

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

May 4, 2009

President Letellier – Welcome to the Agawam City Council Meeting for Monday, May 4, 2009.

Item 1. Citizen's Speak Time

President Letellier – I believe that we don't have any speakers tonight.

Item 2. Roll Call

President Letellier – We'll move right on to roll call. Barbara?

ROLL CALL – 10 PRESENT, 1 ABSENT (Councilor Young)

President Letellier – Councilor Young emailed and he'll be late but he will be joining us later this evening.

Item 3. Moment of Silence and the Pledge of Allegiance

President Letellier – Could you please rise?

Item 4. Minutes

- a. Regular Council Meeting – April 21, 2009

ROLL CALL – 8 YES, 0 NO, 1 ABSENT (Councilor Young), 2 ABSTENTIONS (Councilors Messick and Mineo)

President Letellier – So we have eight yes and two abstentions. Thank you.

Item 5. Declaration from Council President

None

Item 6. Presentation of Petitions, Memorials & Remonstrances

- 1. TR-2009-4 - A Resolution Amending the Rules and Regulations of the Agawam City Council (Councilors Calabrese, Perry, Rheault and Letellier) (Tabled 4/21/09) (Referred to the Rules Sub-Committee) (*Majority of those present and voting*)

President Letellier – That’s on the table currently. Motion to remove from the table by Councilor Calabrese, seconded by Councilors Perry and Bitzas. Barbara, could you call the roll on removing the item from the table?

ROLL CALL – 10 YES, 1 ABSENT (Councilor Young)

President Letellier – With ten yes, one absent, you’ve moved to remove the item from the table. We’ll have a report from Councilor Calabrese.

Councilor Calabrese – You all should have in front of you this evening the latest and greatest issue of the Rules and Regulations with the changes incorporated so that you can read them in context and if anyone wishes to make any further amendments to the text, feel free to do so. This is your set of Rules and Regulations by which the council will be operating. Thank you.

President Letellier – Any discussion? Councilor Rheault?

Councilor Rheault – Yes, Rule 19 Inquiries and Investigations.

President Letellier – Page 9.

Councilor Rheault – Page 9 and goes over into 10 – the Charter mandates how we proceed in that procedure so I would think that it incumbent because it does supersede our rules that we follow what the Charter says and I think we should, I move to strike that entire dialogue out on Inquiries and Investigations.

President Letellier – And I gave you a copy of my Charter and I want to make sure it’s exactly the same before we delete and make sure haven’t added anything. I’m gonna call a two minute recess so we can compare cuz we just got this printed version this evening.

President Letellier – Okay, we are back from our two minute recess. Go ahead Councilor Rheault.

Councilor Rheault – My only feeling was that when you suspend the Rules and Regulations, that’s in fact what you are doing. You can’t suspend the Charter.

President Letellier – No, that’s true but as I said the Rules refer to things that we didn’t have at the time of the Charter such as having our own account for attorneys which we didn’t have at the time the Charter was passed. So I think this adds to but you’re right if there’s anything that conflicts between the Rules and the Charter, the Charter overrules the Rules. But I don’t think that this is so, I don’t think that this takes away from the Charter, I think it adds to the Charter. That’s my personal opinion. Cuz if you look at the additional steps about having an attorney...

Councilor Rheault – I’ll withdraw my motion and so we don’t have to make any changes on this.

President Letellier – Okay, thank you. Any other discussion? Councilor Cavallo?

Councilor Cavallo – Yea, I spoke with President Letellier tonight and I like the idea here of adding the Capital Improvement Budget Committee, I believe and correct me if I'm wrong, I think, President Letellier, it was like an Ad Hoc committee remember I think Councilor Mineo, you're chairman, right? And I think it's good because it establishes an important link between the Council and of course the Mayor regarding the Capital Improvement budget which apparently did not exist before but so I believe then that this would become a permanent sub-committee, am I correct, Councilor Calabrese? Would that be the case here?

Councilor Calabrese – That's my interpretation, yeah.

Councilor Cavallo – Yeah? Okay, good. So there'll be a permanent and I think it's a good addition for that so we can communicate more effectively and hopefully on a more frequent basis. And fortunately, Councilor Mineo who is the chairperson, he is in the position to at least ask the Mayor if she can meet with us and give us updates and so forth. Thank you.

