

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

October 19, 2009

President Letellier – Good evening and welcome to the Agawam City Council meeting on Monday, October 19, 2009.

Item 1. Citizen's Speak Time

President Letellier – Our first item is Citizen's Speak Time and we have two speakers tonight. As a reminder please state your name, your address, the matter that you will be addressing. You will have five minutes and the Council Administrative Assistant will keep the time. Our first speaker is Richard Theroux.

Richard Theroux – Thank you very much Council President Letellier and members of the Council. I'm here to speak in particular of a Mayor item on your Agenda which is a transfer of \$9,000.00 from the Line Items to the Reserve Fund for the Office of the Town Clerk and Election Commissioner. As you are well aware, my office will be conducting an election – a primary and election – for the seat to the United State Senate. That date will be December 8th for the Primary and January 19th for the election. Unfortunately, it's very difficult to come before Council looking for extra funds at this particular time with the budget crisis that we all face however; as you know we're mandated to conduct this election under the new law. However, I came before the Council in particular even though this is New Business to inform you that myself and members of my association have lobbied not only the Governor's Office but certainly State Auditor DeNucci's Office to say that under this new statute which they created to allow a new term appointment which you are all aware of I'm sure that we felt that this was a local mandate. As of last week, last Thursday, Auditor DeNucci has declared that this is a local mandate by the State and the State will reimburse the communities for all costs for this special election. So in this case I'm asking the Council of course when it becomes Old Business to reimburse or to appropriate these funds and I will make sure that every cost that my office as well as those that are going to be running the election for me, incur that we will be able to take every dime back into the City coffers, into the General Fund. So again, this is just information for you. If you have any questions concerning this item in the future before this election is held concerning this coming election that we're going to be holding November 3rd or the election to be held on the 8th of December or January of 2010, as always please call my office with your questions. I'll be glad to answer them for you. Thank you very much.

President Letellier – Thank you Mr. Theroux. Next we have Paul Wakem.

Paul Wakem – I'm getting my old man glasses on. My name is Paul Wakem. I live at 660 North Street, Feeding Hills. I want to commend one of our fellow Agawam sons. A very energetic, young man has taken the time out last weekend and has collected over \$450.00 for Toys for Tots for the Marine Corp. He's a young man that's striving the help

make Agawam better and that individual is Vinnie Tirone and as a fellow Marine, the Toys for Tots is one of our campaigns that we work on and all I can say is Semper Phi, Vinnie. On a more serious note, at this time I'd like to hand to the secretary a public records request for all the councilors and if she would be gracious enough to send it to the Mayor's office and I'll read it. "I'm making a public records request to view the documents relating to the monies paid and the disbursements of same to the Town/City of Agawam for the past ten years. It has not been satisfactorily explained to me by any of the parties or representatives of the City of Agawam as the accounting for the tens of thousands dollars that have been collected and disbursed. One of the people that represents Agawam told me and others in a public meeting it could be as much as a million plus dollars. This is in regards to Comcast payments to the Town. All monies collected in the name of Agawam should be spent with the utmost scrutiny especially in this economic climate. A copy of this public records request is copied to the Mayor. Thank you for your due diligence in this matter. Respectfully, Paul S. Wakem" Thank you.

President Letellier – Thank you Mr. Wakem.

Item 2. Roll Call

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

ROLL CALL - 11 PRESENT

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

Item 3. Moment of Silence and the Pledge of Allegiance

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

Item 4. Minutes

(a) Regular Council Meeting – September 21, 2009

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

ROLL CALL – 11 YES, 0 NO

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

Item 5. Declaration from Council President

President Letellier – I'm sure I speak for the whole Council when I say congratulations to Councilors Cavallo and Calabrese for running good, clean, positive mayoral campaigns and I'm sure you may not be thinking about this now but I think the Town

would welcome you both to participate in politics again in the future. So don't close the door. All right? Thank you.

Item 6. Presentation of Petitions, Memorials & Remonstrances

1. **TR-2009-38 - A Resolution Regarding the Extension of KENO To Go (Southbridge Convenience Store, 1 South Bridge Road, Agawam, MA 01001) (Council) (Tabled 9/21/09) (Referred to License Committee) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilors Rossi and Cavallo. All those in favor of removing the item from the table please signify by saying Ay? Opposed? Thank you. The item has been removed from the table. Do we have a motion to bring the item forward? Moved by Councilors Cavallo and Rossi, seconded by Councilor Bitzas. Do we have a report from the License Committee?

