

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

SEPTEMBER 2, 2008

Vice President Calabrese – Good evening. Welcome to the Tuesday, September 2, meeting of the Agawam City Council. My name is Cecilia Calabrese and I am the Vice President of the City Council. Our Council President, Gina Letellier, will be running a few minutes late this evening.

Item 1. Citizen's Speak Time

Vice President Calabrese – First speaker on the agenda, we have John Cappuccilli. I will remind each speaker that you will have five minutes. Please come to the podium and state your name and address. Thank you.

John Cappuccilli – Hi. My name is John Cappuccilli. I live at 50 Red Fox Drive in Feeding Hills. Council President, City Council, the South West Section Sewer Project is finally coming to reality. Although it's a scaled down version, it is a necessary first step to keep the project alive. The new plan makes it affordable for both the taxpayers and the Town. I personally want to thank all that served both on the past and present Ad Hoc Sewer Committee especially Councilor Mineo who stayed the course through much adversity. Also a thanks to new chairman, Bob Rossi, for working with the DPW for coming up with an alternative first base plan. Under the support of our present administration, we may able to see if come to an end. I urge all Councilors to support the funding when it comes before the Council. Thank you very much.

Vice President Calabrese – Thank you Mr. Cappuccilli. Next we have Billy Chester.

Billy Chester - Good evening. Billy Chester, 320 Barry Street, Feeding Hills. You have on your agenda tonight a resolution to appropriate \$70,000.00 from the Stabilizing Fund to the school system for text books and equipment and for the school equipment account. As stated by Mr. Rossi and Mr. Rheault on the original request of \$76,000.00 by the School Committee, the school system should have managed their money and set their priorities so the money could have been included in the 2009 budget for textbooks and video equipment. And they were right. So thank you Mr. Rossi, Mr. Rheault and Mrs. Calabrese for voting against it. Thank you. Apparently it was not that important to the school system. They put in their budget for seventy teaching positions plus one additional councilor which was approved in the budget over and above their normal replacements due to retirement. The teachers received a 4% pay increase and the School Department heads and administrative staff received substantial increases which they could have taken a lesser amount in order to budget for their textbooks and video equipment but no they got greedy and the textbooks and video equipment was not one of their priorities. A request is made tonight that this council vote no on the \$70,000 appropriation and send a message to the School Committee and the school system that the tax payers have had enough! The taxpayers have been very generous in giving to the

school system for many years and now let them find the money in their 2009 approved budget. Thank you.

Vice President Calabrese – Thank you. Our next speaker is Larry Litton.

Larry Litton – Good evening. Larry Litton. Address is 1623 Main Street, here in Agawam; I am the Park President for Six Flags New England. I would like to address two separate issues that are before you tonight. I will start with the zoning ordinance change that we have requested which would allow us to build up to two hundred feet. Before we had to go before the ZBA. In fact I've been told many times that we were just like any other business in Agawam and I understand that we should be held in the same standards but there's also a uniqueness in what we do both from the seasonality and the window of opportunity we have for building. We have a very short window for building. We have a very short window to make money back on the money we invest in the park. The most important thing is that we need to stay competitive in the market. Theme parks in general are struggling, certainly the family owned ones, there's very few left I know of and many have closed in recent years. And I expect that that trend will continue. We ourselves have our own financial problems. One thing we need to do is make sure we stay competitive in the market by appealing to a broad audience. We are focused primarily on families that last couple of years. That was a good move, it was with strategy and it has accomplished what we wanted to accomplish but we can't be naïve to the fact that we also have to build and appeal to the teens. We have to have a broad and diverse group of people coming into the park and the teens want roller coasters. It has been said that this is about the project we did not get through last year. I assure you this has absolutely nothing to do with what happened last year. That was a completely separate issue. We are simply looking for a way to expedite the building process. Historically we have had to build at our own risk. Many of you were at a public hearing which Gary Suffriti, one of the members of the ZBA, and I can't quote but I'll paraphrase, said that we had been building at our own risk for years and have never had a problem until last year and it had always worked in the past. He was then quoted two days later in the paper, I can give you the exact quote on that, Suffriti said "nothing is broken here, why in the world are we trying to change something that's working?" I can tell you as a business person, I would assume that you as business people and as people that run the Town business, I would hope would agree with me that having to build at your own risk and building without permits is broken. That's a system that doesn't work. We will never again build at our own risk; the company will not allow it. We just can't afford to in our financial position where we can lose anywhere from hundreds of thousands to millions of dollars when we don't know for sure that a project that we're working on is going to be approved. But the other thing that it doesn't really address when we build at our own risk or in this case not building at our own risk, is the additional expenses we incur. If we wait until we get through the entire process because it's generally well after the first of the year and we have to deal with winter conditions, overtime and all those kinds of things and we simply don't have the finances to either do that or be in a financial position where we can commit to projects years in advance. I've also been told that many feel that we are trying to skip through the safety standards and that there will no longer be a check and balance and I will challenge that and say that that

it not true. We still have to go through depending on what we're building Planning, Conservation if we're close to the river and the Zoning Board if we go above whatever height, just speculated, over if anything that has to do with conservation and most importantly, the plans have to be submitted to Mr. Urbinatti and he has to give his COB before we can operate or open any building or ride that we do. So there is certainly still a check and balance system in place. So I would argue on that one obviously. I think it's in the best interest both for Six Flags Corporation and the Town of Agawam that this be given serious consideration and approved.

Clerk - One minute please.

