

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

SEPTEMBER 7, 2010

Vice President Rossi – Good evening ladies and gentlemen and welcome to the Agawam City Council meeting of September 7, 2010. As you haven't already guessed, my name is not Don Rheault. I will be standing in for Don who is enjoying some vacation. He will be here for our next meeting and this being my maiden voyage here at the helm, I ask for some of your patience and we'll get through this as painlessly as we can.

Item 1. Citizen's Speak Time

Vice President Rossi – With that we will start out at Citizen's Speak Time and we have two guests that are wanting to address the Council tonight and the first one is Forrest Bradford.

Forrest Bradford – Good evening. My name is Forrest Bradford. I live at 21 Oxford Street in Agawam and I'd like to speak again about the Stretch Code that's coming up before you this evening. After discussing the issues with several people on the Council, I'd like to ask you, you've had the summer to look at this, take a look at your heart, and this summer was the hottest summer in the history that we've been able to record that humans have been on the planet. Now, we also have amazing floods in Pakistan, we've had the Gulf of Mexico oil disaster and if you look at Exxon Valdees up in Alaska twenty-one years later you'll see they're still suffering affects from our foreign dependency on oil. This is an issue that I do think needs to be brought to the community at large when the vote comes through. I think everyone needs to know – are people up here to be friends with the developers who might oppose this. I think most of the developers don't have a problem with this. Is there a Councilman or are there Councilmen here that should abstain from the vote because perhaps they're married into a family that has developers or maybe they are, I want to take serious issue with that – if they have close relations that are, that would make this a conflict of interest for them, I think that they should then abstain. Bob Magovern has a complaint about the Democratic Party spending all kinds of money and is making this an issue of Republican versus Democrat and I would say, Mr. Magovern, that this would allow our town to have up to a million dollars and so you're going to run on a platform as State Senator, to try to become State Senator, and rob our town of an opportunity to get up to a million dollars, I think that's a dirty shame. This is about patriotism. We have people fighting because of oil now. We've lost lives. We've lost the mental health of a lot of our youth in America because we are foreign dependent. It is a no-brainer that people have tried to do something, to make this a good environment for the children and grandchildren to come and it is coming quickly. We are in global warming. There's no denying it now and we have a situation where we can slow it down so that the grandchildren will have an opportunity to live in a habitable environment and it begins with the whole of the small communities making a difference. We're in Agawam. We're the first zip code in the nation. Are you really seriously going to vote against this? Going to vote against the children that you know in this town? We also know from studies done at Ohio State

University that every home built costs the taxpayers because of ambulance, police, fire, education, the amount of taxes that the home person pays, the town gives back more. So we're subsidizing as well. Now I don't have a problem with working together with developers at all. I have a problem when developers who already live in grand homes, let's face it, the twelve developers that are in this town have homes that are better than most of ours, so do they really need our subsidizing again against the grain of our grandchildren, against the grain of working as a team in the United States, working patriotically so that our troops won't have to go put themselves in harm's way anymore. This is an issue where the Councilmen should work with Jill to help see this through. You should all say listen, we love our country, we love our children, we're not gonna be up here facing the greed that is destroying us. Greed is not patriotic. Sacrificing ourselves is and this is a proposal where if we don't follow everything to the T they're not gonna come back and take the monies back. It's just that we, they want to see an effort that we're going to do this. So there is absolutely no excuse not to support this unless you are somehow being influenced by the people that have the monies in this community. There are 30,000 residents. There are 12 developers. If you have a relative who is a developer, back out, abstain from this vote. If you think that this is a political issue between Republican and Democrat, don't stand up here and tell us that you are patriotic and that you're for our soldiers and yet you won't do a darn thing about the future. This is not what Agawam should be. Check your conscience. Vote yes for this today and pass this. Understand this is much greater than Agawam. This is an effort that we must make across the nation. This is an effort that we must make around the world. No we're not in Pakistan, we don't have to deal with the flooding so why should we care? No, we're not in the Gulf of Mexico, why should we care? No, we're not up in Alaska. No, it's not maybe your child that's being lost or has brain damage because of having to fight and kill people as a young person but you know something? Your consciences for shame, if you feel that you're gonna sit up there and vote as a representative for the 30,000 people vote to protect a buddy or be a friend to somebody – you're not protecting them anyway, in the year 2013 they're gonna have to do this. Thank you.

Vice President Rossi – Richard Theroux?

Richard Theroux – Thank you, Mr. Council Vice President. My name is Richard Theroux. I reside at 30 Ley Street in Agawam and I am the Chairman of the Senior Center Building Committee and I'm here this evening in that capacity. I've updated the Council on more than one occasion concerning our Senior Center which has been unequivocally a great success. I never expected to be able to come back to the Council to update you on the last piece which was the parking – the additional parking – for that Center. Through two administrations in the Mayor's office and two administrations in the Agawam Housing Authority, we have continued to work with the original plan and I'm sure the Council recalls that gave us additional parking for our center. We, as a committee, Councilor Bitzas, and the others along with Mayor Cohen and his new administration and the new administration of the Housing Authority continued to work on that original plan and I'm here to tell you this evening that we have success. We have signed an agreement with the State, the Housing Authority has worked out the issues that were of difficult discussions in the past and ground is now being broken at the Senior

Center for the additional spaces that were in the original plan. That includes as you will recall not only resurfacing the old Senior Center parking lot but putting in 39 new spaces which are in the rear of that building and also additional spaces on both perimeters of the left and the right side of the building. Now this was very difficult. We had some long conversations but we stuck with it. We knew it was the plan that originally brought more parking to a center that is now overflowing. So I wanted to update the Council, take your time and your attention and I appreciate that and continue to appreciate the support that this Council and many of you were there in the very beginning to fund this center. This is the last piece and again we stayed with it until that last piece of the puzzle was complete and I'm here to tell you this evening that that puzzle is in place and within the next few months we'll have that additional parking and this project will come to a very successful, in my opinion, close. So again, thank you for your support, thank you for your time and I thank the people, Mayor Cohen, the Committee, the Housing Authority, and in particular Representative Sandlin who took the time and effort to stay with this project on the state end of it and brought it home for us. So again thank you for your attention this evening.

Vice President Rossi – Thank you.

Item 2. Roll Call

Vice President Rossi – Barbara, please call the roll?

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

Vice President Rossi – Ten present, one absent, we have a quorum.

Item 3. Moment of Silence and the Pledge of Allegiance

Vice President Rossi – Take a moment of silence and Pledge of Allegiance.

Item 4. Minutes

Regular Council Meeting – August 2, 2010

Vice President Rossi – We'll entertain a motion to accept the minutes of the Regular Council meeting on August 2, 2010. Voice vote is sufficient. All in favor? Opposed? Two abstentions? Motion carried.

Councilor Messick – Oh, I'm sorry, I abstain too.

Vice President Rossi – Three abstentions.

Item 5. Declaration from Council President

Vice President Rossi – I was informed before the meeting got started, I was informed that these microphones had been fixed however; you have to speak directly into the

microphones. If you veer away from one side to another, you might get lost somewhat so until I guess that's corrected, you'll have to speak and try to focus directly into the microphone.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

1. **TR-2010-36 - A Resolution Establishing a No Parking Zone on Mark Drive (Referred to the Public Safety Committee) (Withdrawn per letter of the Mayor dated 8/13/10) (Mayor)**

Vice President Rossi – This was withdrawn per letter of the Mayor dated 8/13/10, what is the Council's pleasure? This is to be withdrawn.

Councilor Letellier - Move the item to be defeated.

Councilor Mineo – Second.

Vice President Rossi – We'll have a vote, Barbara, please call the roll?

ROLL CALL – 0 YES, 10 NO, 1 ABSENT (Councilor Rheault)

Vice President Rossi – It's been removed from the Agenda.

2. **TR-2010-37 - A Resolution Authorizing the Posting of the Warrant for the State Primary Election on September 14, 2010 and the General Election on November 2, 2010 (Mayor)**

Vice President Rossi – Moved by Councilor Simpson, seconded by Councilor Perry. Any discussion? Seeing none, Barbara, please call the roll?

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Rheault)

Vice President Rossi – Ten yes, one absent, motion is carried.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

1. **PH-2010-6 (TOR-2010-4) An Ordinance Adopting the Stretch Energy Code for the City of Agawam (Tabled 8/2/10) (1/2) (Councilor Messick)**

Vice President Rossi – Can I have a motion to take it off the table? Moved by Councilor Letellier, seconded by Councilor Messick, public hearing is now open. All those in favor of - I'm sorry – Barbara, we have to have a vote on the motion, I'm sorry.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Rheault)

Vice President Rossi – Now we can declare the Public Hearing open. All those wishing to speak in favor may do so now. Anthony, if you want to address the Council on this?

Anthony Sylvia – Yes, thank you and good evening. My name is Anthony Sylvia and I'm the Superintendent of Public Works. Tonight we're here to have a public hearing on the Stretch Code. We've been discussing this for the majority of this year from the point in time that the Energy Commission actually came into existence in January. Agawam is hoping to become a Green Community which is a formal designation by the State Department of Energy Resources. To accomplish that Agawam needs to comply with five criteria, one of them is the purpose of our public hearing tonight and that is to institute and implement the Stretch Code – the Stretch Energy Code. This Stretch Code is an optional energy code that likely will become required code in the next year or two. The major difference between current code and the Stretch Code is that the current code is prescriptive, that it requires builders to do construction in certain ways, using certain materials and by certain standards to build buildings and then they are in compliance based on inspection of that work. The Stretch Code would require testing of the construction once it's complete – performance testing – therefore proving if the construction was done successfully or not. For example, HVAC – heating and ventilation and air conditioning systems – would undergo a pressurized test to check the efficiency of the installation proving that air would be transferred from one area of the building to another in an efficient manner. By the current code which is prescriptive, there are no tests. Simply observe and measure and look for visible signs of leaks or inadequate construction. The performance testing will prove if the construction was done properly or not and in doing so, if the Council were to take on this Code, it would be protecting the consumer whether it be a resident or a business owner making the investment in their buildings to become more energy efficient. This is a Code that if the Council took this on would protect the consumer. In the world of banking and mortgages, banks now have means of providing energy efficient mortgages which if a homeowner wants to buy a home that complied with the Stretch Code, they would be afforded the opportunity to get mortgages at lower interest rates or be able to afford more home for the same monthly payment, either way banks are becoming involved in this manner to foster energy efficiency throughout our construction. With me tonight also is Katherine Ratay from the Pioneer Valley Planning Commission should you have any questions on the Stretch Code as we have discussed it over the past eight to nine months. With that I would open the floor to questions by the Council and ask Katherine to assist me in fielding these questions.

Vice President Rossi – I'll entertain a Motion to go into Committee as a Whole if the Council seeks it's pleasure?

Councilor Letellier – That’s not necessary. We’re already in a public hearing.

Vice President Rossi – So she can speak?

Councilor Letellier – You can ask questions at a public hearing.

Vice President Rossi – All right. Go ahead. Councilor Letellier?

Councilor Letellier – Thank you. Anthony, could you please explain for people the time period by which these additional costs get paid back as well as the Town’s ability to get state grants if in fact we do become a Green Community and let’s bring the microphone to you instead of you having to hop on one foot.