Councilor Rossi – We do. Thank you. I went to the convenience store at the South End Bridge circle and spoke to the owner about this extension of the KENO To Go and he has agreed to conform to what the conditions that we set forth on the other KENO dairy stores, that we had set, and he was more than happy to oblige to our conditions. There was some question as to the ownership, the liquor licenses and those kinds of things and he has purchased the liquor license or he has paid off the lien on the liquor license I should say from the previous owner and it has gone through the local licensing authority and is now in front of the state licensing authority and he's waiting for the results to come back on that now. So I did take a look around. There doesn't seem to be any problems with issuance of this KENO To Go extension. It's a very large store. He showed me where he was gonna put it and it's really off to the side of his primary business and he did as I said agree to put in the counter space with no tables and no chairs, just counters and stools. So I spoke to my committee members individually, Councilor Cavallo and Councilor Simpson, and we're in agreement to send a positive recommendation to the Full Council that we should allow this extension and send a letter to the State.

President Letellier – Thank you. Any other discussion from any councilors? No? Seeing none, 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 license. Barbara, could you let the State Lottery Commission know? I'll sign that letter. Thank you.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

None.

Item 11. New Business

1. **TR-2009-39 - A Resolution in Support of Updating the Massachusetts Bottle Bill (Councilors Cavallo, Letellier, Mineo, Messick, Rheault, Rossi, Simpson and Young) (Majority of those present and voting)**

President Letellier – Next Agenda.

2. **TR-2009-40 - A Resolution Establishing the School Street Barn Gift Account Pursuant to Massachusetts General Laws Chapter 44 §53A for the Maintenance and Improvement of the School Street Barn (Mayor) (Majority of those present and voting)**

President Letellier – If you recall that had been on the Agenda before but it was worded incorrectly and now it's a Gift instead of a Revolving Fund so that seems to resolve that so that's been, I'll just have the Ordinance Committee double check it even though it's a Resolution, I'll just have the Ordinance Committee do a double check and that's next Agenda.

3. **TR-2009-41 - A Resolution Authorizing the Posting of the Warrant for the Primary Election on December 8, 2009 and the Election on January 19, 2010 for the United States Senate (Mayor) (Majority of those present and voting)**

President Letellier – And those are to fill Senator Kennedy's seat, next Agenda.

4. **TO-2009-32 - Transfer - \$9,000.00 from Line Items – Reserve Fund (16605-57300) to City Clerk – Regular Temporary (11611-51020) (Mayor) (Majority of those present and voting)**

President Letellier – Next Agenda. It's less than \$10,000.00 so I'm not gonna refer it to Finance unless Finance wants me to but I think we all know what it's for. Okay, next Agenda.

5. **TR-2009-42 - A Resolution Authorizing the Mayor to Grant Updated and Expanded Easements over Two Town Parcels to Western Massachusetts Electric Company (Mayor) (Majority of those present and voting)**

President Letellier – I’m gonna have Utilities look at that, Councilor Mineo, next Agenda.

6. **TR-2009-43 - A Resolution Confirming the Appointment of Jay Berger, 10G Castle Hill Road, Agawam, MA. to the Agawam Energy Commission to the Term Expiring November 30, 2010 (Mayor) (Majority of those present and voting)**

President Letellier – These next four are Energy Commission appointments. That’s all next Agenda.

7. **TR-2009-44 - A Resolution Confirming the Appointment of Howard Safford, 92 Juniper Ridge Drive, Feeding Hills, MA. to the Agawam Energy Commission to the Term Expiring November 30, 2010 (Mayor) (Majority of those present and voting)**

President Letellier – See Item 6 above.

8. **TR-2009-45 - A Resolution Confirming the Appointment of Joel Cummings, 118 Meadowbrook Road, Agawam, MA. to the Agawam Energy Commission to the Term Expiring November 30, 2010 (Mayor) (Majority of those present and voting)**

President Letellier – See Item 6 above.

9. **TR-2009-46 - A Resolution Confirming the Appointment of Todd Bard, 316 Regency Park Drive, Agawam, MA. to the Agawam Energy Commission to the Term Expiring November 30, 2010 (Mayor) (Majority of those present and voting)**

President Letellier – 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.

Councilor Simpson – Nothing tonight, thank you.

President Letellier – Thank you. Councilor Mineo?