Larry Litton – Oh wow. It takes me five minutes to say hello and I'm supposed to do this in one minute. Parking and I'll just go through it real quickly. We gave you a booklet. We've been talking about this for several years. Anyone that drove down Main Street last year and drove down Main Street again this year can tell you that there's a huge difference both in the environment and the safety. This weekend and I cannot site a better example than this weekend, one of the pirate parkers and I refer to them that way because that's what they're doing, they're breaking the law, actually had the gall and it's in the book that I gave you, he started parking in one of MY lots when his lot filled up! Sent his guys over and said he'd leased the lot from me and the police shut him down and now he's potentially facing a felony. That just shows that a complete lack of respect for the Town and the town ordinances, the zoning laws and for this body specifically that someone would do something so brazen as that. We need to protect visitors to the park. We need to protect the abutters that do not park. I'm surprised none of them are here because they have been very vocal and I know they've sent you letters.

Clerk – That's time.

Larry Litton – Okay. I think that you guys get the drift. We've been talking about it for a long time. We need to do something and I hope we do. Thank you.

Vice President Calabrese – Thank you.

Item 2. Roll Call

Vice President Calabrese – Will the Clerk please call the roll?

ROLL CALL – 10 Present, 1 Absent (President Letellier)

Vice President Calabrese – Ten present, one absent. We have a quorum. Again, Councilor Letellier had a family appointment this evening. She may show up a little later on.

Item 3. Moment of Silence and the Pledge of Allegiance

Vice President Calabrese – We will now stand for a moment of silence and Pledge of Allegiance. I will ask that during the moment of silence to remember Margaret Ledger, who passed away this last Friday, this is Don Rheault’s sister.

Item 4. Minutes

(a) Regular Council Meeting – August 4, 2008

Vice President Calabrese – Do we have a motion to approve the minutes? Moved by Councilor Simpson, seconded by Councilors Rheault, Rossi and Cavallo. All those in favor of approving the minutes say Ay? I will abstain. Those minutes are approved.

(b) Special Council Meeting – May 19, 2008

Vice President Calabrese – Do we have a motion? Made by Councilor Cavallo, seconded by Councilor Simpson. All those in favor of approving those minutes, ay? Thank you.

Item 5. Declaration from Council President

Vice President Calabrese – I do not have any this evening.

Item 6. Presentation of Petitions, Memorials & Remonstrances

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 8/4/08) (Majority of those present and voting)**

Councilor Bitzas – Point of information Miss President?

Vice President Calabrese – Yes, Councilor Bitzas?

Councilor Bitzas - This has been on for many, many months now and it’ll be tabled for many, many times. Don’t you think that we should remove it? If we remove it and put it back on the agenda, I mean I tried to we vote no on it but it doesn’t look too good to have on the agenda to table six times. So we should make up our minds and do something about it.

Vice President Calabrese – So noted.

Councilor Perry – Motion to leave on the table

Vice President Calabrese – I have a motion to leave on the table by Councilor Perry,

seconded by Councilors Cavallo and Rossi. Clerk, please call the roll? This will be a motion to keep the item on the table.

ROLL CALL – 7 Yes, 3 No (Councilors Bitzas, Calabrese and Young), 1 Absent (President Letellier)

Vice President Calabrese – With seven yes, three no, one absent, the item remains on the table.

2. **TR-2008-42 - A Resolution Establishing a No Parking Zone on South Street. (Mayor) (Tabled 8/4/08) (Referred to the Public Safety Committee) (Majority of those present and voting)**

Vice President Calabrese – Moved by Councilor Simpson.

Councilor Rheault – We have to take it off the table first.

Vice President Calabrese – Move to take it off the table by Councilor Rheault, seconded by Councilor Rossi. All those in favor, clerk, please call the roll?

ROLL CALL – 10 Yes, 1 Absent (President Letellier)

Vice President Calabrese – With ten yes, one absent, the item is off of the table. What's the council's pleasure? Yes, Councilor Perry? Thank you.

Councilor Perry – Yes, thank you Madam President. This was referred to our committee originally. We did have another meeting in regards to this item of agenda. It was tabled originally based on the recommendation of our committee. At the meeting I said that I would have another Public Safety Sub-Committee meeting in regards to this which we did hold at the Public Library on August 26th in the Peirce Room. Present were myself as Chairman, Councilor Don Rheault and Councilor Bob Rossi. On this item, it's a resolution to establish a no parking zone on South Street. Basically it was tabled for the simple fact that I talked with the Mayor on it and Jack Stone and they said that the legal department was looking into regards to residential parking for the residents to try to exempt them in some way. Before our meeting I did call Jack Stone in regards to this and he had heard nothing from the legal department as of our meeting. Based on the reports from the Fire Department and the Police Department, from our first meeting, our committee voted 3-0 to move forward on this agenda item. What our committee is recommending is an amendment to this resolution. And I will make that. We voted 3-0 to make this amendment and to give a positive recommendation to pass it. The recommendation is if you look at the resolution under the Article V Parking where it states "Add South Street both sides from Main Street westerly 600 feet, our amendment and recommendation of our committee is to amend that to 300 feet. The reason being in regards to the 650 was to include Mark Street which is a little bit further down and Mark Street is under another item of Agenda that's coming up and I think based on our decision on that agenda item, we've reduced this from the corner of Main westerly on South for 300 feet. So before I make that amendment if there are any questions or comments from

the other councilors I'll take those at this point.

Councilor Rheault - I'll second the amendment.

Vice President Calabrese – I have an item on the table deleting 650 feet and making and inserting 300 feet. That motion was made by Councilor Perry, seconded by Councilor Rheault and Councilor Rossi. First, quickly, is there any discussion on the amendment? Okay, our first vote will be on the amendment only. Will the clerk please call the roll on the amendment?

ROLL CALL – 10 Yes, 1 Absent (President Letellier)

Vice President Calabrese – With ten yes, one absent, we've approved the amendment. We will now have a vote on the Resolution as amended. Do we have any discussion on the resolution as amended? Okay, will the clerk please call the roll?

