

MINUTES

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

MARCH 3, 2008

Vice President Calabrese – Welcome to the March 3rd meeting of the Agawam City Council.

Item 1. Citizens' Speak Time

Vice President Calabrese – We have two citizens wishing to address the Council at this time. I will remind all citizens that you have five minutes within which to make your presentation. As you step to the microphone, please give your name and your address. If you do not use your entire five minutes, you may not bequeath the remaining to the next speaker. Our first speaker this evening is Douglas Reed.

Douglas Reed – Good evening. Douglas Reed, 10 Shelley Lane, Feeding Hills. Just wanted to take a brief moment to thank Joe Mineo and the members of the Sewer Ad Hoc Committee for allowing our public input during that time. And I would like to make note that we seem to have made some progress. I came away with a positive feeling after that that there, there's some room for compromise in this project and the financing of it. I'd also like to publicly thank Rosemary Sandlin for being the only other official that was invited to attend that and it appears that she and her staff had done some good homework, brought us some information regarding you know the fact that okay, currently there isn't anything out in front for state funding but that she is researching some alternatives for it and uh, again, just like to say thanks for the input and we'll be keeping an eye on you guys.

Vice President Calabrese – Thank you. Our next speaker is Helen Chester.

Helen Chester – Helen Chester, 320 Barry Street. I just wanted to comment, at the last two meetings, they've tabled a discussion for a Resolution of Changing Verbatim Minutes to Outline Form and I just wanted to state that I feel that the voters have a right to know how Councilors stand on issues and I think this should remain. Thank you.

Vice President Calabrese – Thank you.

Item 2. Roll Call

Vice President Calabrese – At this time, I'll ask the Clerk to please call the roll.

ROLL CALL – 9 Present, 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Nine present, two absent, we have a quorum. As many of you know, um, Council President Letellier recently lost her mother and is not attending the evening, the meeting this evening. And Councilor Rossi is out of town.

Item 3. Moment of Silence and the Pledge of Allegiance

Vice President Calabrese – Please at this point in time, rise for a Moment of Silence and the Pledge of Allegiance.

Item 4. Minutes

(a) Regular Council Meeting – February 6, 2008

Vice President Calabrese – Moved by Councilor Simpson, seconded by Councilor Young. Any comments regarding the minutes?

Councilor Rheault - I have. I have a comment.

Vice President Calabrese – Yes, uh, Councilor Rheault?

Councilor Rheault – TR-2007-48 after reading the minutes, I noticed that it had a motion to take it off the table but we never voted to take it off the table on that transfer. And the item, when I said to move the question, that wasn't to move the item of agenda, it's just to move the question, we should have taken a second vote to uh, on the issue.

Vice President Calabrese – Thank you.

Councilor Rheault – And the next, let's see, I think there's one other one. TO-2007-52, on the Verbatim Minutes, we did not take a vote to leave it on the table, it was just moved over to a next agenda. And I believe that those are the only corrections that should be recorded in here.

Vice President Calabrese – Thank you. Any other questions or comments regarding the minutes? Barbara, did you get those?

Councilor Perry – Point of clarification, Madam Vice President?

Vice President Calabrese – Yes?

Councilor Perry – Through the Chair to Councilor Rheault, when an item's tabled and no action is taken it remains on the table and I believe that's what we did that evening. Is that correct? Or no?

Councilor Rheault - Yes but I think you have to vote to keep it on the table.

Councilor Perry – Mmmm. I think if there's no action, you just leave it. I could be

wrong. Just a point of clarification for the minutes.

Councilor Rheault - In all my history, we've always moved to leave it on the table.

Councilor Perry - Okay, not a problem. Thanks.

Vice President Calabrese – And I believe the item is still on the table? Okay. Do I have a motion to approve the minutes including the uh, comments as corrected? Clerk, please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilor Rossi and Letellier)

Vice President Calabrese – Nine yes, two absent, you've approved the minutes as corrected.

Item 5. Declaration from Council President

Vice President Calabrese – I'm sorry there are no declarations this evening.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

1. TR-2008-4 - A Resolution Establishing a No Parking Zone on Hunt Street. (Mayor) (Majority of those present and voting) (Referred to Traffic & Street Safety Commission)

Vice President Calabrese – Yes, Councilor Perry?

Councilor Perry – Madam Vice President? Yes, I just would like to, for the council's information, this was referred to our committee. We did not conduct a meeting on it for two reasons. One, one member of my committee was not available, Councilor Rossi, and two with the many, many sub-committee meetings and the lack of rooms available, we just couldn't come together with a time to meet on this. I will make a motion to table this. I'll do so after, if there's any comments from any other Councilors on this issue. I'd like to leave it there until our committee can meet and get some more information. Some of you might remember an issue that came before this Council oh, I think two years ago, on Barney Street off of River Road. They were looking to establish a no parking down in that area which can be complicated because we will be setting precedence by setting no parking on a residential street although there is commercial on here. And if you look at the information that was sent to us from John Stone, DPW Director, he also refers in there that you know, it would seem that on street parking would also restrict emergency vehicle access to this area, but this should be confirmed, which it hasn't to our committee. And I will be talking to the Police Chief and Fire Chief and asking them to our meeting so, I will ask, I will make a motion to table this if there's no other comments from any other councilors.

Vice President Calabrese – Thank you. Do I have a motion to table? Seconded by Councilor Cavallo. Can we take a vote on a motion to table please?

ROLL CALL – 9 Yes, 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Nine yes, two absent, you’ve tabled the item.

2. TR-2008-5 - A Resolution to Accept Massachusetts General Law Chapter 43D “An Act Relative to Streamlining and Expediting the Permitting Process in the Commonwealth”. (Mayor) (Majority of those present and voting) (Referred to Zoning & Ordinance Committees)

Vice President Calabrese – Do I have a report from those committees? Councilor Messick?

Councilor Messick – Oh, sorry. Yes, we had a meeting of the Zoning & Ordinance Committees and Debbie Dachos gave us a presentation in reference to this. I think she’s gonna be speaking tonight. As far as the...

Vice President Calabrese – I can entertain a motion to go into committee as a whole?

Councilor Messick – Okay.

