

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

MAY 18, 2009

President Letellier – Good evening and welcome to the Agawam City Council meeting for Monday, May 18, 2009

Item 1. Citizen's Speak Time

President Letellier – We do have three speakers. The first is Larry Litton. For those of you who have not spoken before, when your name is called, please come to that microphone, push the button on and you'll have five minutes to speak and the Council Administrative Assistant will keep the time. Thank you.

Larry Litton – Good evening everyone. I guess this is my annual visit. Hello Dennis. I am Larry Litton, Six Flags New England, 1623 Main Street here in Agawam. I know all of you now and you all know me. I have to tell you that it actually saddens me that I'm here yet again to discuss the public safety and specifically the situation up on Main Street and the unsafe conditions that are going on up there. A year and a half ago I came before this Board or this Council and asked and supported the reversal of the parking ordinance because however well intended it was, it clearly did not work and it certainly did not work out the way everyone had hoped it would and do what we wanted it to do. It had serious repercussions all over town and I didn't want that any more than any of you did, I'm sure. That being said, I truly believed that something would be done to address the specific safety concerns up on Main Street. For those of you that have not had the opportunity or had the reason to drive by the park this spring, I'd like to give you a real quick update on what's going on now. Currently there are seven properties parking vehicles and it seems to grow every week. It starts on the south end down at the video store, not much over the state line, right by the liquor store which is convenient for some of the guests and it goes all the way to the north end to that old used car lot next to the hotel that I tore down because it was unsightly for the town and it was the right thing to do. That particular property is my favorite – they actually have better signage than I do because apparently there's no sign enforcement for them. In marketing you call it Burma Shaving signage where he has a series of signs that advertises his parking that goes all the way around the corner. The people that park there, there's a guard rail there so they have no choice but to walk in the highway or walk across the highway until they get to our turn lane and then they have to walk in our turn lane because there's also a guard rail. I can't imagine anything that's less safe than that, not to mention that all of this takes place going around a corner where people drive too fast. Quite frankly, it absolutely dumbfounds me that neither the police nor the zoning people can or will do anything to ensure that there's any kind of safe environment for the public. The police tell me it's all about zoning. Mr. Urbinati tells me there is no zoning right now, albeit I know there's a sign ordinance now but no one in zoning works weekends. So the reality it's just an incredibly unsafe situation. I know Solicitor Johnson at one point had made some suggestions that would allow the Big E and the folks down there to continue to do there

deal with a seventeen day permit. I talked to various members on this Council about different zoning situations. I've worked or dealt with all of you in the last three years. I'm not a newcomer to town anymore. Not only have I been in town for three years but I've been very active in town. I hope you know I'm not just a talking head or someone who does not feel strongly about the community of Agawam because I do feel strongly about it at this point and I hope if you didn't believe me the first time I approached you, you believe me now that this isn't about money to me. It's about somebody getting killed. Anybody that drives up that street sees the strollers, the kids, the kids horsing around, the distractions to the drivers. It's just a terrible, terrible situation and I implore you, I beg you at this point, to please give some consideration to something that can be done because I can get no help from the police. I can get no help from the Zoning Board and somebody is gonna get killed. Thank you for your time.

President Letellier - Thank you Larry. Our next speaker is Al Zippen. Mr. Zippen I believe you were outside, please state your name and address and you'll have five minutes to speak.

Al Zippen – The Shriners will tell you that I can't say hello in five minutes and they'll get up and walk out when I speak, so I'll do it. I'll do it. My name is Al Zippen and I live in Longmeadow, 221 Bel-Air Drive and my position with the Shriners, as far as the hospital is concerned is that I'm the meritus Chairman of the Board of the Shriners Hospital in Springfield and that's what we're here about. First of all, I want to thank Cecilia who attended our rally at the hospital some time ago and got up and spoke and represented Agawam there and we were very, very pleased to have you there and appreciate your support. And I want to tell you that we are in a crisis situation whether or not our hospital will remain open will be decided in San Antonio at our national convention which will take place the week following 4th of July. It will take two thirds of the voters to close hospitals. We have five hospitals on the list that are being proposed to close and its because of finances and because of underutilization of some of the surgical procedures. Of course the technology and the ability to take care of children has advanced so much that some of the procedures that used to be done surgically don't have to be done anymore. For example, club foot – always was surgery, not anymore. So it's changed our picture. Here in Springfield, what we've done and we've taken a very proactive approach, we've prepared a plan that we've submitted to our national officers that would have us partnering up with BayState Medical Center. They have signed a letter agreeing to implement this plan. That would create an additional level of utilization and would also cut our operating budget by anywhere from seven to ten million dollars on a twenty million dollar budget so it's a very viable plan and we're hoping that this will work. In the meantime we are campaigning all over trying to get support. One of the things that people could do that really would help us is to encourage people to go to the website that's been set up here shrinersofspringfield.com, express your views about the Shriners' Hospital, how crucial it is and what an asset it is to the city and the Western Mass area. For those of you who don't know, I just wanted to tell you that this hospital in Springfield geographically takes care of children from all of New England, upper New York state, Puerto Rico, Santo Domingo and the Island of Cyprus. If this hospital closes, the people who want to remain under the care of the Shriners Orthopedic system would

have to go to Philadelphia - that would be the closest hospital. In addition to that, we'd have two hundred plus people out of work and 115 vendors who supply us would no longer have us either. So there's a lot of impact to what's going on here in keeping this hospital open and we're working very hard to do it. And I just want to thank all of you on the Council for giving us the time tonight, for indicating your support for us, this is very important. We're flooding our national officers with all kinds of letters and comments from people and the fellow who's the chairman of the hospital corporation is from Irving, MA., Ralph Simm, was a potentated Melha in 1987 and he told me a few weeks ago that once the news broke about these five hospitals on the list to close that he was getting an average of 1000 emails a day from all over the country about this, so we're working hard and every bit of support we can get is important. I know you have families here in Agawam who depend on this hospital and we need to ensure that they can continue to do so. I thank you for the time. I want to thank all of our Shriners who came here tonight to show up in recognition of what you're doing for us and hopefully together we can make this happen and that hospital will be here for a long time to come. Thank you.