ROLL CALL – 10 Yes, 1 Absent (President Letellier)

Vice President Calabrese – With ten yes, one absent, we've approved the item as amended.

3. **TR-2008-43 - A Resolution Establishing a No Parking Zone on Kanawha Avenue, Ruskin Avenue, Sunnyslope Avenue, Woodcliff Avenue, Riverview Avenue, Veranda Avenue and Mark Drive. (Mayor) (Tabled 8/4/08) (Referred to the Public Safety Committee) (Majority of those present and voting)**

Vice President Calabrese – Do we have a motion to remove the item from the table? Moved by Councilor Rheault, seconded by Councilor Rossi. Clerk, please call the roll to remove the item from the table?

ROLL CALL – 10 Yes, 1 Absent (President Letellier)

Vice President Calabrese – With ten yes, one absent, we've removed the item from the table. Do I have a report? Councilor Perry?

Councilor Perry – Yes. Thank you Madam President. Again, we held our meeting on August 26th, this was the second item on our agenda for that evening and again this resolution was tabled based on the fact that we're waiting for some legal opinion in regards to the residents of those streets and the legality of them parking, you know if they have parties or what not, that type of thing. And again we have not heard in response from the legal department in regards to this. I talked with Jack Stone. It's been basically on our agenda for a month and as a committee we decided to move forward on this resolution. And the reasoning for moving forward on this resolution was based on the information that was provided to us from the Fire Department and the Police Department. I sent memos to them in regards to their opinion on the parking on these streets and creating a no parking zone and I do have a written report from the Fire Department that

they haven't received any complaints. The Fire Chief himself on a Friday, this past July, went down and checked the streets out and found no problem with that. Deputy Chief Brown went down the following Saturday which these streets are southerly of Six Flags almost to the Suffield border and as we know the weekends are a busy time in that area and again found no problems in regards to parking on those streets. In our first meeting, we met with Lt. Light who also said as far as the Police Department was concerned they really had no complaints in that area as far as parking goes and based on those reports from those two departments, our committee is recommending to the Full Council not to pass this with a 3-0 vote. Thank you.

Vice President Calabrese – Thank you. Any discussion on this? Councilor Bitzas?

Councilor Bitzas – Yes, I'm very happy with the chair and the committee members, I'm very happy that you recommend not to vote no because otherwise you are taking a lot of freedom from the people that park there, from the neighbors, and parties and people with two cars or three cars and especially we don't have a problem with outsiders so I as I said I'm very happy you did that.

Vice President Calabrese – Thank you. Is there any other discussion? Seeing none, will the Clerk please call the roll?

ROLL CALL – 0 Yes, 10 No, 1 Absent (President Letellier)

Vice President Calabrese – With a vote of ten no and one absent, you've defeated the item. Moving on -

4. **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 (Mayor) (Referred to the Council's School Budget Sub-Committee) (2/3 Majority of the Full Council or 8 votes)**

Vice President Calabrese – Do I have a motion? Moved by Councilor Simpson, seconded by Councilor Bitzas. Any discussion on the item? May I have a report from the sub-committee please?

Councilor Simpson – This evening a meeting was held with the school budget sub-committee held here at 6:45. Present at the meeting were myself, Councilor Mineo, Councilor Bitzas, Councilor Young, Councilor Cavallo arrived a little bit later and also present at the meeting to listen in was Councilor Rossi, Councilor Rheault and Councilor Calabrese. Discussion was TR-2008-46. Now we had some discussion and some clarification on some issues and concerns that different councilors had. We still have some unresolved issue on the money factors that, some questions that were brought up that at this point we're not able to have a definite answer to, so after some lengthy discussion by a vote of 4-1 it was in favor of asking the Council for tabling and the fact that we would have another sub-committee meeting inviting the administration and School Committee to help address some of the questions and concerns that are still

outstanding within some of the council members. The meeting was adjourned at 7:25. Thank you.

Vice President Calabrese – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. I'd like to inform the public that I am the co-chairman of this committee although sometimes I don't think I'm asked to be a co-chairman. I was not notified about the meeting back in August regarding this. In fact, Councilor Simpson decided to put it on the agenda without even conferring with me. I was late for the meeting because I received a phone call at 6:30 and I had to call Councilor Calabrese to find out why no one was here and she informed me on the phone that Councilor Letellier received a phone call that the School Committee would not be present at the meeting this evening. So I was with a gentleman in the audience, Mr. Stempel, and seeing no one was here, it was about 25 minutes of 7:00, I decided to go have a coffee and come back. When I came back, lo and behold this sub-committee was meeting. I did have an opportunity to say some things regarding this. My concern and I'll state it publicly, the School Committee chose not to, apparently this was part of the agenda which I was not aware of, the School Committee chose not to be here this evening. They were invited. I see no reason why we have to invite or go to the School Committee for clarification. At the meeting I gave you plenty of information to the sub-committee regarding the reasons why I will vote against, if it's tabled tonight, and I will vote against it when it comes up in a meeting for us to transfer the funds. I provided information in your packet and I talked to many of you, there's sufficient money in the present budget to supply textbooks for those students and also went I spoke to the Superintendent when I requested this information, I was told by the Superintendent "we can do very well without the textbooks next year, we can ride without them." With this kind of information coming, we're getting, I'm getting two different kinds of reports here. And that bothers me, okay? And the second reason and I'll state it publicly too, is on July 7th, I traveled 180 miles to come back for a meeting to vote on transfers for negotiated contracts and to be present to vote on the transfer of funds. Two people were absent and I'm not concerned about why they were absent. The fact of the matter is this covenant operates with eleven councilors. Nine councilors were there and they voted it down. It's time to pick up your bat and ball and go home. It's over with. It was voted down. There is no need to bring it up again, okay? We can't operate that way because I remember being on School Committee and many times we all were on the other side losing with a 4-3 vote. I didn't say I'm gonna put it back on the agenda and change the resolution. You don't operate that way. It was voted down. Also, when you find out for example, as I found out in my investigation and apparently when you do an investigation, you find things out, even if you're considered to be an anomaly, okay, well I'm not an anomaly and I got the information. I gave it to you in your packet. There's \$30,000.00 in there if you do the math and we could use it toward buying textbooks. There's also money in the salary account which I'm not gonna go into detail right now. So if the books were that important, they could have been purchased okay? The problem that we have here is that our side of the government, there's more oversight on the council side of the government and than there is on the school committee side of the government because once we grant them \$34 million in their budget, they can go ahead and do what they want with that money. Here, we pretty

