 ABSTAIN (Councilor Calabrese)**

**President Letellier** – We have a vote of three yes, six no, one absent, one abstain, we have defeated the motion to amend. We are back to the original motion which is a factor of 1.71. Councilor Rheault?

**Councilor Rheault** – Yes, I voted against the amendment primarily because I get around quite a bit and I have not heard from one single businessman that that was an unfair balance in the taxes but I have heard from the average tax payer everywhere I go. They stop to tell me when is it gonna end Don and say well obviously costs go up and things are tough but I think the challenge is to this Council is when we adopt the budget in the middle of the summer, that's when we gotta really take a look at what we're facing tonight and we've gotta make some tough choices and I think this year is gonna be one of the toughest since I've been on the Council and that's a few years. Too many to name but I think that's the challenge that this Council has so nobody wants to see a tax increase obviously, I don't, and I'm sure that the rest of us don't but what do you say to the guy who stops you at the local store and he says Don I'm on a fixed income and I don't have \$125.00 to pay the increase in taxes so where's that gonna come from? Up the tree? So I think the challenge really even though I don't want to accept this but it's as fair I guess as we can come up with but the real challenge is when this Council and the newly-elected Council sits down and works with the Mayor on adopting the new budget for next year and maybe we won't have these problems. Maybe we'll have a better shift and that's really about the crux of it because the budget is adopted and now we just have to proportionate – who's gonna pay the tab and that's what's in front of us so reluctantly I'll support that 1.71 but I would prefer to go to 1.75 as well but take a look at the results on the business – it's double – it's totally unfair. I think Kevin you did a great job and I'll support it.

**President Letellier** – Thank you. Any other discussion? Councilor Perry?

**Councilor Perry** – Yes, I'll be brief. I have to agree with Councilor Rheault. We adopted the budget. We have to pay for it. This is how we do it. We divide it up and this is how the pie is paid for. For the last probably I believe eight years we've shifted farther and farther toward the residents' side of things up until last year to this far right as we could for them and no one wants to pay more in taxes and we don't want to cause that but again we have to look at the budget and the budget process to reduce the cost of government then we can reduce the tax levy that has to be paid by this tax factor. That's when we need to look at it. Right now we need to look at how that pie is going to be paid. I see that we are shifting over toward the left a little bit more which is a little bit better for the businesses in our community. I think Kevin has done a great job. Laurel, Cheryl thank you for all your help in regards to this and has looked at it proportionately to where the example he has given us – the split that is recommended and that I will adopt this evening – is equal to the values and I think it makes a lot of sense and I'll be supporting the 1.71 tonight. Thank you.

**President Letellier** – Thank you. Any other discussion? No? I have a statement that Councilor Rossi asked me to read into record. Oh, I'm sorry Councilor Mineo did you wish to speak? Okay. Councilor Rossi had scheduled a vacation before he knew about today's date, so he apologizes. It says: *“While I don't agree with the level of tax increase created by this year's budget, an argument previously made, I do support setting the tax factor which is necessary to maintain our city's cash flow and I do support the proposed shift of 1.71. I believe that our Assessor, Kevin Baldini has established a fair and equitable balance between our residential and business community. It is my belief that reducing the residential factor while increasing the business factor as some have suggested, would not be prudent given the current economic climate. I think we all can agree that the next few years are going to be extremely challenging to say the least. If we are to recover our economic stability, the small businesses are going to be a necessary tool in that recovery process. While offering our residents a lower tax rate may give way to immediate relief, I believe it will be much more costly in the long run. First, this added increase would be passed on to the consumer for goods and services and those increases are likely to be far greater than the initial tax reduction they receive. Secondly, the additional tax increase added to the cost of doing business; meeting obligations and maintaining staffing, could make the difference to a business that is barely hanging on. When a business fails, we all lose, tax revenues are lost, foreclosures and forfeitures increase and unemployment rises; hardly a scenario we would want to encourage. Now is the time to embrace our small businesses and encourage their growth, not throw out speed bumps; for it's their growth that will inevitably lead to the path of our recovery. I know this is a difficult decision. However, we must consider increasing our revenue base as a necessary first step; this along with turning our budgeting philosophies around to include “getting more with less”, only then can we begin to relieve the pressures of future property tax assessments on the homeowner. Thank you”.* Councilor Mineo?