Katherine Ratay – We gave you three handouts – the PowerPoint – but also we gave you this thing that has the DOER logo on the front that says “Massachusetts Stretch Code Modeling and Cash Flow Analysis” and if you turn to page 2 of this handout, this is a baseline home of 2600 square feet and it explains how you end up with additional cash flow if you build according to the Stretch Code. As those of you in construction or development and real estate know if you build a home that’s fifteen or twenty percent more energy efficient than the standard home it’s obviously going to cost you more money up front and so this shows that the improvement costs to achieve the Stretch Code are approximately \$2,049.00. The cost of a HERS rater is \$900.00. If the builder or developer decides to get an Energy Star certification which you would achieve without any additional effort if you build to the Stretch Code, the federal government will reimburse the cost of the HERS rater. So if you look in that end column that says Stretch Code with Energy Star, you’re looking at total improvement costs of \$1755.00. If you have a 6% 30-year mortgage, your annual incremental mortgage payment to the Stretch Code would be \$127.00. However, because you’re living in a much more energy efficient home, your energy costs go down from \$3970 a year to \$3454 so you end up actually saving money every year. So you have a \$389 additional cash flow for the homeowner. So that’s how the finances work out in terms of saving you money and this is for the baseline home and then you can see for a larger home, it’s slightly different and for a smaller home it’s slightly different. And the point that Anthony made earlier is that we’ve spoken with banks in our region and they are willing to loan a homeowner the additional cost so adopting the Stretch Code should not prohibit anybody from being able to build a home in our region. Does that address that question?

Councilor Letellier – It does. I know we’ve read that but the public hasn’t read it and that’s why I want the answers you guys are giving us are going out on the airwaves. We’ve read this but the public has not and we answer to them so they need to understand the information that we’re basing our decision on and then I know for the fact that the town is eligible for grant money from the state if we’re a Green Community, could you please explain that to the public. That was the second part of my question.

Katherine Ratay – Right. Thank you. Well, last year when the program was advertised, there were going to be grants available up to a million dollars per municipality. Because

so many municipalities achieved the designation in the first year – last year – thirty five municipalities achieved the designation and there was approximately \$8 million available in grants, the state government felt that it was important to at least have some funding for every municipality that had achieved the designation. So that meant that they couldn't, well the staff decided that they couldn't do it as a competitive grant process where you could achieve up to a million dollars. So the way that the Department of Energy Resources awarded the money was based on population and the economic situation of your residents and I, so it was a formula allocation in reality so every municipality that achieves the designation will receive a grant as long as you apply for it from the state and for a community the size of Agawam, the grant would probably be, depending on how many municipalities achieve the designation this year, it would probably be in the \$200,000 to \$400,000 range – is what I'm estimating, that's not guaranteed. But it would definitely be above, probably above \$200,000 but probably no more than \$400,000 or \$500,000. And that funding is available to implement the energy efficiency improvements that you are proposing. You can also use it to create a fund to give funding back to homeowners who may have difficulty building to this Stretch Code. Anthony's gonna talk about trying to make a fund that would make sure that anybody who had a barrier with this additional \$2000 that the Town could support that for homeowners. So it's up to the municipal staff to decide what they want to do with that funding.

Councilor Letellier – But that funding, we don't even get it if we don't get the full, all of the levels of the Green Community? Is that correct?

Katherine Ratay – That's correct.

Councilor Letellier – Thank you.

Katherine Ratay – And this additional handout is all the questions that have surfaced over the last year in terms of the Stretch Code but it explains one thing that Anthony didn't talk about is the adoption process that some people are concerned about. Your Building Inspector be coming up to speed on being able to make sure that builders are building to the Stretch Code, making sure that your local builders aren't at a disadvantage if you adopt the Stretch Code. So if you adopted it tonight, it wouldn't go into effect until January of 2011 and there would be a six month concurrency period where builders could build to the current standard or to the Stretch Code so in effect your builders would not be obliged to build to this Code until July 1, 2011, so you have almost a year to continue to educate people and the State is offering free education to builders and developers to make sure that they understand exactly what it means to build to the Stretch Code.

Councilor Letellier – Thank you. That's all I have.

Vice President Rossi – Councilor Messick?

Councilor Messick – Could you explain just very briefly where the funding for this program is coming from and how that works?

Katherine Ratay – Yea, the funding is coming from the Massachusetts’ participation in the Regional Greenhouse Gas Initiative which is our regional cap and trade program basically between the northeastern states and the northeastern Canadian provinces and so all of our large entities that are polluting are paying for the right to pollute. That money is going into a fund and it’s distributed on a formula to all of the participating states. In Massachusetts, we receive approximately I believe it’s like \$13 million a year from participation in that fund. It can’t be used for anything else based on the Green Communities legislation that was adopted in 2008. It’s only to fund energy efficiency improvements in the Commonwealth so it’s not money that, it’s not taxpayer money, it’s not coming from anything other than our participation in this Regional Greenhouse Gas Initiative.

Councilor Messick – I’m sorry. You said that they are paying for the right to pollute. Are they, they have credits and if they don’t pollute up to the levels that they’re permitted for then they can sell those credits, is that how it works?

Katherine Ratay – I’m not exactly sure how it works, unfortunately, I apologize, but all I know is that it’s not taxpayer money, it’s not coming from homeowners or taxpayers in the Commonwealth right now, it’s coming from, well I suppose it’s coming from corporate taxpayers, but it’s not coming from individual homeowners.

Councilor Messick – Thank you.

Vice President Rossi – Councilor Perry?

Councilor Perry – Yes, thank you Mr. Vice Chair. Through the Chair to Anthony or whoever can answer, the testing I believe on here it shows that it’s the HERS rating fee and that’s done by who as far as the testing goes? It’s my understanding there’s going to be in the State of Massachusetts four different agencies that come in and do this rating testing? Am I correct?

Katherine Ratay – No, the HERS rating, individual companies can become certified as HERS trainers and then they can hire HERS raters. Right now in Western Mass, it’s the Center for Ecological Technology which has offices in Northampton and Pittsfield which has a number of HERS raters on staff. There are also some companies in Connecticut that are closer to us here in this part of Western Mass. There’s a number of companies in Eastern Mass that have HERS raters on staff so it’s a private enterprise.

Councilor Perry – But it has to be qualified by the State, correct?

Katherine Ratay – Correct, so –

Councilor Perry – So in other words an Occupancy Permit, the OP, cannot be issued by our Building Inspector until –

Katherine Ratay – No, absolutely it's only the Building Inspector –

Councilor Perry – But if they fail, the permit cannot be issued, right?

Katherine Ratay – Right, the Building Inspector is responsible for –

Councilor Perry – the construction I understand but the energy side of things they have to certify and if they don't certify it, the Building Inspector cannot issue an OP for that residence, correct?

Katherine Ratay – (but they have to certify it with a HERS rater) Right, the Building Inspector works with the HERS rater. Yea, absolutely.

Councilor Perry – Right but the HERS rater has the last say. Correct?

Katherine Ratay – No, the Building Inspector has the last say.

Councilor Perry – No, if they say no it doesn't meet the standards, then he can't issue an OP.

Katherine Ratay – Oh, well, yes you're right but it's the Building Inspector who issues the permit.

Councilor Perry – I understand that but he can't unless they achieve that rating if we adopt this Code. Any new home in this community -

Katherine Ratay – Correct.

Councilor Perry – That was my question. In regards to the pollutants or the companies that are paying at the federal level, I understand it's at the federal level and it's been issued down to the state levels to put this program together.

Katherine Ratay – Well, it's not at the federal level. It's a voluntary program that the New England states and some of the Canadian provinces created this Regional Greenhouse Gas Initiative. So it's not –

Councilor Perry – And the pollutants or the companies, the corporations, that are paying these fines which generate the income to present these grants that we may achieve if we pass this, are being fined by whom?

Katherine Ratay – It's a voluntary program that Massachusetts opted into.

Councilor Perry – So they're voluntarily paying these fines? The companies are? And they're allowed to pollute? That makes no sense to me whatsoever. Why are we not going to them and shutting THEM down to reduce our carbon input? We're allowing them to pay money less than what it would cost for them to stop polluting. Let's start at the top. Let's not start at the bottom and push it down on the residents. People are hurting right now. It's a very tough economy and we're pushing this on them. Anybody who buys a new home wants to have energy efficient windows and energy efficient appliances and energy efficient furnaces, there's no question about that but we're setting standards higher for the average person than we are for the corporations that are polluting a billion times more carbon into our atmosphere than the average homeowners would. I don't get this. I really don't get this whole concept. You're pushing down on the little people instead of going after who we should be going after and then let it trickle down.

Katherine Ratay – Well, but if you're talking about re-engineering the way corporations do major business, that's a huge effort that's clearly underway.

Councilor Perry – You are asking us to re-engineer how a home is built for the average person! So we can't ask them?

Katherine Ratay – Right, no that effort is underway. If you think about carrot and stick, this program is designed to gradually get corporations to think exactly the same way that you're thinking – I'm paying now ...eventually –

Councilor Perry – Why are we starting at the bottom? Start at the top.

Katherine Ratay – No, that's what I'm saying.

Councilor Perry – It did not!

Katherine Ratay – It started at the top and eventually it will balance out where the corporations will say gee, you're right, instead of paying to pollute I should re-engineer the way I do things, stop polluting and improve their manufacturing costs.

Councilor Perry – Let me ask you this question. Is there different levels of state government that are being created because of this whole project? Is there a state agency that's overseeing the Stretch Code?

Katherine Ratay – There's not a NEW state agency but there was the existing Board of Building Regulations and Standards.

Councilor Perry – We are creating another layer of government, I'm sorry, with this whole thing. The bottom line is we have to start standing up to the large corporations, making them pay their dues instead of putting the burden on the average citizen who is trying to make a living and is having a very difficult time doing that nowadays. Thank you.

Vice President Rossi – Councilor Simpson?

Councilor Simpson – Thank you. Has there been and I apologize there's been so much to read about this and I may have missed it or it wasn't there, has there been anything looked into if you're looking in a community – just say Agawam – of our developers now, how many of them are really at this point already doing all this energy efficient stuff. I mean you can't walk in to a store now and try to buy a refrigerator or a washer or a dryer without everything being energy rated and star rated, you know, windows etc., I mean is this kind of already in place with developers building or are there still people out there building bare bones, no efficiency whatsoever?

Katherine Ratay – I can tell you anecdotally from what I've heard in doing these presentations around the regions is that most of the members of the Home Builders Association of Western Mass or the large companies and when they're building commercial buildings or they're building high-end homes, they're definitely building energy efficient homes because people can afford to do it or because it's a company or a corporation and they know just as Councilor Perry was saying that the bottom line is it's worth it to invest the money up front to have an energy efficient building. What I've heard again is that it's the low-end homes or it's the people when you, what developers have said is that you know people want a granite counter top, they want cherry cabinets and they want energy efficiency and when the builder says okay it's gonna cost X, X, X, they give up the energy efficient before they give up the cherry cabinets or the countertops. So it's a trade-off that people are giving up is what again what I've heard from the builders or in the low-end homes, they're not able to, they're not building energy efficient, they're just building the base for the most part.

Councilor Simpson – Now have you seen – okay, if we're talking say on the lower-end home, people having a little bit harder time getting into the home or struggling, have they seen in communities that have already been doing this that that lower-end home now is not selling because people who maybe could have gotten into that cusp of buying maybe that starter home or whatever you want to call that, not now being able to do that thus then turning that they would go ahead and buy a pre-existing house instead of buying a new house because if you are buying pre-existing none of this comes into it. So I'm just wondering if we're creating something where, like Dennis had said, that they people who are struggling are trying to reach that goal of first time buying their first home, coming from renting or whatever they're doing, that they're going to opt well look I could get this pre-existing house for this and I don't have to worry about that and move to that, has there been any looking at that? Has there been any studies?

Katherine Ratay – Well, we've been concerned about that and that's why we've spoken with the area banks just to address that, to say if you were faced with a first-time home buyer who wants to get in a home and they say I want to do it in Agawam where they've adopted the Stretch Code, can you loan me more than if I was doing it in Ludlow where they didn't adopt the Stretch Code, because you know I'll have more money to pay my mortgage and so far the banks we've spoken to have said we would make sure to be able

to get that person in that home in Agawam where they wanted to live. So again, so far the banks have said that they would work to overcome that issue.

