

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

SEPTEMBER 17, 2008

President Letellier – Good evening. Welcome to the Agawam City Council meeting for Wednesday, September 17, 2008. We're meeting on a Wednesday because yesterday was the primary election.

Item 1. Citizen's Speak Time

President Letellier – We have five speakers. Our first is Douglas Reed. As a reminder, please state your name and address in the microphone and you have five minutes and the Council Clerk will keep the time. Thank you.

Douglas Reed – Good evening. Douglas Reed, 10 Shelley Lane in Feeding Hills. Having become a member of the Ad Hoc committee, initially when this plan for the sewers was put forth it really upset a lot of people. It would have caused an undue burden on the citizens that were directly involved with it. Back in February I spoke before this Council and I challenged you guys to get this project to move forward but to reach a compromise that best suits the interests of the city, the community and all of its citizens. And since that time, I think we've gotten to that point. This project has been broken into phases which make it financially much more manageable for the town and with the way it's designed, it makes it manageable for its citizens and I think that's been key to this whole thing. Also, one of the things that we need to do is we need to recognize that we're under the gun on the time table. We need to be really responsible and get forward with this project. Should we not do this with the permitting process, we may never get a chance again. There are a lot of people that need it, you can't deny that. It's been needed for a long time. I'll give you a personal example. I don't know if you can see this well or not, but this is a photo taken in my basement. Now you can see the pipe that runs here, this goes to my septic system. This item here is also a pipe, it's coming out through the floor and goes out through the foundation and out to the street. At the time the house was built, my father-in-law who built the house was told by somebody from the town that in three or four years, you'll have a sewer. So my father-in-law being either the eternal optimist or a person of preparation put this pipe in. And we're ready. Unfortunately, we've been ready for twenty-two years! The house is 22 years old. I think it's far time that this project gets going. I got on the committee because I was interested in how it was going and to be able to have some input and oversee what's happening in this town and of course in interest to myself. But being on the committee has not gained me anything because my house, if it's in, would be in Phase 6 and Shelley Lane isn't included in Phase 6 so, I don't know when I'm going to get sewers. However, I support this totally, totally, this needs to get done, we don't want to look back and go geez we spent \$400,000.00 and we got permits and everything and then we didn't do anything with it. That would be criminal! As criminal as the fact that for 22 years in my case and over 30 years in some people's case, they've been waiting and anticipating this is gonna happen and it hasn't been happening. We don't have much of a turn out tonight because frankly I think what has happened is a lot of people have grown

complacent that it'll never happen. But it doesn't mean that we don't need it. There's homes that desperately need it. In my home we're fortunate. When it rains for a couple of days, we just don't do the wash. That's how we have to live but we've gotten used to it. But there are other people that on a daily basis have to deal with this and unless we start the preliminary part of this project and breaking into phases which is absolutely the most sensible way to do it, I got a feeling that the people of Feeding Hills are not gonna see their sewers. So I would ask that the Council be very responsible, vote in favor of this, get this project off the ground and get it moving forward. Thank you.

President Letellier – Thank you Mr. Reed. Next we have Paul Schmaelzle.

Paul Schmaelzle – Good evening, Council members. Can I put this up here? It's so much better for me. Unfortunately I'm here to speak negatively against this project.

President Letellier – Sir, I'm sorry, before you – we need your name and address.

Paul Schmaelzle – Oh, I'm sorry. Paul Schmaelzle, 400 South Westfield Street, Phase I of this sewer project. I am addressing the board or the council; excuse me, because I know you're voting on this tonight. I think you need to hear some of the things that bother me the most about this project. Even though people worked hard on this project to get it to where it is now, I do not agree that spending \$3,730,000.00 is a very fiscally responsible decision to make at this particular time. With all of the stress on our present economy and some of you might remember the great depression of 1933, well maybe not any of you, it happened in October. We have indicators now that the fiscal economy of our country is in bad shape. Freddie Mack, Sally Mae, AIG, Lehman Brothers, they're all going under! Do you want to put the town into a four million dollar debt right now? I'm serious about this. You know you may think that every tax payer can absorb that but not all of the tax payers can. They all have stocks, they all have bonds, they're worried about their financial futures, they don't need another bill right now. Okay? Is it fair to put this burden on the tax payers of Agawam? Especially for the first phase which is only thirty six homes. That's 1/1000 of the population of Agawam. 1/1000! You're gonna spend \$4 million to get it started. The other concern I have being brought up in Agawam my whole life is the conservation. I'm fortunate and I have a little bit of land and I live in a natural environment. I played as a kid in that area that is gonna be opened up for development by putting this sewer in. I don't want to see development. We pay a portion of our taxes to the Conservation Committee to conserve land and yet, we're talking about opening all this land up by putting in a sewer to develop land. It's a contradiction. It's not fair. There is going to be no open land left in Agawam if we continue this mentality. We have to realize how valuable our natural resources are. Are we saying that we can go ahead with the sewer; we can develop one of the last remaining open areas of land in the town? I would hope not. Where will the animals and the other natural organisms live go? When they built the Veterans' Cemetery they displaced raccoons, skunks, deer, turkeys, everywhere, this area is heavily populated with those types of animals. Okay? Agawam will become an example of how to destroy a natural ecosystem so we can develop land for profit? I hope not. And finally my last concern is that the cost of this project - \$4 million – could be much better spent, if you really want to

spend \$4 million spend it on a project that will affect a large part of the population, maybe a youth recreation center. There was no problem spending money on the senior center. I'm concerned that this phase one, which is going by my house, which is planned for 36 homes again about 1/1000 of the population, that this money would be better spent on a larger group of people that would benefit from it, if you so desire to spend that.

Clerk – One minute please.

Paul Schmaelzle – Okay. So I do not want to pay an extra 300% over my water/sewer bill now for the rest of my life. I would definitely say that the cost of this project is much more than we really should get into right now. Okay? Thank you. I would also like to take one second to thank those people that really did work hard on this project to get it to where it is, but unfortunately I do not think that it's fiscally responsible or conservationally responsible at this particular time, plus the fact that it would take years and years to get this built. Thank you.

President Letellier – Thank you Mr. Schmaelzle. Our next speaker is John Cappuccilli.

John Cappuccilli – Good evening. My name is John Cappuccilli and I live at 50 Red Fox Drive in Feeding Hills and just to address some of Mr. Schmaelzle's concerns, I had something written here but I'll just speak ex temporaneously now. The reason we're here is to get this project started and as far as conservation of land I think Agawam has a very good handle on open space. One of the reasons that we're here is because of poor planning thirty years ago and these homes should have never been built without sewers. But now they've been built there and the older homes and newer homes some will need sewers and some of them won't. I think this is a fiscally responsible plan. This is the foundation. I know the homes there probably don't need it but it's a good insurance policy to have a sewer trunk line run right by your house in case you do for the \$2500.00 that you really don't have to hook up to it. This is the foundation that we have to start. This is where we have to start. After five years of the phase study this is the most cost effective plan for the town. Too much time and money and energy have been put into this project not to approve the funding tonight. This project has been re-designed to make it affordable for all the tax payers and for the town itself. Again, this project has been debated and studied to death. We have looked at all different types of plans and this is the plan that will work. This is the plan that we have to move forward with. I'd like to get this thing done now because if we put it off and we put it off, it's gonna get more expensive as time goes on. It's never gonna get any better. I think Agawam has a good tax base, we are in a good position now to fund this project. Yes, the country is going through different phases but it's always going to be going through different phases. The economy has its ups and downs. This community I think has a lot of plusses with the industrial base, Six Flags, low tax rate and a low sewer rate. I plan to retire here. I've been a resident here since 1976 and one of the reasons, not then, I picked this community because of the school system and it looked like it had good community values and a lot of nice people live here and I plan to retire here. It's got a low tax base and I would like to have sewers. I don't want to spend \$30,000.00 on a raised system like my neighbor has. I really don't so I think this is a good insurance policy even if you don't need it and I

recommend moving forward tonight. And again I'd like to give a special thanks to Joe Mineo who started with this project and also to Bob Rossi who's spear heading it now and all past and present members of the Ad Hoc Committee. Thank you very much.

