

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

FEBRUARY 17, 2009

President Letellier – Welcome to the Agawam City Council meeting on Tuesday, February 17, 2009.

Item 1. Citizen's Speak Time

None.

Item 2. Roll Call

President Letellier – Barbara, could you call the roll?

ROLL CALL – 8 PRESENT, 3 ABSENT (Councilors Calabrese, Mineo and Rheault)

President Letellier – Thank you. We have three councilors that are ill tonight. Councilors Rheault, Calabrese and Mineo all called and they are all ill this evening and won't be joining us.

Item 3. Moment of Silence and the Pledge of Allegiance

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

Item 4. Minutes

President Letellier – Thank you.

(a) Regular Council Meeting – February 2, 2009

President Letellier – Moved by Councilor Perry, seconded by Councilor Cavallo. Voice vote is sufficient. All those in favor indicate by saying Ay. Opposed? Abstain? I'll abstain because I was absent. Is it me or does this seem extraordinarily loud tonight. Okay, I'll back up from my desk.

Item 5. Declaration from Council President

None.

Item 6. Presentation of Petitions, Memorials & Remonstrances

1. **TR-2009-4 - A Resolution Amending the Rules and Regulations of the Agawam City Council (Councilors Calabrese, Perry and Letellier) (Tabled 2/2/09) (Referred to the Rules Sub-Committee) (Majority of those present and voting)**

President Letellier – That was tabled at the last meeting and there's a request to keep it on the table for a few more changes. So absent a motion the item will remain tabled. Moved to remain tabled by Councilor Cavallo and seconded by Councilor Perry. All those in favor? Okay. Any opposed to tabling it? The item remains on the table.

2. **TR-2009-6 - A Resolution Confirming the Reappointment of Carla Vignato, 34 Day Street, Agawam, MA. to the Agawam Municipal Golf Commission for a Term Expiring December 31, 2011. (Mayor) (Majority of those present and voting)**

President Letellier – I don't think Carla is here tonight. No. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Cavallo. Any discussion? Councilor Rossi, your light's on?

Councilor Rossi – Yes, thank you. Not on Carla, I don't really know who she is but what I would like to address tonight is the terminology used in the resolution to confirm and what I would like to present to the Council here is – this one here reads a Resolution confirming the reappointment to the Commission for a term expiring on December 31st – I would like to have it read “to an indeterminate term not to expire later than December 31, 2011” and the reason for that being is that should there be a cause to review that subject's appointment, we're not bound to keep those people for that two term or that amount of time. This is only a suggestion but it was a thought by me because these board members, once we appoint them, I mean they're here and if we make it an indeterminate amount, term, not to go beyond a certain date, then we would have the discretion to review that and take any action that we deemed appropriate. I would be open for discussion on that.

President Letellier – I guess my thought would be that this is a board that is appointed by the Mayor and so the Mayor would set the term and I believe there are rules within each board for the terms. So if it's something you were interested in, I think it's something we'd have to look at in the future but I think for this evening either we have to, if the Council is interested in that idea, we'd have to table it this evening. Not sure if that's something that we could do. I think for the board that we appoint we could change the rules if that was the Council majority wanted to do it, but this is not a board that we appoint. This is a board that we merely confirm appointments so I don't know that we would have the authority to change how the appointments are made. But if that's something...we could have the Rules Committee look at it. I'll leave it up to the majority of the Council. Councilor Bitzas?

Councilor Bitzas – Yeah, I would like to vote tonight for the lady and I don't understand, do you want to go, Councilor Rossi through the chair, for ANY appointment we do, all the appointments for the Council, or just a few appointments and which ones? So I think you should wait and see and have the Rules Committee look into it because we do the Board of Appeals, we do the Planning Board, do we do for any appointment? I don't know how or what you want to do? I don't understand.

Councilor Rossi – Well, I didn't mean to cause any confusion and make it a complex situation. All I wanted to just simply point out is that maybe we could look at another option for the way we appoint and allow us some discretion in the event that there should be some problems with the appointment throughout their tenure, that we could look at and address and have the latitude, if we wanted to, I mean it's not a big deal and I'm not suggesting that we hold this appointment up. I was just something that it's here and in front of us now, I thought I would make it known to the City Council if we wanted to put it before the Rules Committee and make that suggestion. I realize that we can't do it now but I just thought it would be an appropriate time to bring it up.