much look at each of the departments and see how that spending goes based on the budget. So I think that we have to get back here and think about other issues that are important to this town like sewers and so forth. I was an educator for forty eight years. The kids all have teachers. They have the necessary tools to have a successful academic year. This particular item is becoming a political football and there's grandstanding going on and as an educator and a citizen, I owe it to the taxpayers to the Town of Agawam to set the record straight. We are not cheating the kids and we're getting to look like we're bad guys, some of us who are voting against this, because we are against kids. We're NOT against kids! As I mentioned tonight, if you take \$30,000.00 or \$40,000.00 and you buy those Basil reading textbooks that they need, then buy it with the money that's in the salary account. There's money there. I've been on the School Committee for four years; I know there's money there. So, you can only take it from me, that's the way I stand and in the future I would like to be considered, Madam President, as a co-chairman please and also asked to give a part of the report. Thank you.

Vice President Calabrese – Thank you. Councilor Simpson?

Councilor Simpson – Thank you. I'll be just really brief so we don't go on with this and we can move on to other items. Number one the reason why the meeting was held this evening because at our last council meeting, Councilor Letellier had referred this item of agenda to the School Budget Committee and usually when that happens usually meetings happen that night of the meeting. So I made that because most of the time that's when people can attend. I'm not sure why Councilor Cavallo thought that it was at 6:30. The memo went out a good, Barbara can correct me, it's been at least a couple of weeks that the notice went out and clearly it had on it 6:45. So there was no issue with the time problem. He also said and maybe he misconstrued his words when he said I placed this item back on the agenda. I did not place this item back on the agenda. Thank you.

Vice President Calabrese – Thank you. Councilor Rossi?

Councilor Rossi – Thank you. I am a little disappointed to see this back on and I've given this a great deal of thought over these last few weeks. And the thing that keeps haunting me, the thing that keeps driving me back, is why? Why are we here? Why when the Superintendent of Schools found it necessary to slash this from the budget, why in the eyes of the School Committee did they not challenge that? It's certainly within their authority to do that. Why didn't they do that? I don't think I need to remind any of the School Department, I guess after listening to the sub-committee hearing tonight and Chairman Simpson who spoke quite passionately about it and I agree wholeheartedly with her, although I think that some of that passion might be a little misplaced because I get the impression that the oneness was on the City Council here to come up with that money. Well, if I understand the rules and responsibilities of the School Committee, it is their responsibility to provide the best education for our students that our tax dollar can buy. And I think that they're granted that authority in fact I'm quite sure of it and specifically Mass. Statute I believe it's Chapter 71, Section 37, specifically addresses that. That the Superintendent of School works for them. They are in charge of the hiring, the firing. They're in charge of the policies, the textbooks, etc., etc., etc. I don't know, I

ask you why if that's the case, why hasn't someone stepped up from the School's side instead of making all those challenges and accusations to the City Councilors and specifically me, it amounted to nothing more than shouting from the rooftops when challenged in the paper, being called unprofessional and political grandstanding. Why, if they are so concerned about these textbooks, haven't they done something about it? I've heard phrases coined like the City Council should stand up and take a step for education. Why how about the School Committee? Shouldn't they stand up and take a step for education? I'd be right behind them. No question about that. I'm for education all the way but it's their responsibility to ensure that those students have the best education that our dollars can buy as I said before. They have the responsibility and they certainly have the authority to put those books back in. They have \$34,000.00 as Councilor Cavallo just said, they can do pretty much anything they want to and we are pretty much powerless to stop them as a City Council, as a Mayor and as citizens of this community. So I say why? Why are we here? I don't know. I haven't seen the Superintendent of Schools here. I haven't seen any of the School Committee people here. And I tell you me, for one, I am tired of listening about it, I'm tired of looking at it, reading about it and I'm tired of smelling it. I don't want to see this go on any more. The School Committee was given an opportunity to be here to present their side of the story; they chose not to be here. And as far as I'm concerned until the day that the Superintendent of Schools and/or School Committee, can come in here and demonstrate the critical need for those books and further demonstrate with all certainty that there is no fat or no leeway in the \$34 million dollars that we just appropriated, I will not vote for this. When that day comes, I will guarantee you and the whole world, I will give you my vote if that can be clearly demonstrated, until that time I urge everybody not to table this and vote no, and once and for all, let's do away with it.

Vice President Calabrese – Thank you. Councilor Bitzas?

Councilor Bitzas – I make a motion to table as the Committee requested, four Councilors, they want to make a motion on the floor.

Vice President Calabrese – I have a motion to table by Councilor Bitzas, this is seconded by Councilor Mineo. Thank you.

Councilor Rheault – Will you allow the rest of the Council to have input?

Vice President Calabrese – Will you allow discussion? Will you withdraw your motion at this time to allow further discussion?