President Letellier – Thank you, Mr. Zippen and last we have Henry Kozloski.

Henry Kozloski – Henry A. Kozloski, 102 Meadow Street. I'm also Chair of the Agawam Community Preservation Committee. On May 14th, Louis Russo, Vice Chair, Jennifer Bonfiglio, Administrative Assistant and I attended the 2009 Robert Kune Community Preservation Award ceremony at the State capital. The Agawam School Street Park was recognized as an outstanding Community Preservation project. On May 27th, the Community Preservation Committee will have its annual public hearing which is required by law. All elected and non-elected members of the town and the public are invited to attend to give their input on future spending projects that the Agawam Community Preservation Fund in dealing with open space, historical assets, housing and recreation. I encourage everyone to come. It will be on Wednesday, May 27th, at the Agawam Public Library at 7:00 pm. Thank you.

President Letellier – Thank you Henry.

Item 2. Roll Call

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

ROLLCALL – 11 PRESENT

President Letellier – With eleven present, we have a full quorum.

Item 3. Moment of Silence and the Pledge of Allegiance

President Letellier – Would you please stand for a moment of silence and the Pledge of Allegiance?

Item 4. Minutes

Regular Council Meeting – May 4, 2009

President Letellier – Moved by Councilor Simpson, seconded by Councilor Perry. Any discussion? Questions or comments? No? Voice vote would be sufficient. All those in favor, please signify by saying Ay? Opposed? Thank you.

Special Council Meeting – May 12, 2009

President Letellier – Moved by Councilor Simpson, seconded by Councilor Perry. Any discussion? Again, voice vote. All those in favor, please signify by saying Ay? Opposed? Thank you. We had two absentees at that meeting. Well, it's up to them to abstain. I can't tell them to abstain. Would anyone like to abstain from the May 12th meeting minutes due to being absent? ??? Passed.

Item 5. Declaration from Council President

President Letellier – It's nice to see all the Shriners out here. I know that my family has been personally touched by the help from Shriners and I can't believe I'm the only one that can say that.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

1. **TR-2009-14 - A Resolution of the Agawam City Council in Support of the Continued Operation of the Shriners Hospital for Children in Springfield, MA. (Councilor Calabrese) (Majority of those present and voting)**

President Letellier – Moved by Councilors Calabrese, Rossi and Cavallo, seconded by Councilor Bitzas. Councilor Calabrese?

Councilor Calabrese – It's kind of hard to really add to what Mr. Zippen had to say tonight. The services of Shriners Hospital are priceless and actually Councilor Letellier you're not alone, my family too as well has taken use of the services at Shriners. This is something that is just so vital to so many families here in Agawam, not only in Agawam but in the surrounding communities, states and other regions that Mr. Zippen had highlighted for us during his presentation during Citizens' Speak Time and I just really want to thank everyone here for their support. Thank you.

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

Councilor Bitzas – Yes, it would be a very sad day if we see the hospital close and I hope and I pray that will never happen but we're not supposed to stay idle. We are supposed to spread the word out there through the waves, letters and of course the internet. I remember, as the speaker said before, you have many people from Cyprus and

of course they service Cyprus and I'm from Greece and I know many families that come here and a few years ago I did translation from English to Greek for the families to come here for the procedures they did and they were very, very impressed with the work that Shriners do and of course it's not ...that everybody supports in here but I hope that people there send their strong support from Agawam, the home state and good luck to you and I pray to God that we never close. Thank you.

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

Councilor Rossi – Yes, thank you. I would just like to commend the Shriners for all the work that they have done and they continue to do throughout our community. I believe that it would be a tragedy if that facility was closed. I know of so many people that have used that facility over the years. I really want to say to you personally that is an honor for me to endorse this Resolution and commend you on the work that you do.

President Letellier – Thank you. Councilor Mineo?

Councilor Mineo – Yea, I just want to say the same thing. I commend you. My daughter when she was born was born with some birth defects on her hands and her feet. We did get a second opinion at the Shriners which was exactly the same opinion as the other group. We ended up going through the other group because of our health insurance and I didn't want to utilize that because I thought it would be more important to utilize that service but we did get a second opinion, we went to the Shriners and you do a lot of good work over there. Thank you.

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

Councilor Cavallo – Yea, I would just like to say that my niece when she was born, she was born without a hand, and she went to Shriners and they were very good in their work with her and her family. Also, my nephew, his daughter when she was born had some problems with her feet also went there so I have to commend you and I think what we have to realize that all of the good things that you do do, your group, I mean you're always in the forefront. You're always probably one of the number one fundraisers for the services that you provide for the people – between your circus and all the other great things you do – and also how you volunteer your time for a lot of things. And I commend you and you do great work and I do hope that never, it doesn't close at all. Thank you.

President Letellier – Thank you. Any other discussion? No? Barbara, could you please call the roll. A yes vote would be to approve the resolution in support of the continued operation of the Shriners Hospital in Springfield.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, we have unanimously approved the resolution. Thank you.