President Letellier – Thank you Mr. Cappuccilli. Our next speaker is Karl Schmaelzle and I'm sorry there's not much I can do about this feedback.

Karl Schmaelzle – Hi. My name is Karl Schmaelzle and I live at 85 Independence Road and I'm much younger than my brother who spoke before me and obviously after I speak you'll realize that we didn't even talk about this together. But the bottom line is I used to live at 336 South Westfield Street and about 25 years ago I came in front of this council and some of you people were here, I won't mention anyone cuz I don't want them to think they were that old, but and I asked you people to vote against Route 57 because Route 57 was gonna be in phase one and phase two and I said if you're not gonna build the whole road don't build anything because I don't trust the way things go. I know how money gets tight and everything else. Well, I'm coming back to you now. May 5, 1985, the State knocked on my door and said you have four months to get out of your house or you have to pay \$750.00 rent. I'll repeat that May 5, 1985. I could still be living in my house today because not one thing has been done in the last 23 years that affected where I lived on South Westfield Street. Now, going on, I'm a second generation in this town so my parents bought their property in 1949. They live on South Westfield Street next to my brother and have never had one problem with their septic. Never. And I would bet to say the 36 home owners that you're gonna charge now don't have any problem. I wouldn't be standing here now if you were gonna bring this up to Bradford Drive where they really need the sewers but since this is not going up there and stopping at the Training School – I look at it this way. This project right now, if it dies, and I'm not saying it's gonna and I'm not saying it's gonna go forward, but if this thing dies, we're gonna have 700 condominiums, we're gonna have an industrial park probably where the town bought the land from Hampden County and everything's gonna be done. Yet we want to do that but we could have gotten \$900,000.00 in taxes but we turned down Lowe's on Route 57 but we want to build all this area up. It, for my parents who are 91 and 89, \$4,100.00 is a lot of money, another \$2000.00 to connect and then whatever else it's gonna cost from the connection to the house. They're gonna have to start paying the sewer tax, obviously it's not gonna be long for them but maybe if my kids buy the house it'll be a long period of time for them. So what you're asking us to do is to take 36 homes who don't have a sewer problem to be the first part. Now I was wondering if anybody looked into maybe coming off Losito Lane or off of Shoemaker Lane somewhere and going through all the land that the state the town owns right now, that's at the Training School that borders almost borders Shoemaker right behind the golf course.

Clerk – One minute please.

Karl Schmaelzle – Okay. Talking about the first person to talk, Route 57 when it was supposed to be built, you were gonna put a sewer line all the way down to South West Street and that was gonna take care that whole area. So that's where his father-in-law

was told, don't worry you're gonna have a sewer because they were promised the Route 57 was gonna go through and that's why they don't have a sewer. And I don't see why we should be paying, if we're the first phase and we're not gonna use any pumping stations, why should we, our section, the first section, be charged with the pumping stations also? (which I am told) So therefore, the other person in front of me said it's a criminal act, I think it's a criminal act to start this project to go for only 36 homes that don't need a sewer and not take care of at least Bradford Drive. Thank you.

President Letellier – Thank you Mr. Schmaelzle. Just a reminder for future speakers that you have a microphone so if you get to loud it is harder to hear you. Our final speaker is Lorenzo Mancuso.

Lorenzo Mancuso – Hi. My name is Lorenzo Mancuso. I live at 57 Barbara Lane in Feeding Hills. I am speaking in favor of the sewer system. I'm actually in I think Phase 4 of this. I was against it when we proposed for the \$32 million. I think we need to move this thing forward cuz if we don't move it forward this time, we're never gonna have sewer systems in Feeding Hills. You might as well scrap this. We've spent \$400,000.00 on the plans and permitting but if we don't get Phase 1 off the ground, there won't be any sewer system in Feeding Hills – ever! I think the cost will get extremely too high. To answer one of the questions of the other gentleman, Phase 1 is NOT paying for pumping stations. That has nothing to do with Phase 1. Phase 1 is just right there (yes it does) No, it's actually stopping right there. (Ask the council) I've been to the meetings. I've been to all the meetings lately and I've been keeping up on what is going on here but I think that's the reason why the cost is so low and is keeping it low for these residents. That's why the rooms not full tonight and I was here in February when we had 300 people here complaining cuz the cost was too high. But there's gonna be more people, this is an investment for the future for people who don't have problems that need to get that line down their street cuz when they do have a problem it'll be cheaper for them to hook up into this. And actually it breaks out for twenty years the cost to the residents \$100 a year so I don't know whose bank that's breaking, that's not breaking anybody's bank over twenty years. So if anybody has a complaint, I don't think there's anything to be complaining about. You spend \$100 going to the gas station filling up your SUV, you know? There's really nothing to complain about. I think the council needs to vote this in and thank you for all your time. Thank you Joe Mineo for all the hard work you did and Bob Rossi and thank the rest of the Ad Hoc Sewer Committee. Thank you.

President Letellier – Thank you Mr. Mancuso.

Item 2. Roll Call

President Letellier – Barbara could 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?

Item 4. Minutes

(a) Regular Council Meeting – September 2, 2008

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

ROLL CALL – 11 Yes

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

Item 5. Declaration from Council President

(a) City Solicitor to speak regarding Tennessee Gas settlement

President Letellier – I have a couple things. The first is the School Street Park will have its Grand Opening on Saturday, October 18th. The council will be getting a formal invitation but I wanted the public and the council to hold that date open and along with that date, the Rotary Club is gonna have its Harvest Festival. If you remember last year it was on the Phelps' Green. It will also be part of the School Street Grand Opening. I understand there will be a lacrosse game, there'll be some tours. So it looks like it will be a very full day. So everyone hopefully can put that on their calendar. And then Barbara, I just wanted us to do a follow up to Deb Dachos that the Council still wants to support that presentation for Mass Highway. The Mass Highway meeting I think she said was the end of October so we need something on the Agenda for the first October meeting so we can vote to support it. So if you could follow up with Deb on that Barbara? Okay. And that's all I have for declaration from Council President. The Solicitor was here and dropped off a written memo to us and that was sufficient for the rest of the Council. So we have let the Solicitor go home.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

- 1. TR-2008-20 - A Resolution Requesting the Mayor to Appropriate Funds for the Board of Appeals to Employ Outside Counsel for the Appeal of the Special Permit Granted to Six Flags New England. (Council) (Tabled 9/2/08) (Majority of those present and voting)**

President Letellier – The last I checked with the Mayor this case was still pending. The neighbors have not dropped it and I can see that she is nodding in the audience that yes, in fact, the neighbors have still not dropped the case even though there is no roller coaster to be built. So the item has been tabled. What's the council's pleasure?

Councilor Rheault – Move to leave it on the table.

President Letellier – Move to leave it on the table by Councilor Rheault, seconded by Councilors Cavallo and Messick. Barbara, could you call the roll?

ROLL CALL – 7 Yes, 4 No (Councilors Bitzas, Calabrese, Simpson and Young)

President Letellier – With seven yes and four no, the item remains on the table.

2. TR-2008-46 - A Resolution Authorizing an Appropriation of Seventy Thousand (\$70,000.00) Dollars from the Stabilization Fund to the Middle School and Junior High School Textbooks and the Senior High School Equipment Account Committee) (2/3 Majority of the Full Council or 8 votes)

President Letellier – That was Charter Objected at last agenda so this is strictly a roll call vote. A yes vote is to approve the Authorization for the Appropriation, a no vote would be to deny the appropriation.