Councilor Calabrese – Thank you.

President Letellier – Okay, we need a motion now. We have had a report from the sub-committee, we've taken it off the table. Do we have a motion? Moved to accept by Councilor Calabrese, seconded by Councilor Perry. Any further discussion? No? Barbara, could you call the roll please?

ROLL CALL – 10 YES, 1 ABSENT (Councilor Young)

President Letellier – With ten yes, one absent, we have updated the Rules and thank you to everyone who worked so hard on this particularly Councilor Calabrese.

Councilor Calabrese – Thank you.

2. TR-2009-8 - A Resolution Confirming the Reappointment of Deborah R. Sanchez, 36 Hemlock Ridge, Feeding Hills, MA. to the Board of Health for a Term Expiring the First Monday in February 2012. (Mayor) (Majority of those present and voting)

President Letellier – Do we have a motion? Moved by Councilors Rheault and Bitzas, seconded by Councilor Cavallo. Any discussion? No? Seeing none, Barbara, could you call the roll? Please name Mrs. Sanchez if you wish to reappoint her.

ROLL CALL – 10 DEBORAH R. SANCHEZ, 1 ABSENT (Councilor Young)

President Letellier – Ten votes for Debbie Sanchez and by the way for those of you who were there, she and her husband had an excellent fundraiser for their son so that was great to see the public participate.

3. TR-2009-9 - A Resolution Confirming the Reappointment of David Cecchi, 29 Albert Street, Agawam, MA. to the Historical Commission for a Term Expiring January 1, 2012. (Mayor) *Majority of those present and voting*

President Letellier – Moved by Councilor Perry, seconded by Councilor Cavallo. Any discussion? Barbara, could you call the roll? Again, please indicate Mr. Cecchi if you wish to reappoint David Cecchi.

ROLL CALL – 10 DAVID CECCHI, 1 ABSENT (Councilor Young)

President Letellier – Congratulations David Cecchi and thank you for all the hard work you've done.

4. TR-2009-10 - A Resolution Confirming the Reappointment of F. William Euliano, Jr., 38 High Meadow Road, Feeding Hills, MA. to the Board of Health for a Term Expiring the First Monday in February 2012. (Mayor) *(Majority of those present and voting)*

President Letellier – Do we have a motion? Moved by Councilors Simpson and Perry, seconded by Councilors Rossi and Bitzas. Any discussion? Again, if you want to appoint Mr. Euliano, please indicate by saying Euliano. Barbara, could you call the roll?

ROLL CALL – 10 F. WILLIAM EULIANO, 1 ABSENT (Councilor Young)

President Letellier – And again, thanks to Bill Euliano for all his hard work on the board.

5. TR-2009-11 - A Resolution Confirming the Reappointment of Aldo Mancini, 482 South West Street, Feeding Hills, Ma. to the Agawam Veteran's Council to a Term Expiring April 1, 2011. (Mayor) *(Majority of those present and voting)*

President Letellier – Do we have a motion? Moved by Councilor Perry, seconded by Councilors Bitzas, Mineo and Cavallo. Any discussion? No? Seeing none, Barb, could you call the roll? Again, please indicate Mr. Mancini if you wish to reappoint him.

ROLL CALL – 10 ALDO MANCINI, 1 ABSENT (Councilor Young)

President Letellier – Again, thank you to Aldo for all the hard work on the Veterans' Commission and thank you.

6. TR-2009-12 - A Resolution Approving Water Use Rates Fixed by the Department of Public Works (Mayor) (Referred to Public Safety Committee) *(Majority of those present and voting)*

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

Councilor Perry – Yes, thank you Madam President. I think the first thing was maybe this should have went to Finance cuz it involved money moreso than public safety.

President Letellier – It is money but Public Safety...DPW so my thought was is the increase justified and if so, you know, yeah.