**Councilor Mineo** – I'd like to make a motion that we accept the 1.71.

**President Letellier** – Motion's already been made but we'll make it again. Any further discussion? Councilor Bitzas?

**Councilor Bitzas** – Yes, the last time. I will support 1.71. I would prefer to go a little more in favor of the residents as Councilor Rheault said, I agree with him, it should be halfway through and now hurt the businesses and not hurt the homeowners but the taxes must be mailed out tomorrow probably and we have no choice. And if we vote against it there'd be no taxes out, no bills to pay and no employees to be paid, so I would prefer to see it better for the residents because 79% of the properties are the poor people and of course they own businesses in Agawam and again I will support that but we have to be careful how to help the businesses. We have to make sure that our Boards and Commissions of this town don't delay the applications for businesses. I personally know people they have waited for a year, year and a half, to go and open their businesses. That's absolutely shameful and we should spread the word out, if we make some difference ...some rules, we should not delay them. If we delay them, they pay the taxes, it costs more money and the economy is so bad they'll probably go under. It's not the tax

factor the businesses – I think 1.71 is excellent for the businesses. So we have to look into that – to expedite the process – that’s really, really bad and infrastructure we could change the roads and the bridges to bring businesses here but I don’t think one or the other the tax rate would not bring people to Agawam because the tax rate is very, very fair. Thank you.

**President Letellier** – Thank you. Any other discussion? No? Barbara, could you call the roll? A yes vote is needed to pass the factor, six votes are needed.

**ROLL CALL – 6 YES (Councilors Bitzas, Letellier, Mineo, Perry, Rheault and Simpson), 3 NO (Councilors Calabrese, Cavallo and Messick), 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – I’m sorry, Councilor Young had to leave at 8:15. With a vote of six yes, three no and two absent, you have approved the tax factor of 1.71. The Councilors who voted yes will need to sign the documents that Council Administrative Assistant has so don’t rush out. Okay? Thank you and I thank the town employees for staying.

**Item 10. Old Business**

- 1. TOR-2009-6 - An Ordinance to Amend Certain Fees in the Building Department (Councilors Rossi and Bitzas) (2/2)**

**President Letellier** – This is to deal with the condominium roof repairs. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Cavallo. Any discussion? No? Barbara, could you call the roll? Six votes are needed.

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – With nine yes, two absent, you’ve approved the ordinance.

- 2. TO-2009-41 - Order Granting or Renewing a LICENSE for a Class I Dealer’s License – Sarat Ford Sales, Inc., 243-249 Springfield Street, Agawam, MA. 01001 (Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Cavallo. Do we have a report? Thank you Councilor Simpson.

**Councilor Simpson** – Thank you. Once again standing in for Councilor Rossi, Councilor Cavallo and myself met this evening and voted to give a positive recommendation for all licenses on our Agenda this evening and I’d also like to for a matter of time combine TO-2009-41 and TO-2009-42 to vote for those in a group and then also to combine all the Class II Dealers which are TO-2009-42 through and including TO-2009-47. Thank you.

**President Letellier** – Thank you Councilor Simpson. So we have a motion to consolidate TO-2009-41 and -42 both of which are Class I licenses for Sarat Ford. Seconded by Councilor Bitzas? Any discussion on combining the items? Barbara, could you call the roll on consolidating the items?

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – Okay, with a vote of nine yes, two absent you've moved to consolidate the two Sarat Ford licenses. Any discussion on the licenses? No? Barbara, could you call the roll? A yes vote would be to approve the two licenses for Sarat Ford.

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – With nine yes, two absent, you've approved those two licenses.

3. **TO-2009-42 - Order Granting or Renewing a LICENSE for a Class I Dealer's License – Sarat Ford Sales, Inc., 250 Springfield Street, Agawam, MA. 01001 (Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – And now we also have a recommendation from the Licensing Committee to consolidate all of the Class II licenses. Do we have a motion? Moved by Councilors Cavallo and Simpson, seconded by Councilor Rheault. Barbara, could you call a roll on consolidating Class II licenses TO-2009-43 through TO-2009-47?

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – With nine yes, two absent, you've moved to consolidate the Class II licenses. Could you please Barbara call the roll on approving the Class II Dealer Licenses?

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – With nine yes, two absent you've approved the Class II Dealer Licenses.

4. **TO-2009-43 - Order Granting or Renewing a LICENSE for a Class II Dealer's License – Chris Auto South, Inc., 207 Main Street, Agawam, MA. 01001(Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – See Item 3 above.

5. **TO-2009-44 - Order Granting or Renewing a LICENSE for a Class II Dealer's License – LaFleur Auto Exchange, 374 Main Street, Agawam, MA. 01001(Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – See Item 3 above.