ROLL CALL – 2 Yes (Councilors Simpson and Bitzas), 9 No.

President Letellier – With two yes, nine no, the matter has been defeated.

3. TR-2008-48 - A Resolution Authorizing an Appropriation and Loan Order in the Amount of \$3,730,000.00 for the Construction of Sanitary Sewers in the Town of Agawam. (Mayor) (Referred jointly to Ad Hoc Sewer and Finance Committees) (2/3 Majority Vote of the Full Council or 8 Votes)

President Letellier – Do we have a motion? Moved by Councilors Rheault and Cavallo, seconded by Councilor Rossi. First we'll have our Sewer Committee report and then we'll have the Finance Committee report. So Councilor Rossi?

Councilor Rossi – Thank you. The Sewer Committee, the present Sewer Committee met a few times since I've been appointed in August and what we did basically is we took the previous project and scaled it down into six phases of equal parts. Coming up with a project that makes sense to the Ad Hoc Committee and I think it makes sense for the community and the residents up there. What we did is we broke it down in the first phase and that first phase is going to be running from Shoemaker Lane westerly along Route 57 corridor to South Westfield Street, as we said earlier to the area approximately to the Training Center, the Police Academy up there. And that is a gravity area requiring no pumping stations. And to answer some of the questions that were out there and obviously the people that came to speak today weren't at any of the meetings so for that purpose I'll just inform them that this isn't primarily for the 36 residents. It wouldn't make any difference if there were 36, 360 or 3600 people there. This is the only way that the project can take place. It has to come in that direction. We need to build east to west because the sewer system will flow west to east. Our engineers have researched this thing over and over and over again and this is the most feasible cost effective route. It's

the route that needs to be taken. Now I understand the sentiment out there to try to get and reach these people with the most need, but trust me when I tell you, this is the ONLY way to reach those people. And if we fail to do anything, those people will not be reached in time to be helped. Now there are people up at Bradford Drive that need our help now. So if we delay this project, we're talking about reaching them probably ten years from now if we reach them at that point at all because as I alluded to earlier, we have other impact studies that if we fail to exercise our the plan that we have in effect right now, we'd lose our impact studies not to mention the cost of our dollars but it sets this project way, way back. We just can't afford to do that. And I mentioned earlier, the worst case scenario is and Mr. Schmaelzle stopped and he was forced out of his home, well that's unfortunate. Things like should never happen but the fact of the matter is if we don't ever do anything right now until we do have money saving and it does come from very extreme times, this project will at least have taken us through the area that's most critical. Get us through those impact areas, those environmental areas because most of the infrastructure if not all of it will be right down the center of the streets and those will not be issues any more. And we can take it at a pace that we can afford to go at. So this is a very crucial and important step to take. So it's not all about helping out 36 people or not helping the people that are most affected, it's the point that we need to get this thing started so that we can continue. And as I said we broke this thing down into six phases at about \$33,700,000.00 per phase. This first phase as I said is gonna come from Route 57 down South Westfield Street, it's also gonna take care of Feeding Hills center area from Stop & Shop and increase those sewer lines for future phases to come through. Those sewer lines right now are ten inch phases, ten inch lines, excuse me, and we're gonna increase them to fifteen inch lines and we're also gonna take the bow out of the center of those lines. In addition to that we're gonna acquire the land necessary for the future pumping stations. The reason that we do not want to go forward with two and three, the second and third phase of the project, it would just be too costly to do and one undertaking. And that's the reason that we stopped with the first phase. We want to try and keep the cost as low as we can to try to build as we go, pay as you go, if you will. By doing this, we keep the cost extremely low, affordable to the residents up there, something that the town can very easily handle through our general and special assessments, in addition to the increase in the sewer usage fees. The monies that we're going to be bonding here, and we're gonna be asking this council to vote on tonight, will be a bond order for the \$3,730,000.00 to be paid exclusively from those general and special assessments and through the sewer usage fees. This will not affect the tax budget whatsoever. It will not, any of these revenues, will not be generated through our tax dollars. The people in the future phases, Phases 2, 3, 4, 5, and 6 will not take any part in paying for this Phase 1 project. You will not be asked to pay your betterment, general and special assessments until the construction is through your area. When the sewer comes through your area, then you will be asked to pay, in the first phase, \$2557.00. If you want to hook up to the sewer at that point, you'll be asked to pay \$1600.00 in addition and that'll be voted on later on and I'll go into that a little bit later which allows the city at their cost to put that fee in a lateral to your property line. Now if it were me would I want to hook up or not, I think I would opt to go with the \$1600.00 plus the \$2500.00 then you could take and put it to your own house whatever level that you wanted to, whenever you had the money to do it. But the long and short of it was, the

\$2557.00 is the general assessment that you'll be asked to pay for a period of between one and twenty years if you choose not to pay at all off at once. Okay? And I'll go into the later one because that's another order that'll we'll be asking the City Council to address. Okay? So without laboring this thing any more, we're gonna be moving forward with Phase 1. It will require three separate actions as I said by the Town Council. The first is a bonding order authorizing the borrowing of \$3,730,000.00, the order is attached here tonight. As the waste water operate under the Enterprise Fund which we established earlier on this year, the borrowing will be repaid by income generated from the waste water operation and not from the town's general reserve, as I said earlier. So all of the revenues, okay, it is estimated the principle and interest payments for Phase 1 would require a 21 cent increase on that user fee, the sewer user fee and the current rate now is \$2.40 which means it would be increase to \$2.61. The adjustment will not be made until the bond repayments begin. So we will not have to, that sewer rate will not increase until the actual bond payments begin to be paid. The second item that the Council's going to be asked is going to be the adoption order of the public notice of future betterment assessment. The actual assessments would be made when the project is completed but the notice will be placed in record in the Hampden County Registry of Deeds advising all perspective purchasers that there is this sewer assessment on that property. So that's the other second part that this council will be asking for, and the final that we'll be asking the council for consideration is the adjustment for the sewer entrance fee. That's the \$1600.00 that I talked about earlier that the council will give the authorization for the town to charge the people the cost commensurate with putting that material and the labor of bringing that pipe, putting that T in and the lateral to your property line. That's what the actual cost of that would require so we will be asking the council to approve, that the Department of Public Works have the authority to charge the property owners that \$1600.00. I hope that I have addressed all of the issues with the City Council. If, Madam President, if there are any questions, I would be more than happy to answer them at this point. But the Sewer Ad Hoc Committee comprising of myself as chairman, Councilors Don Rheault and Dennis Perry are on the committee and I thank them for all their help, all their support, they were just tremendous. And all of the people out here, some of them who spoke tonight, Doug Reed, John Cappuccilli, Lorenzo, I want to get everybody that helped. Dennis Stempel, I have a list of everybody on the committee but I just don't have it in front of me, do you have that list? Okay, we have Doug Reed, John Cappuccilli, as I mentioned Dennis Perry and Don, Paul Lagasse was there as a member, Lorenzo Mancuso, and Paul Cavallo, who was the newest member as an alternate, he was just appointed and I want to thank him for helping me, and Dan Lacienski who wasn't there and Ron LaRiviere. I hope I didn't miss anybody. All you people were invaluable and I appreciated your support and your help. Without your help and support I don't think that this project would have gotten going. You the people that are out there in the front lines out there in the community, trying to restore some of the confidence in us up here with the towns people, I know there was a tremendous bull the first time this came through and I know that we had to kind of get the people back on track and thinking in a positive direction. So I know it's a big undertaking here and if there are any questions, I'll be more than happy to take any questions. I'm sorry. We did vote positively to give a positive recommendation to the full council in support of all three of these items this evening. Thank you.

President Letellier – Thank you. Any questions for any members of the Sewer Committee? No? Do we have a report from the Finance Committee? Councilor Calabrese?