2. **TR-2009-17 - A Resolution Regarding the Extension of KENO Monitoring (Councilors Letellier and Rossi) (Majority of those present and voting) (Referred to License Committee)**

President Letellier – Do we have a motion? Moved by Councilors Simpson and Rossi, seconded by Councilors Bitzas and Perry. Do we have a report from the Licensing Committee?

Councilor Rossi – I do. Thank you. The Licensing Committee, Councilors Cavallo and Simpson and I met and Dennis Perry, also, Councilor Perry, was there and Councilor Rheault. We had a chance to go over and look at the facilities that are requesting the monitor and what we have right now is what they call a KENO to go in both of those establishments and both establishments – one of them is up on the corner of North and North Westfield – Cumberland Farms or Dairy Mart and the other one is Goodies that is on O’Brien’s corner at the point of North and Springfield Streets. I think you’re all familiar with that location. We did have a chance to review it, the Committee and I went out and had a chance to look at both places and we spoke to the owner of Goodies. I didn’t really get too far with the other and as the other members of the committee and I’m sure that they’ll speak for themselves but didn’t get too far with that person – his English was a little limited and it was very difficult but I did have an opportunity to view his site as well. Goodies, the owners of Goodies came up with a compromise that we had talked about and it seems to be the tone of the committee that we didn’t really want to put a KENO per se unit in there. By that I mean we didn’t want to encourage long term play. We didn’t feel as though that we wanted to turn every convenience store, every gas station, any other business in town into KENO parlors and yet we didn’t want to deprive anybody of equal opportunity to improve their business or increase their cash flow. So what we thought of in a situation like this is to put a condition on the monitoring itself to allow a counter space with say, six stools, which would give an opportunity for the players like Goodies for example, the people that would come in, order sandwiches and those types of things because they do have a deli bar and while they’re ordering a sandwich, give them an opportunity to play and then they could also monitor their play without really actually encouraging a long term, people sitting there, play type thing. It would probably be easier to control, probably better for public safety purposes in those locations because they’re both neighborhood places. Goodies is kind of a unique place. I don’t think I need to tell anybody on this Council that it’s a very difficult place to get in and out of and we don’t want to really encourage any long term parkings or anything else like that which would rather add to the confusion and inconvenience to that pedestrian and vehicle traffic in the neighborhood. So we thought that this was a legitimate compromise in allowing it as a condition to the monitor. I’ll refer to my Committee members if either one of them want to express any personal opinions but we did feel as though we would go with a conditional approval to send to the full body but again it would be your vote and we would be looking for your perspective as well in considering these options that we presented for you tonight. Thank you.

President Letellier – I want to ask a question. I don’t know if I need, theoretically I guess I need to step outside of the chair, but I’m gonna ask it anyway. Did you check with the Lottery Commission because what they want from us is “we object” or “we

don't object" so for us to say we want to put a condition on it, I don't if that's even within our authority to do so.

Councilor Rossi – It is.

President Letellier – You did check with the Lottery Commission?

Councilor Rossi – Yes. It is within our authority to ask for conditions if the license applicant is not satisfied with the conditions, there is an appeal process through the state so they can appeal it. The question was raised however, at the Licensing Sub-Committee, by Councilor Simpson, as to whether or not we can actually limit the number of monitors in a town. I do not know that answer and I think that we should probably explore that. But I did check, I did do some research, and the cities and towns have the options of placing conditions that they feel would be in a public interest to their communities.

President Letellier – Anyone else from the License Committee first and then we'll open it up to the whole public, uh, the whole council. Councilor Cavallo?

Councilor Cavallo – Yeah, one of the other concerns we had when we went to Goodies was the fact that he does have a small parking lot but he did tell us that he rents two spaces across the street okay, where Domino's Pizza is and he rents I think another one in the back and what he told me is that his employees park there. The other concern that I had and it was brought up at the committee meeting and also when we visited that he wanted, initially wanted to put some tables in there and I was concerned with really public safety. If something happened, a fire or something and had to get out of that room, it could create a little bit of congestion and confusion in there. Plus I think the other issue that I think we have to be concerned about are kids, okay? It is gambling and hopefully the proprietor could monitor this by making sure no children or kids are going into that particular room, of course now it is a counter so there's only six stools. So I think we have to be cognizant of that, be aware of that, we don't want to open the door to situations that are not desirable, especially with children. But they seem very, the owner and the proprietor and his assistant, the manager, seemed very, very understanding and they came tonight and said hey, could you present this for us, they didn't have time to speak but they gave Councilor Rossi a plan. I feel we want to try to as much as we can to help business but by the same token too, I think we have to be very careful in situations like this but I would go along with this provided it could be monitored.

President Letellier – Thank you. Anyone else from the Committee? Councilor Simpson?