Councilor Simpson - The only thing that makes me perk up on that is we just went through the whole fiasco of banks loaning money out to people who end up not being able to afford it in the long run. Things happen and you can't meet the bills.

Katherine Ratay – Right and we were talking with our local banks.

Councilor Simpson – I just feel that, I mean I think the majority of people are energy or try to be as energy efficient as possible even when you live in your existing home that maybe was built back in the 60's, you know when you upgrade to new windows, doors or you try to do the best you can but I just have this fear of just another government intervention in here demanding that this is what we have to do and it really hit a little bit more home when Dennis brought that up – when a corporation naturally it's probably less for them to pay the penalty than it is for them to re-engineer their whole, huge corporation so if I looked at that and said I can pay a penalty for here as opposed to here, I'm gonna keep doing this. Why should I bother going up to here? So I do have a little bit of a problem with that so thank you for your answers.

Vice President Rossi – Councilor Bitzas?

Councilor Bitzas – Anthony, this is for the new homes, is that correct? This won't affect the old homes, if you sell a home to go to the Code?

Anthony Sylvia – This would apply to new homes, new business, new construction. It would also apply to major renovations of existing buildings. If a homeowner wanted to expand their home including another floor, you know something significant with another zone for heating and cooling, then the Stretch Code would apply.

Councilor Bitzas – And you said before that this was to protect the consumer and also save money, is that correct?

Anthony Sylvia – That's correct. The Stretch Code would require performance tests of the construction to prove if the construction was done accurately and completely. Certainly, the current Code does not require that test.

Councilor Bitzas – If that would protect the consumer, I think it's a win/win situation. It's a no-brainer for us to accept that because as you said before very soon it will be mandatory by the state so we're going to do it anyway, and then we lose the money. Is that correct?

Anthony Sylvia – That's correct. The advantages seem obvious to me and that's why I'm standing here. Why there's any discussion on scrutinizing the funding source and where it's coming from is like each of us questioning the validity of the EPA, you know the federal government. The EPA is the federal entity that enforces against

environmental polluters. Does our air look like Los Angeles? Are we breathing smog? No. So I think these are cases where these massive companies are doing 98% of what they should be doing and it's just not cost-effective to go to that 100% so they say I'm gonna pay this fine, this penalty. This is not a case of egregious ignorance by these massive companies saying well I'm not gonna take care of the environment, I'm just gonna go ahead and pollute. That's not what's going on and I think our individual health, by and large being good I think, speaks to the fact that our environment is in good condition.

Councilor Bitzas – Yea, you're enlightened because I was thinking about it and I was going either way. I heard the others to say it's gonna be hard on the consumer but now it's a no-brainer because as you can see in the paper here from a couple weeks ago it said that this is going to be mandatory by the state soon, so why would we stay here...soon they have no choice those builders and I believe builders in Agawam they are doing it already and we have the best builders here and I'm surprised I don't see any builder here to complain except one sitting over there and I don't know if he supports it or not but all the others – I never had a phone call and I think they're doing a great job without even being asked to do it. So I give them the credit all these builders because they're doing it already and also we help us by adopting this before the state tells them how to do it, we can pass this and take the money and help ourselves. I mean it is very simple.

Anthony Sylvia – And helping ourselves is something that would keep taxes low. We have these projects that we need to get done – replacing boilers, replacing windows, to make our own town buildings more efficient. We need to lead by example and if we adopt the Stretch Code now, we can take advantage of this funding. If we wait a year or two years for this to become required, we get no funding and we still have to do the projects and we get no grant money.

Councilor Bitzas – It's common sense, sir, and I think an elementary student would understand the process and I think it's very clear to me. Thank you for explaining all that.

Anthony Sylvia – You're welcome.

Vice President Rossi – Councilor Mineo?

Councilor Mineo – Yea, Anthony, have you had any complaints from the builders, any builders in town? Somebody mentioned there's thirteen builders?

Anthony Sylvia – I personally haven't. We had a public hearing that was pretty well attended back in May and I don't know what the count was – 40 – 50 attendants – there were a few builders and I think by and large the response was positive. I think we had one or two people that spoke opposed to the Stretch Code but since that time I haven't received any direct communications.

Councilor Mineo – I don't know. Nobody's called me and I agree with Councilor Bitzas, so there's been no complaints. I guess that's my question. I'll guess I can save my comment for later.

Anthony Sylvia – There's been none to me, I haven't received any secondhand either.

Councilor Mineo – I guess if there was a big complaint, we'd have a room filled with builders.

Katherine Ratay – Can I just add, I mentioned this the last time I was here, I think it was in May but just to let you know the City of Springfield and the City of Holyoke, the City of Northampton, Easthampton, the Town of Belchertown and Palmer have all adopted the Stretch Code and the Town of Southwick has requested assistance to work toward adopting the Stretch Code. So has the Town of Granby, Montgomery, Monson, a number of other communities. There's at least eight more communities that are going to work on adopting the Stretch Code this next round so it's becoming more common. And East Longmeadow is reconsidering it in a couple weeks so your neighbors around – it wouldn't be the case that if you adopted the Stretch Code there would surrounding communities where people would be likely to go to avoid having to build to the Stretch Code.

Councilor Mineo – To be honest with you I really don't care about the other communities, I care more about Agawam. I appreciate your comment but that wasn't my question. Thank you.

Vice President Rossi – Councilor Walsh?

Councilor Walsh – Yes, it seems to me based on the comments there that the people building the higher-end homes are already opting for the energy efficiency and the people on the lower-end of the economic spectrum are choosing the cherry cabinets or whatever.

Katherine Ratay – Well that's the middle class people.

Councilor Walsh – Yea, but it almost seems like we're coming down and we're saying this segment of the population isn't smart enough to make a decision therefore we've got to step in and be Big Brother and make it for them. I don't like that idea. I think that in the case of a builder sitting down with a potential buyer that the builder is in a very similar position as a car dealer – here's the basic car, these are the options. It's my job to try to sell you the options so if it's a good building choice, a good energy-use choice, that the builders should be out in front basically saying here are the costs, here are the savings. If the people do not understand it, make the better choice of energy efficiency so that part I've got a problem with and also in looking at the figures, we're gonna spend \$2049.00 and then we're gonna charge a \$900 fee so we're gonna spend almost 50% of what it cost us to make the energy improvements to have an inspector come in and say yea, you did it okay. That part I don't like the ratio there at all.

Councilor Bitzas – Point of Information, we doing a public hearing or discussion?

Vice President Rossi – Well, the public hearing is still open George.

Councilor Bitzas – Yea, but it's for questions not comments.

Katherine Ratay – Well, I can respond to that as a question. The HERS rater fee, if the builder decides to apply for Energy Star Certification, they get that fee reimbursed by the federal government so that you're right, the \$900 fee is an additional upfront cost but again all you have to do is file the paperwork to get the Energy Star and then the builder gets reimbursed that fee.

Councilor Walsh – But only part of it, I believe, isn't it \$650 they get back as opposed to \$900?

Katherine Ratay – Right.

Vice President Rossi – Councilor Messick?

Councilor Messick – I was working with some numbers and as far as the higher-end versus the lower-end home, the fact of the matter is 99.9% of the homes being built in Agawam today will meet this Code already so what we're actually talking is the additional blower door test which again as Councilor Bitzas pointed out will go into effect eventually anyway. I ran some numbers and what I found was that on a purchase price of \$300,000.00, the mortgage payment would increase by \$27.81 a month. If you add in the \$6476.00 – this is for a larger home – that it would cost to make the improvements. \$27.81. The savings of the energy improvements over not doing those energy improvements – so your energy savings would \$121.25 a month, so after your initial investment which can be rolled into the mortgage which costs you an additional 27 bucks a month, you're savings \$93.00 a month on energy efficiency and this is without any rebates up front. I didn't put in, I didn't throw in any rebates, if you got a part of the blower door cost back or if you got energy efficient appliances and rebates with them or if you got a rebate for your furnace. All of these rebates are available. There are door and window rebates as well. So if you take advantage of all the rebates. I mean without any, your payback time is 4.45 years and with it, it's going to be shorter. Over the life of the loan, just energy efficiency - \$33,000.00 so the way banks are looking at this is, we're gonna allow you to roll these costs into the mortgage well for one thing it's the purchase price and you just always go from 80% of the purchase price but they know there a positive cash flow. They know you are going to be saving so much money in energy that you're gonna easily be available to afford, you're actually gonna be almost making a profit because you are savings so much money in energy savings. So that's one point.

Vice President Rossi – Excuse me, Councilor, is there a question here somewhere?

Councilor Messick – Yea, I wanted to know in your question and answer, your fact thing, you have a one to two year payback. I got a four to 4.5 year payback. Can you

explain how the one to two year payback was calculated? It's in your question and answer papers. I'm sorry on Page 3, it says "Case studies of commercial buildings utilizing the improvements have shown paybacks of 1 -2 years", so while residential will be longer, how do you get the 1 -2 year on the commercial. I'm sorry, that was my question.

Katherine Ratay – Right. It's the commercial is as you pointed out in terms of the rebates, there are massive rebates for commercial building development right now so it's because if you took advantage of all the rebates especially from the utilities right now, you can get it down to 2 years for commercial building.

Councilor Messick – Thank you.

Vice President Rossi – I just have a quick question. We talk about the Energy Stretch Code and in order for it to be determined by the state to be a Green Community but there are also four other criterias that we must meet in order to become a Green Community. My question is do we have to meet all of these five criterias including the Stretch Code in order to be eligible for this money?

Katherine Ratay – Yes.

Vice President Rossi – We do. So that means in addition to adopting the Stretch Code, we're also gonna have to adopt a Zoning by-law that gives a by right for any renewable energy project and we're also gonna have to adopt an expedited permitting procedure in order to be eligible for this money?

Katherine Ratay – Right. You already have by right permitting for in your Industrial Zone for research and development so that can meet the criteria for by right. It doesn't have to be for clean energy generation, it can be for research and development of clean energy related work or it can be for manufacturing related to clean energy. So you already meet criteria number one because you have by right in your Industrial Zone. The expedited permitting just says that whatever you have by right, so in this case let's say the by right research and development, you have to approve a permit within 365 days of the application and if you look at your existing regulations, you meet that criteria as well. So to achieve those two really all you have to do is document, get a letter from your General Counsel that says this meets the criteria. So for those two you're in pretty good shape and then you have to have a baseline inventory of your energy use for the municipality and Anthony's been working on that. You have to have a plan to reduce it by 20% in five years and then the last act that you all would have to take is you have to adopt a fuel efficient vehicle policy – that the municipality will purchase only fuel efficient vehicles per the listing of fuel efficient vehicles that the state has promulgated which again is not very aggressive in terms of the fuel efficient standards. Both the City Council and the School Committee would have to adopt that policy.

Vice President Rossi – So all of these procedures – how long are we talking before this can happen?

Katherine Ratay –Well, you could probably get it done in a couple of months but the municipality has applied for planning assistance that’s available from the state to help you to work with the municipal staff to achieve those additional criteria that don’t require an act by the City Council.

Vice President Rossi – So it, I think my question was that I wanted to get clear, we would actually have to have those things carved in stone in our Zoning By-laws before this would all take place?

Katherine Ratay –Before you could apply for the designation, yes, but again you have them in place right now.

Vice President Rossi – Well, I understand our permitting process is far less than what is required by the expediting permitting. I understand that but what I’m saying is it has to be carved in stone within our procedures in order to be eligible. Is that correct?