Vice President Calabrese – Motion to go into Committee as a Whole, okay, by Councilor Messick, seconded by Councilor Cavallo and Councilor Rheault. ... I’m sorry. I’m sorry. Thank you. I guess I have to move the item first. Motion to ?

Councilor Messick – approve

Vice President Calabrese – Motion to approve TR-2008-5, do I have a second to that? Seconded by Councilor Mineo. Now we can go into Committee as a Whole. Okay. We’re going to go to a motion to go into Committee as a Whole that was made by Councilor Messick, seconded by Councilor Cavallo. We’ll go ahead and vote on going into committee as a whole. Thank you.

ROLL CALL - 8 Yes, 1 No (Councilor Simpson), 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Eight yes, one no, two absent. We are now in committee as a whole. Um, if you can, anyone wishing to speak in favor of the item, could you come to the microphone and state your name?

(“This is not a public hearing – that’s not needed” “Oh, okay, thank you. Thank you”)

Vice President Calabrese – I was just reminded that this is NOT a public hearing. We

are here as Committee as a Whole. Thank you Councilor Rheault.

Debbie Dachos – Good evening. And I'm Debbie Dachos. I'm the Director of Planning and Community Development in Agawam. And this evening, we're here to present some information concerning a new piece of legislation that was enacted in 2006 called Chapter 43D. I had a meeting with a sub-committee, it was very visually challenged because my graphics were very small. So I'm just asking, can everybody see this? Also with me this evening is Brian Nicholas, he's the Vice President of WestMass. Maybe we'll start off with Brian and he can tell you a little bit about the parcel.

Brian Nicholas – Certainly. Can everyone hear me without the microphone?

Vice President Calabrese – It needs to be at the microphone. Thank you.

Brian Nicholas – All right. How about now?

Vice President Calabrese – That's better.

Brian Nicholas – We are...property in the Agawam regional/industrial park. We have thirteen acres remaining from the original 320 acres when the park was started back in 1983. And the property that we're referring to is known as Parcel B or Parcel 6 shown on the plan here. This property was actually cut off from the main part of the park by the construction Route 57 back in the late '80s and early 90's. The remainder of the park has been developed. There are now I believe 39 businesses in the park as of November of 2007. Those businesses employed 2100 over 2100 people and uh, since that time there's actually been three additional expansions within the park to ..., to Governors America and Bridgeport National Binder that will add additional employees. ...currently contributes over two million dollars in property taxes to the town and so you know, we are using the 43D mechanism to help us to market the remaining property here. And the benefits to us are that we'll receive some exposure nationwide from the state's marketing program. Projects that are approved by towns under this chapter are receive the benefit of national trade shows and some of the print and internet marketing that the state undertakes under the permitting banner and uh, with that Debbie, I think that you could comment on the benefits to the Town.

Debbie Dachos – As was suggested in the title of the legislation, the purpose was to expedite permitting in the State of Massachusetts. The reason being there are other municipalities and I don't think Agawam is one of them where it takes longer than 180 days to get a permit to build on a parcel. We have some that take a while but I don't think any take 180 days and as a result of applying for this designation, I had to research the various permits that the various entities in town grant and in no case did we take up to even 180 days. Now the state um, the process works this way. You have to have a parcel, and you go before the City Council, and the City Council votes as to whether they want to be part of 43D. Then your application is sent to the State, they make the determination as to whether they're going to accept the application and then it comes back to the town and the town has to have met the requirements if there are any, anything

that would hold up the permit, we have to correct that situation. We have to promise that we will grant a permit within 180 days. We have to promise we will ACT on a permit within 180 days. We can deny a permit, we can send it back for more information and we can accept it. Um, there is a carrot that the state provides us with which is a really significant carrot for doing this. We can apply for up to \$150,000.00 in grant funds. So it's rare that they grant \$150,000.00, uh, provide \$150,000.00 grants. Why is it every time I'm before you my voice shakes? Okay, I'm looking at you as if you were my kids. Anyway, we will not be applying for \$150,000.00 but we will be providing, we will be applying for technical assistance funds to do an economic development study of the town and we do feel that we would be successful in this application because we will be identifying future 43D sites and the state supports that activity. I'm trying to think of, maybe it's best that you ask me questions about the program because it's fairly simplistic. It's a carrot program. The state wants to be proactive and market properties nationally and I don't want to do that and then have companies come to the state and find out that they would be sitting and permitting for months and months and months. And by participating, we have the opportunity to get funding.

Vice President Calabrese – Thank you. Any questions? Uh, yes, Councilor Bitzas?

Councilor Bitzas – Yes, Debbie. Before the question, I got to just say that this is a good idea to expedite the funding, I mean the process for the applications to approve those, but I wish we had the same expedition for ALL the businesses in town. I can see some businesses are delayed and delayed and delayed. I think you could put more on the town the emphasis with your help, put more priorities for not only WestMass but for any business that comes down because I can see myself delays, and delays and delays for many, many projects. I hope the Council and the Mayor, administration, to act to correct this problem. The other thing, a question to you, is the grants, you said you can apply up to \$150,000.00 so the town can get a possibility of \$150,000.00 if you apply?

Debbie Dachos – That's correct. Can I respond to the first comment? ... There have been recently and I don't think it's a trend or the past history reflects this but, recently there have been some permits that have taken a considerable amount of time to be acted upon and to those who are permits, I think you might be referring to temporary parking permits where people were uncertain as to where the legislation was going and wanted to wait until they found out how the Council was going to finally respond to that legislation. Agawam actually is in the forefront of permitting and you probably don't realize this, but we have a number of initiatives in place to try and make permitting quick and easy for those businesses coming into town. First for entrepreneurs and small businesses, we have the Small Business Assistance Center, so we can walk people through the process. Secondly, we have a ... person, that's myself, when an industry or business wants to come into town, they can come to me, they identify the various permits are identified up front and I serve to run interference if there's problems along the way. We have a Development Handbook that we worked with, with the Agawam Chamber of Commerce which is a little bit out of date but still applies, maybe the fees are different but the processes are still in place. We can hand that Development Handbook to an interested business and fourthly, we have streamlined the permitting by doing a team meeting, we