Councilor Simpson – Thank you. After our meeting at the library with the owner of Goodies and I believe it was his assistant manager came, they explained their case as far as they're just trying to add a little bit something to their business in this tough economic time. I feel good about the fact that they seem very conscientious because of if you know anybody that's been into Goodies, even their cigarette, that large cigarette area, and that's where they want to break it down, cuz they said their sales of cigarettes now are dropping

and add the KENO monitoring in that area. I mean they have a locked area, no one under 18, they have to open the door so I think they're good in that aspect of monitoring so I would think it would have the same scenario because basically all these places already have, well they have KENO to go and they also sell lottery tickets so I think they should be cognizant of selling to underage children when they already have the lottery system within their business already. It's not like they're just starting up new. I'm happy with the compromise with just doing the type of the bench, I'm sorry, counter with a few stools because it makes it not as convenient to hang out at a table and chit chat where this way they can come in, they can order their sandwich, play a couple things of KENO and then head out the door so I like that compromise and definitely would like to look into as a Committee which Councilor Rossi had mentioned to see if we can also have a limit on how many KENO monitoring stations we can have in the town just so that it doesn't become on every single corner type of situation, somewhat like we do at the car dealers not through attrition, we reducing the licenses there. So I think for this particular occasion I am in favor of giving it a try and hopefully they'll keep monitoring and we'll keep an eye on what's going on and hopefully it'll do what he's hoping to - to help boost his sales a little bit and he even said himself in nine months it may not do anything and he may just want to pull the monitor all together but he wants to give it a go just to help out his business a little bit. So I am in favor along with the Committee of sending a recommendation with the stipulation of only having the counter and a few stools. Thank you.

President Letellier – Thank you Councilor Simpson. Anyone from the Council? Councilor Bitzas?

Councilor Bitzas – Yes, before we vote into that, I have no problem, I'm glad you put some condition there and we have to help the businesses if other people will have that, should not deprive them from extra income if people they want to go and spend it there, but to Councilor Rossi, do you have those conditions to present tonight to vote on it? In writing? Can you, are you ready to vote tonight for that? What conditions are there – do you name the conditions with the vote tonight? How you want to vote for it? How can we do it?

Councilor Rossi – If the Committee, if the Council approves the issuing of the licenses, then we will send, what we had to do is we had to file an objection with the state. Otherwise if we didn't file an objection within twenty-days after the applicants applies, they automatically get the monitor. So this is an opportunity for us to say to the state, okay we'll allow this but these are the conditions at which we want and again as I said there earlier, there is an appeal process is the applicant is aggrieved over our conditions. So again if we approve this thing, what we would do is we would send a notification to the state that the Council did unanimously approve to allow the monitors and the conditions are as follows and if you want to add more conditions than what we talked about here, you're certainly welcome to throw them out at the committee, but the conditions that we felt at this point were no tables and chairs, counters only with a limit of six stools.

Councilor Bitzas – So you present this as an amendment the conditions or just...?

Councilor Rossi – This, we would send a notification to the state.

President Letellier – This is how it works. We got a letter from the State Lottery Commission and it had a deadline that we had to let them know whether we object or don't object. I wrote them a letter explaining that we didn't have a meeting and I asked for an extension. So we have til next Monday to let them know whether we objected to the issuance or not. So if you look at the resolution, a yes vote is an objection, a no vote is to not object. So if you don't want to object we would vote no on the resolution and then when we wrote the letter we would attach the resolution with the vote and indicate what the conditions are and I would have Councilor Rossi read the conditions into the record and so we would say okay, a yes vote is to object, a no vote is to not object with the conditions that there's no tables and chairs, counters only and only up to six stools.

Councilor Bitzas – That's fine, that should be that way, okay.

President Letellier – And then we would do the same thing for whatever the recommendation is for the next business.

Councilor Bitzas – I agree with that.

President Letellier – Before we have the formal vote, I'll explain it. Councilor Perry?

Councilor Perry – Yes, thank you Madam President. I did get to the meeting right at the end unfortunately and I apologize for that Bob. I've been on the council fourteen years and this is the first time this has come before the council and how many licenses are out there in our community, do we know?

President Letellier – That's a good question too because I wondered why, when I spoke to the woman at the Lottery Commission at the Attorney's office, she indicated that these are sent out routinely and this is the first time she's ever heard from us so I had her correct for her records that any future notices went to the City Council Licensing Subcommittee. Right now they've been sending them to the Town Clerk's office and the Town Clerk's office, I think this is the first time it's ever gone from the Town Clerk's office to our office as the body that makes the decision.

Councilor Perry – Really?

President Letellier – So I am assuming in the past, it went to the Town Clerk's office and just nobody objected.

Councilor Perry – Okay.

President Letellier – So, I am sure we can ask the Licensing Committee to follow up and find out how many licenses there are and if we can set a max or what have you.

Councilor Perry – It would be nice to know.

President Letellier – But this is the, you're right, this is the first time it's ever gotten to the right people to decide what we want to do or not do.

Councilor Perry – Right. Well, you know, I would like to know basically how many are out there. What businesses have them. I'm sure most of us have been in some of the establishments that have the monitors in there but if we're gonna set conditions, we need to look at what's already out there, existing right now and again, I have no problem with the monitors at the different establishments, again, being pro-business I want to be able to do that for them and give them the opportunities. The other thing is and the question that I have that I didn't have a chance to ask the committee was once this license is issued, how long is it good for? Forever, basically?

President Letellier – Unless they have violations. Unless they get caught selling to minors or they have violations.

Councilor Perry – Okay, and if we do apply conditions to it, how are we gonna monitor them? I mean that's my only other question that I have or who has the authority to monitor them? Would it be the Building Inspector's office? I am assuming that's what it would be.

President Letellier – Well, it's a state license. It's not a local license. So we would indicate that these are the conditions we want. I guess if a citizen or council member saw a violation, we'd have to notify the State Lottery Commission who'd have to send out their own inspectors because we don't give the license, we just have the opportunity to object or condition the license.

Councilor Perry – Okay.

President Letellier – It's their license.

Councilor Perry – Okay, so it's not authorized by the Town of Agawam. It's authorized by the state.

President Letellier – No, we merely and they could overrule our objection if they wanted to.

Councilor Perry – Okay, okay. Thank you.