Councilor Perry – Sure, no problem. We just had a discussion on it, that's all. Our committee met on April 29th at 7:00pm at the Peirce Room at the Agawam Library. Present were myself as chairman, committee members Councilor Don Rheault and Councilor Bob Rossi. Also in attendance were Superintendent Jack Stone and Deputy Superintendent Chris Golba. We had a discussion on TR-2009-12 which again is a resolution approving water use rates fixed by the Department of Public Works. The Department of Public Works sets the rates and it has to be approved by the Council. We had a long discussion in regards to this and I'll just basically highlight some of the reasons for this resolution that's here before us this evening and then if anyone has any questions, I'll be glad to answer them. One of the main reasons for the increase is the cost of water that we pay for, the town itself, from the City of Springfield. It went from \$770.00 per million gallons to \$980.00 per million, which is 27% increase in the rate that the town buys the water from Springfield. Also, one of the other reasons is the Department of Environmental Protection Water Management Act that regulates the amount of water that can be withdrawn from the Cobble Mountain Reservoirs where our water comes from. The DEP is really trying to regulate the amount of water that's being used out of there and they put restrictions on the City of Springfield which we buy our water from and that's been incorporated into the new contract that we're signing with them. And what they're trying to do is reduce the amount of water that's used per household down to basically 4,000 cubic feet per household per six month billing period is what they would like to see it at. Currently what's before us, our rate's at \$1.36 per cubic I believe, somewhere around there. If we pass this this evening and the average household minimizes their water use and keeps it below or at the 4000 per six month billing period, it will remain the same as what you're paying right now. Anything above that would go up to the \$1.90 per cubic, okay? So for the average residents what we're doing is a step type billing to try and have the curb water use. What was also discussed is the fact that if you have an irrigation system, a sprinkler system, in your home residence, you basically have two different meters for that. The water that is used for your irrigation systems will be automatically billed at the \$1.90 per cubic. So what they're doing is they're trying to control the amount of water use that is used. We all know in the rainy season in the summer and you get a week straight of rain, people still have their water sprinklers on automatic and they're sprinkling when there's pouring rain, so we're trying to curb that through this resolution. It's to make people aware of their usage of water, to try and control it, which will keep their bill down to the average of what it is right now. The other reason for the asking of the increase is obviously labor. The water rate has not gone up in the last three years. We all know labor costs have gone up about 10% over

that time period. We know costs of material have skyrocketed. So there are a number of different factors for the resolution that's before us this evening. As I stated our committee had a long discussion with Jack and Chris in regards to this and many questions but after those discussions we've recommended the 3-0 vote to pass this, this evening. Thank you.

President Letellier – Thank you Councilor Perry. Any questions or any further discussion? Councilor Calabrese?

Councilor Calabrese – I just have a quick question. On the stepped rate, so the first 4,000 cubic feet per six months is gonna be billed at the \$1.36 and then above that it goes to \$1.90? That doesn't go back to the first cubic foot though, in other words at 4,001 the new rate kicks in?

Councilor Perry – Right, exactly. So if you use 4,250 cubic, the first 4,000 would be billed at the \$1.36, the next 250 would be billed at the \$1.90, okay?

Councilor Calabrese – Okay, thank you.

President Letellier – Please let the record reflect that Councilor Young has joined us. Any other discussion? Councilor Cavallo?

Councilor Cavallo – I make a motion that we approve the committee report.

President Letellier – We don't need a motion to approve the committee's report. Thank you. Councilor Bitzas?

Councilor Bitzas – Yea, I got a question. Now in these times I don't like to see any increases, myself, and I would ask the question to one of the committee members, maybe Councilor Perry, I don't buy the notion that they are going to increase the rates to control the usage of the water. Everybody is careful how to use the water. Of course the kids they have the showers, a little bit shorter, they do already now, but to support this resolution just to make us reduce the usage, I don't ...any water for me. I may vote this in favor, I don't want to vote in favor but I guess probably have no choice, but the reason that the Springfield Water Department increases by 27% the water, then we may have no choice because we buy the water from Springfield from 770 going to 900...per million I believe? So this is okay, it's valid so it makes me think to do it but the other reason, I don't see that to make me use less water because of the price, I don't believe so because we're doing that for of course for the reason to save the money but to say okay, save money and you pay less, if you use a little bit more, you pay more. I don't think it's fair. And the question is Councilor, if we don't approve that, I know that this is difficult times, the people can't afford to pay more for the water, what happens if this year, we don't approve these rates?