6. **TO-2009-45 - Order Granting or Renewing a LICENSE for a Class II Dealer's License – E. Wayne Smith Used Car Sales, 1016 Springfield Street, Feeding Hills, MA. 01030 (Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – See Item 3 above.

7. **TO-2009-46 - Order Granting or Renewing a LICENSE for a Class II Dealer's License – Town Motors II, 393 Main Street, Agawam, MA. 01001(Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – See Item 3 above.

8. **TO-2009-47 - Order Granting or Renewing a LICENSE for a Class II Dealer's License – V & F Auto, Inc., 7 Harding Street, Agawam, MA. 01001(Referred to License Committee) (Majority of those present and voting)**

**President Letellier** – See Item 3 above.

9. **TOR-2009-7 - An Ordinance to Amend Chapter 103 of the Code of the Town of Agawam Conservation Commission Fees (Mayor) (Referred to Ordinance and Finance Committee) (1/2)**

**President Letellier** – Do we have a motion? Moved by Councilor Rheault, seconded by Councilor Simpson. Do we have a report from the Ordinance Committee?

**Councilor Rheault** – Yes, the Ordinance Committee met and voted 2-0 to approve the fees. They are right now losing money for determination fees and it's gonna go from \$25.00 to \$50.00 I believe.

**President Letellier** – That's to pay for the publishing of the notices, correct?

**Councilor Rheault** – Yes.

**President Letellier** – Okay, any other discussion? No? Barbara, could you call the roll? This is the first of two readings.

**ROLL CALL – 9 YES, 0 NO, 2 ABSENT (Councilors Rossi and Young)**

**President Letellier** – With nine yes, two absent, we have approved the first reading of the Ordinance to change the fees.

### **Item 11. New Business**

1. **TO-2009-48 - Transfer of \$9,000.00 from Reserve Fund (16605-57300) to City Clerk – Regular Temporary (11611-51020) (Mayor) (Majority of those present and voting)**

**President Letellier** – This is for the January vote. I'm not gonna refer it to the Finance Committee because we know we're gonna be reimbursed by the State so we're all set there. Next agenda.

2. **TR-2009-51 - A Resolution Confirming the Reappointment of Mark Paleologopoulos, 100 Paul Revere Drive, Feeding Hills, MA to the Agawam Planning Board to a Term Expiring January 1, 2015. (Mayor) (Majority of those present and voting)**

**President Letellier** – Next agenda.

3. **TR-2009-52 - A Resolution Confirming the Reappointment of Violet Baldwin, 1245 Main Street, Agawam, MA to the Agawam Planning Board to a Term Expiring January 1, 2015. (Mayor) (Majority of those present and voting)**

**President Letellier** – Next agenda.

4. **TO-2009-49 - Order Granting or Renewing a Class I Dealer's LICENSE – G & T Beaver, Inc., d/b/a Beaver Camper, 721 Springfield Street, Feeding Hills, MA (Clerk) (Majority of those present and voting)**

**President Letellier** – Next agenda. I will refer all of the licenses to the License Committee.

5. **TO-2009-50 - Order Granting or Renewing a Class II Dealer's LICENSE – Balfour Motors, 1801 Main Street, Agawam, MA. (Clerk) (Majority of those present and voting)**

**President Letellier** – Next agenda.

6. **TO-2009-51 - Order Granting or Renewing a Class II Dealer's LICENSE – Elmwood, D&J Auto Sales, 521 River Road, Agawam, MA. (Clerk) (Majority of those present and voting)**

**President Letellier** – Next agenda.

7. **TO-2009-52 - Order Granting or Renewing a Class II Dealer's LICENSE – Garden Auto Sales, 204 Garden Street, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

**President Letellier** – Next agenda.

8. **TO-2009-53 - Order Granting or Renewing a Class II Dealer's LICENSE – Joseph J. Polys d/b/a Joe's Truck Repair, 97 Ramah Circle South, Agawam, MA. (Clerk) (Majority of those present and voting)**

**President Letellier** – Next agenda.

9. **TO-2009-54** - Order Granting or Renewing a Class II Dealer's LICENSE – Luigi's Auto Sales, Inc., 371 South Westfield Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

10. **TO-2009-55** - Order Granting or Renewing a Class II Dealer's LICENSE – Malkoon Motors, 1039 Springfield Street, Feeding Hills, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

11. **T0-2009-56** - Order Granting or Renewing a Class II Dealer's LICENSE – RNK Auto Sales, 28 Moylan Lane, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

12. **TO-2009-57** - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Buc, Inc., 86 Maple Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

13. **TO-2009-58** - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Scoreboard Bar & Restaurant, 15 King Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

14. **TO-2009-59** - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – West Springfield Fish & Game, P.O. Box 25, 329 Garden Street, Feeding Hills, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda.