President Letellier – You're welcome. Councilor Rossi and then Cavallo.

Councilor Rossi – Yea, just for clarification Dennis. Once the conditions we set go to the state, Councilor Letellier is absolutely right, they are the ones that monitor it. Now if they come in and see that our conditions aren't met, they're the ones that can really take

action on it and withdraw it for non-compliance of what the rules were. I am guessing. I'm not really speaking intelligently, and I just have to guess but I said the same question you had, why were these monitors coming, why were they springing up all over town and I've been on this council for now this is my fourth term and I've never seen one come by here and when I got wind of this, I just said hey wait a minute. How come? And the further I probed into this, I found out that if cities and towns didn't object to it, it was automatic issue, so apparently as President Letellier, we weren't being notified of this for some reason and it was slipping through the cracks and so I said we should at least have an opportunity to express our options if we have any and when I spoke to Councilor Letellier and she agreed and she wrote the letter on behalf of the council as the President and here we are and I think it's a good thing.

President Letellier – No, I think so too. I'm just, I'm amazed that in all these years, it's never gotten to us and we're the body that would have the right to, so it's clear now with the Lottery Commission that anything having to do with issuances goes directly to the City Council Licensing Sub-Committee. You're welcome. Any questions? I'm sorry. Councilor Cavallo?

Councilor Cavallo – Yea, I just wanted to add that to my knowledge, I mean when this all started, basically there are two true KENO parlors that I've seen in the town of Agawam. One of course is almost at the line of Agawam and Suffield as you're proceeding on 75 and the other one that I know of is at Cooper and Suffield as you can proceed a little bit south across from the now defunct gas station, there's one there. And if you go into each of these, they're truly set up that way because there's five or six tables in both of them. They basically sell some newspapers, maybe cigars, cigarettes and milk or bread and I guess they have to do that to qualify for getting this and they sell lottery tickets but those are what they call really true KENO parlors. The ones like this Goodies is finding a space in their store to provide for the monitor and in our case, we want a counter, putting tables in there we already said would not be a go as far as I was concerned but I don't know of any other true, what I call, true KENO parlors in the Town of Agawam, I really don't but that's all I can add to that, regarding that.

President Letellier – Councilor Rheault?

Councilor Rheault – Yea, I'll give you the third one. Top of the Hill. Well, they separate, the tables are on the left side and the activity of the establishment is on the right side. The question I have is where did this originate from? Did this come from the Mayor's office? From the Clerk's office? How did it get to the Council?

President Letellier – It was a letter from the Massachusetts State Lottery Commission and it just said Town Clerk, 36 Main Street, Agawam, MA.

Councilor Rheault – And then it went to you?

President Letellier – No. Somehow it got to Councilor Rossi on the same day that we were both in the office at the same time and we talked about it. I said I would follow up

with the State Lottery Commission...oh, I'm sorry, my microphone wasn't on. Okay, so Councilor Rossi and I happened to be in the Council office at the same time. He showed me the letter. He had drafted a letter and I said before you send out your letter, let me call the State Lottery Commission; find out what our options are. I spoke to the State Lottery Commission, made sure that in the future the paperwork goes to the Town Council and I explained to that we didn't have a meeting and could I request an extension. They said request an extension in writing. I did that. I drafted the resolution and here we are tonight.

Councilor Rheault – So originally then, this originated from Boston directly to the Council office.

President Letellier – No.

Councilor Rheault – Somebody...

President Letellier – No, the Town Clerk.

Councilor Rheault – Oh, the Town Clerk, okay. That's where...okay.

President Letellier – But for some reason, they never went from the Town Clerk to the Council – ever.

Councilor Rheault – Well, in my short term on the Council of twenty-two years I've never seen it.

President Letellier – Well, hopefully we've remedied it for future generations to come.

Councilor Rheault – Well, at least we've got three legitimate ones, not that the others aren't, but that we're aware of. So there can't be too many in town.

Councilor Cavallo – No, I think it's just a variation of them. Again, he wants to make some money and the monitor will bring in more money and I can understand, I support that but I think that the facilities really have to come under the microscope here because the other ones are really the way they're supposed to be I think according to the state.

President Letellier – Any other questions? Councilor Bitzas?

Councilor Bitzas – Just one question to Councilor Rossi before he puts in the conditions there, did your committee vote officially? How did they vote? Did you vote in the sub-committee meeting?

Councilor Rossi – We voted to send a recommendation that we place the conditions on the resolution.

Councilor Bitzas – Okay, that's fine.

President Letellier – Any other discussion? All right. So let me explain the way the resolution is worded. A yes vote is to object to the issuance of the license. So if you do not object to the issuance of the license, vote no and we will add to that that if you vote no, we are not objecting but we are requesting a condition that there be no tables and chairs – it’s more than ten words Bob. We need it in writing. So let’s vote on the resolution and then you can write something up quick to give to the Council Clerk and we’ll vote separately on the conditions. Okay? So the first vote will be on the resolution. A yes vote is to object. A no vote is not to object. To support, correct. And then if we vote to support, then we will then vote on the conditions. They really should be two separate votes. Okay, so Barbara, could you call the roll? Again, a yes vote is to object, a no vote is to approve.

ROLL CALL – 0 YES, 11 NO

President Letellier – The Council has voted not to object to the issuance of the license. So Barbara, I’ll have you send the State Lottery Commission at that address the disapproval of the resolution. And do you have something in writing that we can vote on?

Councilor Rossi – I don’t have it in writing but –

President Letellier – Well, if we can do it in less than ten words we don’t need it in writing so but I don’t think we can do it on that. Barbara, can you take some shorthand? Do you take shorthand? No?