Councilor Mineo – Nothing tonight, thank you.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea, I have two items. The first item I have on July 17th this Council held a public hearing on the Town budget and it was passed. At that time I posed a question to the Superintendent of Schools about my concern of not waiting for the School Budget Sub-Committee to meet some time in January or February to review the School Budget but instead because of the situation, economic situation that we should really get on this now. Of course, we're almost one-third of the way through our fiscal year and I have not, well I'm not the chair person but I've not gotten any response or heard anything from the Superintendent of Schools. My concern is the following – if you've read or if you heard anything at all, the Business Manager for the School Department is leaving and that's a position that pays about \$100,000.00 a year. And I read in the paper and by the way that position has been filled. My concern is that I read in the paper that Ludlow School System Superintendent Theresa Kane has contracted with an agency that is offering services to the school system in Ludlow two days a week to do the same kind of work that is a Business Manager. I don't know what the per diem rate is but I saw that and I said to myself why can't Agawam start looking at things like that even the School Department where instead of paying \$100,000.00 a year maybe it's very possible to pay just \$30,000.00 a year. And the article indicated that there are other school systems that are also going in this direction and the reason is to save some money. That's a concern that I have regarding that. That's my first point and the second point that I wanted to make is that again I have not heard anything yet, unless Madam President you've heard, anything at all about the ARC Funds, the stimulus funds, if in fact any money has come through for the grant for the School Department because we all know that in Fiscal 2011, the money runs out and I made that point before and I don't mean to harp on it and beat on a dead horse, but I think I won't be here in January but I strongly advise the Council to look very carefully at the budget, the School Department budget and even the School Budget Sub-Committee okay, for the School Department not to deprive students of what they're supposed to get and the services but start looking at some of the other monies that are being spent by the School Department. Remember they represent over half of the budget. It's always, we kick around the town side of the budget all the time but we should give careful scrutiny to the School Department's budget as well. So I do hope when the time arrives and when you finally have an opportunity to meet with the School Department that you keep this in mind because it will be a very difficult year as we all know and we know that there are ten contracts or eleven contracts coming up for negotiations, five of which are on the school side. It's gonna be a very difficult year and I think we have to look at things economically and be fiscally prudent when the coming year comes. Thank you very much.

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – I don't really have anything except I would like to go through the chair to Councilor Perry to find out if in fact we were able to get those lines and cross walks – did you have any progress – at our last Safety meeting?

Councilor Perry – I have not as of yet, Bob. I do have a number of memos from the meeting going out this week. I'll get those down to Barbara so that will be going out with it and as soon as I get an answer, I'll let you know.

Councilor Rossi – Thank you.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – Yes, I believe this is gonna be the last time we meet before the election so I'd like to wish all my fellow councilors good luck.

President Letellier – Thank you. Councilor Perry?

Councilor Perry – Yes, thank you Madam President. I too, Don, would like to wish my colleagues up for re-election the best of luck November 3rd. I'd also like to wish all of the other candidates out there who have put their names up in the public light for public office, the best of luck and ask that all the residents go out and vote and your right to vote is there and do that on November 3rd. Thank you.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I have nothing.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, a question can be brought to my attention during my conversation with some of the citizens about the town local elections. I would like to clarify what's our Charter concerning our local elections. The Agawam Charter calls for the local elections for Mayor, City Council and School Committee to be non-partisan. It doesn't matter if one is a Democrat, a Republican or Independent, you vote for the candidate of your choice. Our fathers of this town wanted to put the political party affiliations aside in our town elections. We are simply here, all Agawam voters, Americans, as one party, exercising our right to vote in our town elections without political party divisions. Please remember to vote November 3rd for the best candidate and be part of the democratic process. Good luck to all. Thank you.

President Letellier – Thank you Councilor Bitzas. Councilor Young?

Councilor Young – Just also I'd like to echo your sentiments and congratulate Councilors Cavallo and Calabrese on their efforts in the mayoral elections process. I thought that was well done. And also wish my colleagues here the best of luck on November 3rd and see you afterwards. Thank you.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – Yes, thank you. I have two items. With regard to TR-2009-39, Barbara, would you be able to contact our Beacon Hill delegation and see if we can get a copy of the bill? I'd kind of like to read the whole bill before I sign on and also on this Friday evening at the American Legion, Rosie Robotics is having its fundraising ziti

dinner. It's the world famous ziti dinner and kicks off at 4:30. Anyone that might need tickets can contact me. Make sure you get out and vote. Exercise your right to vote. A lot of people died and gave their life for their right so don't squander it. Thank you.

President Letellier – Thank you very much. I want to echo everyone and remind you that the election in November the 3rd on Tuesday. Next week on October 28th, Wednesday, will be the forum for the School Committee and the Mayor. Thursday, the 29th will be the forum for the City Council. It's important that you vote but it's important that you make an educated vote so see what people have to say. Listen with open minds and remember to vote. Thank you everybody and have a good couple of weeks. Do we have a motion to adjourn? So moved. Seconded? All in favor? Ay. Thank you very much.

Adjournment.