Councilor Bitzas – And through the Chair –

President Letellier – Councilor Bitzas?

Councilor Bitzas – Yeah, the question is do you want it for all the appointments the Council makes?

Councilor Rossi – Yes.

President Letellier – Councilor Cavallo?

Councilor Cavallo – I think, it is loud isn't it, you have to stand back, I think the point that you bring up may be very valid here because the Mayor is making this appointment and are you referring, Councilor Bitzas, to the appointments that we make for example the Board of Appeals, or

Councilor Bitzas – Yes.

Councilor Cavallo – Okay, yeah, I think that would be our purview there and the other I think we'd have to check with the Mayor and see if she would be willing to make this kind of a change but I think with our boards, I think we're okay, if we decide to do it.

President Letellier – Yeah, I mean off the top of my head, that's my first thought is that we don't, we have very limited appointment power and we could change our own internal rules unless it's by the Charter and we'd have to really look and see if the Charter indicates that terms are for a set period of time or not. So my suggestion would be that we vote on this tonight and then if you want to bring it up to the Rules Committee you can do that. Any other discussion? No? Barbara, could you please call the roll? A yes vote is to confirm the reappointment of Carla Vignato to the Golf Commission.

ROLL CALL – 8 Yes, 3 Absent (Councilors Calabrese, Mineo and Rheault)

President Letellier – Thank you.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

1. **TO-2009-1 - (ZC-2009-1) (PH-2009-1) Suggesting a Public Hearing for the Property known as Mark Drive, Agawam, MA. and Langone Realty Corp. and Norman Pelley Petitioning the Town of Agawam to Change the current Zone from Residence A-2 and Agricultural to Business A (Council) (*Vote to remove from Agenda as Petitioners are withdrawing their Petition*)**

President Letellier – The Petitioners have asked to have the item withdrawn from the Agenda so we would need a vote to withdraw the item from the Agenda. Motion's by Councilor Perry, seconded by Councilor Messick. Any discussion? No? Six votes are necessary. Barbara, could you please call the roll?

ROLL CALL – 8 Yes, 3 Absent (Councilors Calabrese, Mineo and Rheault)

President Letellier – Thank you. We've approved removing the item from the Agenda.

2. **TO-2009-6 - Transfer - \$2,341.00 from Reserve Fund (16605-57300) to Auditor – Regular Permanent Salary (11341-51010). (Mayor) (Referred to the Finance Committee) (*2/3 Majority Vote of the Full Council or 8 votes*)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilors Cavallo and Rossi. Do we have a Finance Committee report?

Councilor Young – We do.

President Letellier – Thank you.

Councilor Young - The Finance Committee met this evening at 6:30pm. In attendance were Councilors Rossi, Perry and myself. Also in attendance were our Auditor, Cheryl St. John, a reporter from the Union News. After some discussion, the motion was made and seconded and voted unanimously to recommend full approval of the transfer. Again, this is a three percent increase that goes along with the rest of the negotiated, mirrors the negotiated 3% increase that all the other folks of our Auditor's level received. So again, we fully endorse that and recommend that the council pass that. Thank you.

President Letellier – Thank you. Any other questions or discussion? No? Barbara, could you call the roll? Eight votes are needed so everyone will need to vote yes to pass this transfer.

ROLL CALL – 8 Yes, 3 Absent (Councilors Calabrese, Mineo and Rheault)

President Letellier – With eight yes, you've approved the transfer. Thank you.

3. **TO-2009-7 - CLASS II LICENSE for renewal – John G. Kudlic d/b/a Bear Auto Sales, 517 Springfield Street, Feeding Hills, MA. (Clerk)**
(Referred to the License Committee) (Majority of those present and voting)

President Letellier – Do we have a motion? Moved by Councilors Rossi and Simpson, seconded by Councilor Cavallo. Do we have a report from the License Committee?