Councilor Calabrese – Yes. I'll go over that report.

President Letellier – Oh, I apologize. I didn't see your light on Councilor Mineo.

Councilor Mineo – I just got a couple questions. When we're doing Phase 2, 3, 4, 5, and 6 will there be, will that sewer district ordinance be coming back on the agenda?

Councilor Rossi – You mean the one,

Councilor Mineo- The one that got defeated back in February.

President Letellier – Only one light on at a time otherwise there's too much feedback.

Councilor Rossi – I don't know if I understand your question.

Councilor Mineo – The sewer district ordinance that got defeated in February, will that be coming back on the agenda for Phase 2, 3, 4, 5, and 6?

Councilor Rossi – No, that project that was defeated is not here today. That's not the one that's here at all. What we took was the original phase and we had broken it down into bite sized pieces that we could afford to go forward with. But the original motion that was made, the project that was before us before was defeated and this has nothing to do with that other than we had taken the same impact studies, the work and all of the designing and all that stuff that was prepared was all used certainly in part of it but this project that's going forward now is going to be done strictly in phases. We have a projection of the future phases before us and a cost analysis of future phases and we will take them. Hopefully, when Phase 1 is underway, it is my position as soon as Phase 1 gets underway and the first shovel goes into the ground, I will be calling members of the Sewer Committee together with the Engineers and everything else to get Phase 2 and Phase 3 started so that we can get everything ready at the completion of Phase 1. So I don't know if that answers your question.

Councilor Mineo – So it, the Mayor will not be putting that on the agenda? This Sewer District Ordinance that the former Mayor put on for the Phases 2, 3, 4...because it's, we're not going to be going off, this first phase is going off the last sewer project so I'm assuming phases 2, 3, 4, 5, and 6 aren't going to be going off that first phase?

Councilor Perry – Point of privilege, Madam President?

President Letellier – Certainly, if you have more information.

Councilor Perry – I think what Joe's asking if you remember when the original project was presented to the Council, there was two items of agenda before the monies issues came before us. One was to create the Enterprise Fund which we did, the other was to create a sewer district which would have encompassed the whole area that this project would take care, all the residents and in creating that we would have put the total cost burden onto those residents. We as a council voted that down. So I don't foresee that coming, Joe. The Phase 1 of this project as presented, the cost is going to be spread out through the betterment fees, through the sewer rate increase, out of that Enterprise Fund so the cost is going to be spread throughout the whole community whereas before if we created that district it would have been just to those residents. So if it does or if it ever is proposed for the next phases to be a district, this councilor is not gonna vote for it. So, if that clarifies your question.

Councilor Rossi – Thank you. It's coming to me now, you're absolutely right. This is not gonna be a total district. This is gonna be taken phase by phase and not as a total project like it was before so if we had created a sewer district then everything that we voted on here today would affect everyone in that district whether they got the sewers or not. No one will be affected until the actual construction goes by their homes. Before under the other project when we created a total district, the people up in like Doug for example that lives up on Shelley Lane would have to be paying the minute the first shovel went into the ground over on South Westfield Street. Well that wouldn't be fair to him, he probably wouldn't get his sewers for five, six, ten years but yet he would be paying that preliminary cost of the construction. The way it's set up now it's to be done phase by phase in separate parcels and only that parcel will be paying the cost of the construction and the only increases at this point will be whatever costs commensurate with the cost of the construction – will be the only increases in the phases as we go along. And hopefully we can generate some revenue as we go along but then no, to answer your question, no there will not be a district.

Councilor Mineo – And I just have one more question, I asked this the other night at the meeting and I actually had a few phone calls from folks that live in Feeding Hills that will be part of Phase 4 and 5 and they're asking me what is the cost per household or per home going to be? I know at the last meeting it didn't seem like I got an answer to that question. I mean is it going to be \$8,000.00? Is it going to be \$10,000.00? Is it going to be \$12,000.00? I just want to know is there a ballpark figure that we can tell people that it's gonna cost them?

Councilor Rossi – Well, I thought we addressed that at the sub-committee meeting but just to go over it again. To figure out what it's gonna cost people in 4, 5, and 6, I really can't tell you. All I can tell you is would be my best guesstimate. What we have done is we have taken the old ordinance that has been in affect since the 80's and that was based upon the construction price index and that's what everything is worked off over here. That index is what they value the cost is to do the construction up until 2010 under this Phase 1. So and with all of those figures plugged in, we came up with a total assessment between the general and the special assessments, a total of \$2,557.00. Now that was broken down in two ways. One was the special assessment of \$1,750.00 and the other

one was \$807.00 and that's how we come up with the \$2,750.00. So to answer your question, when we get into Phase 2, Phase 3, Phase 4 and so on, if we're basing \$2,557.00 on this first phase and say three years or five years from now the cost of construction may go up 10%, 5%, I have no way of knowing but whatever that percentage increase would be, would be the percentage increase that they would have to pay. Probably and more than likely I would say there will be an increase to the tune of maybe \$100.00 maybe, two hundred dollars maybe, I'm not sure, but certainly not thousands I can tell you that. It wouldn't be thousands so I can give you my best guesstimate maybe \$3,000.00 Phase 5 and 6? Maybe six or seven years down the road? I don't know, could be less. If you needed a ballpark figure I guess that would be it.

President Letellier – I think I can help a little here. I remember this discussion at the sub-committee meeting. If you look at the second page of the memo we got from Jack Stone dated August 26, 2008, on the second page the first full paragraph states “Special Betterment Assessment” and it talks about this EIR, this engineering cost construction estimate. And it talks about how the figures would fluctuate based on the engineering costs construction index. So it says, the EIR index is currently \$8,300.00 and it's estimated to rise to \$9,000.00 by the time the construction bids are obtained. So from \$8,300.00 - \$1,750.00 is just proportioned and I'm not an accountant here but it will rise by the same proportion as the engineering cost to construction index which is a federal index. We have no control over that. And I think as each phase comes forward, we'll have more precise figures based upon the construction cost index. I know it's not an exact answer Joe but at least we know how the formula gets derived.

Councilor Rossi – And it is the same for everyone in the entire system. Everyone is going to be using the same formula here.

President Letellier – Yes, Councilor Perry?

Councilor Perry – Yes, just to shed a little more light on it. Barbara was kind enough to look these up for me. I got TR-1987-7, so that's 1987 and this was the same thing – the betterment fee formula – that we'll be voting on tonight is the same one that they voted on, the council voted on back in '87 for northern Feeding Hills when they had those sewer projects in place. It's the same formula that's used across the state, so it's the fair way to do it. We hope, by voting this tonight, that will be inclusive for the following phases as we move forward with them. It's a basic formula. It's based on a betterment fee assessment of \$700 divided by the \$3600 and multiplied then by the construction rate, engineered construction rate of the time. So it's a formula that's used and will keep in place for the future projects. The only cost increase is going to be the increase in the actual construction costs, if you follow what I'm saying.

Councilor Mineo – No. I understand but I think it's very important that the public knows what they are going to be paying. Other than that I'm in favor of the project but I just think we need to educate the public. Thank you.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yes, I think this was brought up at the meeting that we had but my concern and I've had some people ask for this, is the sewer tax. When we get to Phase 2, Phase 3, Phase 4, are you projecting that to be increased? Phase 1 is 20 cents correct? Will that go to 40 cents the next time? \$.60? And is there, did Mr. Stone address that at all at the meeting?