Council Clerk – No, but I can write fast!

President Letellier – Why don’t we take a two minute recess and put it in writing?

Councilor Calabrese – Can we take a five minute break?

President Letellier – We are back on the record and it is the recommendation of the Licensing Committee for both TR-2009-17 and -18 that the Council then send the following letter to the Lottery Commission – “that whereas the Council has not objected to the issuance of KENO monitoring at Goodies Convenience Store, 300 Springfield Street, Agawam, MA., it has requested the following conditions (1) that there be no tables and chairs and (2) that any KENO monitoring be limited to counter space with a maximum of six (6) stools.” So a yes vote would be that we would then send this letter on to the State Lottery Commission with the rejected resolution. We’ll do them separately. We’ll have two votes. So the first one is on Goodies. I think I read into the record that it was Goodies only, did I read that correctly? Okay. So any discussion? No? Barbara, could you call the roll? A yes vote would be to send this letter to the Lottery Commission with these conditions.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, we are sending a letter to the Lottery Commission.

3. TR-2009-18 - A Resolution Regarding the Extension of KENO Monitoring (Councilors Letellier and Rossi) (Majority of those present and voting) (Referred to License Committee)

President Letellier – And this is for Feeding Hills Variety, 344 North Westfield Street, Feeding Hills, MA. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Cavallo. Councilor Rossi?

Councilor Rossi – Okay, I would like to make the same recommendation – amendment – that we send that following condition.

President Letellier – Well, first we need to vote on the underlying resolution. So is it again you're recommending a no objection vote?

Councilor Rossi – We are recommending a no vote. Correct.

President Letellier – Barbara, could you call the roll? This is a, a yes vote would be to object to the issuance of the KENO monitoring. A no vote would be to not object to the issuance of KENO monitoring.

ROLL CALL – 0 YES, 11 NO

President Letellier – So with a vote of zero yes and eleven no, you have voted not to object to the extension of KENO monitoring at Feeding Hills Variety, 344 North Westfield Street, Feeding Hills. And again, we will have the same letter sent “that whereas the Council has not objected to the issuance of KENO monitoring Feeding Hills Variety, 344 North Westfield Street, Feeding Hills, MA., the Council however does request that the following conditions be placed (1) that there be no tables and chairs and (2) that any KENO monitoring be limited to a counter space with a maximum of six (6) stools.” Any discussion? Barbara, could you call the roll?

ROLL CALL – 11 YES, 0 NO

President Letellier – Thank you. We will send that letter to the Lottery Commission.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

1. **TO-2009-19** - (ZC-2009-3) (PH-2009-3) Public Hearing Date of June 1, 2009 set for Zone Change for the Property located on the Easterly side of Silver Street and Southerly of Doane Avenue in Agawam, for Aspenwood Associates LLC, and J. Kirk MacNaughton, Manager, Petitioning the Town of Agawam to Change the subject property from “Industrial B” to Residence A-1” (Planning Board public hearing is set for May 21, 2009) (Referred to Zoning Review Committee)

President Letellier – Continue to the next agenda.

2. **TO-2009-20** - (ZC-2009-4) (PH-2009-4) Public Hearing Date of June 1, 2009 set for the Property known as Mark Drive, Agawam, MA. and Langone Realty Corp., Norman Pelley, Jay A. Pelley and Evelyn M. Pelley, Frank Olbrych, Jr. and Carol A. Olbrych Petitioning the Town of Agawam to Change the Current Zones from Resident A-2, Business A and Agricultural to Resident B (Council) (Planning Board public hearing is set for May 21, 2009) (Referred to Zoning Review Committee)

President Letellier – Continue to the next agenda.

3. **TO-2009-21** - (PH-2009-5) **Vote to be the Petitioner** - Public Hearing Date of June 1, 2009 set for 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) (Planning Board public hearing is set for May 21, 2009) (Referred to Ordinance Committee)

President Letellier – In this instance, the Council needs to vote to be the Petitioner and this is for the Ordinance amending Section 180-8B of the Code of the Town of Agawam Governing the Height of Fences within a Setback Area of Corner Lots. This was sponsored by Councilor Simpson. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Rheault. Again, the item is to vote that the Council be the Petitioner on this Zone Change. Any discussion? No? Barbara, could you call the roll? A yes vote is for the Council to be the Petitioner.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you’ve voted to be the Petitioner and again the public hearing is June 1st. Thank you.

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

President Letellier – This is the first reading. Moved by Councilor Simpsons, seconded by Councilor Bitzas. Any discussion? A Yes vote is to add I believe two members to the Veterans’ Committee. Okay, Barbara, could you call the roll?

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you’ve approved the first reading.

Item 11. New Business

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

President Letellier – So that public hearing will be June 15, 2009.

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

President Letellier – We are suggesting a public hearing of June 15th however as you saw from the memo and the Resolution in your packet, there are no final budget numbers from the State, so then we don’t have a final budget issued from the Mayor yet. So that date, we’ll put it on for June 15th but if we feel that we don’t have enough time, we can move it to the end of June or even into July because we have that motion, that resolution for the continuing appropriation for July.

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

President Letellier – Next Agenda.

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

President Letellier – Next Agenda. You saw on your desk tonight the proposed numbers.

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

President Letellier – Next Agenda. We'll refer that to the Licensing Committee.

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

President Letellier – We'll start with Councilor Perry.