Katherine Ratay –No. Well, if you have a letter from your General Counsel that says “per our permitting procedures, if an applicant applied, we would issue a permit within 365 days”.

Vice President Rossi – We would have to guarantee that.

Katherine Ratay –That would meet the requirement.

Vice President Rossi – We would have to guarantee that, correct?

Katherine Ratay –Right and you already have that.

Vice President Rossi – Okay, thank you. Any other questions? Is there anyone else that would like to speak in favor of this? Oh, I’m sorry, Councilor Perry?

Councilor Perry – Thank you Mr. Chairman. Again, through the Chair, we’ve been talking and it’s been stated by a few of our councilors and by you that this is going to be mandatory by the state. How long and by whom?

Anthony Sylvia – How long before it’s mandatory?

Councilor Perry – Yea and who says it’s gonna be mandatory? The EPA or the state legislation, I mean, we have to vote people in in November, but you’re sitting here telling me it’s going to take place no matter what through the state.

Katherine Ratay – No, it’s because when the Green Communities Act was adopted, the State of Massachusetts agreed to adopt building regulations that were in sync with the International Energy Conservation Code.

Councilor Perry – Who adopted? The City of Agawam didn't.

Katherine Ratay – No, the State of Massachusetts – we have a state building code and so the State of Massachusetts put into legislation as part of the Green Communities Act that the State of Massachusetts building code would be consistent with the International Energy Conservation Code and the International Energy Conservation Code is updated every three years so in 2012 it's gonna be updated.

Councilor Perry – The State can't change that if they wanted to?

Well, if the legislature created new legislation, sure.

Councilor Perry – Okay, all I'm doing is casting a shadow of a doubt. You're sitting here telling these Councilors that it's going to happen. There's a chance it may not. There's a chance that a new form of energy may go (snap) and come aboard and solve all our problems. Who knows? Right?

Katherine Ratay - Right.

Councilor Perry – Five years from now there may be new source of energy that's going to eliminate foreign oil and I pray there is, believe me. I'm not sitting here saying I'm not for green. The biggest problem I have with this is it's being pushed down the American people's throat, the people of Agawam, the people in the State of Massachusetts and the people in this country. You're sitting here –

Anthony Sylvia – There's nothing being pushed here.

Councilor Perry – Sure there is! You just told Councilor Bitzas it's gonna happen sooner or later, that's not being pushed down their throat?

Anthony Sylvia – The State is also telling us the Code in 2012 may be MORE stringent than this optional Stretch Code.

Councilor Perry – Okay, and we're going from how we build our houses and how energy efficient they are to energy efficient cars, what about the existing ones or is that just for new ones? Do we have to get rid of all the trucks at the DPW and buy more energy efficient codes within five years? Do you see where I'm going with this Anthony? The bottom line is it's being pushed.

Anthony Sylvia – Yes, in the wrong direction, all due respect.

Councilor Perry – No it's not. The bottom line is we're being dictated down.

Anthony Sylvia – This is an opportunity.

Councilor Perry – You're saying 98% of the people – an opportunity? And you're saying when this money dries up

Vice President Rossi – Councilor Perry I'm sorry I have to interrupt. We're turning this into a debate here and that's not what the forum is. I just have –

Councilor Perry – It's very important to me Mr. Chairman and I understand that.

Vice President Rossi – This is a question and answer period.

Councilor Perry – And he said 98% of these corporations that are polluting, it's that 2% that they have to pay fines on, where's the facts to back that up and that 2% of pollutants is how much carbon into the sky, into our atmosphere, where's those facts?

Anthony Sylvia – The State is telling us funding is available to make these improvements.

Councilor Perry – And my question is is when that funding is dried up, what do we do?

Anthony Sylvia – Either way we're gonna miss the boat.

Councilor Perry – You're missing the point. The point is –

Anthony Sylvia – This is an opportunity for us to take, Councilor.

Councilor Perry – I, you're gonna improve efficiencies within how many years, by 20% in all town buildings?

Anthony Sylvia – The goal is for five, personally I think that's over-aggressive for us.

Councilor Perry –to qualify.

Anthony Sylvia – We can put together a plan to try to accomplish that.

Councilor Perry – And how much is that gonna cost the taxpayers to bring up all –

Anthony Sylvia – I don't know yet.

Councilor Perry – You need a new boiler at the DPW garage.

Anthony Sylvia – Yes I do.

Councilor Perry – And how much is that gonna cost the taxpayers?

Anthony Sylvia – \$70,000.00.

Councilor Perry – You need something here and in every building and how much is that gonna cost the average taxpayer? See, people live day to day now. They don't live five years down the road.

Anthony Sylvia – Becoming a Green Community can open up funding. We can have these improvements paid for without affecting taxes.

Councilor Perry – And in five years that funding's gonna be gone because it's gonna be mandatory. That's what you told me.

Vice President Rossi – Gentlemen, I'm afraid I'm gonna have to cut this dialogue off. It's not a question and answer. Councilor Messick, do you have one last question?

Councilor Perry – I beg to differ. Point of Order. I was asking questions.

Vice President Rossi – Okay, if you're asking a question.

Councilor Perry – He said 20% in five years, what about the boiler at the DPW?

Vice President Rossi – I guess he answered the question, I'm sorry. Councilor Messick?

Councilor Messick – In looking at the Capital Improvement Budget which we passed and which we're gonna have to pay for out of taxpayer money to make improvements, there are \$316,000.00 worth of improvements –

Councilor Perry – Point of Order. Where's the question?

Councilor Messick – I'm getting to the question very shortly. In my memo I have traffic light improvements, DPW windows, Robinson Park School energy management system adding up to \$316,000.00. Are there any additional projects that you would be applying for that would bring that number higher?

Anthony Sylvia – Yes, specific numbers would include fuel efficient vehicles. I do not have those figures at this point but purchasing of fuel efficient vehicles in line with an Ordinance that has not been put into effect yet, that would be additional means or ways to spend those grant funds. Additionally I am trying to put together a program as Katherine indicated earlier to offset some of these costs of making these buildings more efficient. We've talked about \$2000.00 being spent to make a home, a modest home, meet the HERs rating of 65, there are expenses to do that. I would like to develop a program to help builders make those energy efficient improvements without affecting the builders' expenses. These are two examples.

Vice President Rossi – Councilor Letellier?

Councilor Letellier – Yes, thank you. Dennis asked a question about the boiler, is the boiler something we could use this grant money to replace?

Anthony Sylvia – Absolutely, yes.

Councilor Letellier – And that's less money we would have to raise through taxes.

Anthony Sylvia – Correct.

Councilor Letellier – And what's the time frame for getting the grant money? In other words, if we passed this, Councilor Rossi asked you where we stood with regard to the other features, what are we looking at for a time frame to get the money and how, and would we be able to use it in the next year or so?

Katherine Ratay – The state has said that they were gonna have a second round of Green Communities' grants this fall but they haven't announced it. If they don't do it this fall, there will be one in the spring. There's, it's not a rolling grant process, so we have to wait until there's an announcement from the state but they've indicated that there will be one late in the fall and then next spring and the turn around process for the application is a couple of weeks.

Councilor Letellier – So Tony, could we qualify for a late fall grant or would we have to wait for the spring grant if we pass this?

Anthony Sylvia – The state has not indicated when they are going to be doing the next round. It could be in the fall, if it's in the fall, we'll be on a very tight timeline, namely implementing the Stretch Code. Otherwise the other four criteria are either met or nearly met.

Councilor Letellier – Thank you. That's all I have.

Anthony Sylvia – You're welcome.

Councilor Perry – One last question, I promise.

Vice President Rossi – I'll take a question, go ahead Councilor Perry.

Councilor Perry – In our last public hearing on this issue, there was a gentleman from East Longmeadow, the Building Inspector, who sat here talking about this, what did the community of East Longmeadow vote on that?

Katherine Ratay – The community of East Longmeadow voted no on the Stretch Code at a town meeting but they're voting on it again in two weeks. They brought it back.

Councilor Perry – Thank you.

Vice President Rossi – Is there anyone else that would like to speak in favor of the Stretch Code? Mr. Bradford?

Forrest Bradford – Hi. Okay, it's obvious, Mr. Perry, what you're vote is going to be. It's obvious this is the way it was going to be before and I have to ask you to please inform us that you're not related to any current builders who are against this. If you're not going to be voting in conflict of interest and do I have a right to bring up a lawsuit against a councilor who would be voting in conflict of interest but let's put that to the side. Jill, Jill Simpson, we are the little people in this town. You represent the people that live here. You don't represent vacant lots or buildings that aren't there yet and I'm asking people to understand that in a community we, the little people, that you so care about Mr. Perry, we the little people – when we moved here there were 11,000 people well what growth is good in Agawam? We were at 11,000 people when we moved here now there's 30,000. We've tripled the population of Agawam so you represent now the current 30,000 people. Our representation has dropped by 66% because when we had councilmen at that time or town selectmen and then we were at a population of 11,000 we had much more voice so we've lost a lot more voice because of population gain. We also lose when we have to wait longer in traffic or hold longer lines and we lose the little people because we the taxpayers who live here right now – we're not the vacant lots – we're not the houses that aren't built yet. Every house that is built we must have to pay extra or find some industry to pay extra because the cost of education when we first moved here has skyrocketed, the cost of fire, police, all of these things go up. These standards are set for, this was all compiled for a reason. I'm not part of the Engineering Department in town. I'm not part of the Pioneer Valley Planning Commission by the way. I'm here as a citizen who wants to do things for our children and for their future. Can you honestly sit here and ignore the fact that we have all these problems going on? Ignore the fact that we shouldn't take some steps? And it always seems to be the case that the biggest squawkers, the biggest complainers, are the ones who has no better alternative, the have nothing more to offer the community or to the children. Mr. Perry, if you have a better way to come up with then please present it to the Town of Agawam. Thank you.

Vice President Rossi – Is there anyone else wishing to address the Council in favor of this petition?

Henry Kozloski – Henry Kozloski, 102 Meadow Street. I think one thing that you have to look into; there are new methods of construction. My son built an energy efficient home up in Otis. Literally 80% of the vertical 2x4's which support the outer wall, he didn't have to buy. The walls are 2x4 walls with foam; they have an insulation factor better than a six inch wall so in that case it's actually about the same price, if you built a 2x6 house. So there is energy efficient and there's things you have to do. You have to, all of the joints where you put the walls, his walls came in and were built, they came, piece of ply.....on the outside, inside and foam in between. It's all done by engineering and that house is energy efficient. It costs him practically anything to heat it or to cool it so there are new methods of construction you should be aware of. Cost of energy is gonna go up no matter how you look at it. We have to be more efficient. We should have done this 20 years ago. I've said this before, the longer we wait, the more it costs cuz they're projecting current prices. You can build energy efficient houses for almost

the same price if you look at new methods of construction. His walls came out of New Hampshire. His foundation came out of I think Vermont and the foundation was not poured. It came in sections and they were insulated. He chose to do it that way. So there are new methods of construction so in other words the builders are gonna have to find new methods which are out there that makes the house far more efficient than we have today. Thank you.

Vice President Rossi – Thank you. Anyone else wishing to speak in favor? Is there anyone wishing to speak in name only in favor? Anyone out there wishing to speak in opposition to this program? Come to the podium and state your name and address.