Councilor Perry – Well, typically, as you know the Water Department is a self-sustaining, revolving account. All the money that's for the projects that are out there as

it's listed in here in the resolution Jack put on there, you've got the Main Street, westerly main, that has to be repaired, the North Westfield main that has to be repaired, the Silver and Elm main that has to be repaired, all these things have been factored in in the Capital Improvement Plan that will be coming before us. There's a number of different projects that are paid out of this funding that is, it's a double edged sword that's being put on, placed upon the town in regards to what's being mandated from the Department of Environmental Protection – they are telling us you have to get down to these levels by 2012, okay, rate per household; 10% leakage – this is regulated from the State down to the towns. So it's a double edged sword, so you're telling us not to sell as much water, but that's how we make our money to sustain our systems, okay? So it's a double edged sword when it comes to that, but it's being mandated down to us, it's not something that the town is saying we want it down to this level.

Councilor Bitzas – Through the chair for all of that, it's historical in this town that the Water Department, it's always not in the red, so don't they get absorbed with the money they have now? Or did they discuss that, I was not at the sub-committee meeting but did you ask the question if they had enough money to cover it for this year during the difficult time that we have?

Councilor Perry – Typically there is very little surplus in the Water Department and you'll see that in the budget hearings when they come up and you know for the projects that are up in just the standard you look at the Silver Lake Drive main break, that cost a lot of money to fix that. In the memo from Jack Stone, we have to get aggressive in regards to fixing a lot of these older pipes so we don't have that loss of water and we become more efficient. So to say if we don't pass this, is it gonna affect the Water Department? There's no question in my mind, it will. It's gonna put them in the deficit where they'll be coming to us to borrow money, in my opinion.

Councilor Bitzas – So we have no choice then to support that, even if we don't want it and I don't want to be, to sound negative but I wish we had the Finance Committee ask to look into it, but I will take the advice of the sub-committee and I'll go along with it even if I don't like, I think we have no other choice, I guess.

Councilor Perry – If I may, Madam President, just respond? George, I agree one hundred percent. This is not the time to put more burden on the people but at least we've looked at and Jack took into consideration that if you conserve your water, your bill shouldn't go up.

Councilor Bitzas – That's fine.

President Letellier – Councilor Simpson, you had had your light on? Did you still wish to talk?

Councilor Simpson – No, actually I was gonna just make a quick comment. I think for the part for the meter rate for the irrigation, I think it may make people, I know Councilor Bitzas didn't think so, but not for the home use but for that because you do go around

town and you see sprinklers on all the time, it's pouring rain, so maybe in your head, you'll click and go I'm gonna turn my system off when it says two days of rain. So I think it might make people think a little twice of running their irrigation systems when there's a prediction of a good rain storm. So I think it may help also not only with them being able to save money themselves and also the conservation of water.

President Letellier – I'm sorry, who was first? Councilor Messick?

Councilor Messick - I just want to point out with the repairs, it's a lot less expensive for the town to be aggressive as Jack says in replacing these water mains which are prone to breakage and they know I think pretty specifically which ones are gonna go next. There was an awful lot of collateral damage on Silver Drive not to mention very probably contamination into that lake, so for them to be able to reassume that aggressiveness as far as replacing them before they break, is actually gonna save the town quite a bit of money. So –

President Letellier – Thank you. Councilor Young for the first time?

Councilor Young – Oh, thank you. I apologize if my question was already asked prior to me getting here, so I guess through the Chair to Councilor Perry or whoever has the answer, so as I recall last year when Superintendent Stone came before one of the groups it might even have been the Finance Committee, I thought, there was huge, very large water rate increase and I could almost, and my recollection could be wrong, but I thought the reason it was so big was because it had been so many years that we hadn't increased it and that wasn't sufficient and I almost want to say, I almost want to say that and I'm not sure that I'm remembering this correctly but didn't he say that we won't have to do it again for some time again? Maybe I'm wrong, but I can't help to get over the fact that I think I heard him say that.

President Letellier – Councilor Perry?

Councilor Perry – And I am recalling that also Bob in regards to it was three years ago, when we had that water increase and it had been about eight or nine years before that one and he did say just with the economic times that they have no choice but at this point to put this into effect. Again, I can't state enough that with the regulations from the DEP on the water usage, your rates are not gonna go up if you regulate the amount of water that you're using. The average household based on what the DEP study and the national study is that an average household of 2.5 – I don't know what .5 family member is – but average use is about 4,000 or actually 8,000 cubic - gallons of water per year and that's what the national standard is and that's what we're basing this resolution on is if we maintain that level, your bill is not gonna go up. You're still gonna be paying the same amount, so there isn't an increase there. There's an increase in anything, in any usage above that but there's also an increase in what is non-essential water use, watering your grass, if you have a system in there, a water system, irrigation system.