Councilor Perry – Just one thing real quick this evening in regards to the budget, Council President, have you had any communication with the Mayor? Council Clerk has been kind enough to reserve rooms for us sub-committee chairmen to hold our annual meetings on the budget. I mean it's very difficult to do if you don't have one so it's just a matter of trying to find out where we are with this whole thing, if you've had any communication with the Mayor.

President Letellier – Sure. I met with the Mayor last week and I expressed my disappointment that we had not met earlier about the budget because I did request a meeting. She indicated to me that my request for a meeting had never gotten to her. Nonetheless, she indicated to me that once the final numbers were out – the compromised Senate/House budget – that the Budget Team that met before about the School Budget which includes Councilor Young, myself and I forget, and Councilor Simpson, would in fact be meeting with the Budget Team. We will also continue to have the regular sub-committee meetings and you'll still have 45 days to review the budget, if you feel you need the whole 45 days to review it and get it done. Again, if you remember there was an article in the Springfield paper saying she was gonna get her Budget Team together and that's when I called and said okay when are we gonna meet and the message that I got was that there would be no meeting until the final numbers were available. She says that's that not the case and so there was some mix up somewhere. But I have her assurance and that's why I put it in that memo that the Budget Team will in fact meet once we have final House/Senate compromise numbers. That's all I can tell you at this point.

Councilor Perry – Okay, as a Chairman of one of the Sub-Committees, should I still -?

President Letellier – We talked about that. We're gonna keep the budget sub-committee meetings set because you can always re-schedule. You can always keep it on the Agenda and take it off but then if you wait, then you've got to reserve the room again. So Capital Improvement we already have, so you can meet. Gentlemen, one at a time please not four. Only because Barbara can't anything on the tape, she's told me that before, I'm not trying to be...Okay so I would say keep your sub-committee meetings. If you feel like you haven't gotten the budget in enough time, cancel them but at least the room is ready in case we do get numbers. As of today, as far as I've heard there are no numbers from the House and Senate. And as I hear anything, I'll have Barbara send out immediate emails or phone calls or what have you. Okay? Sorry I don't have anything better to tell you.

Councilor Perry – Okay, thank you.

President Letellier – All right. Councilor Messick?

Councilor Messick – I have several things. The first thing is I would like to urge people to attend the Community Preservation Committee meeting, the public hearing, that Henry highlighted for us earlier at Citizens' Speak Time. Again, it's on Wednesday, May 27th, at 7:00pm at the Library. Community Preservation Committee would really appreciate public input as to what they are doing. They do a lot of work. They work very, very hard to put this money to the proper uses. I know they spend a lot of time looking into the laws, the regulations, creative uses of the funds and really to maximize the value that we get out of that Community Preservation Act. Public input is required. I went last year to the meeting, the public hearing, and there was no one there. So it would be really nice to see some people possibly anybody who's enjoyed School Street Park to show up and at least show their appreciation. Also, congratulations, very much congratulations to our 2009 Excellence in Teaching Award winners. I was reading that we have five teachers who won the award this year. We know we have excellent schools and it's just good to hear, to have confirmation of that. The teachers are Colleen Wysocki, Lisa Bruno, Austin Kimball, Scott Trehan and Jacklyn Toussaint. And having run into a few of these teachers myself over the years, I can say they are all excellent, excellent teachers and congratulations. One more thing, I don't know if you've noticed the yellow bags around town, Hampden County Community Service people work with the Agawam Beautification Committee to pick up trash in areas around town, mostly on the larger, more busy thoroughfares. On fourteen dates since April 2nd, they've gone out and done several hours of very difficult work with litter clean up, brush clearing and graffiti removal. So they're looking for a thank you and so I thank them very, very much. They have been working very hard. They have more dates coming up and what they'd like is if people could assist them by not creating the trash in the first place. It is illegal to litter and to dump in the Town of Agawam so I just want to remind everybody of that and also kudos to the DPW and Building Maintenance for assisting and lending a hand. They've been extremely helpful with the clean up, particularly the graffiti. If you have graffiti in your neighborhood, it's very hard for them to find everything, so if you see something that they missed, you can actually give me a call and I can relay the message. My number is 786-8125 and just please leave a message as to the location of it because we can certainly send them out and have them take care of that. But I want to thank those groups for all the hard work that they do. That's it.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, like anybody else, I read the paper that the State, they're going to cut more aid to the cities and towns, more and more. It seems to me that I don't know and then they try to push us taxes, to go to gas taxes and to go from 5% to 6.25% for the sales taxes, beverage taxes, I don't know if that what they are trying to do is to find a smoke screen to make it easier for us to buy that, to raise taxes. They should stop spending down in Boston, they should cover government and then stop asking us to pay the bills. They make mistakes in Boston and I don't want to see the people that live in this area of the state to suffer. We did pass a resolution the last time to not support the taxes, I hope this body and I hope through the Chair to the President should have a

resolution also to oppose the sales tax – 6.25% - it is too much increase from 5% and it would hurt the economy of the state especially in the areas of Boston, shopping in New Hampshire they have no taxes, or they go to Connecticut and this area. I don't know what they're thinking in Boston, I hope I don't know if we can do it, but I hope they see it a little bit better and I'm strongly against that and against the tax also in the restaurants because it's going to make those restaurants to pay the prices and we're going to pay more taxes. Enough is enough. I think, I know it's the voice in the wilderness, but I think we should all together object to those taxes. Thank you.

President Letellier – Thank you. Councilor Young?