Councilor Rossi – We do. I have conferred with the members of the Licensing Committee and there are no objections and it was agreed mutually that we send a positive recommendation to renew these licenses. And Madam President if I may, I'd like to take these all in one motion if I could and that is TO-2009-7, John G. Kudlic d/b/a Bear Auto Sales, 517 Springfield Street, Feeding Hills, MA.; TO-2009-8, the Agawam Tire & Auto d/b/a Car Connection, 820 Springfield Street, Feeding Hills, Ma.; and Motor City Car Company, 91 Walnut Street, Agawam, MA. at TO-2009-9. I move as is the Council's pleasure to take it all in one motion?

President Letellier – I have a Motion to Consolidate by Councilor Rossi, seconded by Councilor Perry. Any discussion on the Motion to Consolidate? No? Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 8 Yes, 3 Absent (Councilors Calabrese, Mineo and Rheault)

President Letellier – With eight yes, three absent, we have now consolidated the three items. We will now have a vote on approval of TO-2009-7, -8 and -9, Class II Dealer Licenses for Bear Auto Sales, the Car Connection and Motor City Car Company. Do we have a motion? Moved by Councilor Rossi, seconded by Councilor Perry. Any discussion? No? Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 8 Yes, 3 Absent (Councilors Calabrese, Mineo and Rheault)

President Letellier – Thank you. We've approved those three licenses.

4. **TO-2009-8 - CLASS II LICENSE for renewal – Agawam Tire & Auto Sales d/b/a The Car Connection, 820 Springfield Street, Feeding Hills, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

See Item 3 above.

5. **TO-2009-9 - CLASS II LICENSE for renewal – Motor City Car Company, 91 Ramah Circle, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

See Item 3 above.

Item 11. New Business

1. **TO-2009-10 - Voucher List (\$91.54)**

President Letellier – Next Agenda.

2. **TO-2009-11 - (ZC-2009-2) (PH-2009-1) (TOR-09-1) Suggesting a Public Hearing to hear the Petition of the Planning Board to Amend Section 180-12 of the Code of the Town of Agawam Governing the Issuance of Special Permits for Animal Hospitals (Mayor) (2/3 Majority of the Full Council or 8 votes)**

President Letellier – This should be -2 not -1. You sure it's -1? TOR? Okay, it's a public hearing. I will refer that to Zoning and Ordinance and that will be next Agenda. No I'm sorry. We're doing a public hearing on March 16th. Does anybody have a problem with March 16th? Nope. Okay, so public hearing March 16th.

3. **TO-2009-12 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Agawam Bowl, 359 Walnut Street Ext., Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – So we'll refer that to the Licensing Committee and we'll have that for next Agenda.

4. **TO-2009-13 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Agawam Bowl, 363 Walnut Street Ext., Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – So we'll refer that to the Licensing Committee and we'll have that for next Agenda.

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

President Letellier – We'll start with Councilor Perry.

Councilor Perry – Nothing this evening, Madam President.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – We got this memo in our package from the Commonwealth of Mass Office of Transportation and the Agawam/West Springfield Bridge, the Morgan/Sullivan Bridge, is now on for project review and it says the Project Review Committee has estimated that the project *could* be ready to advertise for construction in the year 2014. Squeaky wheels get the grease, I would like to do a memo from – get together with the Mayor and Rosemary Sandlin and Steve Buoniconti and us and just push this through because it is so critical to any expansion of any kind of retail in that area. We need any siting of new retail in that area or any kind of business, it's crucial. And not only that we know the bridge is dangerous so I think waiting to advertise for construction 'til 2014 is something that we probably don't want to do if we don't have to. That's it.

President Letellier – Also, with the stimulus package supposedly there's gonna be money for infrastructure so –

Councilor Messick – Right and so if we continue to stay on it it's to our benefit.

President Letellier – Do you want to meet on that and make some phone calls? And keep us posted. Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, and also this is the best opportunity for our town with the stimulus package that President Obama wants to give to the state. I was reading in today's paper and Connecticut paper that we are to get about \$3.5 billion and in their city they have applied, they have a sewer project like we do and it was promised by their Governor that they would have some money for the sewers. So this is the best opportunity for us, for the Feeding Hills sewer project that we have to keep moving and I hope that the Sewer Committee will reconvene as soon as possible with the Mayor and with the state representatives and Mr. Buoniconti to address this issue. It is very important and this is the best opportunity if we are to get money from the government. This is the time we can get the money from the government. And also if we want to have the money, our tax money, I think we should also have the Route 57 and the committee we should see for that project to also to be finished because of the money...jobs. If the federal government ...this is our ...will go to create jobs, let's go to us because in the Town of Agawam now we have two big projects and the best opportunity that we can work hard and I hope the state representative and the state senator and Neil listens to us and they do something and I hope Madam President we just move to do something with the Mayor to get the committees and not lose this opportunity. The sooner the better. Thank you.