Councilor Bitzas – I think it would be very important to have discussion with the School Committee and the Mayor because now what we're doing here is just bashing the School Committee and the Mayor -

Councilor Simpson – Point of information, there's still no discussion, we have to remove the motion to have discussion.

Vice President Calabrese – Can I have someone um, Councilor Bitzas, are you willing to remove your motion to table so we can have discussion? No. Will the Clerk please call the roll; this is on the motion to table the item?

ROLL CALL – 5 Yes (Councilors Bitzas, Messick Mineo, Simpson and Young), 5 No (Councilors Calabrese, Cavallo, Perry, Rheault, and Rossi), 1 Absent (President Letellier)

Vice President Calabrese – With five yes, five no, one absent, the motion to table is defeated. We will continue with discussion. Councilor Rheault I think you had your light on?

Councilor Rheault - I was one of those who originally voted no because I shared some of the comments made by Councilor Rossi. When you're looking at a \$34 million dollars budget, it's the obligation of the Committee in charge of that budget to scrutinize it and to vote on it in the best interests. They chose to cut the books. So that's the way it stands. It came back on the agenda. It was defeated on the Agenda because of two happened not to be here for good reasons, I'm not challenging that, the vote should stand. I don't see any purpose in tabling this. What further discussion are you gonna get? Is there any question in anybody's mind as to where the responsibility lies or their feelings towards it? Bringing the Superintendent back and saying I need those books is not gonna change my mind because she had an opportunity in the beginning as well as the School Committee to support it and to put priorities in a different perspective so to lay it back on the Council's shoulders, I think well it was wrong. The item was put on, if you look at the resolution three or four of the paragraphs are identical. So there really isn't any change other than an amended dollar amount of \$2000.00, that's basically what it is and to me it doesn't belong on the agenda. It shouldn't be here and I think we've had plenty of discussion and it should end. And I'm surprised at Councilor Bitzas for not allowing me to continue dialogue.

Vice President Calabrese – Thank you. Councilor Cavallo?

Councilor Cavallo – I'll move the question.

Councilor Bitzas – I didn't get to speak yet.

Vice President Calabrese – So moved.

Councilor Bitzas – Madam President?

Vice President Calabrese – The question's been moved.

Councilor Bitzas – I didn't speak yet. You cannot move the question without everyone speaking.

(off microphone)

Vice President Calabrese – The question's been moved. Clerk, please call the roll-

Councilor Bitzas – Charter Objection.

Vice President Calabrese – Duly noted.

Councilor Cavallo – Point of information. The motion is off the table for a vote. So with the Charter Objection means it comes up again for a vote. Not for a tabling, for a vote. Correct?

Councilor Rheault – Charter Objection is out of order.

Councilor Cavallo – It's out of order? Well, if it's out of order, there should be a reason give by the chair or something if it's out of order.

Councilor Bitzas – I don't think it's out of order. The President called for a vote. I have the right to charter object before the vote was taken so it's correct sir.

Councilor Rheault – We've already voted on the item.

Councilor Bitzas - No we didn't. We had a motion to table. I'm surprised you were President for so many years, Councilor Rheault, you should know the rules.

Councilor Rheault – George I don't need you to educate me on parliamentary procedure believe me. I already know.

Councilor Bitzas – Well you're wrong.

(off microphone)

Vice President Calabrese – ...to table, let's move the question. We are going to vote on whether we're going to move the question. Clerk, please call the roll on the motion to move the question.

ROLL CALL – 7 Yes, 3 No (Councilors Bitzas, Mineo, and Simpson), 1 Absent (President Letellier)

Vice President Calabrese – Seven yes, three no, we've moved the question.

Councilor Bitzas – Charter Objection.

Vice President Calabrese – Duly noted.

Councilor Rheault – Point of information?

Vice President Calabrese – Yes, Councilor Rheault?

Councilor Rheault – A charter objection is to be made when the President calls for the roll. The President did not call for the roll.

Vice President Calabrese – Clerk, please call the roll?

Councilor Bitzas – Charter Objection.

Vice President Calabrese – Thank you, Councilor Bitzas.

Councilor Bitzas – Thank you Madam President.

Vice President Calabrese – Very good. We'll be moving on that item will be placed on the agenda.

5. **TR-2008-47 - A Resolution Revising the No Parking Zone on Hunt Street (Mayor) (Referred to the Public Safety Sub-Committee) (Majority of those present and voting)**

Vice President Calabrese – Do we have a report?

Councilor Perry – Yes. Thank you.

Vice President Calabrese – If I may, our President has arrived and I'm going to turn the chair over. Your timing is impeccable, Councilor. Oh you missed the fun!

President Letellier – What did I miss?

Vice President Calabrese – This item was Charter Objected and now we are under Item 5.

President Letellier – Oh all right. Thank you. Sorry I missed all the fireworks. So I believe that Vice President Calabrese just called upon Councilor Perry for a report? Councilor Perry?