Vinnie Tirone – Vinnie Tirone, 396 Meadow Street. To the City Council, I ask that everyone just take a minute and be fair and balanced because I'm opposed to this. This is just my opinion; I don't want to hear snickering (from the audience). We just listened to two individuals speak and I'm directly related in this field. I do, I work on architectural design, residential and commercial development. I'm a real estate broker, real estate realtor in both Connecticut and Mass so I am directly involved in this. I think that some of the information that you have received from some of these folks, well articulate and well spoken, I don't know how many walls they've ever lifted or how many people they actually employ. This field is very, very complex and again I want to stress that I'm directly involved in it. Perhaps people come with the wrong agenda and they speak their own mind. I personally don't think that there's a statistic out there that anyone has introduced that has some sort of validity, perhaps they got it off Google or whatever that would defend their proposition. I'm sure if I Googled for two hours I could have found information that counteracts everything, if not more, than exactly what they said. I don't know what this gentleman, I think he works for the city, again I just wanted to stress just like clockwork he gets paid every other Thursday. He does not have to pay liability insurance and things of that nature. He employs nobody nor does he actually do any of the lifting. I know that he has never called me nor any of the other builders, home remodelers, developers and asked their opinion or at least the people that I come in contact to. He's obviously here for an agenda perhaps to seek finances for the city and that's okay, he's out there working for the city and I understand that. Miss Simpson said that the average starter home approximately \$300,000.00 ma'am, I think that's what you said, anyone who does new home construction knows that that number does not apply in the Town of Agawam nor Feeding Hills. The cost of doing business in the Town of Agawam is approximately \$400,000.00 and that's making a very meager salary. The cost of land is about \$150,000.00 per lot and when you're done with all the permits and building and when you're completely finished with that home, you're not too far off of the \$400,000.00 mark. The builders and home remodelers and electricians and plumbers who may not be here present, just like at that school meeting in the summer time, it filled the entire audience, I wish that I had access to a robo-call system myself and I would call every remodeler, developer, electrician and notify of perhaps what may be going down. With all due respect to the City Council, I make a living and I get by, listening to my direct field of work being dictated by bureaucrats is what I've been tired of. I also, Miss Messick, I'm sorry, she mentioned something about rebates, I want to tell you guys what I did about a month ago. I had a new home which is still sitting on the market, it hasn't

sold or anything and I did all the proper paperwork, filled it in, sent it to the manufacturer – the only thing they do is they mark it up \$700 only to give it right back to you – but I filled out all the paperwork and I sent it in. Then I got a letter about seven weeks later stating that we're sorry at this particular time the rebate program has ceased, there's no longer any funds for it. So that was nonsense especially considering when I purchased the unit, what do I do, who do I fight, these gigantic billion dollar companies? It is what it is. Energy Star – when building a home, the builder wants to do a good job. He purchases good Energy Star windows, the difference between a good Energy Star window and a window that's not as good is the difference of \$20 to \$30 a window. We do everything we possibly can to offer the best product humanly possible. This, what some people don't know is if you look at a major portion of all permits pulled are from the homeowners. Now if we did a robo-call and called every single person and said hey, sir or ma'am, would you be interested in building a home, your dream of building a home in the Town of Agawam may be squashed because they are trying to put in energy efficient tankless hot water systems, now they're adding an additional branch of government dictating exactly how the people should be building a home and that actually may knock them out of that. The person who may be considering building a home isn't here right now cuz they're trying to figure out where their next paycheck is coming by and they're adding all their numbers so they could one time build a home. Building a home – new home construction – is the American Dream and we don't want to turn it into a process for elitist people that with the \$400,000.00 home only people that can afford this are the people that are making huge salaries, selling their existing home, making some sort of revenue off that home, putting it down and they're still paying, they're taxed and they're paying to the maximum capacity. All I'm saying to the City Council is you don't have to say yes, you don't have to say no, maybe we can just put this on the back burner and let the other towns that have shot this down and have chosen to adopt it, let's see what happens with them, let's see how things go rather than just jumping the gun prematurely and assess the situation. And if it goes well, perhaps the market will rebound, as of right now I know people are working for peanuts as it is and it's, people aren't choosing, well we don't want granite, we don't want this, they want everything and they're entitled to it. And this additional cost of developing – an additional \$10,000 per home – in 1970s the Building Code Regulations for Massachusetts was about 70 – 80 pages. That wasn't that long ago, time is flying. They were building homes just as good as they are today, perhaps a little bit finer today. Today the Building Code Regulations is into the thousands of pages. It's crazy to see how large the Code Book has grown in just such a short period. Again, the folks that were shooting out all their information, I don't know how many homes that they've built or designed, or developed or how many people they physically employ but I do appreciate your time tonight. Thank you very much.

Councilor Bitzas – I've got a question.

Vice President Rossi – Yes, Councilor Bitzas?

Councilor Bitzas – Are you real estate, are you a builder, what's your profession, sir?

Vinnie Tirone – If you heard me earlier, sir –

Councilor Bitzas – I didn't hear you.

Vinnie Tirone – Okay, I do residential/commercial development, real estate broker and I'm also a realtor. I am in all aspects of the real estate industry.

Councilor Bitzas – Do you build homes?

Vinnie Tirone – Yes, I do.

Councilor Bitzas – Okay, you are the only one here and I am pointing out –

Vinnie Tirone – No, I understand.

Councilor Bitzas – And I'm very happy that no other builders are here, we have so many builders in Agawam, we have 30 or 40, if that was bad for the builders, the room would be all full and I believe those builders, they're excellent builders, they're building homes like the other people, they are professionals from the DPW, Mr. Sylvia, Anthony, said that they complied by 99% -

Vice President Rossi – Excuse me, Councilor Bitzas, is there a question in the future?

Councilor Bitzas – Question and comment, sir, how you can say that they don't build that way, are you gonna take the builders? If you build it, they build good homes or they build cheap homes?

Vinnie Tirone – Well, I can't articulate and explain why this room isn't filled, perhaps I'm a little more of a rotten egg where I have no problems speaking my mind. The average builder does not want to come down here because he is nervous, he is a hard-working person who does not want to come in conflict with City Council members and something that may come out of his mouth may offend someone and in exchange perhaps he may be denied something or an opportunity to develop somewhere so they'd rather just stay out of the system hoping that the City Council will keep the political aspect out of it and allow them to continue to build these homes that are being built at maximum efficiency the state is, the homes are impeccable and adding an additional bureaucracy to overlook something from an individual who maybe has never spent an hour outside doing anything pertaining to a home I don't think that that's fair.

Councilor Bitzas – Thank you and the other question is was as you know we have many issues for many, many years of builders and when they were concerned the room was packed for or against it. Anyway, the other question was if you were elected if you were elected then sit down front to us and they have the people that know well what they say and we have a newspaper article that comes from – voters decide from East Longmeadow, they come from East Longmeadow for voting pretty soon – and we have other communities surrounding communities they vote in favor, if you sit down here and

if this is true, and it's true, that both said this is gonna be mandatory by the state very soon, how can we say no to this money that comes to us and how you be elected down here, sitting down here and say to the people, don't take this money which otherwise you sir, you will be mandatory by the state to build the way the state will tell you to do and the Town of Agawam will lose all the money. How can you do that?

Vinnie Tirone – Well, I'm not really certain about what your actual questions were other than some –

Councilor Bitzas – I can repeat it again sir. Do you want me to repeat it?

Vinnie Tirone – No, that's all right.

Councilor Bitzas – Okay, thank you. I think you understand it sir.

Vinnie Tirone – Okay, I think what you are trying to ask is building regulations? The quality of homes? If you look at the Code Book, I don't know what the majority of you City Council members do outside of your City Council positions, but whatever pertains to you, for instance, Ms. Letellier is an attorney, perhaps she has to renew a license every year or two, adding an additional branch to oversee her particular license, adding an additional 10% to 15% on top of that, saying that well we need you to be doing a higher standard job when she's already being held to the highest standards being an attorney. It goes base by base; perhaps the cost of doing business is not the same in her particular field.

Councilor Bitzas – Can you answer the question, sir?

Vinnie Tirone – I'm trying to answer a question that I really don't know what you are asking me. I'm not a professional of any sort. I am speaking through my own opinion. I don't know what you do in the outside sector sir.

Vice President Rossi – I think he's answered the question George.

Councilor Bitzas – Okay, okay, the question was if the state says they go to make this Code mandatory very soon, it's in the newspaper, Springfield Union and also Mr. Sylvia said that very it's going to be done, if we want it or don't want it's going to be implemented the Code, why not we approve this tonight?

Vinnie Tirone – First of all, I don't –

Councilor Bitzas – And get the money, let me finish the question, maybe you don't understand it.

Vinnie Tirone – No, I understand it.

Councilor Bitzas – Why if you're sitting down here as a City Council, us, can you say no to these things? It is not logical.

Vinnie Tirone – Well, first of all, I don't listen to anything the State of Massachusetts says. They are fiscally bankrupt. For them to be proposing certain criteria or they're gonna be regulating certain things when they are physically broke, I don't go off of speculation on what they're gonna do five years from now. All I know is there's people hurting today. Perhaps you get a paycheck every Thursday like clockwork into your direct deposit. We get paid purely on performance. If we don't produce, we don't eat and that's the way it is sir.

Councilor Bitzas – The question is for us here to vote, we penalize the taxpayers, how can we say no to something they're giving to us as a gift and later on to be forced on you?

Vinnie Tirone – Well, the thing is –

Vice President Rossi – Excuse me, excuse me, I'm gonna have to end this dialogue right here right now. This is not anywhere where we really want to go.

Vinnie Tirone – I'm just answering his questions.

Vice President Rossi – I understand that and I'm not faulting you here. I just, I think you've answered his question and this is supposed to –

Vinnie Tirone – Can I just say one more thing?

Vice President Rossi – this is supposed to be an exchange of questions and dialogue. This is an argument over here.

Councilor Bitzas – Mr. President, it is public hearing, it's a free country, it's democracy.

Vice President Rossi – I understand what it is. It's also an opportunity to ask questions.

Councilor Bitzas – He served the country. Let him speak. Go ahead sir.

Vice President Rossi – Go ahead Mr. Tirone.

Vinnie Tirone – I think I lost my train of thought, sir. Lastly, all I want to say is homes are being built to high efficiency. Anyone who is actually in favor of this and if you can explain this to them, they have every right to implement these rules and regulations and they can do it on their own. They can fork over the additional \$5000 to \$10,000 if they so choose and they can invest their own money into it. I know that the homes are just as quality whether this air testing and this other additional branch of the government forms to oversee this, and you asked a question about how many towns have approved it, well there's a lot of towns that shot it down and the towns that did approve it perhaps they sold their citizens down the river in exchange for a grant or whatever from the government.

Again I wanted to reiterate that I sent in for a rebate the very rebate that everyone continues to speak so highly of and I got a letter six weeks later saying I'm sorry sir this program is no longer in existence. Good luck next time basically. There's \$700 right there. I'm all set. Thank you, sir.

Councilor Bitzas – And the last question, the last question is thank you, if you're not a builder and you are here listening to the experts that talk and say that this Code and other Councilors support that, they say they're going to protect the consumer and saves money for the taxpayers. How can you vote no?

Vinnie Tirone – Well, first of all I don't vote on – and again with all due respect

Vice President Rossi – Mr. Tirone please, the question is argumentative. It's not getting us anywhere and I think I'm gonna have to call an end to this question. Is there anyone else that wants to address Mr. Tirone?

Councilor Messick – Yes, I have one very short question. Your \$400,000 house, about how many square feet is that?

Vinnie Tirone – It all depends. A \$400,000 house could be 2200 square feet on a ranch or 2500, 2600, 2700 square feet on a colonial, give or take.

Councilor Messick – All right. If you needed to reduce your purchase price by reducing your square footage, how many square feet would you lose? Say you just couldn't afford \$400,000 but you wanted the same house just smaller, how much would it run?