President Letellier – Thank you. Actually the Mayor and I have been talking in anticipation of this stimulus packet doing whatever the town can do to try to get some funds for that project so but I will make sure that we follow through with that.

Councilor Bitzas - Thank you.

President Letellier – Thank you for the good words. Councilor Young?

Councilor Young – Just a, I don't know if Madam President, you have any more information on how the Mayor plans to go about putting together the next budget?

President Letellier – My understanding is and I have to tell you that I missed the budget meeting because I had the neuro-virus but my understanding is the budget team is gonna be working with her and with the department heads. I will go to the meeting next Wednesday and update you folks if there's anything different but my goal is to get it in the hands of the Council well before that deadline. But part of the problems is we have to wait and find out exactly what we are getting at least from the state as well. So it's kind of a daily thing but I'll push for us to get it soon. Anything else? No? Thank you. Councilor Simpson?

Councilor Simpson – Nothing tonight.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. I have two things. First of all I'd like to commend the program that Councilor Bitzas and I attended last week where the Seniors who received their letter A for academic prowess receiving a 3.0 average after three years and it was well attended. There were at least four hundred people in the audience, parents and also grandparents and uncles and so forth and myself and Mr. Bitzas and State Senator Buoniconti were present. Unfortunately we were told we could speak but then we found out later we couldn't speak even though the program didn't take that long. The other point I wanted to make is it's really a puzzle, it's really some kind of an enigma here where at the last meeting it was in the paper that the Mayor was going to ask if councilors would be part of this budget team and then of course you were appointed as a member representing the council. However, when you look at the makeup of this team, there are five people from the school end that are, may I finish please? There are five people from the school department on the team. There are eleven of us and there's only one person representing us. That to me doesn't really sound to me kosher, okay? I would think why all of a sudden did the term councilors become councilor? I would think that it's some kind of a message either to us that maybe they or she didn't want too many people on that committee but why five from the school department, granted that's over half of the budget and one representing the council? And then, the Human Resources Director, I don't know how she plays a role here. I would think the City Auditor would play an important role here and I don't think our Auditor is on that team. Correct, Madam President? I do not believe it.

President Letellier – You asked me not to speak until you're done, so –

Councilor Cavallo – But that’s my concern. I’m wondering why there’s such an imbalance there.

President Letellier – No, the committee is a little school department heavy. I would agree.

Councilor Cavallo - You think?

President Letellier – Well, as I said, I had the virus but I will be at the next meeting and I will see what I can do to rectify the balance.

Councilor Cavallo – I wonder how much can be done at this point seeing she’s already established the committee? I did take it upon myself to go up after that was in the paper, you were absent and Councilor Calabrese presided over the meeting and she told me, I said would you please give the message to Councilor Letellier that I’d be interested in being on that committee and she said I think you have to go advocate for yourself. So I did go up to the office a few days later and I was told by her secretary no the committee has already been made up and there’s only one person that’s gonna be on there. It is just funny, it said more than one in the paper unless she was misquoted but I don’t think, I hope you get somewhere, but I doubt very much it’s gonna go further than that. Thank you.

President Letellier – You’re welcome. Councilor Rossi?

