

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

JANUARY 20, 2009

President Letellier – Welcome to the Regular City Council Meeting for Tuesday, January 20, 2009.

Item 1. Citizen's Speak Time

None

Item 2. Roll Call

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

ROLL CALL – 11 Present, 0 Absent

President Letellier – Thank you. With eleven present, we move on to a moment of silence and Pledge of Allegiance.

Item 3. Moment of Silence and the Pledge of Allegiance

President Letellier – Could you please rise?

Item 4. Minutes

(a) **Regular Council Meeting – December 15, 2008**

President Letellier – Thank you and next we have minutes. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Perry. Any questions or discussion? No? Barbara, could you call the roll?

ROLL CALL – 9 Yes, 0 No, 2 Abstentions (Councilors Mineo and Simpson)

President Letellier – With nine yes, you've passed the Meeting Minutes from December 15th.

(b) **Special Council Meeting – January 5, 2009**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Perry. Any questions or discussion? No? Again, seeing none, Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've passed the Special Council Meeting Minutes.

(c) **Regular Council Meeting – January 5, 2009**

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

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, we have passed all sets of the minutes.

Item 5. Declaration from Council President

President Letellier – Many of us were at the ribbon cutting ceremony this afternoon for the new Senior Center. Kudos to Councilor Bitzas and the rest of the committee. It's a lovely building. It was actually in use today, there was a billiards tournament and I hope that our current seniors and our future seniors really enjoy the benefits of this building. And I think it will do great to help maintain people's mental and physical health. So kudos, Councilor Bitzas.

Councilor Rossi – Point of information?

President Letellier – Yes?

Councilor Rossi – I noticed along with the Administrative Assistant, Barbara, that one of the items was inadvertently misplaced and not put on the agenda and it's a car license for Zielinski Brothers and I would like to know, it has a TO number, I would like to know if the Council's pleasure to put this on and add it to the five that we already have? Due to the nature of it, these really should have been done last council meeting but had to be postponed until this meeting.

President Letellier – What's the TO on this?

Councilor Rossi – The TO would be TO-2008-81.

President Letellier – All right. We will do it as Item 8 of Old Business.

Councilor Rossi – Okay, that would be fine and that's for –

President Letellier – Yup, right under TO-2008-80?

Councilor Rossi – Yes, and that would be for Zielinski Brothers, Inc., 218 Shoemaker Lane, Agawam, MA., Class II Dealer.

President Letellier – When we get to that item, I will have you read that into the record just to clarify it.

Councilor Rossi – Okay, thank you.

President Letellier – Fair enough? You're very welcome.

Item 6. Presentation of Petitions, Memorials & Remonstrances

1. **TR-2008-56 - A Resolution Adopting Special Speed Regulation #7290-A (Council) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Perry, seconded by Councilor Bitzas. Councilor Perry do you have any report or discussion?

Councilor Perry – Nothing more than I added in my previous report from the Safety Committee Meeting. We met on this back in November on the 6th, our committee meeting was held at the library. These two items that are before us were asked to be put on there, or asked our committee to look at it, by Councilor Mineo. During our meeting, present were the Police Chief, the traffic Lieutenant was there. We met and discussed these issues. As you know, Council President, this was before us back in I think back in 2001 or 2002 and they weren't passed. Typically what we are seeing, the sections of Silver Street and Suffield Street that we are talking about, back when those streets were re-done, these streets were funded through state grants. The state came in and did engineering studies and things and therefore the speed regulations were dictated by the state. Since then we know it's grown very much there and we feel that we need to incorporate speed limits in certain zones there and that's why it's here before us this evening.

President Letellier – Thank you Councilor Perry. Councilor Mineo, your light's on?