Councilor Rossi – If I remember right, and to sit here and tell you what precisely it will go up, I don't really know, it will go up. I feel that based on the projections of the previous program, that those fees were scheduled to go up and this is a projection, 70 to 85 cents on the last projection. This phase here we ended up at 20 cents. Now if it goes up twenty cents for six phases that'll be like a \$1.20 right? Totally so we're at \$3.40 right not, so you're talking \$3.60. I think that if you were to look at in comparison to surrounding communities and towns, some communities and towns are paying over \$5.00. Most of them are paying well over three and the majority seems to be paying around \$4 to \$5 on their user fees. So currently...it's hard to project because you got to remember that more users that are coming on board, it's gonna bigger the pie here. So the bigger the pie obviously the lower the rate and we're hoping that we're generating through this Enterprise Fund another surplus that those projects can be, we can bring those rates down a little bit because that's one of the things that allows us to do under this Enterprise Fund is offset rates. It to be used to maintain the system and other betterments of a system but it's also used to reduce the rates. I was in hopes, I touched on this at an earlier meeting, that I was in hopes that that could have been done with the water rates earlier rather than poured into a DPW garage but that didn't happen. Hopefully here by generating the people on the system and the more people that come on board, maybe the rates can be controlled somewhat.

Councilor Cavallo – Yes, and I think that it's important for us to make the rest of the community know about this because eighty percent of the town from what Mr. Stone said has sewers. So that 80% of the population is financing part of this project. We have to keep that I mind in that remember I talked about public relations and so forth, it's important to naturally educate the people who are going to be receiving the sewers somewhere down the line but I also think we should also inform the tax payers, 80% of them, who are also funding this program that this amount is being increased because we are trying to help these people out in Feeding Hills and don't expect maybe down the road that there'll be other increases as well.

Councilor Rossi – Again, that's correct, that's absolutely true...that isn't anything more than hasn't been done throughout the entire project to this time. The people and everybody got to start somewhere, that meant that somebody had to help subsidize somebody's else's sewer. I had to help somebody else and you had to help somebody and those people come on board and they're gonna have to help their neighbors down the road and that's just the way the system is built to work. The only thing I can tell you in that regard is that the system is fair for everyone. Everyone is going to playing by the same rules and all them are using the same ball here. Okay?

President Letellier – Councilor Simpson, did you have a question for the Sewer Committee or just a general comment because we haven't had the Finance Committee report yet?

Councilor Simpson – I just had a, actually you know what; I'll save it as a comment for later.

President Letellier – Are you sure? Okay, that's fine. Let's have Councilor Calabrese give the Finance Committee report.

Councilor Calabrese – Thank you. Councilor Rossi gave the bulk of the report. Present at the meeting, the Finance Committee actually met twice regarding this matter. Once in conjunction with the Sewer Sub-Committee and then again this evening. At the Sewer Sub-Committee meeting we had present Councilor Rossi, Councilor Dennis Perry, Councilor Joseph Mineo and myself. Councilor Young who is the chair of the Finance Committee was at work because of the storms, he's kind of held up. Anyway, the Finance Committee at that time did take a vote a voted 4 Yes, 1 Absent to support TR-2008-48, -49, and -50. Thank you.

President Letellier – Thank you. Councilor Simpson?

Councilor Simpson- All set for comments now?

President Letellier – Yes. General discussion.

Councilor Simpson – Okay, great, thank you. Just a, I guess it's more of an observation that's why I held off on it. When Councilor Rossi was talking and giving his report, another thing to be made aware of for the public to know cuz when you're doing something like this and say as we all know there's things that are not in our control, things happen, prices, and he did mention something about the fact with more people coming on board with the sewers, it helps with the sewer rates and helping to help with the cost but I have a concern that just because we put the sewer in to different areas, doesn't mean everyone's gonna hook up which thus they will not be a user. So I don't know if people have built that into their statistics. I'm sure people who are really in dire need which seems like most of them are but a little bit further down the line. You can probably count on them for hooking but there's, I know I've had a lot of people when this whole thing started back in February call me saying "I have no intention to be on a sewer. I have no issues and no problems." So even if it's there I have a feeling that there's gonna be people who just aren't gonna hook up. It will be there for their advantage at some point but they may not hook up for twenty years, twenty five years down the road so I think that's something we have to keep in mind that the increases right now are just, who would have dreamed gas would have been this high a year ago and things like that. We just can't predict that so I just want to make that aware out for the whole general public that what we're thinking now may be vastly different five years down the road for costs. Thank you.

President Letellier – Thank you. Any other discussion? No? Seeing none, Barbara, could you call the roll? We need eight votes. A yes vote is to approve the Resolution and Loan Order in the amount of \$3,730,000.00 for construction of sanitary sewers in the Town of Agawam.

ROLL CALL – 10 Yes, 1 No (Councilor Simpson)

President Letellier – With ten yes and one no, we've approved the money order.

4. TR-2008-49 - A Resolution Adopting an Order of Public Notice for the Pending Assessment of a Portion of the cost of Phase I of the Southwest Area Sewer Project to the Abutting Owners. (Mayor) (Referred jointly to Ad Hoc Sewer and Finance Committees) (Majority Vote of those Present and Voting)

President Letellier – Do we have a motion? Moved by Councilors Perry and Rossi, seconded by Councilor Cavallo. This is strictly to put a notice in the Hampden County Registry of Deeds so future land owners know when they're looking to buy a house if in fact they're in this Phase 1. Do we need a further report from the Committees?

Councilor Rossi – The Committee did recommend that we move forward and give a positive recommendation on all of them. I think I touched on it earlier with that we did give a positive recommendation that these go through. It's a necessary part and I touched on it earlier because as you said, Madam President, this is just an order allowing us to register with the Hampden County Registry of Deeds which has to be done to let them know there is an assessment of the \$2,500.00 and just for that area, the Phase 1 area, not the entire district, but just that Phase 1 area. Thank you.

President Letellier – Thank you. Any further discussion, comments or questions? Barbara, could you call the roll? This needs six votes.

ROLL CALL – 10 Yes, 1 No (Councilor Simpson)

President Letellier – With ten yes and one no, you've approved publishing the notice.

5. TR-2008-50 - A Resolution Approving Sewer Connection and Service Charges Fixed by the Department of Public Works. (Mayor) (Referred jointly to Ad Hoc Sewer and Finance Committees) (Majority Vote of those Present and Voting)

President Letellier – Do we have a motion? Moved by Councilor Rossi, seconded by Councilor Perry. Any further discussion? I'm sorry. Any discussion? No? Seeing none, Barbara, could you call the roll? A yes vote is necessary to approve the charges. Six votes are necessary.

ROLL CALL – 10 Yes, 1 No (Councilor Simpson)

President Letellier – With ten yes and one no, you have approved the new sewer charges.

Item 7. Report of Council Committee

(a) **Rules & Regulations** – Councilor Calabrese

Councilor Calabrese – Thank you. I actually prepared some typed notes and were dispersed to all of the councilors this evening and I know we can all read very well. Just briefly what we're gonna be doing is codifying, updating the Rules, making things more uniform, clarifying once and for all the number of votes that are gonna be required to pass ordinances and approve bonds. I know those already in Mass General Laws but basically what we're gonna be doing is updating and codifying. We met in July and I wanted to thank my fellow council members, Councilor Rheault, Councilor Cavallo for their work on that. What I am going to be doing is I have a draft proposed from some changes to our current rules as they exist. We're gonna be updating them and modernizing them. The committee will meet again. Probably not in October I'm thinking maybe closer to November cuz in October our agenda is gonna be pretty full right now to get that stream lined. Thank you.

(b) **Utilities & Street Acceptance** – Councilor Mineo

Councilor Mineo – Nothing came before my committee this quarter. Thank you.

(c) **Licenses** – Councilor Rossi

Councilor Rossi – Yes, thank you. We really had no major issues come before the Licensing Committee. We had a few renewals come through and we did meet informally to give recommendations to the body but there really wasn't any action. Thank you.