Vinnie Tirone – Well, when you build a colonial, they average person always requests they want four bedrooms and when you give 12x12 – your basic standard-sized rooms with closets – two bathrooms, your square footage is minimum 2500 square feet. You can jam two kids in a third spare bedroom but people always go for the fourth bedroom purely on the resale value.

Councilor Messick – Mhmmm. Say, my point would be, say I came to you and I looked at your beautiful \$400,000 cuz I know you build beautiful houses, I've seen them, but I don't need a house that big and I'd like to reduce the footprint of it to make up for my energy improvements that I prefer to have, how many square feet would I lose, can you just guess, I mean I know that's –

Vinnie Tirone – Not a problem, I'm just gonna go based off of my history, off of my last 13 sales not one single person was trying to implement energy efficient anything other than are the windows energy efficient and they want their granite and their cherry cabinets and things that they can physically see. They trust in the Building Department to oversee the building process, all the inspectors, so I can't explain that because I haven't been asked that, when I do I will most certainly notify you through an email or a letter.

Councilor Messick – Just a guess off the top of your head?

Vinnie Tirone – I haven't received one and I'm using statistics that I have had within the last year.

Councilor Messick – Okay, thank you.

Vinnie Tirone – Thank you.

Vice President Rossi – Councilor Walsh?

Councilor Walsh – Yes, one quick question. From your point of you as a builder, would you ever propose this to a potential buyer, well these are certain energy efficient items that we can do. In other words you could be rejected but do you ever propose it?

Vinnie Tirone – Well, again, like I said, I'm purely compensated on performance. I'll give them anything that they want. The fact of the matter is as long as they don't feel breezes at night in the home as thoroughly inspected by the Building Department on the insulation and they have good windows, they've never asked that. I would propose that, they'd say no thank you. They go into other homes, other model homes, and they see the product, they may say we'd rather 5000 more brick on the front of the home and again, I'm just going off of the history of the last year and a half.

Councilor Walsh – Thank you.

Vinnie Tirone – My sales, I've had sales but all of my sales have been down, statistically but it is what it is.

Vice President Rossi – Is there anyone else that would like to speak in opposition?

Vinnie Tirone – One thing that I wanted to throw onto the record with all due respect, I don't know if there is a – Mr. Bitzas said that there is an expert – I don't know if there's a certified expert in this room. I think that there's just a lot of people with a lot of opinions and that's cool.

Vice President Rossi – Thank you.

Vinnie Tirone – Thank you, sir.

Vice President Rossi – Would anybody like to speak in opposition in name only? If not, I declare this public hearing closed. What's the Council's pleasure? (Move the item) The item's been moved and seconded. All in favor?

Councilor Letellier – Discussion?

Vice President Rossi – Right. Councilor Letellier?

Councilor Letellier – Thank you. Actually I didn't necessarily need to go first but that's fine. I have a couple of points that I wanted to make without really beating a dead horse. The first is the car sales analogy that Councilor Walsh brought up and I think it's a really good analogy in this case because if you talk to a car dealer and you're looking at a used car, you know, they're always gonna tell you oh grandma drove it to Sunday services and that was it and now you can get a Carfax. You can look up the VIN and you can look at the vehicle history. I think now with the whole energy efficient thing, there are builders out there and I'm not saying that they're necessarily in Agawam but they may be, there are people out there that are gonna say I'm gonna build you an energy efficient home. Okay, prove it to me. Well you can't prove it if we don't pass this program. That proves it. People can hire these inspectors I guess on their own but this forces the builder to prove that their sales pitch is accurate so we're protecting the consumer. This is the second public hearing that we've had. It's been in the paper numerous times. One builder showed up today to oppose. No builders have objected to the town so I think that is relevant as well. In terms of a new branch of government, there is no new branch of government, the state Building Code is a pre-existing branch of government. The legislators who are elected passed the Building Code. You heard Mr. Sylvia next gets changed in 2012. I think we need to look at what the current reality is. The current reality is that companies are paying these penalties and that we have the right to get a share of these penalties if we pass the Green Communities Act. We've been told that we're pretty much on board with all of the other factors. This is the one factor that's gonna make or break us getting these penalties. Do I think it's right that corporations can pay for penalties? I think that's a much bigger topic for discussion than we are dealing with today. I think the reality is the money's out there and we owe it to our taxpayers to get as much money from the state government as we can to offset things we have to do. We know we need roofs on buildings. We know we need boilers. We know we need windows. We also know that if we pass this and get those grants, those grants can be used to pay for exactly those expenses so I think by passing this we're benefitting the taxpayers in two ways. One it's not just yea, your house is energy efficient but here's the proof that your house is energy efficient and two by the way we don't have to raise as much in the tax levy because we're gonna get state money to pay for the DPW boiler and windows and roofs so I think it's a win/win for the consumer. Thank you.

Vice President Rossi – I don't know who had their light on first. Councilor Simpson?

Councilor Simpson – Yes, thank you. I'll be brief cuz I think we've discussed this quite a bit. First I want to make sure my mic is on cuz there were two gentlemen who spoke who mentioned things that I said, that I didn't say so I hope you can hear me okay. To clarify the record with statements that were made, I'll be up front and honest. I'm not related to a builder, don't know a builder, not married to a builder, have no builders in my family. I want to put that right out there so there's no feeling of conflicts or problems there. I want to be above board on that. Secondly, the only thing that I want for energy efficient, I try to do it around my house, I have an existing home. My husband and I have lived there for sixteen years and every time we have a chance to update, we updated to whatever we can to be energy efficient but put this thought out there. Every time the government wants us to do something, they dangle money in front of us saying you're

gonna get a rebate, you're gonna get some money back for your community. A prime example in education if you do this, we'll give you some money but three years down the road oh no we're not gonna go by that standard, we're changing the standard and we're gonna do this and dangle more money in front of you. Money's gonna dry up. Stimulus funds are out there. Who's paying for – eventually the taxpayers are paying for all of this – anything that comes out from the government when they dangle in front of us. Rebates, be leery of it. Have you yourself ever filled out a rebate? You buy a washer or dryer; you get a \$50 rebate, if you don't do it exactly, if you send a photo copy instead of the original or vice versa, you get a little letter back saying you didn't qualify for the rebate. Rebates are drawn up, if you don't do it within four weeks, well rebates gone. These are the things that make red lights go on with me whenever the government's dangling money in front of you. There are so many caveats, so many things that can happen that I think that there's a problem. Why does government always have to intervene in every little thing that we're doing lately? I think a lot of the builders, can't speak for them, don't know them, I think a lot of them are trying to build as efficient as you can. I think the majority of people who are spending a lot of money on a house whether you're spending; I don't know if you can even build a house for \$200,000.00 any more, whether you're spending \$300,000.00 for a house or \$500 million for a house, you want the best house that you can get for your money. So I think builders are being more conscientious and I think people are being more conscientious but I'm still afraid that the person who's trying to get into the starter home may have issues with trying to do this. They're going to go and revert back to an existing home. If you look at young married couples now and I'm sure there's some exceptions like there always are, most of them can't afford a brand-new home they're buying the existing homes that are out there that people are letting go. So I just want people to think about government intervention, dangling money in front of us to get us to exactly what they want, when I think when it comes down to it, the majority of people will do stuff on their own. Personal opinion, thank you.

Vice President Rossi – Councilor Magovern?

Councilor Magovern – Thank you. First of all, I want to thank Forrest Bradford for all of his zeal and enthusiasm here this evening but I think he was wrong on several issues. Number 1 you don't mention people personally and I take offense to some of the things you said because you were wrong in what you said but this is not a Republican/Democrat issue and I am a Republican and I am proud to be a Republican but this is not a Republican/Democrat issue. Period. This is non-political. This is what's best for the citizens of Agawam and where you come from that anything Republican is bad, I think is one of the issues that you're wrong on but to the issue. Number one I'm not related to any builder, I have no connections with any builders. I have spoken to many, many builders, I have spoken to architects. I've studied what the Massachusetts Homeowners Association has to say about this issue and the old expression about you don't look a gift horse in the mouth is very apropos here this evening. All these grants and gifts is what I said before it's free money – there's no such thing as free money in this state – it's all taxpayers' money that comes out of one pocket or another. This Stretch Code is wrong. Not because of conservation – I am totally one hundred percent in favor of conservation. I've spoken to most of the builders or a lot of the builders, every builder that I spoke to

said that they are building for conservation. They are building with 2x6s not 2x4s. They are putting in extra insulation so I mean they're not fools, if they can build a house that's gonna save the consumer money, this is what they want to do. They don't have to have the state coming in and telling us how we have to build that, that home, you don't need another layer of bureaucracy. Sure, there may be a state agency already out there to administer all these rules and regulations but that state agency will grow by whatever percentage it grows by because you've got to add in people. There's a whole layer of engineers that have to be trained to go in and put all these fans in and test your house once it's built. It's not necessary. It's gonna raise the cost of the building \$6000 to \$10,000 for an average home. This is what the consumer doesn't have to pay for. It's not state regulation – it's what the people want to do. If somebody wants to build a conservation home, God bless him. I've had friends of mine that have gone out and built the most conservation home as Henry Kozloski said about his son, they've gone out and put every nickel that they've got into building a conservation home because they believe in the philosophy but when all was said and done they said we didn't really do it to save money in the long run, because it's gonna cost them more money but they got what they wanted which was a lower carbon imprint and they're very, very happy with their homes but they didn't do it because it was state mandated. The Massachusetts Builders Association as I said they've done extensive studies, they've come out opposed to it. The builders that I've spoken to, they're not opposed to building a conservation home but they're opposed to the state and federal regulations. As far as this being a mandated state law, I hope not. That's why I'm running for the State Senate – to go down there and try to be a voice of reason, to try to get some of this wasteful tax dollars not being spent on programs that the consumer can build on their own. Consumer Protection – I don't think the consumer is as stupid as some people seem to think they are that they need the state to protect them over everything. So I'm not in favor of the Stretch Code. I think that what we're doing Councilor Perry put it I think the best of anybody this evening as far as we don't need the state living in our homes more than they are already. There were a lot of very, very good points made here this evening but going back to what I said earlier, all the ideas of getting this free money – it's a gift horse – it's not going to happen. The state mandates are not going to happen. The state is going broke and they're going broke because they've got programs like this. What Councilor Perry said about going after these polluters, this is what we should be doing, we should be going after them and trying to enforce the laws that are on the books, not creating new laws just because a small homeowner doesn't have the power to fight them like the big polluters do. It's wrong. So that's my comment. Thank you.

Vice President Rossi – Councilor Mineo?

Councilor Mineo – Yea, I just wanted to say like Councilor Walsh had mentioned something about cars and I know Gina had mentioned it but I'm gonna go to a new car so if you purchased a new car, would you buy a car that didn't have headlights or brake lights or windshield wipers? I don't think so, so you know we're lucky we have Big Brother looking over us. I've built a house and we were having some issues with it after we first moved in and there was a big temperature difference from the first floor to the second floor, so I called the builder up, it was on the second floor, he said go into your

crawl space, are you sure there's insulation up there so I crawled up there and I'm looking. They forgot to put insulation in my house. I did not have insulation for a year – a whole year, summer through the heat. My wife and I could not understand when it was 95 degrees out, it was 90 degrees on our second floor and it was 75 degrees on the first floor. We didn't know. I mean we never built a house before but I think, I think what I'm here for as a City Councilor is to protect the consumer, protect the Agawam resident, my opinion, I think that's what I was elected for and that's, I'm gonna continue doing what I do and I think sometimes there's regulations on everything. I mean you go get your car inspected, I mean if a tie rod's bad or you have bad tires, if you're leaking oil, if you can't pass emissions, I mean there's regulations on everything so I mean are regulations good? Well, I think they are. I really, really do. If you think regulations aren't good, well I'm gonna be very happy when I go out to my car tonight and I have headlights, brake lights and if it's raining cuz I don't know, I'll be happy I have windshield wipers too. Thanks.