Councilor Perry – Yes. Thank you, Madam President. Our committee again met at our August 26th meeting in the library. This item was brought up under any other business because I failed to put it on the official agenda but I did bring it up under any other business. This is a resolution that the Mayor put on and I'll just read it really quickly. "Whereas the parking vehicles on Hunt Street during certain hours" – this is one that was passed about three months ago our committee made a recommendation. This Council passed it. What this resolution is asking is to change the actual time frame in which no parking is allowed. Currently the parking, the no parking on this particular street is between 6am and 6pm. The resolution's asking that this Council change that from (to) 9am to 5pm., so in other words reducing it. There was a memo that came along with the resolution when it came under new business, it was to the Mayor from John Stone regarding Hunt, no parking hours, and it was dated July 22nd. It says the attached

revision to the Hunt Street parking restriction should meet the requirements of the resident needing to park in the street until she leaves for work to avoid blocking the sidewalk. We discussed not at length but we did have a discussion on it. And it's our committee's opinion that we're creating or changing one of the laws that we've created for one resident. One, does the resident have a driveway to park in? The current no parking ban on this street is like I said less than three months old. It was put on because there are businesses there that have customers, employees, and what not parking on the street. I pushed to have that passed because mail deliveries were being interrupted because of the parking and things of that nature. To have and our committee feels and voted 3-0 to vote, to recommend to the Full Council to vote no on this, is for the simple fact that we can't start to create and change laws for individual people. We feel, the committee as a whole, feels we'll be setting precedents for other individuals as time goes on to ask for specific changes in our laws so the committee has voted 3-0 to recommend a no vote on this resolution. Thank you.

President Letellier – Thank you, Councilor Perry. Any other Councilor wishing to discuss the matter? Seeing none, Clerk, will you please call the roll?

ROLL CALL – 0 Yes, 11 No.

President Letellier – With eleven no, you've defeated the item and the current no parking zone remains in place. Thank you Councilor Perry.

Item 7. Report of Council Committees

None.

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 and Structures in Amusement Parks in the Business B Zone (Mayor) (1/3) (Referred Jointly to the Zoning & Ordinance Committees) (2/3 Majority of the Full Council or 8 votes) (Referred to Planning Board but separate vote needed to be Petitioner)**

President Letellier – For each of these next three items, we need to vote to be the Petitioner of the zoning ordinance change and the Planning Board already has their public hearing scheduled. So what we need is a motion from the council to be the Petitioner of

each of these items. We can vote on them separately obviously but that's what we're looking for. Moved by Councilor Calabrese, seconded by Councilors Messick and Bitzas. Do we have any discussion? Councilor Rheault?

Councilor Rheault – Are we gonna vote to change the public hearing dates?

President Letellier – That will be the next thing. First we need to be the petitioner, then we need to set a public hearing date. You looked at my notes! You are correct. First we need to vote to be the petitioner and then we would vote for setting the public hearing date. So any other discussion on whether you want the Council to be the Petitioner? No? Barbara, could you please call the roll?

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

President Letellier – With a vote of ten yes and one no, the Council's voted to be the petitioner and we wanted to set a new public hearing if you recall at the last meeting, we were informed by the Planning Board that they did not want to hold a joint public hearing. Barbara, are you looking at the first October meeting or the second October meeting to give them time to finish their meeting. I believe it was the second October meeting.

Barbara – I believe it was the first October meeting. October 6th because I think their's is the 18th of September.

President Letellier – Okay so we have enough time. Is October 6th okay for everyone on that one? So the public hearing date will be October 6th. Public Hearing date.

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) (Referred to Planning Board but separate vote needed to be Petitioner)**

President Letellier – Again, this isn't a vote. We are looking for a motion and a vote as to whether or not the council wants to be the petitioner. Moved by Councilor Calabrese, seconded by Councilor Messick. Any discussion on whether the council wishes to be the petitioner on this item? No? Seeing none, Barbara, could you please call the roll? A yes vote is for the council to be the petitioner.

ROLL CALL – 11 Yes, 0 No

President Letellier – With eleven yes, you've voted to be the petitioner on the zoning ordinance violation and again October 6th for the public hearing, okay?

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) (Referred to Planning Board but separate vote needed to be Petitioner)

President Letellier – Again, we’re looking whether or not the council wishes to be the petitioner. Do we have a motion? Moved by Councilor Calabrese, seconded by Councilor Cavallo. Any further discussion on whether or not the council wishes to be the petitioner? No? Seeing none, Barbara, could you please call the roll?

ROLL CALL – 11 Yes, 0 No

President Letellier – With eleven yes, you’ve voted to be the petitioner on that article as well and again we’ll have the public hearing on October 6, 2008.

4. **TO-2008-34 - Voucher List (\$4,827.00) (Majority of those present and voting)**

President Letellier – Those are our mandatory MMA dues. Councilor Calabrese is passing that voucher list around for a signature. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Calabrese? Barbara, could you please call the roll?

Councilor Perry – No.

President Letellier – You don’t want Barbara to call the roll? Oh, I’m sorry. Absolutely, we can have discussion on our mandatory dues that we’re still gonna pay, but that’s okay.

Councilor Perry – Why is this mandatory?

President Letellier – Because the town desires to become a member of the Massachusetts Municipal Association and the dues are set. I know in past years, we’ve tried to gather a lower rate and have been unsuccessful. Unless you want to not pass it and see what happens?

Councilor Perry – I’m just asking, I mean the town as in who? The Mayor?

President Letellier – I believe the Mayor continues to file what the prior mayor does. I believe it’s a mandatory –

Councilor Perry – Is this something that’s renewable that the Mayor says yes, we need to spend five thousand dollars

President Letellier –It’s an annual, it’s an annual due and it gives you if you recall you get your monthly newsletter.

Councilor Perry – Oh I understand what I get for that, I just, I’m just trying to

understand year after year it comes before us and

President Letellier –Do we get our \$5000.00 worth?

Councilor Perry – Well I know I get this flyer once a month. And they have other, the meetings and things of that nature, they maybe have one or two in western Mass, Northampton or something like that, per year, everything else is in Boston. I'm just trying to look at the benefits that the community is getting out of it for the \$5000.00 and why this Council doesn't have a right to say well no, maybe we don't want this anymore and who decides that is I guess my main question.

President Letellier – I know in the past we have tabled it to get some clarification as to whether or not the town had to be a member of MMA and I'm happy to request that again if that's the Council's pleasure. Councilor Rheault has his light on.