used to do it, we've been doing it for last I think ten years, where if an applicant so desires, they can request a team meeting and we have all the appropriate department heads come in and meet with an applicant and walk them through the process and identify road blocks or obstacles they might encounter so when they start permitting, when they go to Boards and Commissions, they know what those issues and problems are up front. It is working but we wanted to make it even better so we met with the City of Westfield about six months to eight months ago, talked about their process and now we hold team meetings on the second and fourth Tuesdays of the month and anybody who goes before the Planning Board or Conservation Commission, comes in for those team meetings and meets with the appropriate department heads. So when I looked at this application, initially I attended the workshops on it and I thought well, that's all well and good but everybody said do we really want to be identified as a community that takes 180 days to permit? And that's kind of a black mark on you because we know we can do it much faster and better but it does provide specific parcels with national marketing so there is a good reason to apply. But we look at the various activities that they would be willing to fund as a result of the technical assistance grants – expediting permitting, team meetings, development handbooks, we've done it. We've been there for a really long time. So yes, there are problem applications, yes we know there's glitches every once in a while and we're still trying to streamline that process but you know, I appreciate your comments. And we will continue to try to improve. And then the second question was the \$150,000.00, what was the exact questions, I forgot?

Councilor Bitzas – Yea, the question was if we get up to \$150,000.00, is that guaranteed to \$150,000.00 or a hundred dollars or so go to the \$150,000.00 and to form a question and if we get this much money or we get half of this, how do you see this money to be spent? To hire a consultant? Or to some of the services and make some studies? And for how long is this, because the grant is only a one-time grant, correct? So, if we hire somebody and then they have to know that the person is going to lose their job the next year because they'll be no more grants. And I don't want to see to be subsidized, that person, with tax payers' money. Can you elaborate about that because it's, this is my real concern?

Debbie Dachos – Right. First of all, they don't encourage you to go for the full \$150,000.00. I think if we were a community that hadn't already implemented a lot of the suggestions, we'd be more likely to get \$150,000.00 but we do have a big float in our economic development activities and that is the lack of a mass economic development plan. I won't bore you with the details but we got \$20,000.00 about three years ago to do a community development plan and there was an...for economic development. And I had to fire the consultant because the quality of her work was really poor and I wasn't gonna present it to anyone. So we deducted that amount out. We did get the housing component, the transportation component and the recreation components. So we need an economic development plan, we can't just go say give us \$100,000.00 for an economic development plan. We have to have a scope of work, a specific budget and a specific time frame. So we are in the process of drafting that now and when we go to the state, it will be for a specific dollar amount and you can do it, it doesn't even have to, you don't have to do it within a year, but we would like to do it in the year. There's development

proposals at the, in the wings, that want to come in. We don't want another Tennis Road situation. We want to be leading development; we don't want to be responding to development. So actually the timing was perfect and there'll be a lot of community involvement in the process.

Vice President Calabrese - Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. I like that she...attended the meeting. You had mentioned that and I ask the question I believe, that you have identified the industrial property that's still available in the Town of Agawam, have you not?

Debbie Dachos – Well, we do know that there's industrially zoned property and it's not developed but the unfortunate thing is the remaining industrially zoned land that's not developed has many constraints and it's across the board for commercial and residential development in town. What's remaining has steep slopes, wet lands, transmission lines, multiple ownership, and then recently, in October of last year or two years ago, that seems like a long time ago but it probably wasn't, um, the ... Heritage Program for the State of Massachusetts identified protected habitat and I would say over half of our remaining vacant land. So what we need to do is look at the move to our industrial zoned land but that might not be the land that growth will ultimately occur in. It might be land that's zoned agricultural or residential. It would have to be consensus building activity. We know that Agawam has been fortunate over the many years due to really strong industrial and commercial base that we haven't had to raise residential taxes as much as other communities. Business and industry is supporting our services to, in our schools and our sewers, that's a bad word, our schools and our roads and our solid waste pick up, and we need to continue to identify areas that will work consistently with the residential development. Won't have negative impacts but where growth can continue to occur. So if you ask me Paul off the top of my head, do I know where there's vacant parcels?

Councilor Cavallo - That's my question.

Debbie Dachos – Oh yea. I know where the vacant parcels are but they have constraints and they will not get us into the next decade in terms of...

Councilor Cavallo - The percentage of the industrially zoned property then, you're saying, a lot of it has habitat problems, has you know wet land problems or whatever, what percentage would you say would be...?

Debbie Dachos – Just to tell you, there's unfortunately nothing left, there's the Meadows which there is no way that property could ever be used for industrial purposes. In the Silver, Suffield, Shoemaker triangle which is Industrial B, we'll be lucky, you'd have to extend infrastructure roads and utilities to access another 30% of what's there. In the Agawam Regional Industrial Park we've got 13 acres. There's out parcels here and there but it's zoned Business B but they haven't been developed because there's no frontage or there's other issues. So we're really, we're at a critical place in terms of future growth. Tennis Road – a lot of people wanted to see that used for industrial purposes, that is now

ONE HUNDRED PERCENT in habitat. So according to the State, you can use out of the ninety acres, 30 acres – possibly. And it's not zoned for that use, but that's a good location for industrial development possibly. So we need to take all that information understand what we need in the future to continue to, may have to do Proposition 2½ overrides, to continue to be able to provide the services weekly pick up and things of that nature. And it might mean zoning other land industrial in the future.

Councilor Cavallo - So the technical assistant that may be gotten through this grant okay that you're talking about, would be one that would do an analysis of this, correct? That's what your game plan is...

Debbie Dachos – That's correct.

Councilor Cavallo - And then once that's been established and after all considerations have been made, you have the blueprint now to go by this essentially is what you're talking about, right?

Debbie Dachos – We'll get the experts to come out and use the analysis techniques and you know, there's a number of them that are available and come up with some ideas, some news to take to the public because we certainly don't want beat our heads against the wall if there's an ideal place in town for future growth and the residents are gonna be up in arms about it. So, but it gives us a good base of information and data to go to residents and say okay, would you accept growth in this area?