Councilor Rossi – Thank you. Just briefly I thought that in the beginning of all of this, as budget preparation was going and we were talking last year, I was under the impression at least from the dialogue of this council that some of these sub-committees were gonna become actively involved in the actual formulation of the budget in your areas. And I guess that didn’t happen and I think this team whatever it was probably was thrown together because of the climate that’s on us presently but I was under the impression that we were gonna be more actively involved in the formulation of the budget but apparently that didn’t happen. But, I do have some other things that I’d like to discuss quite briefly. I have a memo in my packet over here, there was a request made about the sidewalks not being plowed over Route 57 bypass for students who walk to the high school. Now, I know that there’s a requirement in our Ordinances that say that the Town must plow the snow where students are required to walk. Now, I can’t for the life of me understand why the city would hang their hat on the language of where students are required to walk and make their decision on whether or not they should plow simply because it says they’re not required to walk, they simply take the position well we’re not gonna plow that sidewalk. I think that is absolutely atrocious, it’s terrible. It’s a terrible posture to take! So what I would like to see happen is (a) either they get out there and plow that thing regardless of whether or not they’re required to walk or not or (b) we refer this to the Ordinance Committee, that we take the work “required” out and put in “where students *may* walk to school” and therefore the town would be required to plow sidewalks whether or not a student, where there are pathways to the different schools that the town should be required to take care of. That’s the first thing I would like to do. The

second thing is I have another letter in my packet concerning a letter that was sent or a memo that was sent to Rosemary Sandlin, our State Representative, from Councilor Mineo and he writes on behalf of the City Council questioning whether or not she has done anything or some sort of a pledge or promise that she might have made to condo dealers concerning trash pick up, snow removal and those kinds of things. However, I don't remember any of that coming before this Council and this Council as a body making a recommendation to have Councilor Mineo send any letters to Mrs. Sandlin asking her what she's done in that regard. If there was a problem as the newly appointed chairman of that condo committee, I would be more than happy to take it up with my committee, doing whatever research as necessary and try to address the problems of these condo owners but I have no idea what his intent was here but Madam President I'll refer it to you at your discretion if, I will be more than happy to refer it to my committee and we'll take the matter up. And that's really all I have.

President Letellier – I would ask that your committee take it up. I know that there are some cities and towns in the state that have begun the process. We are by local rule they do some additional service for condominium owners. So and I believe the City Solicitor probably has that information handy or you can get it from MMA. I would start with MMA actually because I'm sure they have it right at the top of their hat whereas Chris may have to do a little work. So I would say start with MMA and by all means, schedule a meeting.

Councilor Rossi – Yeah, I do have most of the information on what we can and cannot do but I just didn't know, I didn't realize that this Council had taken any action so, my question was if you want me to take action I will and –

President Letellier – Yes, we should have a meeting. All right. I have a couple things. First I just found out literally as the meeting was starting that our camera woman, Marjorie Katsoulis is leaving us after this evening and so I guess it's a small crowd but if you could all join me in a round of applause and thank Marjie for all her hard work! (APPLAUSE) We will miss you and you're welcome to join us whenever you'd like to. So thank you. I wish we had more notice. And so, if I understand Councilor Rossi right, you would like the Ordinance Committee to look at re-writing the snow removal ordinance?

Councilor Rossi – That's correct.

President Letellier – And also it's time to talk about parking at Riverside again, or Six Flags again. So I know that Councilor Rheault is out ill and I was gonna ask him privately but since he's not here, Barbara, could you have Don set up a meeting to deal with the snow removal ordinance and parking and I guess Zoning would be part of those as well, Jill. And that's all I have this evening. So thank you all very much. Hope everyone has a healthy couple of weeks and we'll see you soon. Do I have a motion to adjourn? All in favor? Opposed? Thank you.

Adjournment.

ADDENDUM TO THE MINUTES OF THE REGULAR CITY COUNCIL MEETING

DATED FEBRUARY 17, 2009

Item 4. Minutes

Councilor Rheault – I have a couple. Madam President?

President Letellier – Yes?

Councilor Rheault – Just for the record, it doesn't change the vote, but I was not present at that meeting but I did notice some minutes as I read them that the transfer that you called eight votes for, for the record it only takes six votes – transfer for reserve fund.

President Letellier – Can you show me what you're referring to? I don't know?

Councilor Rheault – It's in Council Rules if you want to see it.

President Letellier – No, I don't know what item you are referring to.

Councilor Rheault – Oh, I'm sorry. The item was TO-2009- 6 transfer \$2341.00 and it was stated that eight votes are needed where it only requires six. It did pass so it doesn't make a difference but just for the record.

President Letellier – All right. Thank you.