15. **TO-2009-60** - Order Granting or Renewing a LICENSE for a Weekly Amusement Device(s) – The Alano Club, Terrence Cripps, 36 King Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**President Letellier** – Next agenda. Also next agenda is the Board of Appeals election.

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

**President Letellier** – Thank you. Yes, I will announce this. The survey presentation is here tomorrow at 7:00. I found the right flyer so that is here tomorrow and then if you miss that, there's also another presentation next Monday at the library at 7:00. Thank you Mr. Grandfield. We'll start with Councilor Perry.

**Councilor Perry** – Nothing this evening Madam President.

**President Letellier** – Thank you. Councilor Messick?

**Councilor Messick** – We had quite a snow storm today and I just like to ask people to remember their winter driving skills pretty quickly here because I think we're gonna be getting into it. Other than that, nothing, thanks.

**President Letellier** – Thank you. Councilor Bitzas?

**Councilor Bitzas** – Yes, just keep your calendars open for January 27<sup>th</sup>. We'll send you invitations. Also we have the drug awareness forum, we will invite all the councilors, the School Committee, clergy, people from Boston they're coming, the DA, Michael Ashe, all his group, federal state agencies will be here live television and of course it will be a tape made. I will be in touch with you and I believe we have invitations ready to print out for you so it will explain more about the details so and the other thing is I believe Madam President, tomorrow is the Rotary's Christmas concert?

**President Letellier** – Yes, tomorrow is the Rotary's Christmas concert at the High School.

**Councilor Bitzas** – Okay, so you can invite the people to? Can you announce?

**President Letellier** – You just did! It is 7:00 at the High School. There will be ...which is still a heck of a show and also please bring your donation for the West Springfield/Agawam Parish Cupboard. Councilor-elect Walsh anything you want to add?

**Councilor-elect Walsh** – No. I'm all set. Thank you.

**President Letellier** – Thank you. Councilor Simpson?

**Councilor Simpson** – Nothing tonight, thank you.

**President Letellier** – Thank you. Councilor Mineo?

**Councilor Mineo** – Nothing this evening.

**President Letellier** – Thank you. Councilor Cavallo?

**Councilor Cavallo** – Nothing this evening.

**President Letellier** – Thank you. Councilor-elect Magovern?

**Councilor-elect Magovern** – Just very quickly I'd like to remind people Gina thank you for mentioning it but we have our town wide carol sing on the green 5:00 Sunday night and it's being sponsored by the Agawam Congregational Church, the Baptist Church, the Episcopal Church and St. John's and St. John's is gonna have a reception afterwards at St. John's for hot chocolate and cookies. So everybody that can attend I hope that you're gonna be there. Thank you.

**President Letellier** – Thank you. Councilor-elect Cichetti?

**Councilor-elect Cichetti** – Nothing tonight.

**President Letellier** – Thank you. Councilor Rheault?

**Councilor Rheault** – Just one quick thing. I don't see any item for the Board of Appeals election on the agenda.

**President Letellier** – Well, because it's not necessarily, it's an election. So it wouldn't need to go on the Agenda but I'm just announcing it to remind people that next week is the Board of Appeals, next meeting is the Board of Appeals election. Thank you.  
Councilor Calabrese?

**Councilor Calabrese** – Yes, I have just one quick question. I've noticed that one of the traffic signal poles at the intersection of North Street and North Westfield Street is missing. I don't know if Dennis you're appropriate to just ask that question. It's on North Westfield Street heading towards Westfield from Feeding Hills center and the only reason why it's a problem is because the overhead light, when you pull up to the stop line, you can't see it and that's all I have for tonight. Thank you.

**Councilor Simpson** – I was just gonna tag into that. I saw someone there the other day it looked like taking measurements or something so they must be, maybe they have to order it or something but I did see some work because I live down there too.

**President Letellier** – I just want to thank Councilor Bitzas for all this work on the drug forum. He's going I think above and beyond so congratulations and thank you Councilor Bitzas. That's it. Do I have a motion to adjourn? See everybody and drive safely. All in favor please signify by saying Ay? Opposed? Thank you all very much.

**Adjournment.**