Councilor Cavallo - You mentioned that the last person we had on board you had to fire, okay? Okay and if you're applying for a position and you know you're get \$150,000.00, what do you estimate you know if you're gonna get someone who's got this type of background, and education and so forth, you're not gonna get someone for \$20,000.00 a year obviously. What are you looking at in terms of, besides this person having the necessary background, the expertise, what kind of a salary when you apply for the grant, in terms of that?

Debbie Dachos – We wouldn't be looking to provide additional staff with this money because the Town would have to pick that up and for subsequent years. We're looking at going out, requests for proposals to economic development firms. And I would say and I'm gonna have a figure probably next Monday but I think we're looking at around \$60,000.00 to \$70,000.00 to do this study. I also would like to tack onto that an update of the development handbook just because it is very...and if we're gonna continue and use it as a tool, we need to keep it up to date. But we won't be going after \$100,000.00 much less than that. I gave the Committee a ball park figure for doing Master Plans now and I've watched, we have a list of my counterparts throughout the state, Master Plans which include everything, housing, infrastructure, transportation, are now going for \$120,000.00. So I would \$60,000 - \$70,000 is a high range for what we're looking for, it might be less.

Councilor Cavallo – Okay, thank you.

Vice President Calabrese – Thank you. Councilor Rheault?

Councilor Rheault – Yea. Debbie I'm going by the Resolution. It's a broad term 'grants such as professional staffing assistance, local government reorganization and consulting services' What do you mean by local government reorganization?

Debbie Dachos – I just took that out of the legislation.

Councilor Rheault – I'm sorry?

Debbie Dachos – I took that out of the legislation. That's, that's, those are the types of activities that they would provide funding for, that's not what we're seeking. We're seeking funding to do an economic development study.

Councilor Rheault – But we're accepting it if we accept this Resolution – that language.

Debbie Dachos – If you're gonna be signing the application that goes to the state and in it is going to be a specific scope of work for an economic development study solely in the state of development handbook. And unless you want to amend the Resolution to specifically state 'economic development study' and updating the handbook, I don't have a problem with that at all.

Councilor Rheault – All right.

Vice President Calabrese – Thank you. Any other questions? Councilor Bitzas?

Councilor Bitzas – Well, the question before, I don't like to see this to be a foot in the door for a new position because there's some talks in town that there was some paper that Chamber of Commerce wanted to have somebody hired to do that with some grants and some taxpayers' money. I don't want to see any taxpayers' money spent for any position because I think you're doing a great job, you're always doing a great job and for my opinion, there's no need for an extra position. If we all work together we can promote more development in our town and uh, Councilor Rheault, also asked the same, similar questions, and I'll agree, I would like to amend and take out the language of the Resolution because we don't want it to create any position but we DO welcome any assistance from outside firm to help you. Because that would be only for one year, if you hired somebody, it's very hard to let them go after, it's not fair. So that was my fifth question, I think, but now came out concerns from other councilors and that was my main concern about this resolution. I support it, there's no question about it. It's a great tool. I have no problem with it. WestMass, they did a fantastic job for the seniors and about fifteen years ago, we did some census to this company ... came up with one of the best parks now and a good taxpayers' base in our town. And with that, I would like to after we have discussions to make the amendments so we can correct that to take out the language. Thank you.

Vice President Calabrese – I believe Councilor Perry had his light on next.

Councilor Perry – Thank you. Through the chair to Debbie, in looking at the Resolution, number 3 “aggressive online marketing of designated sites and promotion of the community’s pro business regulatory climate”, you know if we were to adopt this, I mean, who’s gonna have access to do that? I mean, WestMass is gonna be able to market through that? How does the state generally allow the communities to market their properties through this? Is this something that the town puts together and puts on there? Or the actual developers?

Debbie Dachos – Actually the state does. The state markets the property. They have a website and they list the property and that’s why WestMass came to me and asked if we would submit or present this to the City Council.

Councilor Perry – Basically just I mean as far as the marketing goes, I’ve been trying to follow it. I mean in most cases you’re advertising the property. I mean the state just says 13.5 acres in Agawam, I mean you know I don’t know how it’s done.

Debbie Dachos – It’s a priority development site. There’s a category of sites, priority development sites where permitting, actually be taking out your permits within 180 days. That’s the marketing tool for a parcel and the state has to look at each individual parcel. So if we have other parcels that we identify in the future, then we have to submit them to the state and then they say yes these have the necessary components to be able to go on this list. WestMass markets their own properties obviously and um, on their own websites, through their own marketing. Brian I don’t know if you want to talk about that.

Brian Nicholas – Sure. ...marketing through the economic development council of western Mass. of which we are an affiliate. There are trade shows nationally that the state attends, and they have literature and as part of the 43D program it’s my understanding that they waive the rate on some promotions and some promotional activities at the trade shows as well as on the website to these priority sites. And so if there properties that come along that are identified as part of your economic development plan, those would be incorporated into the state’s marketing effort. Thank you.

Councilor Perry – In regards to, Debbie, the grant monies, I know you had mentioned that we would have to sign off in regards to how this money would be used on the application, the City Council would have to sign off on that?

Debbie Dachos – Well, the Mayor signs off on it. But I wouldn’t mind you amending the Resolution. I had to prepare that Resolution weeks ago and I have to admit I had to bring myself up to speed as to what would be eligible activities. I just used the language right out of the legislation. These are the things that you would fund they said, so I just put it in there, but it, there was no intention to create positions. It was just at that point in time, I wanted to be broad enough so that when we identified what made sense and I did present it the Mayor and the Sub-Committee that where I void was was the plan itself. That would be under the umbrella of activities that were included in the Resolution. You

could strike those activities out if you so desire.

Councilor Perry – Yea. I just wanted to clarify cuz I know when Councilor Rheault made his comments, you had said that you know we would have to sign off on, on the application that's being sent in and I know...

Debbie Dachos – The Mayor has to sign the application.

Councilor Perry – Right. In regards to the monies if approved, that would be controlled by your office or the Mayor?

Debbie Dachos – No. I would have to be the point person for the grant which I usually am so that the state whatever grant we'd receive, I'm the one who's held accountable for the use of the funds.