Councilor Mineo – Yea, I just wanted to say I'm gonna be supporting this tonight. I did ask to have Dennis' committee look at it. I've spoken to quite a few residents that live on Silver Street and there are no speed posting signs. At the meeting I attended, the Lieutenant had indicated that without speed posting signs, when they do stop somebody for speeding, by the time they get to court because there is no signs that are posted, $\frac{3}{4}$, I believe $\frac{3}{4}$ of the cases are getting thrown out of court. So I mean the officers are wasting their time going to court. So at least now they would have something concrete and hopefully it will be monitored and hopefully everybody will abide by the speed posting signs there. So I hope everybody will support it. Thank you.

President Letellier – Thanks for bringing it back to our attention. Councilor Bitzas?

Councilor Bitzas – Yes, I am supporting those both. I live by the neighborhood myself and I witnessed many accidents, especially on Silver Street. Many of my friends that live there, they've complained and we tried to put signs there before but we couldn't do it, the city could not do it because the state regulates that. The only way we can post the speed limits is by voting in favor for these two resolutions. So I hope the full Council supports that. Thank you.

President Letellier – Thank you. Any other discussion? Seeing none, Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've unanimously approved Speed Regulations #7290A.

2. **TR-2008-57 - A Resolution Adopting Special Speed Regulations #946-A (Council) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Perry. Any further discussion? No? Seeing none, Barbara, could you please call the roll?

ROLLCALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've unanimously passed the second speed regulation.

Item 7. Report of Council Committees

None

Item 8. Elections

None

Item 9. Public Hearings

None

Item 10. Old Business

1. **TOR-2008-6 - An Ordinance Amending Section 180-8B of the Code of the Town of Agawam Governing the Height of Fences within the Setback Area of Corner Lots (Councilor Simpson) (2/3) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded Councilor Perry. It seems to be a pattern this evening. Any discussion? Councilor Simpson, do you have anything you wish to add?

Councilor Simpson – Nothing I think we spoke about this at the first vote and our committee had voted to send a positive recommendation so I think that's all that needs to be said.

President Letellier – Thank you. Any one with any questions? No? Barbara, could you please call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've approved the second reading.

Councilor Simpson – Motion to move the third reading.

President Letellier – Motion to move the third by Councilor Simpson, seconded by Councilor Mineo. Barbara, could you call the roll? The first vote is all those in favor of moving the third reading and then if moving the third reading passes, we will have the third reading. So the first vote is to move the third reading.

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've voted to move the third reading. We will now have the third reading. Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you have approved the third and final reading and we have a new ordinance.

2. **TO-2008-75 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – American Legion Post 185, 478 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 Councilor Rossi, seconded by Councilor Perry. Do we have a report by the Licensing Committee?

Councilor Rossi – Yes, we do. It was unanimous agreement of the License Committee to send a positive recommendation for all five of these, or actually six, we'll be discussing later and if it pleases the Council, I would like to group them into two groups, the first group being TO-2008-75, TO-2008-76, and TO-2008-77.

President Letellier – Do we have a motion to consolidate? Moved by Councilor Rheault, seconded by Councilor Cavallo. Any discussion on the motion to consolidate? Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – All right so we will now vote on approving items TO-2008-75, -76, and -77. Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've approved the Automatic Amusement Device Licenses.

3. **TO-2008-76 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Ray-Mor, Inc. d/b/a The Elbow, 386 Walnut Street Ext., Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – See Old Business, Item 2 above.

4. **TO-2008-77 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Scoreboard Restaurant & Bar, 15 King Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – See Old Business, Item 2 above.

5. **TO-2008-78 - CLASS II LICENSE for renewal – A-C-E Auto Sales, 1363 Main Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – And again, we've heard from the committee, do we have a motion? Moved by Councilor Rossi, seconded by Councilor Perry.

Councilor Rossi – And again, Madam President, I'd like to consolidate the two licenses, TO-2008-78 and TO-2008-79.

President Letellier – And you mentioned that there was a third one, TO-2008-81, Zielinski Brothers?

Councilor Rossi – Correct if you want to take it at this time, that's correct. That's TO-2008-81, Zielinski Brothers, 218 Shoemaker Lane, Agawam, MA and that would be for renewal of Class II Dealer's License.