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – Yes, thank you. Dennis explained it quite well and I think the only thing that I could really add to this is that the figures – the 4,000 – is really a conservative figure and what they're saying is that if we maintain the level of what the average home owner is supposed to use, their rates aren't gonna really increase. But the real deal here is whatever money is taken from your water and our sewer systems; it's supposed to be a self-sustaining system where the money is kept into the Enterprise Fund. And as you know, in the Enterprise Fund, that money is supposed to be used directly for the maintenance and care of the system and to offset any rates. So if we don't stay current with what the cost of the water is that we're paying for, then we're gonna have to appropriate that money because again, as you know, the Enterprise system says that if there's any shortfalls in the system, we're gonna have to appropriate it from our General Reserve. So what we're trying to do here is head off that, you know, I know that it sounds like a very difficult pill to swallow right now because of the economic times that we're living in and everybody is talking about conserving but if you look at this thing, stand back and look at this thing through the window, you'll see that I think it's a very conservative approach and it's something that's really gonna take care of us in the long run. And I do agree with Councilor Young, I see that little smirk, I couldn't agree with you more. I'm not one for raising the taxes. I was opposed when we used water reserve funds for other projects years ago, but I don't want to dredge up anything, but the fact of the matter is that the cost now is increasing at such a rapid rate that we're forced to do something and because this is a self-sustaining program, we're gonna have to make it, try to keep it commensurate with our costs our, so we don't have any overruns and go into our reserve accounts.

President Letellier – Any one else for the first time? Councilor Calabrese, then Councilor Young. Did you have your light on again, Councilor Bitzas?

Councilor Calabrese – Okay, um, yeah, this is a plain example of fiscal policy you know influencing behavior and in this case unlike the cigarette tax or maybe like the cigarette tax or gas tax, it's in the home owner's power to say yes, I'm gonna pay this higher rate or no I'm not, based upon their own water usage and it's important to echo what Councilor Rossi was saying about this Enterprise Fund, we don't want to deplete that fund because it is really a vital portion of our town budget so even though there is gonna be a rate increase above a certain amount, it's within the homeowners' control and you know they can certainly monitor their own home use. I know that we certainly do in our house and gotta love that rain barrel.

President Letellier – Thank you. Councilor Young?

Councilor Young – Yes, again, and I think that Councilor Rossi brought it up – the Enterprise Fund – that I think has funded the DPW garage and we all know it goes on and on. Before I could vote for this, I would like to see an audit of the Water Department. What's in there, what's gone in, what's gone out over the last seven years for as far back as they have because again I just don't feel right. I know every time that we've voted to take money out of that Enterprise Fund; it was based on much like the Ambulance Fund,

the famous ambulance fund, right? We have plenty of money; they'll be plenty of money there. I was told to my face, I think it was two years in a row, Dennis, if you remember, after many years of not increasing the water rates, I think we did it two years in a row, and oh, and here we are again with something unforeseen and we need to stick it to the tax payers again. So again, there's no way and I'm sure the Superintendent means what he says and is doing a good job but I do find it ironic that this is all coming up this year in particular. Again, and maybe we are paying for the sins of the past, but until I see where all the money has gone over the past several years, and I know we're not gonna get that in the next few minutes or probably in the next week, if we can wait that long, but again, I just don't feel right about that. If there's one of the few things I hear about in town is about the huge increase in the water rates. Again, even in my own house, we don't have a sprinkler system and have a few kids, but they're little, but I don't know it just doesn't feel right to me and I won't be supporting it. Thank you.

President Letellier – Councilor Rheault for the first time.

Councilor Rheault – Yes, certainly I'm not an advocate for increasing and I think Dennis did a great job explaining what the context of our meeting was, but it appears like there's some doubt on the Council and Councilor Young is the Chairman of the Finance Committee, I would suggest that we table this and provide his committee an opportunity to further investigate, three more minds in the situation I don't think would hurt and certainly the delay of another meeting will not hurt. So I would move to table this until they have an opportunity to meet with them.