Councilor Perry – Okay. All right. Thank you.

Vice President Calabrese – Thank you. Councilor Cavallo?

Councilor Cavallo – Yes. I was at the sub-committee meeting and we're presented with this this evening and neither I nor the fellow councilors just have a first glance at this document, and I feel uncomfortable about voting on this tonight. I would think we need probably another couple of weeks to digest this. And Councilor Rheault has brought up the idea about amending this particular grant proposal and I again that's something that to put to the full council, I know we're in committee as a whole, and perhaps it's something I shouldn't be talking about but I think it would be better and I think the plan is good and I just think we need a little bit more time among us to really come to some sort of a decision.

Vice President Calabrese – Well, if the Council is ready to come out of committee as a whole, we can return that and then start a discussion. Moved to come out of committee as a whole, seconded by Councilor Rheault and Councilor Perry. Voice vote please? If you are in favor of coming out of committee as a whole say Yes? Ay? I guess the voice vote is sufficient. We're now out of committee as a whole, what is the Council's pleasure? I know we have the item on the floor, Councilor Bitzas?

Councilor Bitzas – Yes, Madam President, Mr. Cavallo made a point but good point, but I believe, I believe we have Debbie here and we are very knowledgeable now. We have the Resolution, we have the memo, we have also we have the ...of the state, so I studied this and I have no problem to vote in favor tonight because the sooner we act the better to develop and a bit more money coming to us as taxpayers. I think it's win win situation but I believe we should amend the four areas and strike out as Councilor Rossi (Rheault) and Perry eluded to some changes and we can do in two seconds. It's no problem at all if you take it out, the ... and leave the consulting services, I don't see any problem. The more money we get from the state, the better for us. The faster we develop a parcel, better for tax payers. And of course, if we attract more business in Agawam because we

promote this as soon as possible. It's a win, win situation and I hope we vote tonight. Thank you.

Vice President Calabrese – Next Councilor Rheault?

Councilor Rheault – Yea. I share the sentiments of Councilor Cavallo. I don't think two weeks is gonna turn this town upside down one way or the other. It would give us a chance to really look at it and to make the right amendments.

Vice President Calabrese – Thank you. Councilor Cavallo, I believe you were next. I believe you had your light on third? Oh, okay. Councilor Young, then I believe was next.

Councilor Young – So can, it's the committee, can we get a committee report or it's not ready?

Vice President Calabrese – Yes, Councilor Messick gave her report, I believe.

Councilor Messick – Essentially we had Debbie before us. She told us the same information that we heard tonight. I feel that this is a very, very good opportunity for us. I would like to point out that um, we were talking about removing the local government reorganization portion of this, but what the state, by accepting Chapter 43D communities are eligible for 'such things as'. It's simply a list of things that other communities have used the funds for. It would be up to us I mean, we'd put it into the report, the request, what we wanted to use it for. So I don't think that it really needs to be revised. This is simply a list of things that the money could be used for. And in regards to the question of putting additional staff in, that was not the intention obviously and the report that we'd be looking for – the economic development report – is a very, very significant piece of a larger planning effort that we are going to have to begin very, very soon and possibly the most critical piece, and also it's fairly expensive. So if we could get these funds to do an economic development report, I think that we're you know far, far ahead of the game rather, rather than looking for funds that we don't currently have. So um there really wasn't any further information in the committee meeting. Debbie essentially gave us the same information tonight. We've heard everything.

Councilor Bitzas – Point of Information?

Vice President Calabrese – Thank you. Councilor Bitzas?

Councilor Bitzas – Do you have a report from the committee, did you favor this as a committee? Or how did you vote, yes or no? And how...

Councilor Messick – Actually I was the only one there from the Zoning Review Committee so we did not take a vote.

Vice President Calabrese – Councilor Perry, I believe you were next?

Councilor Perry – Yes, thank you Madam Vice President. I really would like a little bit more time to study this myself with the information that was presented to us this evening. I appreciate Debbie coming and explaining it to us. We also got an information packet that was here this evening when we, when we came and I would like to look at that. I did try looking into it a little bit. I could not and I tried looking up 43D on Mass General Law on line and I couldn't really find it. There's A, B and C but there was no D there so I, you know, I would like to see a full copy of the law before I would vote on it. I understand as Debbie stated and I agree one hundred percent with Councilor Messick that we, we do need to have a study done for economic development especially in the industrial areas because the, I would say probably and Debbie could correct me if I'm wrong, but 90% of the industrial land that is zoned that way, is taken up. We've probably got 10% of that ... that is available for actual use. So you know to not have a study, we do need that. There's no question about it but I would like a little bit more time. Number one to look at the law, digest the information that's before us and you know I do think it's critical that we you know make an amendment to it beforehand and discuss that in the sub-committees in regards to having the money and the grant specifically for an economic development study. You know I understand that that's what Debbie's intention is and I have no doubt that that's what it's for but leaving that in there is just leaving it open-ended and you know we need to maybe discuss a little bit more. So I would be in favor of tabling it this evening.

Vice President Calabrese – Thank you. Councilor Young, you had had your light on?

Councilor Young – No, Councilor Bitzas asked my question. I was looking for a, who was in attendance and who voted. Thank you.

Vice President Calabrese – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, I'm not going to argue on whether to vote tonight or vote two weeks from now. Personally, I have no problem to vote tonight because this information is in additional to what we heard tonight. So I have the resolution, I asked the questions, I have the right answers, we guarantee we won't have a new position, I like to see those funds which is free for us, to be used for studies and professionals. We can hire some nice firms to help us, we have the person from WestMass explain to us, this is exactly what we have here, it's exactly what we heard tonight, but some of you councilors have more questions and feel you have to study more, I respect your opinion, it can wait but I'm ready for tonight. Thank you.

Vice President Calabrese – Thank you. Any other comments from the Council? We have a motion to table made by Councilor Perry and Councilor Cavallo, seconded by Councilor Rheault. So we will now be voting on motioning to table the item. Clerk, please call the roll?

ROLL CALL – 5 Yes, 4 No, 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Five yes, four no, two absent, you’ve tabled the item

Councilor Bitzas – So moved...the item...I’m sorry. We lost by one...