Vice President Rossi – I'm gonna stand out of the Chair for a minute because there's a comment or two I'd like to make.

Councilor Bitzas – Mr. President?

Vice President Rossi – Oh, I didn't see your light on. Go ahead.

Councilor Bitzas – I don't know how Councilor Magovern had so many phone calls from builders and associations, I have none and Councilor Mineo had none and I don't know about the other councilors what they have, nobody complained about it to me except only one person who came and spoke tonight here in a position, nobody else. Councilor Letellier and Councilor Mineo make good sense. Now I'm going to inject the car analogy again here for the third time, Councilor Walsh, it's pretty good, but I bought two cars last week, one for my daughter one for my wife and all the cars now you look they all have guarantees for efficiency for the car. You don't buy any car that used to make too many miles per gallon, so cars they are already there regulate and getting better and better. So now we're talking about homes here, it's an analogy but it's not quite what it is, if a car dealership gives me another \$2000 to buy a better car, I buy it...do already. This is incentive to us now we're talking some councilors about big government and taxpayers' money. Of course, it's taxpayers' money for all the country. It's a business, they pay for it. It's not Agawam's taxpayer money, maybe a little for us, just a little bit tiny one but we get the other people's money instead to give this money away to other towns like the five or six other communities that take the money. How can we say no to this money? I don't understand. We have the experts and the experts of course are the engineers and what the other gentleman didn't understand who the experts are – engineers and professionals in the field, they told us that already the builders they do 99% of the work that comply with this energy code, only 1% in the state, if Mr. Magovern is going to do or not, they going to imply that because they are going to do it anyway and we're going to lose. Somebody has to get the money, we can stay here and complain and complain but gentlemen as I said before, elementary school student can understand this – it's a good for the consumers, it's a good for the taxpayers and they told us that that will

protect the consumer. If somebody comes here and told me this is going to protect the consumer and save the consumer money, how we can vote no? If somebody tells me here, if all the room was filled with builders that say it's no good, no good, it's going to cost the taxpayers more money, I would vote no but no nobody's here. Nobody called me because they're doing a great job. Those builders are doing it already and we already we comply with other regulations so close, we have the five regulations, so it's a very typical for us to vote tonight and get the money because next year they will do it anyway by force and we'll lose everything. Thank you.

Vice President Rossi – Councilor Perry?

Councilor Perry – Yes, thank you Mr. Vice President. I'll be brief. I think everyone knows where I stand on this issue and hopefully I came across in a way that they understand. I do applaud your passion, Mr. Bradford, I really do. I think it's a good cause. I am for conservation. I am for green. I put my recyclables out. I have my rain barrels. I do all I can on my own. This is not because of the builders because you can see they're not here. (Forrest Bradford - off microphone interruptions) Okay, I understand. There is no conversation here -

Vice President Rossi – Mr. Bradford, please?

Councilor Perry – The point I'm trying to make is builders build on a percentage commission basis, so if you have a \$400,000 house and now we have to upgrade it an additional \$20,000 because of this Stretch Code, they are gonna get their percentage on that added \$20,000. They're in it to make money. As the builder stood before us today – I can put an Energy Star window in for x amount of dollars or I can put this window in. It's no more effort in to put that window in, it's just more cost for the building cost but he will make more money on that. That's why you don't see the builders here cuz they're gonna profit on it too. The point I'm trying to make is it's government micro-managing the local communities, the state level and the local communities dictating what we can and can't do on minute basis. Gina said there's not a new level of government – there is. Someone has to control this grant money – how it's issued, how it's put out. Someone's gonna have to control the companies that are going out to do this testing. They're gonna have to issue licenses to them. There is another level of government and when this grant money runs out in five years, when this is mandatory; all those levels of government are not going away. We're gonna have to pay for them. Yes, the local taxpayers in Agawam five years from now are going to be paying for that level of government. That's the point I'm trying to make. That's what I'm against. I'm against those types of things being dictated down to us when you've got the corporations up there that have generated this fund and continue to pollute and hurt our children and our grandchildren. They're the biggest polluters and those are the ones we should be going after. That's the point I'm trying to make. Thank you.

Vice President Rossi – Thank you. I'm gonna ask Councilor Walsh to stand in for me – Councilor did you want to add something? Your light's on?

Councilor Messick – Are we still under discussion?

Vice President Rossi – Yes, we are. I was just gonna say something and I thought everybody was through.

Councilor Messick – Oh, no, I have a few points to make. One of the things that I find interesting is that a lot of the councilors, several of the councilors, as they've been making their arguments here have said that the builders are already building this way, they are already building to energy efficient standards. And the reason that the builders are building to energy efficient standards is because the Building Code makes them do that. They're not doing it entirely voluntarily. The Building Code states they have to meet certain standards, every two years the Building Code changes and every two years as Mr. Tirone said the book gets bigger. It's been going on for years and yes, it's a lot to deal with when you're a builder but there's also a lot of safety issues in building a house. There's a lot of things other than energy efficiency that have to be controlled when you're – you have to have a good foundation, you have to use good concrete, you have to have a roof that's not gonna fall in, it all goes into being a safe home so the reason that they're building to these standards is not voluntary. It's because the Building Code says they have to and the truth is the Building Code does get stricter so I would say that within less than five years, that we will have a situation where this will be mandatory. They have told us too. I believe that because every two years it changes. Dennis, Councilor Perry, just mentioned that the grant money will be drying up and in five years we will be paying for it anyway. Yea, I agree with that. That's probably very true because right now the state is trying to engineer energy efficiency, save money for the entire state and they're not just doing it on an individual homeowner level, they're doing it across the state, they're doing it with companies, they're doing it with supporting wind power and solar power, they're doing it supporting research and development of more energy efficient vehicles and materials that could be used to build so it's not strictly going from the big polluters straight to the homeowner's throat but the point is and what it comes down to for me is as much as I, I think you all know I'm a fairly green person as far as that goes and that I support this strongly, the bottom line for me is especially if this money's gonna dry up, we should take advantage of this now because it's going to go into effect anyway and it would be a shame for us not to have gotten the advantage and saved our Agawam taxpayers up to half a million dollars that we're gonna fund in the Capital Budget. We're gonna have to set the tax rate and I would really very much like to save that money and possibly be able to spend it on something else and the other thing is you're not being held to a higher standard just because you're a builder because you're already doing that job, you're just being able to prove it, being asked to prove it and then the third thing is for the consumers, you're saving on a small house \$100 a month, on a bigger house you're saving up to \$300 - \$400 a month on energy. I could use a couple hundred bucks a month extra and I'm pretty sure everybody buying a house could do so the money thing is my bottom line and I hope you'll all think for a moment before we vote. Thank you.

Vice President Rossi – Thank you. Again, I'm gonna try to ask Councilor Walsh to stand in for me as the eldest member; I have a few things to say. What I would like to

say is the Energy Stretch Code is not something that I particularly agree with. I think that we here in Agawam could accomplish everything that we wanted to accomplish even by not adopting this Code. I mean if Agawam really wants to put it's money where it's mouth is we can always designate ourself as a Green Community. We don't need this state energy code to do that. We already have an Energy Commission. We could set up an action plan. We can do all of the things that we want to do and accomplish in making ourselves an Energy Star program with a climate control program. Those things have already been proven by the Mass Builders Association and other building associations throughout the country as being very, very effective and the important thing about those criterias and regulations is they would be incorporated into our zoning and our permitting processes. The Stretch Code is just a code that's going to be adopted by the City Council as an Ordinance that's attached toward zoning. That doesn't do us any good. None of this stuff is into our zone. We can do that ourselves, everything that Stretch Code can do, we can do ourselves. Secondly this third-party testing – this HERs testing – is really not been proven to be reliable. It's been off as much as 10% on similar homes. I mean if you do the research every study tells you that and the Stretch Code is not going to be mandatory in the future year, what is going to be mandatory is and Councilor Simpson hit it right on the head, it's gonna take effect anyway whether we like it or not because the builders are going to have to build according to Code. The Code goes up every three years by the International Energy Commission and that commission is going to be up by 30% over the previous codes. That's what's gonna increase – not the Stretch Code – the Stretch Code's not gonna be mandatory. If it was gonna be mandatory the state would have passed it down our throats already. It's an option and what the Stretch Code is, simply put, is it stretches the present code by 20% but by 2012 that Code is going to be up 30% so why would we ever want to adopt the Stretch Energy Code and allow third-party testing? As I said earlier we can do all of those things here ourselves. We've already got an Energy Commission in place. All we have to do as a City Council is pass a Resolution declaring ourselves as a Green Community, set up action plans, we can do it all ourselves, we don't need to do all of this stuff and we can incorporate it into our buildings if this is the way we want to go. I heard some very good arguments and I think the best argument is that most people opt to have Energy Star products in their home today and the real fact of the matter is that most products today that are on the market are Energy Star products – your windows, your insulations, your water heaters, your furnaces, all of those stuff, all of your appliances are all Energy Star so when the state comes in in 2012 and the International Energy Commission comes out with the new study and it's increased by 30%, Councilor Simpson is absolutely right, we're all gonna have to conform to that because it's going to be state code and us in Agawam are gonna have to conform to that whether we have the Stretch Code or not so why would we ever want to impose this kind of a thing on us? The other thing about this is, this Green Community designation, that bothers me and this is no secret I've been against these kinds of things, I am never in favor of anybody telling us how we should live here in Agawam and that's what this thing says to us. We have to have this expediting permitting process, we have to have by-right zoning stuff, I'm not in approval of all this stuff. I think here in Agawam we've got some pretty good brain power. I think we have the ability to sit down ourselves and decide just exactly how we want to live and how we want to build our homes here in Agawam. I think we can do that. We don't need the state to come in here

and dictate to us how we do that and it's just how I feel and believe me I am for green one hundred percent but I think we can do it better here. I really do. Thank you. Any other questions?

Councilor Simpson – Move the question.

Vice President Rossi – Mr. Bitzas first, go ahead.

Councilor Bitzas – Councilor Rossi, I agree that you support them then you should support in something similar to this one here as I understand to come from another agency to change our by-laws and our zoning and the building codes, so why don't you support right now in front of you which is very simple and it's protecting the consumer and saves money and do the same thing and later on we can do extra work, other resolutions to apply for the other agencies to get more money. The more the better, actually you should vote in support of that because of your reasons.

Vice President Rossi – Do you want to argue with me, Mr. Bitzas?

Councilor Bitzas – No, I just –

Vice President Rossi – I stated my position. You have a right to state yours.

Councilor Bitzas – No I just thank you so much for what you've said –

Vice President Rossi – If there's a comment you'd like to make, you make your comment. Don't make an argument with me. I've already gave my comment.

Councilor Bitzas – I don't make an argument. I 'm just telling you I agree with you and I think we should support this too plus what you said – it's the same thing.

Vice President Rossi – Very well. I think the question was moved? The item is moved. Will the Clerk please call the roll?

Councilor Letellier – Are we voting on moving the item or the item?

Vice President Rossi – I'm sorry, let's vote on moving the item. Call the roll on moving the item.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Rheault)

Vice President Rossi – Ten yes one absent, we've approved the move. Will the Clerk please call the roll? Yes, you're in favor, no you are not.

ROLL CALL – 4 YES (Councilors Bitzas, Letellier, Messick and Mineo), 5 NO (Councilors Magovern, Perry, Rossi, Simpson and Walsh), 1 ABSTENTION (Councilor Cichetti), 1 ABSENT (Councilor Rheault)

Vice President Rossi – The motion has been denied.