Councilor Calabrese – Second.

Councilor Bitzas – Before we table –

President Letellier – Wait Councilor Bitzas. Councilor Mineo had his light on for the first time. Do you mind holding your motion to let Councilor Mineo speak for the first time?

Councilor Mineo – No actually you can make the motion because that's the exact same thing I was gonna do.

President Letellier – All right and I already told Councilor Bitzas he was next so if you don't mind can you hold your motion 'til Councilor Bitzas speaks?

Councilor Rheault – It's on hold.

President Letellier – Okay, thank you.

Councilor Bitzas – Thank you. Just a, to think about this for the next meeting, the Finance Committee, I am glad we are going to do it that way because I was not ready to vote in favor, I was having some questions. Hypothetically the question to all of us, in the usage, you should use common sense, everybody uses common sense in usage of the

water. I don't have no sprinkler system at my house and I try to be careful like everybody else because today everybody tries...If everybody stayed the same and conserved more, there'd be no increase. How then we can cover the 27% increases from Springfield Water users? Are they going to have to come next year again to us for another rate increase next time to cover the expenses of the water we buy and also for the infrastructure? Just a question for the next time to discuss that one. Thank you.

President Letellier – Thank you. We had a motion by Councilor Rheault to table.

Councilor Rheault – Part of the answer to that might be that anybody with an existing sprinkler system would pay the new rate so they would automatically increase the revenue.

President Letellier – People filling up their pools.

Councilor Rheault – But I'll make a motion to table until the next meeting.

President Letellier – Seconded by Councilor Calabrese. Barbara, could you please call the roll?

ROLL CALL – 8 YES, 3 NO (Councilors Perry, Rossi and Simpson), 0 ABSENT

President Letellier – I don't think you made it all the way through. I didn't get called.

Clerk – I didn't call you?

President Letellier – Did you get called?

Councilor Calabrese – I thought you did.

Clerk – I thought I called you and you answered. I heard your response.

President Letellier – Okay, sorry. I would have said yes. I hope that's what I said.

Clerk – You did say yes! I heard you say yes.

President Letellier – Wow. So is it seven – three or eight – three? Eight – three. With a vote of eight, three, you've tabled the item. I will re-refer it to the Finance Committee and I would suggest you contact the Auditor and let her know what you're looking for, Councilor Young. Barbara has her email so you can send it directly to the Auditor.

7. TR-2009-13 - A Resolution Approving Water Connection and Service Charges Fixed by the Department of Public Works (Mayor) (Referred to Public Safety Committee) (Majority of those present and voting)

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Mineo. Councilor Perry, do we have a report?

Councilor Perry – Yes, thank you Madam President and again our committee met with Jack Stone and Chris Golba of the DPW Department on the 29th in regards to TR-2009-13. Again, these fees are set by the Department of Public Works and sent to the Council for approval. We met with Jack, our committee did, and the main reason this resolution is before us is the increases are mainly due to material costs for the water meters, the main valves, water connections, piping, so on and so forth. You have the resolution before you; it gives you a complete list of where he’s looking for the increases on. Again, the labor cost to install these has gone up over the last three years and the material costs have gone up. As the resolution states, the majority of these are for new hookups only and the only fee that has gone up is the back flow device testing. It is mandated by the State on a yearly basis to go around the town. The town has to go around to industrial businesses and by law they have to have a back flow prevention device and what that does is in case there’s a water main break, there’s nothing that can be taken out of that building back out into the system – any hazardous waste or anything that may be contained in the building. But state law requires that the town goes out and checks those on a yearly basis for a fee and that was mandated back in 1999. So that is the only normal fee that would be going up with this resolution. The rest is all basically for new connectors and the main reason that was explained to our committee was for the increase in labor costs to install these and the cost to buy them. Thank you. I’m sorry the committee recommended 3-0 to pass this.

President Letellier – Thank you. Any questions? Councilor Young?

Councilor Young – Yes, through the Chair to Councilor Perry, is the labor cost the DPW labor, our own labor?

Councilor Perry – Correct.

Councilor Young – Thank you.

President Letellier – Any other questions? No? Barbara, could you call the roll? A yes vote is to approve the new water connections and service charges.