President Letellier – Thank you. Do we have a second on the motion to consolidate? Seconded by Councilor Perry. Any discussion? Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've consolidated the three Class II Licenses. Now we have a vote on TO-2008-78, -79 and -81, three Class II Dealer Licenses. Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've approved the Class II Dealer Licenses.

6. **TO-2008-79 - CLASS II LICENSE for renewal – Malkoon Motors, 1039 Springfield Street, Feeding Hills, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – See Old Business, Item 5 above.

7. **TO-2008-80 - Voucher List (\$60.00)**

President Letellier – I will start to pass that around. Do we have a motion? Any discussion? All those in favor, please signify by saying Ay. Opposed? I'm sorry it's a voucher list, let's have a roll call vote. I'm sorry. Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've approved the voucher.

8. **TO-2008-81 - CLASS II LICENSE for renewal – Zielinski Brothers, Inc., 218 Shoemaker Lane, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – See Old Business, Item 5 above.

Item 11. New Business

1. **TO-2009-1 - (ZC-2009-1) (PH-2009-1) Suggesting a Public Hearing Date of February 17, 2009 for Zone Change 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) (Majority of those present and voting for TO) (2/3 Majority vote of Full Council – 8 votes for a Zone Change)**

President Letellier – That is being withdrawn by the Petitioner so we will have that removed from the Agenda.

2. **TR-2009-1 - A Resolution Confirming the Reappointment of Michael Morassi, 15 Old Farm Road, Agawam, MA. to the Agawam Planning Board to a Term Expiring on January 1, 2014 (Mayor) (Majority of those present and voting)**

President Letellier – Next Agenda.

3. **TR-2009-2 - A Resolution Confirming the Reappointment of Vincenzo E. Ronghi, 55 Avalon Place, Feeding Hills, MA. to the Agawam Housing Authority to a Term Expiring the second Monday in January, 2014. (Mayor) (Majority of those present and voting)**

President Letellier – Next Agenda.

4. **TR-2009-3 - A Resolution Designating a Certain Strip of Land on Main Street as Surplus and Authorizing the Mayor to Sell that Certain Strip of Land on Main Street (Councilors Perry, Messick and Young) (Majority of those present and voting)**

President Letellier – That’s to let Easthampton Savings Bank move in, that’s next Agenda.

5. **TO-2009-2 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Agawam Alexander’s, 60 North Westfield Street, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda. Have the Licensing Committee look at all these next ones.

6. **TO-2009-3 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Friendly’s #1, 60 19 Springfield Street, Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next agenda.

7. **TO-2009-4 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Bouch, Inc., d/b/a Home Plate Sports Bar, 827 Springfield Street, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda.

8. **TO-2009-5 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Polish American Club of Agawam, Inc., 139 Southwick Street, P.O. Box 94, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda.

9. **TR-2009-4 - A Resolution Amending the Rules and Regulations of the Agawam City Council (Councilors Calabrese, Perry and Letellier) (Majority of those present and voting)**

President Letellier – I’m going to refer that to the Rules Committee to look at. I have already emailed my proposed changes to Councilor Calabrese and I’m hoping you all really take the opportunity to take a look at that and add your thoughts in there as well so we can try to get things streamlined and more organized. So, next Agenda.

10. **TR-2009-5 - A Resolution Opposing Governor Deval L. Patrick's Proposal to Add a gasoline Tax to the Taxpayers of Massachusetts (Councilor Rheault) (Majority of those present and voting)**