(d) **Public Safety** – Councilor Perry

Councilor Perry – Yes, thank you, Madam President. Our committee, Public Safety Committee, met twice in this last period. We had three items of agenda that came before us, TR-2008-42, -43, and -47 all having to do with no parking on various streets in our community. All three were voted on by the Full Council and that's about all I have to report at this point in time. Thank you.

President Letellier – Thank you and did you speak to that person I heard you refer to something about a week or so ago?

Councilor Perry – I have not yet. As of yet I am still waiting to confer with Jack Stone.

President Letellier – Okay. That's fine. I know you're on top of it.

(e) **Ordinances** – Councilor Rheault

Councilor Rheault – Yes, we had two meetings since our last report regarding signs and the building height requirements and jointly with zoning and in front of us is Old Business regarding the public hearing which will be October 6th. We've instructed the attorney to draft up some proper language to see if it's palatable to the full council which we will present at that time.

(f) **Zoning Review** – Councilor Messick

Councilor Messick – Councilor Rheault covered it. We had joint meetings on July 9th and July 29th with Zoning Review and Ordinance together. The ordinances TR-2008-2, -3, -4 were discussed numerous times and we really have been working hard on hammering out the problems and listening to the public as far as getting input on the, especially the height ordinance for Six Flags which is gonna be in front of us for a public hearing. And we are with the sign ordinance which I believe is in more or less the form it's gonna take for the public hearing. As far as Zoning Review by itself, I have been working rather hard reading stacks and stacks of paper that Barbara and Gina have provided to me regarding Zoning Review and revision of our current zoning ordinances. Many time, many, many times in the past and I know that reading through this stuff, a lot of you have been the head of the Zoning Review Committee and pretty much everybody has said zoning needs to be revised starting in the 70's. This is something that I feel very strongly about and something I'm pursuing. I just asked Barbara to set up a meeting, a joint meeting between the Zoning Review and the Master Plan Committee because I think I've got a good idea that the Zoning Review and the Master Plan planning can go hand and hand together and possibly save us a little funding by doing both but this is something that you'll be hearing about more in the future. Thank you.

President Letellier – Thank you. I gave to Councilor Messick, some of you will remember, the town spent \$10,000.00 to hire a zoning expert and I have a file that's about yay thick and so I turned it over to Councilor Messick. So hopefully she can get a little further, further along with that.

Councilor Messick – It's very interesting.

President Letellier – And my illegible handwriting probably makes it even more interesting!

(g) **Finance** – Councilor Young

Councilor Young – Thank you. During the third quarter the Finance Committee met five times this quarter and reviewed nine matters referred to the group. We met on June 5th and reviewed the 2009 – 2013 Capital Improvement Budget. We also reviewed a resolution approving new sewer rates for 2009. On July 2nd we looked at five salary transfer orders. Also on July 2nd we looked at and approved a transfer of \$31,000.00 to the Capital Improvement Plan which was in support of the School Street Park work. As also previously recorded this evening, the committee met in a joint session with the Ad

Hoc Sewer Committee on September 8th on three matters that we voted on this evening. And we also met this evening on those same three matters as well. I would like to take this time to thank my hard working committee which is Councilors Calabrese, Mineo, Rossi and Perry and a special thank you to our Administrative Assistant, Barbara Bard, for all the help with the minutes and the meeting scheduling. Thank you.

(h) **Industrial Relations** – Councilor Perry

Councilor Perry – Nothing. Thank you.

President Letellier – Yes, I know nothing was referred so we'll skip that one.

(i) **Ad Hoc Sewers** – Councilor Rossi

Councilor Rossi – I think you're right, the Ad Hoc Sewers met, I think three times we've met. We've met as a full committee and the council committee, sub-committee met with Jack Stone just to get brought up to speed. They worked very, very hard and I really want to take my hats off to Councilor Perry and Councilor Rheault for their hard work and dedication in getting all of this together with all of their support. And as you've just heard very recently the results of all these meetings I just gave here and our recommendations for this sewer project were just voted on and I appreciate the councilors' consideration in that regard. Thank you.

(j) **Ad Hoc Recreation** – Councilor Bitzas

Councilor Bitzas – Yes the Ad Hoc Recreation Committee met once at the Public Library to discuss and correct the problems with the drainage in front of what happened at the homes next to School / River Street Park. Attending was myself as the chairman and Councilor Rossi as a member. In attendance also as members of the Finance Committee, Councilors Young, Mineo, Messick and Calabrese, City Engineer Mike Chase, Park & Recreation Director Chris Sparks and a representative from ...Design. We discussed in length the problems, the solution and the revised plan entitled ...Space and Grading and Drainage of the School Street/ River Road Park. Chris Sparks and the Town Engineer Mike Chase explained the plans and said the grading and additional drainage would help increase the capacity of the drainage system and reduce chances of neighboring properties being affected by strong water run offs during extreme conditions. Per Chris Sparks to correct drainage problems during those conditions the following must be done, a new 2000 gallon will be installed behind 59 South Alahambra...trench will be installed connecting the ...behind 51 and 59 South Alahambra....will be constructed at 51 – 65 South Alahambra, overflow structure...will be installed on 59 the same street connecting the storm sewers...in driveway of 55 South Alahambra. The retention basin will be regraded behind 25 South Alahambra and 1083 River Road to allow water to flow into the River Road detention basin. In addition to this a new 1000 gallon dry well will be installed in detention basin of the park ...The cost to the town was actually \$72,000.00 but I was able to negotiate and the cost went down to below cost of \$31,250.00 well below that cost. The vote was 2-0 with Councilor Rossi who voted in favor and myself

as chair and the other member was absent. And also I have an update, School Street Park update, Mountainview has begun the final punch list and will be completing construction in the next couple of weeks. The Agawam Park & Recreation youth field hockey has begun playing games in the School Street Park and the playground is completed. Perry Lane Pool update – the Perry Lane Pool was renovated this year and ready for the first day of summer camp. The \$250,000.00 renovation included a new filtration system, new pool deck, filling in the deep end and replacing the tile too. I would like to thank you, the full council, for your support in approving the funds to make this project possible. Thank you.

(k) **Ad Hoc CPA** – Councilor Simpson

Councilor Simpson – Thank you very much. Members of the Ad Hoc CPA Committee are Jill Messick, George Bitzas, Joe Mineo and Paul Cavallo and myself as Chair. We met one time during this reporting period to discuss the funds for the Phelps School Playground and also at that time we were made aware of a very generous donation by the Liquori Family to help with that park and for their son. And...has all been taken care of and the funds are there and the playground is all set. So it's very nice to have that taken care of. And that was it for all that we met during that time frame. Thank you.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

1. **TOR-2008-2 - An Ordinance Amending Section 180-49 and Adding Section 180-49A to the Code of the Town of Agawam Governing Height of Buildings to the Zoning & Ordinance Committees) (2/3 Majority of the Full Council or 8 votes) (Public Hearing Set for October 6, 2008)**

President Letellier – Public Hearing is next meeting, October 6th.

2. **TOR-2008-3 - An Ordinance Amending Sections 180-15 and 180-16 and Adding Section 180-15A to the Code of the Town of Agawam Governing Enforcement and Penalties For Violating the Zoning Ordinances of the Town of Agawam (Mayor) (Referred Jointly to the Zoning & Ordinance Committees) (1/3) (2/3 Majority of the Full Council or 8 votes) (Public Hearing Set for October 6, 2008)**

President Letellier – Again, that's next agenda for a public hearing.

3. TOR-2008-4 - An Ordinance Amending Article XIII of the Code of the Town of Agawam Governing Signs (Mayor) (1/3) (Referred jointly to the Zoning & Ordinance Committees) (2/3 Majority of the Full Council or 8 votes) (Public Hearing Set for October 6, 2008)

President Letellier – Again, that’s a public hearing on the next agenda.