Vice President Calabrese – Don’t confuse me! Moving on...

3. TR-2008-6 - A Resolution Authorizing the Agawam Community Preservation Committee to Spend \$65,000.00 for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources as Provided for Under the Historic Resources Section of the Community Preservation Act. (CPA) (Majority of full council or six votes) (Referred to Ad Hoc – CPA Committee)

Vice President Calabrese – Do I have motion? Moved by Councilor Perry, seconded by Councilor Bitzas. Do I have a report from the CPA Committee? Yes, Councilor Simpson?

Councilor Simpson – Thank you. A meeting was held last Wednesday, February 27th, at the Agawam, I mean I’m sorry, the Agawam Public Library at 6:30. In attendance at the meeting was myself as chairperson, Councilor Cavallo, Councilor Bitzas and Councilor Messick. Councilor Mineo was unable to attend the meeting due to a work commitment. Also in attendance were CPA members and Richard Theroux. At the beginning of the meeting, we asked Mr. Theroux to give a presentation since this directly affects his department at Town Hall. We also have had the packet very well put together with a lot of information and Mr. Theroux just gave us a brief overview of what was in the packet to just kind of bring us up to speed of what this was going to entail. So he gave a presentation and answered any questions that the committee had. Also in attendance was Henry Kozloski of the Community Preservation Committee and he answered some questions that were brought forth also by the committee. It’s a two part where the historical records that are in the Clerk’s office now somewhere around the 1800’s dating back to birth certificates, death certificates, marriage certificates, are now just in types of binders and booklets and due to the age of them, they’re beginning, you know, they can start to disintegrate. People touching them, handling the acids and these records will eventually disintegrate. This way we can scan these records by the use of this company to preserve the records. We will still keep the hard copy of the old records and all records but they will be scanned and now we will have the ability to keep them in a safe place if there should be any type of natural disaster, fire, what not, down at the Town Hall. The records will be preserved. Also as part of this, the scanner will then become, after the company does all the scanning of the records, the Clerk’s office will be able to keep this scanner in order to do the current records. And also we have to remember that even though births that are happening today or maybe ten years ago, eventually will be considered historical records. And you know, we hate to admit it that fifty years from now we’ll be historical so, it’s still a continual historical record keeping that this will do. The company that they’re looking at to, has done our town code book and is also on the state’s bid list so they are a reliable company and we have used them. Also tonight you will have, you have in front of you a memo regarding just to making sure that this can be

used as part of CPA funds and it was clearly spelled out in the memo because that was brought up for discussion. I believe that was just about the, and as I said you have a very big packet with all the information on it. That was just the highlights of it. At the end of the meeting, we took a vote and by a vote of 4 yes, 1 absent, we voted to send a positive recommendation for passage of this. At the end of the meeting, Mr. Theroux did state that he was unable to attend tonight's meeting due to I believe he said he had vacation already planned for this week. The thoughts were of course it's up to the Council's pleasure, but from the committee due to the report of the committee and also the extensive packet that we have before us, that we thought everything was clear and that Mr. Theroux you know we felt that it would be okay. He did say that if the Council wished to speak to him, we could table it and he would be here for our next meeting. I felt though with all the information that we have, that we should be able to make an educated response to this request. So like I said it was a 4 Yes, 1 Absent vote to a positive recommendation for passage. Thank you.

Vice President Calabrese – Thank you for that report, Councilor Simpson. Councilor Rheault?

Councilor Rheault – Yes, just for the record. I had a question that a couple of the members that attended that meeting answered for me but I'd like to place it on the record. That the \$65,000.00 as I understand it IS the final cost for the project. Thank you.

Vice President Calabrese – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. Councilor Simpson did an excellent job explaining this, our meeting. I just want to laud Mr. Theroux, he did a nice job explaining plus the fact that we had materials about this two or three weeks ago in our packet which was very clearly detailed. And Henry Kozloski and the CPA people were at the meeting and, to support this particular proposal and I wholehearted endorse this. I think it's a great move.

Vice President Calabrese – Thank you. Councilor Perry?

Councilor Perry – Yes. Thank you Madam Vice Chair. I was actually at the original meeting that Richard Theroux, our town Clerk, presented this information to the CPA at the library so I actually got to see it twice. You are correct Councilor Rheault that the \$65,000.00 does cover once the contract is signed. They will do all of the scanning from that day back, the training, the hardware, everything will be there and will be available. The training will be included to the employees. They will do the scanning from that day forward. They'll take care of it backwards. I just think it's a win, win situation altogether for the town. Think about it now. You go in and you want to research, there's families that have been in town for hundreds of years and they want to go back and look at records. Just think of the time that's gonna be spent. Number one you're gonna be able to maintain these historical documents but just think now, someone goes in there looking for something, they have to go into the vault, find it, bring it out, leaf through and find these things. You know, just the time that's gonna be saved, you know it's bringing Agawam and all of our historical documents at our fingertips, in the 21st century. You

know I mean everything is gonna be computerized and I just hopefully everyone will support it because I think it's a win, win situation right across the board. Thank you.

Vice President Calabrese – Thank you. Councilor Messick?

Councilor Messick – I just wanted to add to what Dennis was saying about accessing the documents. One thing that I specifically asked Mr. Theroux was that whether we would be providing this information to the National Archives and for those of us who are interested in genealogy, that would be a wonderful thing to be able to do – have people who don't actually live in Agawam, be able to go back and get records from their ancestors who might have lived here.

Vice President Calabrese – Thank you. And I do believe I made a procedural error, I don't believe I actually had a motion on the floor at the time when I opened discussion. May I have a formal motion on the floor? I know...a rookie mistake...moved by Councilor Perry, seconded by Councilor Cavallo. Thank you. Any further discussion on the item? Hearing none, will the Clerk please call the roll?...We're voting on the item.

ROLL CALL – 8 Yes, 1 No (Councilor Calabrese), 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Eight yes, one no, two absent, you've approved the item.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

1. TO-2007-52 - Discussion of elimination of verbatim Council Minutes to outline form. (Councilor Young) (tabled on 2/19/08) (Majority of those present and voting) (Referred to Rules Committee)

Vice President Calabrese – The item is currently on the table, do I have a motion to keep the item on the table? Motion by Councilor Cavallo to keep the item on the table, seconded by Councilor Messick. Voice vote is sufficient. All in favor in keeping the item on the table, say Ay? Opposed? And we have two absent. The item remains on the table.