President Letellier – 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 – Yes, thank you Madam President. I'll be real brief this evening. I know in our last meeting Councilor Cavallo had brought up the situation with the potholes on North Westfield Street. My Public Safety Committee did hold a meeting on January 8th and that was one of the items of discussion. Jack Stone was there and I think everyone received in the packet, the explanation from Jack dated the 15th explaining the situation and why it is the way it is there currently. I want to thank my committee members for being there. One of the other issues we discussed in that committee meeting was also the situation that was brought forth to the City Council in regards to Silver Lake Drive and the water main breaks that have been down there. Jack was also present there at that meeting. It was a good meeting. Councilor Messick was there as well as Councilors Rossi and Rheault who are on my committee and a number of people from Silver Lake Drive. We had a good discussion in regards to the situation down there. It is in the budget for next year. We talked with the people in regards to the situation and the repairs that have been taking place down there and we urge them to put forth a letter to the Mayor and petition that possibly to push that forward faster to get repairs done as soon as the weather breaks and we're able to do some construction down there. So we are working on that. The sub-committee is expecting some reports in regards to the actual cost for the project from Jack so we'll keep pushing along in regards to that so I just wanted to update everyone on that. We also received an email from Barbara today in regards to a concerned citizen in regards to the article in the paper today from Westfield pushing for a \$13 million to have Rte. 187 redone in their section of town and I did ask Barbara to pass that on to Jack and did you copy everybody on Jack's response? Yes, so we all received that in regards to that and I'll pass that on to that concerned citizen so thank you.

President Letellier – Thank you Councilor Perry. I appreciate you meeting so quickly on that Silver Lake matter. Councilor Messick?

Councilor Messick – I have two things tonight. The first is that BayState Gas is offering free home energy audits and if you haven't had one done or have tried to have one scheduled in the past, they have been very, very busy but I just got an email from the people I'm involved with there and they said they their schedule has really cleared up, they hired some new people and the demand has dropped since the prices have gone down a little bit. I had one done myself. I'm having some insulation done on my house. They subsidize 75% of new insulation. So it's a really good deal. It's a really good thing to go through your house and see where the air is leaking in and the heat is leaking out and I would urge people to do that. Unfortunately I didn't bring the number with me but

it's, you can get it from your BayState Gas bill. The other thing is I had someone contact me as far as the bridge over Route 57 and having observed when school let's out and it's snowed that the sidewalk there isn't, is hasn't been shoveled and the kids are walking in the street which is very dangerous. So I wanted to maybe send a memo and find out who is responsible for keeping that clear? Yea, on the bridge, yes, they're walking right in the street. That was it.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Nothing this evening.

President Letellier – Thank you. Councilor Young?

Councilor Young – I have nothing.

President Letellier – Thank you. Councilor Simpson?

Councilor Simpson – Thank you. Nothing tonight.

President Letellier – Thank you. Councilor Mineo?

Councilor Mineo – Nothing tonight.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – I have a couple of comments regarding the memo you sent out with revised committees and the question I had –

President Letellier – Is that something you want to do in public? I'm happy to respond but –

Councilor Cavallo – Well, yea, I'd like to know, I'd like some answers.

President Letellier – Certainly. Absolutely.

Councilor Cavallo – I would like to know why I was assigned to be Chairman of the Master Plan sub-committee. I'm just curious on that.

President Letellier – Because when I was reviewing the Council Committee lists, I noticed that in complete error, Councilor Calabrese and I did not put you as chair of any committees and that was not –

Councilor Cavallo – But that's been since I came on this Council.

President Letellier – And when we were re-doing the committees, we realized our error and you were already on the Master Plan Committee and I thought that it would be

appropriate to give you a chairship of a committee that was important and the Condominium Relations Committee which you are chair of, I was going to disband until we actually got that request from a member and I just felt that considering your experience and your talent, it wasn't fair that you didn't have a committee chairship and I wanted to make sure that you got a committee chairship.

Councilor Cavallo – Well it was too bad it wasn't recognized back when I took office back in January. Why it would have been overlooked then – I knew I only had one chair. Well, I have a supposed co-chairmanship which now has been taken away because of whatever rationale you may have used here, where I during the course of my co-chairmanship on that School Budget Sub-Committee on numerous occasions pointed out to you that there were issues which in my opinion were never really fully addressed and I feel that that's an unfortunate situation that could have been I believe reconciled in a much better way. In fact, it was never reconciled so I am not too happy about that. But the other thing is that this particular other one the Ad Hoc Condominium Committee now you want to continue and keep that intact, you are saying, because of the letter that was sent to us in our packet?