4. TO-2008-34 - Voucher List (\$4,827.00) (Tabled 9/2/08) (Majority of those present and voting)

President Letellier – Do we have a motion?

Councilor Rheault – Move to take it off the table.

President Letellier – Motion to take it off the table by Councilor Rheault, seconded by Councilor Rossi. All those in favor of taking it off the table, please signify by saying, I’m sorry, Barbara, why don’t you call the roll? A yes vote is to take it off the table.

ROLL CALL – 11 Yes.

President Letellier – With eleven yes, you’ve voted to take it off the table. Do we have any discussion? Councilor Rheault?

Councilor Rheault – No, I’m just moving the question.

President Letellier – Any discussion? No? Barbara, could you call the roll? A yes vote is to approve the voucher list and a no vote is to deny it.

ROLL CALL – 9 Yes, 2 No (Councilors Mineo and Perry)

President Letellier – With nine yes and two no, you’ve approved your MMA dues.

Item 11. New Business

1. TO-2008-39 - Transfer - \$9,007.94 - from Reserve Fund (16605-57300) to the following accounts:

\$5,137.68 to Council – Temporary Salaries (11111-51020)

\$2,063.00 to Assessor – Regular Salaries (11371-51010)

\$1,807.26 to Mayor – Regular Salaries (11211-51010)

President Letellier – You will notice this was originally put on the agenda as one transfer. Councilor Young who is chair person of the Finance Committee quickly noticed and he sent an email that these should be three separate transfers so tonight on your desk you see that it is in fact three distinct transfers. I am going to refer them to the Finance Committee, each of those transfers, so that’s next agenda. So next agenda we have the transfer and we have the three zoning ordinances.

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

President Letellier – Councilor Simpson we'll start on your side.

Councilor Simpson – Nothing tonight thank you.

President Letellier – Councilor Mineo?

Councilor Mineo – Nothing this evening.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yes. I have a couple things I would like to discuss with the Council. I acquired the Executive Session Minutes of the School Committee Meeting which was held August 19th and on the agenda was the following subject – Personnel and Negotiations. And as I read the notes of the meeting – the minutes - I would like to read to you a paragraph that basically affects all of you.

President Letellier – Woah, woah, woah, woah. It's an Executive Session. If it's gonna be released –

Councilor Cavallo – It's been released. I have the minutes.

President Letellier – It's been released?

Councilor Cavallo – It's been approved.

President Letellier – Alright. Alright.

Councilor Cavallo – I wouldn't come here unless it were released.

President Letellier – Okay. You didn't indicate that. Sorry. I'm just trying to save any problems. Go ahead.

Councilor Cavallo – It says that at this particular meeting, it says Sue Dawson turned the meeting over to Dr. Czajkowski who began by explaining that a committee member had requested that the full committee review the June 16th and the July 7, 2008 Agawam City Council Meeting video tapes to determine whether remarks directed at the committee and Superintendent were inappropriate. School Attorney Dambrov was asked to attend the meeting to give his legal opinion. After review of the video tapes, a lengthy question and answer period ensued. Now the reason I bring this up folks is that I guess they were requested from Barbara or from you Madam President that they look at these tapes. But they were looking to see if one of us had said something which probably could have brought legal action against all of us or one of us and yet this was not an agenda item. We're not part of negotiations nor are we part of personnel. And this was brought up in

Executive Session School Committee meeting without any of us being privy to what the nature of this meeting was all about in terms of the tapes. I mean were they looking to see if one of us broke the law regarding whatever we may have stated at these meetings? I just wanted to bring that to your attention. I want to know what the point at this meeting was. The second point that was brought up, it says next Dr. Czajkowski asked for a directive from the committee regarding a request made by City Councilor Paul Cavallo who wants the names of all new teachers hired. I didn't want the names by the way. You received my list and I did NOT ask for names. I just asked for numbers – names of all teachers hired and those who salaries are above the Master's Step Level 5, August 20, 2008. Now I called her the day of the Executive Session meeting. Following their discussion, Sue Dawson directed the Superintendent to inform City Councilor Cavallo that all information requests regarding the School Department must first go through the Mayor's office. My first question is do I work for the Mayor? Or do I work for taxpayers of the Town of Agawam? I immediately called the Secretary of State's office in Boston to get a response on this and I spoke with Cahill's office, I spoke with an attorney there. They said no you work for the taxpayers of the Town of Agawam. My question to the entire Council and to you Madam President, if I have a question and I want to request records from the School Department, I don't plan on making a habit of this, I made it a habit in order to prove my point regarding the transfer, do I have to go through the Mayor to get this? Let me make an analogy with this okay? If my neighbor decides to request some records from the School Department, he goes through the Mayor? Why would you go to the Mayor if you're paying someone's salary as the Superintendent of Schools, why couldn't that person make a decision as to whether or not those records would be forthcoming to that individual which by law within ten calendar days, those records must be sent to that individual cuz I was told that by the Secretary of State's office. The other point I wanted to make is I'm not a legal, I'm not an attorney okay? I was on the School Committee and we've held Executive Sessions here in this building, we don't discuss any other matters except what is listed on the agenda. And here it was Personnel and Negotiations. The council came up for discussion and I came up for discussion and I think that's something that we should look into. I feel that you know like anything else, that usually if you're discussing an employee regarding something they may have done, they're given a two week notice; the ability to provide a lawyer, so they can come with their lawyer to hear any charges that are being made against them. I wanted to bring this forth and I just wanted to let you people know because I think this should be really, uh, this isn't right. This is not right, okay? I was not entitled to give or state a reason why, and why does the Superintendent need a directive from the School Committee or the Mayor when in fact she would be in a position to make that decision? As I said if your next door neighbor went up there, is she gonna say go to the Mayor with the information? If I've got a problem with some DPW, do I call Jack Stone or do I call the Mayor? As a citizen, not as a City Councilor, as a citizen. That's my concern. Thank you.

President Letellier – Thank you. That issue has come up in the past with other mayors and it has always been response that we all work for the citizenry and if there are any inquiries then we have the absolute right to direct them to the appropriate department head. What I would suggest in the future to do is to cc me as Council President so I can

make sure that it gets appropriately followed up upon. But in the past whenever this issue has come up, I have told the prior mayors that we all work for the same people and we have every right to request information from a department head.

Councilor Cavallo – My question here and I respect your comments; my question here is if I'm looking for information regarding the School Department why wouldn't it go to the Superintendent of Schools, why would it go to the Mayor? I don't understand that.

President Letellier – I don't believe that it needs to. My point is that -

Councilor Cavallo – Well, it says it here. She directed her and told her not to give Paul Cavallo the records; he has to come through me. That's what it says in black and white here.

President Letellier – I understand that. And I will reiterate the fact that I disagree with that. That we all work for the citizenry and that if any of us has an inquiry we can go right to a department head.

Councilor Cavallo – The tax payers of Agawam put me in office, not the Mayor. I think we should make that clear. They put all of us in office.

President Letellier – I am agreeing with you one hundred percent.

Councilor Cavallo – This is a legislative branch. She represents the Executive Branch. Thank you.

President Letellier – We are co-equal branches of government. I agree. Thank you. Councilor Rossi?