Councilor Young – Thank you. First, and most importantly, or I won't be welcomed at home, I'd like to wish my wife a happy birthday today, before I forget the whole day. Barbara, could you help me re-send a memo to the Mayor's office again asking what the status of the Middle School band room and gym is? I've heard mixed statuses on the funding of that and I think it'd be nice to get a formal response as to where we stand on that in the bidding process and such. That'd be great. And then maybe through the Chair to President Letellier, I mean some of our sub-committee meetings are planned for next week. It seems a little silly to think that we're gonna have time to actually get the budget and have those.

President Letellier – All right. I'll leave it up to each sub-committee Chair, what you want to do. If you want to cancel them, then cancel them. When I had spoken with the Mayor last Thursday, the hope was that we'd have some numbers this week. It's only Monday, so I have no idea what's coming out of the state house.

Councilor Young – Then, I mean, based on what you said, is that the Budget Team is gonna scramble and meet and then we're gonna get the budget produced and then we're gonna have the sub-committees review and then we're gonna –

President Letellier – I don't know if we're gonna meet before or after. I asked them if they had some sort of plan. If it's x amount of cuts, we already have these new pages ready to go and if it's this amount of cuts, so I don't know. It puts me in an awkward position to speak for the Mayor because I can't and I won't but I know Laurel and she seemed to think that you know they'd be ready when they had some numbers.

Councilor Young – Could I suggest maybe on behalf of the group that you recommend that we'd be willing to meet sooner and agree upon or recommend and help come up with a process that we could follow? And a plan to put it together as opposed to just reacting? Just a thought.

President Letellier – I will do that. I'm a big believer in planning. I will do that.

Councilor Young – And that's it. Thank you.

President Letellier – Thank you. Councilor Simpson?

Councilor Simpson – Nothing tonight, thank you.

President Letellier – Thank you. Councilor Mineo?

Councilor Mineo – Nothing tonight.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. I have two things. First of all, no one has mentioned Memorial Day yet and the parade. I was wondering have you gotten any information at all regarding the parade in terms of, nothing?

President Letellier – I can tell you that it always steps off at 10:30 but Barbara's making some gestures but we haven't gotten anything in our packet yet.

Councilor Cavallo – Maybe, would it be possible to maybe call the Veterans' Agent or someone who's in charge who could get us some information because I want to march in the parade, I always do.

President Letellier – It's the same time every year so –

Councilor Cavallo – Yea, I know. Maybe some details or you know. Would that be possible Barb? Okay good. And the other thing that I wanted to mention and again I had mentioned to some councilors at our last meeting about starting our meetings earlier and I know that on the School Committee, they start at 7 and some of the councilors were in favor and they felt that they wouldn't mind starting at 7:00. I spoke with Dennis because I know that Dennis has to come from Bridgeport, right Dennis? New Britain, which is a long ride and he said no he would be amenable to that and I thought maybe I'd make a resolution, put on a resolution for the next meeting under New Business for a –

President Letellier – Yea, and I would just send it to the Rules Committee and let them make a recommendation.

Councilor Cavallo – I'll sponsor the Resolution on that and I don't know maybe some of you maybe want to, obviously this is not the time to talk about it but I just wanted to let you know what my thoughts were on that and I have you know surveyed some of the people and they felt we could still have a 6:30 committee meeting if we had a meeting that had to occur ahead of time. Out of just my own personal and I know all of us have different issues, we have children that come home and have to go places and so forth and myself, just speaking for myself, I'm home and I'm just waiting the two hours to get here, and in my case I eat early and again a lot of people thought they could make it, so I'll do that. And that's it.

President Letellier – Sure. Thank you. Councilor Rossi?

Councilor Rossi – Yes, just one item. You talked about the plea for the Conservation, CPA funding, some time ago and Barbara, if you would pull out of the file, a letter that I had sent to the Mayor and the legal staff about purchasing or acquiring the property on Corey Street, the Old Sportsman Club. We talked about it, I've spoken with members of the Community Preservation Act, and it is a doable thing and I've been waiting from their offices and I have not gotten one and what I would like to do prior to the meeting of the CPA and I do intend to make a pitch at that meeting again, but I would like to see if I could get a formal answer on what the status is on acquiring that property and if you have a problem with the files maybe you could draft something else up, just let me know. Thank you.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – I share the same thoughts that 7:00, we had discussed it and from all that we discussed it didn't seem like it was a problem and obviously I would go to the Rules and a simple rule change will change that. Second thing is that on a little bit more somber note, I would ask the Council to keep in the thoughts and prayers former Treasurer Rudy Altobelli who had a stroke and I saw Rudy in the ICU at Mercy this morning and he was finishing just a little bit of therapy which was a strain to him and then he fell asleep, so let's all keep in our thoughts and prayers.

President Letellier – Thank you. That's all I have this evening. I would correct Councilor Messick though, there were three City Councilors at last year's CPA meeting, you, myself and I forget who, was it Councilor Cavallo, and that was it. It was the Community Preservation Act Committee and the three of us and no one.

Councilor Messick – I was disappointed about the public not being there.

President Letellier – And if you look at the millions of dollars that they have spent and will be able to spend, that's your money. I hate to sound like one of those ads on TV "It's your money" but it really is. So that's it. Thank you and Happy Memorial Day and thank you to all of our veterans.

Councilor Calabrese – Motion to adjourn.

President Letellier – Oh, Councilor Calabrese! Did I forget you? I'm so sorry! Councilor Calabrese?

Councilor Calabrese – That's okay. I have nothing.

President Letellier – Are you sure? I'm so sorry.

Councilor Calabrese – Yea, don't worry about it. I'll make a motion to adjourn.

President Letellier – Thank you. All in favor? Opposed? Thank you.

Adjournment.