Councilor Rheault – Yea, I think I could shed some light. I know we've tried a few years back and it came back that we wouldn't have any representation on lobbying in Boston if we were not a member which I don't know if that does us any good anyway.

Councilor Perry – What kind of representation do we have?

President Letellier – Councilor Rossi?

Councilor Rossi – Yea. I would like to get some clarification also. I mean the \$5000.00 is it strictly for the dues or for the mailings or are there any other benefits? Do people go anywhere or do anything with these dues?

President Letellier – The fees to the best of my knowledge and Councilor Rheault can correct me, is the mailings that you get, the discount on attendance at the meetings which are very few and far between in western Mass, and lobbying if in fact our town agrees with the MMA on everything which may or may not be the case. But that's what the \$5000.00 encompasses. I'll do whatever the Council votes to do.

Councilor Rheault – Why don't we table it and find out.

President Letellier – Alright, motion to table by Councilor Rheault, seconded by Councilor Perry. Barbara, could you please call the roll?

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

President Letellier – With nine yes and two no, we have voted to table the item. Barbara would you mind just drafting up a memo and email it to me and then we'll get in touch with it? Thank you.

5. **TO-2008-35 - Order Granting or Renewing a LICENSE for an Auctioneer Permit – Crowley's Commission Sales, Inc., 32 Shoemaker Lane, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of**

those present and voting)

President Letellier – I actually have to abstain from the next item. I should have warned you on this one. So Councilor Calabrese will take care of that item and I'll step away.

Vice President Calabrese – Do I have to motion? Do we have a report?

Councilor Rossi – Yes. I didn't call for a meeting and maybe I should have but it didn't really seem necessary. I let the councilors speak for themselves and on my committee Councilors Cavallo and Councilor Simpson, I asked them if they had any objections to it. It's pretty cut and clear. It's a license to that we've been granting for years and years and years and nothing actually has been changed so I didn't call for a meeting on it. But I will defer to any of their input if they should have one. But it's from my recommendation I would recommend that we go forward and issue the license.

Vice President Calabrese – Thank you. Any discussion on the item? Seeing none, clerk, please call the roll?

ROLL CALL – 10 Yes, 0 No, 1 Abstain (President Letellier)

Vice President Calabrese – Ten yes, one abstention, you've approved the item.

6. **TO-2008-36 - Voucher List (\$30.95) (Majority of those present and voting)**

President Letellier – Thank you and the tag team continues. These next two are for office supplies that our clerk was able to shop around and get us better deals that perhaps the town contract would allow. So, do we have a motion on the voucher list? Moved by Councilors Rheault and Simpson, seconded by Councilor Messick. Barbara, could you please call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've passed the first of the two vouchers.

7. **TO-2008-37 - Voucher List (\$14.90) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilors Messick and Rheault. Barbara, could you please call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you've passed that voucher.

8. **TO-2008-38 - Order Granting or Renewing a LICENSE for a Junk Dealer's Permit – John's Trucking of Agawam, 415 Silver Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)**

President Letellier – Do we have a motion? Moved by Councilors Rossi and Rheault, seconded by Councilor Cavallo. Do we have a report from the License Committee?

Councilor Rossi – Again, this falls into the same category as Crowley’s. This license has been issued for several years. I find no change in their application and I did not call for a meeting and again I will go along with my fellow committee members, Councilor Cavallo and Councilor Simpson, if they have any input and my recommendation would be to follow through and renew the application.

President Letellier – Thank you Councilor Rossi. Any discussion on the Junk Dealer License? No? Seeing none, Barbara, could you please call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, you’ve granted the Junk Dealer’s License.

Item 11. New Business

1. **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) (2/3 Majority Vote of the Full Council or 8 Votes)**

President Letellier – Because it is a request for an amount, it will require eight votes. We are going to refer that to a joint meeting of the Sewer Committee and the Finance Committee. For all three of these. So next agenda.

2. **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) (Majority Vote of those Present and Voting)**

President Letellier – Again, next agenda, joint meeting of Sewer and Finance Committee.

3. **TR-2008-50 - A Resolution Approving Sewer Connection and Service Charges Fixed by the Department of Public Works. (Mayor) (Majority Vote of those Present and Voting)**

President Letellier – Again, next agenda, joint meeting of Sewer and Finance Committee.

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

President Letellier – I know that I had sent a memo out asking for people who want to serve on the Capital Improvement Budget Committee, if you could let us know tonight and then Councilor Calabrese and I can hopefully announce it in Thursday’s packet who the members are. Where do we start? Start with Councilor Perry this time I guess.

Councilor Perry - Yes, thank you Madam President. I think I have enough committee duties right at this point in time so I'll pass on the Capital Improvement one. Just a couple quick items. To finish off the report from our sub-committee that we held on the 26th, our Public Safety Committee meeting, in any other business it was brought up by Councilor Rheault in regards to the safety of the police officers doing traffic duty out by Six Flags on Main Street. Councilor Rheault brought it to our attention in regards to as you approach, as you're going southerly on Main towards Six Flags, you get that rise there and as you come up it's difficult to see the officer and again, we discussed that. I did send a memo, which all of you have a copy. Thank you for Barbara for doing this for me and getting it to the members, to the Police Chief and the safety issues that he feels that are there because our committee is willing to work with and try to alleviate this problem as is Six Flags. I did have a discussion with Larry in regards to this issue and again this has nothing to do with Six Flags whatsoever. This is just the situation Main Street is a state highway so if we're going to get some illumination as Councilor Rossi has stated years ago they had, when it was Riverside Park, they had a light hanging over the street where you could see the officer. This is a state highway in which we'll have to petition the state to try and get some type of illumination over there. I know speaking with Larry he's willing to work with our committee and I'm just waiting to hear from the Police Chief and get together with them in regards to addressing this issue. So hopefully we can get that resolved for next year. And last thing I have is that school starts on Thursday so just be careful out there when you're driving. We've got school busses and little kids on the road again. So, thank you.