Councilor Rossi – I have to agree and I just want to touch briefly on this. All of this stemmed from this appropriation with these textbooks. This has just gotten totally blown way, way out of proportion. It should have never happened. What had happened over here in my judgment was just inappropriate. For a member of the School Committee to ask for a City Council tape to bring into an Executive Session to have it legally challenged by counsel, and for the taxpayers of this community to pay for that apparently since it's coming out of their budget, I mean somebody had to pay for this guy's time to come there and give legal interpretation as to what was said here by members or a member of this Council. Now, I don't know and again I'm not an attorney over here I mean I can read an open meeting statute but there are certain reasons that the School Committee goes into Executive Session for. And I don't see any in my judgment where it allows them to bring the City Council into question, legal question, at an Executive Session. If they had any questions about something that was said here, I believe it should have been done at an open meeting with councilors here given an opportunity to be present and to be heard personally or with counsel if they so choose but that wasn't done here. I think that this City Council should sit up and take notice on what was done here. That at these closed door meetings and Executive Sessions to discuss the actions of this

Council? I don't think that that's right. I don't know what can be done about this thing and I think if future tapes are asked for, I think we should get some kind of a purpose. If people that have come with a question, if certain things have been said here, I think that this council as a whole has a right to participate in anything that they might have said or any opinions that they might have made on this dias. I don't think that should ever happen again.

President Letellier – Well, again, if I could respond. The District Attorney's office, if someone feels that that was a matter that should not have been brought forward in Executive Session, the District Attorney's office would be the person to investigate open meeting law violations. With regard to anyone asking for a copy of the tape, I'll say again we work for the citizenry. If they want a copy of the tape and they follow the procedure, they're entitled to the tape.

Councilor Rheault – What is the procedure?

President Letellier – I actually asked Chris Johnson to tell me what the procedure is, the City Solicitor and I don't remember exactly what it was but he told me and we followed whatever the other solicitor recommended at that time.

Councilor Rheault – I think that's incorrect. If you follow policy set forth by the Council President because that's who represents the Council.

President Letellier – Yes.

Councilor Rheault – And the policy was that no tape ever left that office, no matter who it was whether it was the Mayor or anybody else, without viewing it IN the office because once it leaves, it then becomes subject to spoilage, damage, anything.

President Letellier – My recollection is that we made a duplicate. When there's a request, we have to make a duplicate. That's happened in the past where the Council Clerk even the prior Council Clerk, had to make a duplicate when there was a request from the public. So whether it's the outside public or the internal public it's still the same – you have to give a copy if they request it. So if you feel personally aggrieved, Councilor Cavallo, your remedy I believe would be a complaint with the District Attorney's office.

Councilor Cavallo – Thank you.

President Letellier – You're welcome. Councilor Rheault?

Councilor Rheault – I have nothing.

President Letellier – Thank you. Councilor Perry?

Councilor Perry – Just a comment in regards to that, yes, if we have open meeting laws and guidelines and a copy of that, we have to follow those. Anything that we do up here on this stage is open to the public. I am a little taken back by that, I know we've talked briefly about that whole situation prior to this. As a council if we feel things are wrong, we also have and Gina loves it every time I pull this card out, is we have Rule 33, the Council Rule 33, read it in your Rules – Inquiries and Investigations. We have the power to call forth, to form a committee, any department head up to the Mayor, including the Mayor and then question them in regards to any legal matters we feel we need to. So we have the power to do that so keep that in mind Paul.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I have nothing so serious. In addition to October 18th which is the Harvest Festival and the School Street dedication ceremony, the School Street Barn is having an open house on Saturday the 20th at 10:00. So if you haven't seen the barn, if you haven't been inside the barn, it's a very, very interesting place to be architecturally, it's historical. You can have a look at what's been done, what still needs to be done and I'm hoping that people will come. Also, we received a memo from the Agawam Health Department as far as asking town employees to contribute – the Agawam Postal Workers have a food drive. All the donations are taken to the Bethany Assembly of God for distribution to Agawam citizens. There are more Agawam citizens in need this year than there have been in the past and I suspect that that's gonna get worse. So just as a general reminder, please give as generously as you possibly can this holiday season. The Springfield Rescue Mission last year was one week before Thanksgiving and they were short twenty-three turkeys. So please don't wait, donate. If you're thinking of doing so, it would relieve a lot of people's anxiety about whether they're gonna be able to feed people or not on Thanksgiving, if you give generously and as far in advance as possible. Thank you.

Councilor Cavallo – Can I just add on to that, just what she just said, I go every Tuesday, I try to give Bethany Assembly of God, they have many donations. I give my clothes and so forth. They even take small furniture so you don't need to go into Springfield to go to Goodwill. I go over there and give whatever I have so if you have clothes in particular that you're not wearing anymore even a small piece of furniture, they'll take it. Every Tuesday they're there.

Councilor Messick – My understanding is that they are specifically looking for toiletries and non-perishable food items.

President Letellier – And socks, yea, things like that. Councilor Bitzas?

Councilor Bitzas – Nothing this evening.

President Letellier – Thank you. Councilor Young?

Councilor Young – Yes. Paul, I'd like a copy of that transcript.

President Letellier – Why don't you give it to Barbara and she'll include it in the packet.

Councilor Young – Second, on the matter of the matter, it was brought to my attention, the question that was asked by a citizen on the Phelps, the new Phelps Playscape. I know we allocated x amount of, and this has nothing to do with the donation which is much appreciated, but I forgot how much we had allocated, for that \$70,000.00 and then some smart fellow, a friend of mine, questioned me one afternoon about didn't our insurance cover the vandalism?

President Letellier – Yes.

Councilor Young – So I'm not sure why we had to allocate that much money for that especially I know the vandals were caught and I know they're paying restitution. It didn't sound like it was enough to foot the whole bill. So I guess my question is and I'm not sure who this would go to, maybe Administration, as to why we had to give out so much if there was insurance coverage and so on and so forth.

President Letellier – Part of it was improvements like the handicap accessible and other things.

Councilor Mineo- But I think once they get the insurance money I believe it goes back into the fund. It does NOT go back in the fund.

President Letellier – We can ask Henry privately after the meeting cuz he's here and then if you still need something, we will get a memo out.

Councilor Young – Just out of curiosity, why are we asking Henry?

President Letellier – Because he's President of the CPA gave the money.

Councilor Young – Cuz he has the answer?

President Letellier – Councilor Bitzas?

Councilor Bitzas - For your information, the cost of the Playscape I believe it was \$130,000.00, that money came from the CPA money and then the insurance actually paid the amount and then the \$10,000.00 was donated to the Town by the Liquori family.

President Letellier – It was a combination but I'm sure Henry could tell you the exact proportion.

Councilor Bitzas – It's expensive, \$130,000.00 sounds expensive yes but it's worth it.

President Letellier – If you don't get a sufficient answer, just ask Barbara to do a memo. All set, Councilor Young?

Councilor Young – Okay, thank you.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – I too am quite disturbed by what you are Councilor Cavallo, that certainly seems to have the intent of having a chilling effect on open, specifically on us up here, it can potentially affect all of us as councilors and I don't think that as an elected legislative body, we should stand for that. We're here to represent the citizens of Agawam, the people that vote us into office; I too would like to see a copy of that transcript. I just want to thank all of you. I mean I think we all work very hard. I think we have the best interests of all the citizens of Agawam at heart when we're here.

Councilor Cavallo – The issue is I don't mind them viewing the tapes as Gina said. But you know if you're going to be talking about a member of the Council, we're supposed to work together as you pointed out, Madam President, okay? It behooves them to at least if not do that come and ask us the questions that you have. After they see the tape, what is it that you were looking for? Okay? That bothers me and the fact according to Executive Sessions you only discuss what is on the agenda. Okay? We do that here, do we not? We don't bring up Mr. Jones or Mrs. Jones or whatever, we stick to the topic there and that's my concern.

Councilor Calabrese – And I just think that the textbooks could have been bought instead of paying for that expense of the attorney.

Councilor Cavallo – Well they have to pay for the lawyer; it specifically said the lawyer was called to view the tapes with them to determine if anything illegal was said by anyone here

Councilor Calabrese – Exactly and I think that goes to the heart of our agreement about allocating and prioritizing of the spending of the education budget. Thank you.

President Letellier – Thank you. Good meeting. Do we have a motion to adjourn? All in favor? Opposed? Thank you.

Adjournment.