ROLL CALL – 10 YES, 1 NO (Councilor Young), 0 No

President Letellier – Ten yes, one no, you’ve approved the new rates.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

- TOR-2009-2 - An Ordinance Adding Section 3-8.4 to the Code of the Town of Agawam Establishing the Agricultural Commission. (Referred to Ordinance Committee) (2/3) (Mayor) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Cavallo, seconded by Councilor Rheault. Do we have any discussion? No? Barbara, could you call the roll? A yes vote would be to approve the second reading. Six votes are needed.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you’ve passed the second reading.

Councilor Simpson – Move the third reading.

President Letellier – Motion to move the third reading by Councilor Simpson, seconded by Councilor Cavallo. All in favor of this is just moving the third reading, Barbara, could you call the roll?

ROLL CALL – 11 YES, 0 NO

President Letellier – So with eleven yes, you’ve moved the third reading. We will now have the third reading. Barbara, could you please call the roll on the third reading?

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, we have created the Agricultural Commission. Thank you.

- TO-2009-16 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – 1813 Main Street Corp. d/b/a The Still, 1813 Main Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

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

Councilor Rossi – Yes, thank you. The committee met and unanimously agreed to send a positive recommendation to the Council.

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

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you've approved the license for The Still.

3. **TO-2009-17 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Six Flags New England, 1623 Main Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Rossi. Councilor Rossi?

Councilor Rossi – Yes, again, the council sub-committee on Licensing met and agreed unanimously to send a positive recommendation.

President Letellier – Thank you. Any further discussion? Seeing none, Barbara, could you – I'm sorry, Councilor Simpson? No? Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you've approved the license for Six Flags.

4. **TO-2009-18 - Transfer - \$91,000.00 from Highway – Regular Permanent Salaries (14201-51010) to Highway – Ice Control Material (14203-52210) (Mayor) (Referred to the Finance Committee) (Majority of Full Council or 6 Votes)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Mineo. I have an email that Councilor Perry was gonna chair the sub-committee meeting tonight, so Councilor Perry?

Councilor Perry – Yes, thank you Madam President. The Finance Committee met this evening here in these chambers at 7:00pm. Present at the meeting were myself subbing for chair, committee members Councilor Rossi, Councilor Mineo and Councilor Calabrese. Also in attendance were Councilors Rheault, Cavallo and Simpson and also Laurel Placzek our Treasurer was here present filling in because our Auditor, Cheryl, could not make it. You've all seen the information that was presented to us. They are looking for a transfer of \$91,000.00 from their salary line item because of the overrun of the winter costs for sand and ice. The projected cost per ton was \$54.36 per ton and the actually cost rose up to \$79.00 per ton. With the added storms that we had, we had an overrun of what this Council committed to in last year's budget for this. By law, we have to cover that. We also can do that through transfers, either through a line item in this department or in the past I know we've gone to the Reserve Funds or it can be carried over and made up in next year's budget. I think it makes sense due to the fact that there was a freeze on some of the hiring in this department, that added salary money is there, that it just makes sense to transfer to cover these costs. It was recommended 4-0 by the committee to pass this to the Full Council. Thank you.

President Letellier – Thank you Councilor Perry. Any further discussion? No? Barbara, could you please call the roll? Six votes are needed.

ROLL CALL – 11 YES, 0 NO

President Letellier – With eleven yes, you’ve unanimously approved the transfer.

Item 11. New Business

- 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 – Next agenda.

- 2. TO-2009-19 - (ZC-2009-3) (PH-2009-3) Suggesting a Public Hearing Date of June 1, 2009 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)**

President Letellier – Any objections to have it for June 1st? We really didn’t want to do it June 15th because that’s the budget. So we thought three on the same night, that would be a little much. So we’ll refer this to the Zoning Committee and again, that’s for June 1st.

- 3. TO-2009-20 - (ZC-2009-4) (PH-2009-4) Suggesting a Public Hearing Date of June 1, 2009 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)**

President Letellier – Again, a June 1st hearing date. Again, Zoning Committee.

- 4. TO-2009-21 - (PH-2009-5) Suggesting a Public Hearing Date of June 1, 2009 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)**

President Letellier – Again, a June 1st public hearing. Again, we’ll refer that to the Zoning Committee.

5. 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 – Next agenda.