President Letellier – Yes, the Ad Hoc Condominium Committee was created when various condominium owners and the condominium management companies in town were taking issue with the fact that the condos were paying full taxes and not getting services and the issue has been re-raised again this year and so I felt it was appropriate not to disband the committee so that the Council could meet with those folks and explain how the state law works and how when they purchased their condominiums they knew that they were not going to get public services and that that has not changed. So –

Councilor Cavallo – The only issue that I would have is that I live in a condominium.

President Letellier – And that's why I put you in charge of that committee.

Councilor Cavallo – Yea, okay, but when it comes to a vote obviously I would have to abstain, would I not? Living in a condominium?

President Letellier – Only if it financially affects you personally. Councilor Carr Bitzas was also a member of that committee and she also lived in a condominium.

Councilor Cavallo – Okay, as long as I know that.

President Letellier – If you want to double check, you can double check with the state ethics committee but you would not, in my personal opinion, is that because you're part of a larger group that whatever monetary value to you individually would not have an issue and I'm not sure that we'd actually be voting on any monetary items but I felt that because you live in a condominium as do I and Councilor Carr Bitzas did at the time, that it's something that you would have personal knowledge of just to discuss with the fellow condominium owners that are bringing up that issue.

Councilor Cavallo – Okay. The other thing that I wanted to mention, Steve & Barry's is now history just about, correct? And the owner of that was occupied with the person that owned the building a special tax rate was given to that individual. Once Steve & Barry's leaves that building now does the tax rate revert back to the regular business tax that all businesses pay?

President Letellier – That's an excellent question. We'll have to look into that.

Councilor Cavallo – Yea, because I think that's important to know. If the building's being vacated we should know. Would the Assessor be the person who would be involved in this? Or who would it be in the town hall?

President Letellier – Well, we signed, the town signed a contract with the owner of the building to induce them to have Steve & Barry's come so right now it's a contract. So it would be the Solicitor who would have to take issue with that.

Councilor Cavallo – Could we look into that please?

President Letellier – Absolutely.

Councilor Cavallo – To see exactly when? Because if in fact we have tax money coming to us after they leave, we obviously should be collecting that money. And you don't know if this person who owns the building is looking for another tenant – is anything being done?

President Letellier – I believe they still have, is it Sullivan & Hayes, I believe is the realtor that they're using, but you're right. My personal thought is it's a contract and we're probably stuck with it because we signed a contract with them with a certain period of time. I don't think that we can void that contract because they lost the tenant but I didn't negotiate it so I think it's a good question to ask of the Solicitor.

Councilor Cavallo – Right because there might be a clause in there that allows us to escape out of it too and if they leave, therefore it reverts back. I think that's something we should be apprised of. Thank you.

President Letellier – Definitely. I'll work on Barbara to get a Memo to go out to Chris on that. Thank you. Councilor Rossi?

Councilor Rossi – Yes, thank you. First I'd like to check with Barbara and if you would, please, would you assign a Licensing Committee Meeting just prior to our next Council Meeting? I would appreciate that and just in response, just to follow up on that Steve & Barry thing. The question was asked and answered by me at the time when that tax rate was issued to them and the question was what happens if these people move out and the answer was it would immediately cease. So when Steve & Barry goes out, the response was they go back to their normal tax rate. So I –

President Letellier – I think it wouldn't hurt to get that in writing though.

Councilor Rossi – But I think you should get it in writing but that was the answer that was given at the time.

President Letellier – And we can always verify that in the minutes if we needed to. Thank you, Councilor Rossi. Councilor Rheault?

Councilor Rheault – Nothing.

President Letellier – Okay, thank you. Councilor Calabrese?

Councilor Calabrese – I have nothing tonight.

President Letellier – All right. Everyone have a lovely couple of weeks and we'll see you soon. Thank you. Motion to adjourn? All in favor say Ay? Opposed? Thank you and good evening.

Adjournment.