2. TO-2008-4 (ZC-2008-1) (PH-2008-2) - Zone Change for the Property known as 287 Springfield Street, Feeding Hills, MA., Petitioning the Town of Agawam to Change from Zone RB to Zone BB, as submitted by the Colvest Group, Ltd., 360 Bloomfield Avenue, Windsor, CT. (2/3) (Majority of those present and voting – 8 votes for Zone Change)

Vice President Calabrese – We’ve approved the first reading, this is the second reading of the item. Do I have any discussion? Yes, Councilor Rheault?

Councilor Rheault – Yes. I believe the item should be removed from the agenda. We took a first vote, excuse me, on the zone change which passed the zone change, the second part. I questioned the President that evening and because of the lighting I could not see the piece of paper she had in front of her and she said that the attorney ruled because it was an ordinance it took three readings according to her ruling. It is not an ordinance first of all and it does not require three readings. It only takes one, so. The gentleman from CVS called me and asked me to if I would move the second and third reading, and I told him no. And he said “mmhmfff, well”, and I said because I believe that your zone change has already passed. And I think he’s entitled certainly to a letter of apology from the Council for delaying his procedure for two weeks.

Vice President Calabrese – Duly noted, Councilor Rheault, I’m gonna overrule your objection and sustain the opinion of legal counsel and President Letellier and at this point, does anyone wish to move the second reading of the item? Moved by Councilor Bitzas, seconded by Councilor Perry. Clerk, please call the roll for the second reading.

ROLL CALL – ...

Councilor Rheault – Point of Information.

Vice President Calabrese – Yes, Councilor.

Councilor Rheault – Yes. This is a TO, take a look at it, TO-2008-4, it’s not a TOR!

Vice President Calabrese – I understand that.

Councilor Rheault – which is, makes it, does not make it an ordinance, it makes it a town order and it does not require three readings, no matter what the attorney says.

Vice President Calabrese – Thank you. Duly noted. I’m sorry, we’ll begin that roll call again.

Councilor Cavallo – Yea. I was wondering if it’s possible, you know, if this man is really concerned and he probably is, he wants to get going, is it possible to have a second and third reading tonight?

Vice President Calabrese – We certainly can do that.

Councilor Cavallo – And we are going to have that? Okay.

Vice President Calabrese – Yes, we can do that. Um, we'll begin the roll call again, please, for the second reading.

ROLL CALL – 7 Yes, 1 No (Councilor Rheault), 1 Abstain (Councilor Young), 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – I believe this item required eight votes to be approved. The second reading is not approved. Moving on to...

Councilor Simpson – Point of Clarification?

Vice President Calabrese – Yes, Councilor Simpson?

Councilor Simpson – If you read it correctly, it's eight votes but it says majority of those *present and voting*. So, eight is not...

Vice President Calabrese – Um, I'm gonna make a ruling from the chair. I'm gonna overrule myself in saying that it was defeated. I'm gonna say that, thank you Councilor Simpson, a majority of those present and voting, we have a majority of those present and voting in favor, I'm going to rule that the second reading is approved.

Councilor Rheault – Are you, point of information, is your ruling that it's a zone change?

Vice President Calabrese – My ruling is that it's a zone change and that the...

Councilor Rheault – **If it's a zone change, General Law stipulates eight votes.**

Councilor Simpson – Take a two minute recess?

Vice President Calabrese – We're gonna take a two minute recess.

Councilor Bitzas – Point of Information, Madam President?

Vice President Calabrese – We're going to go into recess please.

Councilor Bitzas – Yea. I would ask...(off microphone)

Vice President Calabrese – ...recess. Did I lose my council? Councilor Mineo? Thank you.

Councilor Simpson – Can we have a recap of what the actual vote was again we're just

trying to remember what it was.

Vice President Calabrese – The recap of the last vote –

Councilor Simpson – And how everyone voted. Was it 7 or yes, could we please?

Clerk – Would you like it individually?

Councilor Simpson - No I don't need individual, just the total.

Clerk – The total?

Councilor Simpson - Yes. Thank you.

Clerk – 7 yes, 1 no, 1 abstain, 2 absent.

Vice President Calabrese – Thank you. The intent of the Council is to approve this zone change. After reviewing the code book, the ordinance, conferring with fellow Council, the ruling from the Chair is that the vote that we had taken at the last meeting was a zone change vote, there were eight votes in the affirmative to approve that zone change. Therefore, I'm going to make a ruling that that zone change is in effect and we are not going to have any further motion or action on the item of agenda this evening. How'd I do? Okay, did I make that clear? Councilor Simpson?

Councilor Simpson – Point of Clarification just so we're all set. So, your ruling that the last time we voted it had, it was passed and it's a done deal.

Vice President Calabrese – That's correct.

Councilor Simpson – Thank you.

Vice President Calabrese – Thank you. Thank you all for that. Boy...

3. TO-2008-12 - Voucher List (\$195.00) (Majority of those present and voting)

Vice President Calabrese – That item is being passed around for you all to sign. I don't think I got it back yet from this side of the table. Oh, yes I do have it. That's right. I have that back. Moving on to new business. I'm sorry, vote. Thank you. Thank you. Motion by Councilor Simpson, seconded by Councilors Rheault and Bitzas. Voice vote, roll call vote please?

ROLL CALL – 9 Yes, 2 Absent (Councilors Rossi and Letellier)

Vice President Calabrese – Nine yes, two absent, you've approved the voucher list.

Item 11. New Business

1. TR-2008-7 - A Resolution Appropriating and Authorizing a Loan Order in the Amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars Pursuant to Massachusetts General Laws Chapter 44, Section 7 (2B) for the Rehabilitation /Reconstruction of the Pool at Perry Lane Park.

Vice President Calabrese - I will refer that to the Finance Committee.