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

President Letellier – We'll refer both of these to the Licensing Committee. We have KENO establishments in town that have been offered full monitoring as opposed to just, they now have KENO To Go. Again, that's Licensing Committee.

7. TR-2009-18 - A Resolution Regarding the Extension of KENO Monitoring (Councilors Letellier and Rossi) *(Majority of those present and voting)*

See Item 6 above.

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

President Letellier – We'll start with Councilor Simpson this evening.

Councilor Simpson – Nothing tonight, thank you.

President Letellier – Thank you. Councilor Mineo?

Councilor Mineo – Just one thing, Barbara, if you could contact the Mayor's office tomorrow and see if the Mayor will set up a sub-committee meeting for the Capital Improvement? Thank you.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea, I have one item. I believe at our last meeting, Councilor Dennis Perry, asked for a copy of the contract that was noted and we did receive it. And I'm really concerned because I thought we were through paying off all our bills and if you recall getting that item I guess it's something to do with engineering, additional costs or overruns and I can understand, Councilor Perry, your concern regarding this and I was quite upset when I saw this as well and was glad that you noted this. And I believe that additional money has to come before us, correct? In order to be approved? Am I correct in assuming that, President Letellier?

President Letellier – I believe it already did and we already voted on it. That's the money we already voted on Councilor Cavallo.

Councilor Cavallo – But I'm concerned, but I'm still concerned about that. Why the overruns like that? Why so late?

President Letellier – We had a full presentation about the rain, it was the highest rainy season and the coffer dam fell over...you can speak Councilor Perry, but I know we already voted on it.

Councilor Cavallo – But we paid \$400,000.00 to Bruschi Brothers right? At that time. Could you give me some detail on the other?

Councilor Perry – Basically...that they had...and what this contract is, is a re-submittal for what we approved on the overrun costs, is what this is. They had to submit something in writing in order to get it paid for. So if you remember the contractor got paid x amount of dollars more because of the coffer dam being down twice and engineering costs had to change because of the piping and the steeling and everything else that they had to put in there because they underestimated the project itself completely. So these were the overruns that this Council approved back a few months ago and this contract is the submittal to pay that, is what this is, because I looked into it too, when Barbara got this for us, thank you Barbara.

Councilor Cavallo – It's just unfortunate that this debacle occurred and we paid so much money and I know that Mother Nature played a role and so forth but even still I go back to what I said in I believe in December, it's too bad we couldn't have found out about this earlier when it occurred and that would have been good. At least we would have been ready for it – to expend these funds and that's a concern. I think being a little bit more proactive in situations like this in situations like this would ease the feelings of the Council when you have to pay this kind of money. That's all.

President Letellier – If you recall what happened, we get our council packet and it had a list of contracts and it was the contracts for the money that we had already approved. Okay? Councilor Rossi?

Councilor Rossi – Nothing this evening.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – Nothing this evening.

President Letellier – Thank you. Councilor Perry?

Councilor Perry – No, I was just gonna mention and explain the contract because I did ask for it last week or last meeting in any other business so – we've settled that, so thank you.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I'd just like to congratulate that newly formed Agricultural Commission. I'm very happy and very pleased that they've been formed and I've actually had people coming up to me and asking when we're gonna start the Farmer's

Market. So I'd just like to say I'd be more than happy and willing to work on that with them because I hear there's a whole bunch of people excited about it. So, let's get going on that but congratulations and that's it.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Nothing this evening.

President Letellier – Thank you. Councilor Young?

Councilor Young – Nothing, thank you.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – Go Celtics!

President Letellier – And Red Sox cuz it's Red Sox/Yankees tonight!

Councilor Rossi – Could I, just a point of information if I may?

President Letellier – Yes, Councilor Rossi?

Councilor Rossi – We just appointed this committee this evening. Have we had people in place already?

President Letellier – No. We will now announce that it's established and if you remember there calls for five members..

Councilor Rossi – No, with the presentation of Councilor Messick, I was under the impression that we already had these people in place.

President Letellier – No, what she's saying is the public is asking her when the Farmer's Market is starting.

Councilor Rossi – Oh, okay, I'm sorry.

President Letellier – It doesn't even exist yet. Motion to adjourn? All in favor? Ay. Opposed? Thank you very much and have a good week.

Adjournment.