President Letellier – Thank you Councilor Perry. Councilor Messick?

Councilor Messick – I would be willing to serve on that budget sub-committee on capital improvements. And I have nothing else. Thank you.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes. I would like to wish the teachers, the parents, the children a safe and productive school year; working together, the School Committee..., parents, we must work together of course to provide the best education. This year, next year and forever. Thank you.

President Letellier – Thank you. Councilor Young?

Councilor Young – I have nothing but I'd be happy to serve on that new committee. Thank you.

President Letellier – Okay, thank you. Councilor Simpson?

Councilor Simpson – Nothing tonight, thank you.

President Letellier – Okay, thank you. Councilor Mineo?

Councilor Mineo – Yea. I would just like to wish all our students a very happy and healthy year and I do want to serve on that capital improvement budget committee.

President Letellier – Okay, thank you. Councilor Cavallo?

Councilor Cavallo – I have a, I got a paper a short while ago that the Mayor was going to explain to the Council the settlement with the Tennessee Gas, okay, and I just hope it comes soon before it goes out in the street. It is very embarrassing when you are told by other people what the settlement is. I hope that doesn't happen. Do you have any idea, Madam President, when she plans on giving a report to this body as to what the settlement was?

President Letellier – Yes. I spoke with the Solicitor last week and he indicated that because the paperwork had been signed an Executive Session was not necessary and that he could come and brief us prior to a Council Meeting. So I'll set that up for the next meeting.

Councilor Cavallo – Yea. I'd appreciate that.

President Letellier – No. No problem. I understand.

Councilor Cavallo – And I'd also like to be considered for that committee as well.

President Letellier – Thank you.

Councilor Cavallo – And I have one other request. I was spoke with Councilor Rossi and I've been attending the sewer sub-committee meetings and I'll ask if it would be possible for me to be a member of that committee?

President Letellier – I think that would give us an even number which we try to keep things at an odd number. I can name you an alternate so that if someone doesn't appear, you can vote in his or her stead but we try to keep it an odd number.

Councilor Cavallo – I'll still attend the meetings. If I can the, I guess an alternate would be fine. Thank you.

President Letellier – Okay. Does any councilor have any objections to Councilor Cavallo being an alternate? Okay, I'll place you as an alternate. Thank you. Councilor Rossi?

Councilor Rossi – Yes, thank you. I would be honored to have Councilor Cavallo be a participant. Also I would like, could I get Barbara to get a meeting scheduled for next week, maybe Monday or Tuesday, for the sub-committee Sewer Ad Hoc? And have notices sent out? Whatever is available Barbara. Can you do it Tuesday of next week? Hold on one second. Yes. Monday or Tuesday, Barbara, if the library is available if you

would? And send the notices out and/or email us with the notices and the notices out to the other sewer committee members? I would like to discuss some things, there are a couple other options that are under review before we go back to the Council so it may be necessary to maybe have one more meeting prior to the next council meeting to try to get all the information back to the Council. I'd like to start at least Monday or Tuesday of next week if that's possible. Thanks.

President Letellier – Just a reminder that that's a joint meeting with the Finance as well so you want to coordinate with them. Councilor Rheault?

Councilor Rheault – Yea. I just want to say that TR-2008-20 -

President Letellier – I have an update on that one as well.

Councilor Rheault – You have?

President Letellier – When I met with the Mayor last week, she indicated that the neighbors, that even though Six Flags is no longer building that roller coaster, the neighbors have still not dismissed their lawsuit so it makes sense to table to item until it's dismissed.

Councilor Rheault – That's the only thing I had.

President Letellier – Oh, okay, thank you. Councilor Calabrese?

Councilor Calabrese – Yes, thank you. Don I want to send my condolences to you and your family on the passing of your sister.

President Letellier – Oh, I'm sorry. I didn't know. I'm sorry.

Councilor Rheault – Thank you.

Councilor Calabrese – Again, welcome back to school everyone. I know Thursday is the big day. Go with gladdened hearts and a willingness to learn, it'll serve you well. Thank you.

President Letellier – Thank you. I want to apologize for being late. Today I was at the check presentation for the Liquori family to give the check to the Town for the Phelps' Playscape and we also got a nice tour of the Playscape. It's lovely. If you've been there before, a lot of the same structures are there but there's some new additions. If you remember we had the woman from the ADA Commission explain to us the surface. The surface is amazing! It is so soft, it is so cushy. A kid could fall and I can't imagine how they would really get hurt. There were people walking around in high heels today, it didn't permeate the surface whatsoever. I guess there's still some landscaping that needs to be finished but the area itself it beautiful. So if you have children don't hesitate to bring them to that part of the town. There's even a like a portion where a child in a

wheelchair could come and there's like a game they can play to exercise their upper arms. It's just an amazing thing and I think we should all be really proud of it. And it was nice to have the Liquori family there. And thank you for volunteering for the Capital Improvement Budget Sub-Committee. We were hoping for a committee of five. We have a committee of five which is good. We don't have to worry about making any cuts. So we'll talk about who we think is the appropriate chair. This should be a busy committee as I said in my memo the Mayor wants this committee to meet once a month. So it can get on the ground rolling and also she is willing for the next year's budget to meet with the sub-committees while the budget's being prepared, not here's your budget. So I'm glad that we're able to come to that agreement. And if there's nothing else, I'll ask for a motion to adjourn. Moved by the Council, seconded by the Council. All in favor, please say Ay? Thank you.

Adjournment.