2. TR-2008-8 - A Resolution Accepting a Gift in the Amount of Eighty Thousand (\$80,000.00) Dollars from Berkshire Power, LLC Pursuant to Massachusetts General Laws Chapter 44, Section 53A for the Acquisition and Construction of a Playscape at the School Street Park.

Vice President Calabrese –

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

Vice President Calabrese – I will begin to my left with Councilor Rheault.

Councilor Rheault – Yes, first of all I don't see anybody of who placed those two items of agenda on the agenda for a sponsor. Second, a strong concern of mine that I ran into a couple of the police officers the other day, it is my understanding that their police contract has not been signed yet. And way back, we could have signed this for like fifty some odd thousand dollars and that cost right now from all my understanding is that it's pushing close to a million dollars! And that's pretty sad. So I would hope that the administration is listening and they sit down expeditiously and put this thing to an end.

Vice President Calabrese – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. Just a comment on the sub-committee meeting as Councilor, uh, well, Dennis said that there was some conflicts with meetings and you weren't able to attend and we've had some joint meetings and so forth. Not that I don't want to go to them but I think maybe we should kind of look at the schedule a little bit more because so many of us serve on so many committees, you know, and we may not be chair persons but we're part of that committee and want to be there. I think maybe there should be a little bit better scheduling regarding those sub-committee meetings. People do have commitments I know and not everybody can make it but you know, you're gone here, you're gone there, and maybe we should look at...I didn't even know that it was, our's was gonna be a joint meeting until I got the agenda, the ordinance was going to be meeting with the zoning committee. That's okay, but I didn't know anything and I didn't know that we were gonna have a speaker that night, so I kind of felt a little out of place there at the beginning but uh, maybe we should look into that. And also, I'd like to say that I did on Monday night along with Councilor Messick, we were at the library and we did spend about a couple of hours listening to the CPA people talk about a resolution that's gonna be on our agenda in another week or so, two weeks. I thought that they did a

pretty good job. I had never gone to a CPA meeting and I was impressed. There are nine members and they seem to be doing their job and they're working hard at it. So I appreciate what they're doing for the Town of Agawam.

Vice President Calabrese – Thank you. Councilor Mineo?

Councilor Mineo – Nothing tonight.

Vice President Calabrese – Thank you. Councilor Simpson?

Councilor Simpson – Nothing.

Vice President Calabrese – Thank you. Councilor Young?

Councilor Young – Yes. I'd just like to inform the Council and the public hopefully with enough notice that we will hold that Finance Committee meeting on Wednesday (Thursday) the 13th at 7:00 at the library and Barbara will send out a notice on that. I would like to also invite the Ad Hoc Recreation Committee given that it's related to a recreational item, if they'd like to join us, they're more than welcome or we consider it a joint meeting. However, given the large amount of money we will have a meeting on the 13th.

Vice President Calabrese – What time is the meeting?

Councilor Young – 7:00. I also would like to also inform the public and especially the Council of a that on this coming Monday, the 10th, at 6:30, the Zoning Board of Appeals will be holding a hearing on several items. Most importantly, is a, at the intersection of Shoemaker and South Westfield Streets, there's open land, an open lot there and they're, due to a series of events, they're looking to create a terrific traffic problem similar to the one we have in down in the Feeding Hills center with the Pride and the Dunkin Donuts and the Subway drive-thru's along with the tanker trucks. So we've got another one coming. So if anyone's interested in coming to see that debacle and our fine board at work, please come on down and that's it. Thank you.

Vice President Calabrese – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, I have this in my notes what Councilor Young said but another thing is very important. I was asked during the campaign, we have a photo here from the reporter what we should do from the intersection by Rocky's, by the bridge. This is a very, very bad for traffic and pile ups pretty far and I would like through the Council's President, see if we could draft a letter to the Mayor and to Jack Stone, to see the progress for that intersection. If we take some left or right, or right, at least we have turns on right, because now, everybody blocks the traffic and it's pretty bad in the traffic during the early morning hours and the afternoon hours. And also in the same letter, we should ask the question on how we're doing with Feeding Hills, by Pride Station, that intersection there. And I appreciate that to the Mayor and Jack Stone to answer us. And the last thing

is, I will publicly, I want to express to Gina and her family my deep sympathy for the loss of your mother. Thank you.

Vice President Calabrese – Thank you. Councilor Messick?

Councilor Messick – Hi. I have a couple things. First, I received a post card from a gentleman named Richard Knight who lives on Northwood Street which happens to be near my house. And he's asking us to do something about the potholes on, from Northwood Street to Stop & Shop. I would actually like to expand that to North Westfield Street and there's several other streets with the potholes. Could we draft a letter possibly to DPW. He says here he's called the Mayor and DPW and gotten no response. So could we just urge them to keep on top of that? It's a bad season for it. I know it's particularly bad this year. Also, Cultural Council is having a Fundraiser March 12th. There are two seatings, one at 5:30 and one I believe at 7:30 or 7:45 on the Top of the Hill Restaurant. Tickets are \$15.00 and they've got a choice of four different entrees. They all sound very good. I urge people to come out and support the Cultural Council. I know everybody enjoys the summer concerts and this is important as far as providing the entertainment for it. And actually that's it. Thank you.

Vice President Calabrese – Thank you. Councilor Perry?

Councilor Perry – Thank you, Madam Vice Chair. Good job this evening. I know you stepped into a few touchy moments but...for your first one, you did a good job. I too received a post card from Mr. Knight and you know I understand that North Westfield is a state road but you know we still need to maintain the potholes in that area and all over town for that matter. It's been a bad season for it, no question about it, but I don't know if you've gone over the Westfield line on that street, it's even worse! So, but you know, 'tis the season, but hopefully they can go out and alleviate some with some cold patch but, that's all I have. Thank you.

Vice President Calabrese – Thank you. And just Councilor Rheault did you want something? Okay. Just for myself. I'd like to thank you all for making this a very challenging evening. My first night in this chair. Congratulations to John Burns and to the Robotics team in the High School and the Jr. High for a very impressive showing this past weekend. At this point, I will entertain a motion to adjourn. Moved by Councilor Rheault, seconded by the whole right side. All those in favor? We are adjourned.

Adjournment