Item 10. Old Business

1. **TO-2010-25 - Voucher List for MMA Dues (\$4,827.00)**

Vice President Rossi – What is the Council’s pleasure? Moved by Councilor Simpson, seconded by Councilor Perry. Any discussion? Please call the roll?

ROLL CALL – 8 YES, 2 NO (Councilors Mineo and Perry), 1 ABSENT (Councilor Rheault)

Vice President Rossi – The item is passed.

2. **TOR-2010-5 - An Ordinance to Amend the Code of the City of Agawam Chapter 175 entitled “Water and Sewers” by the Addition of new Sections and Language (Referred to the Ordinance Committee) (Mayor) (1/2)**

Vice President Rossi – Is there a report?

Councilor Magovern – I polled the Ordinance Committee this afternoon which is Councilor Letellier and Councilor Cichetti and we decided that we would have a meeting in the whole this evening and have Anthony address any questions that we have because it’s a fairly routine – just word change – and nothing really complicated about changing the ordinance so if we go into Committee as a Whole you could have him explain what the changes are that we wants to the entire Council?

Vice President Rossi – Anyone wishing to go into Committee as a Whole?

Councilor Letellier – We need to move the item first then we can go into Committee as a Whole so I move the item.

Vice President Rossi – Move the item, second. Is there any –

Councilor Letellier – Motion to go into Committee as a Whole.

Councilor Perry – Second.

Vice President Rossi – Call the roll?

ROLL CALL – 9 YES, 1 NO, 1 ABSENT (Councilor Rheault)

Vice President Rossi – We into Committee as a Whole. Mr. Sylvia? Does anyone wish to ask Mr. Sylvia questions concerning this?

Councilor Magovern – Anthony if you could just explain the wording that he'd like changed to the Council?

Anthony Sylvia – Yes, thank you for the opportunity to speak on this. The Ordinance is staying essentially the same with a few minor changes. Some years ago before I started working for the town, the town tried to have these grease interceptors installed at existing restaurants and from what I understand enforcement was a problem so what we'd like to do is work with the restaurants to help them get this equipment installed the way it should be to protect our sanitary sewers so we've essentially proposed to re-start that clock ticking and give existing restaurants another year from now to install these grease interceptors. That's one section. Section B also relaxes the requirements slightly where the existing code says restaurants need to install an exterior interceptor. These can be quite costly and in my opinion unnecessary. The spirit of the Plumbing Code is that grease interceptors are installed to capture grease that's generated from a business – it doesn't matter where it is – interior, exterior, on the roof, as long as it serves the purpose of protecting the sanitary sewers so there are means of installing this equipment in a much less expensive manner than exterior which is the existing code. We're proposing to allow for interior as well as long as it serves the purpose.

Vice President Rossi – Councilor Walsh?

Councilor Walsh – Yes, what would be the cost let's say to a restaurant or whatever to install these interceptors?

Anthony Sylvia – The Plumbing Code has a calculation that's based on the production of a restaurant, the number of seats, it's a pretty simply calculation so it does depend on the size of the restaurant. It could cost a couple thousand and then it could cost up to \$10,000, again it just depends on the size of the restaurant and where that equipment would need to be installed. Major producers of grease just won't be able to install something interior because it would take up an entire room.

Councilor Walsh – So then possibly a restaurant that has it's back against the wall, this could force them out of business but you're giving them a year to do it, from what I understand, right?

Anthony Sylvia – I don't know. I don't know what, I can't speak to a restaurant's business solvency or ability to pay for this required equipment but these are things that belong in place to protect the sanitary sewers and those who discharge to it protect them from sewer back ups because that's what's resulting from lack of interceptors.

Vice President Rossi – Councilor Messick?

Councilor Messick – How much does it cost the town to deal with these problems in our sewers over the years or recently or whatever numbers you have?

Anthony Sylvia – I don't have any dollar figures at hand right now but we spend quite a bit a time, labor and equipment time, nights and weekends, dealing with sewer backups so those kind of expenses we would look to avoid having to incur.

Vice President Rossi – Councilor Magovern?

Councilor Magovern – Do you have any idea how many restaurants are at the level that you are requiring at the present time? I'm assuming like the new McDonald's that just opened up or opening tomorrow, I'm assuming they are totally in compliance with the grease traps but what about the other restaurants you know such as the Main Street Deli or Valenti's or something like that?

Anthony Sylvia – I think there are probably a few dozen major contributors as far as existing restaurants go, it could be a few more but working with our own local Health Department, I do have a data base of restaurants that we can prioritize the restaurants that cause the most problems based on frequency of sewer problems.

Vice President Rossi – Councilor Perry?

Councilor Perry – Yes, thank you, through the Chair, Anthony – how many kitchens does the town have? Each school has one, you've got the Senior Center, are all municipal buildings in compliance with this Code?

Anthony Sylvia – Whether they are in compliance or not, I do not know. I would say that we are subject to those same requirements.

Councilor Perry – Okay, that's all I'm asking because I know that we have at least eight of our own restaurants that serve food every day and I just wanted to know if we're in compliance with that also. Thank you.

Anthony Sylvia – I don't know. You're welcome.

Vice President Rossi – Councilor Magovern?

Councilor Magovern – I would like to possibly table this until we can get the answer to the question as to how many restaurants would be forced into a major expense to – I'm all for the traps, don't get me wrong – but I'd like to know what we're dealing with as far as the restaurants or do you plan to enforce this based on if a restaurant has a back up and you go up and find out they're not in compliance then you would make them go into compliance or are you going to go into restaurants and make them go into compliance even if there's been no problems there?

Anthony Sylvia – Restaurants that have not had problems would be put on the end of the list as far as prioritizing enforcement and trying to get these things installed. The Ordinance stands on its own and those out of compliance would be out of compliance.

Councilor Magovern – Then what you’re saying is that if a restaurant does not have a problem then they don’t fall under the ordinance?

Anthony Sylvia – No, the Ordinance stands on its own.

Councilor Magovern – The Ordinance is there. The Ordinance is in place.

Anthony Sylvia – Correct.

Councilor Magovern – But I’m just trying to find out is this an Ordinance that isn’t being enforced at the present time and how much of a burden this is going to be for the restaurants that have not had a problem and could possibly be in non-compliance with the Ordinance?

Anthony Sylvia – I believe the Ordinance stands on its own right now and it’s simply not being enforced. By establishing a time line of next year, it puts us in a position of trying to assist the restaurants in any way we can whether it’s to come up with some funding mechanism or engineering assistance to help them, maybe we can find some funding through PVPC, this is required anyway by the Plumbing Code. All we’re looking to do is put some kind of time line on getting this required equipment installed because it’s not being installed at existing facilities, all new restaurants are installing it and that’s required through our Building Permit process.

Vice President Rossi – Councilor Mineo?

Councilor Mineo – Does this include amusement parks?

Anthony Sylvia – Any facility that would prepare food that would generate grease to the sewers. Period. So –

Councilor Mineo – So?

Anthony Sylvia – Restaurants –

Councilor Mineo – So, in Six Flags, everything would be inspected there?

Anthony Sylvia – Absolutely.

Councilor Mineo – I mean I would have to assume there is numerous places inside Six Flags that have kitchens or serving, I think I don’t know how many places serve french fries and that’s all grease, so they have a lot of grease over there, I assume, a lot of the fast food that they make. I mean everything would be inspected over there?

Anthony Sylvia – Yes.

Councilor Mineo – Okay, thank you.

Anthony Sylvia – You're welcome.

Vice President Rossi – Councilor Letellier?

Councilor Letellier – Yes, thank you Anthony so if I understand this right, what we're doing is actually saying to businesses you should have had this, and if you don't, we're gonna give you another year before we push it. We're sort of doing a favor saying yup, the Plumbing Code, the CMR, the Code of Mass Regs says you must have it but guess what? We're gonna give you an extra year to do it.

Anthony Sylvia – Yes.

Councilor Letellier – It's a benefit to businesses. We don't have to give them an extra year. We can enforce it as it is, correct?

Anthony Sylvia – Yes.

Councilor Letellier – Thank you.

Vice President Rossi – Okay –

Councilor Perry – Motion to come out of Committee.

Councilor Mineo – Second.

Vice President Rossi – All in favor? Opposed? Okay, any discussion? Yes, Councilor Perry?

Councilor Perry – Yea, I do, I understand and I think what's Anthony is doing here like Gina had brought out that this is a current code that's in town and we're just putting a time line for these to come into compliance with the code. The thing that bothers me a little bit is my question to Anthony was are our own kitchens in compliance and we don't know and I would really like to put the town under the same timing requirements that September 1, 2011, all our buildings are in compliance also.

Vice President Rossi – I'm sorry, Councilor Letellier?

Anthony Sylvia – I agree.

Councilor Letellier – Yes, thank you. I agree with Councilor Perry that we can't be enforcing this against other people if we're not making sure our own kitchens are in compliance, but I think and I know I said this in my question to Anthony and I already knew the answer is we're giving businesses a break and saying you've got another year. The next time somebody has a backed up sewer, we can go in there and say guess what you're sewer's backed up, you are in violation of the Code and you owe us x fine and

every day you're in violation, you owe us another fine and another fine so I don't we need to table it. I think we need to pass it, publicize that guess what you've got a year you know whether it's a letter from the Health Department or a letter from the DPW, we're talking about grease going into our water system. We're talking about thousands of dollars of overtime unplugging sewers. We're talking about guys getting out of bed in the middle of the night on weekends, on holidays, I mean DPW guys if there's a problem, you're there whether it's Christmas or New Year's, Thanksgiving, July 4th or your kid's birthday, so I don't see how this is really an issue.

Vice President Rossi – Councilor Mineo?

Councilor Mineo – Just one quick thing and it's not to hold up the vote or anything tonight but is it possible that you could send us a list of every place that would be required to do this? I think that's –

Anthony Sylvia – All I have at this point is a list of restaurants. I don't know that we have –

Councilor Mineo – When you say restaurants, so if you have, I know we have bars here in town, they serve food, so are they exempt?

Anthony Sylvia – No.

Councilor Mineo – Okay. You said restaurants. Some places aren't like a restaurant, I'm just wondering who's part of it, who's not part of it? If nobody else wants the list, that's fine. I guess, I would like to see a copy of it. I'm not looking to hold this up tonight and it's not that I'm not in favor of this, I would just like to see a list.

Anthony Sylvia – The Department of Health has a list of these facilities that prepares food in town.

Councilor Mineo – Could you possibly get that to me?

Anthony Sylvia – Yes, absolutely. I assume it's public record.

Councilor Mineo – Thank you.

Anthony Sylvia – You're welcome.

Vice President Rossi – Councilor Magovern?

Anthony Sylvia – Excuse me, if I could just add that this is just a simple list of the facilities not also noting their compliance or lack of compliance. It's just a starting point for us.

Councilor Mineo – I'm just asking for a list. I don't care about the compliance or whatever I just want to know what we're looking at. That's all. It's for my own information.

Anthony Sylvia – Okay, I gotcha. I understand.

Vice President Rossi – Councilor Magovern?

Councilor Magovern – I'm in favor of the Ordinance. I'm in favor of us again in conservation, making sure the grease does not go into the sewer system. I want to commend our sewer department and I think that they're absolutely phenomenal. I've seen them at work. First hand, they've come out, cleaned up sewers and they're a great bunch of guys and they work very, very hard and I think whatever we can do to eliminate their effort by making sure that there's no deliberate grease back ups, we should but I think I agree with Councilor Mineo that we should have more of an idea as to what we're really looking at here and just from an internal aspect of our own organization, if it's a major list, can we do it in a year? Being realistic, I think I'd like to see a letter going out to all the restaurants and asking them if they know what their grease catchers are like and whether or not they meet the code so if we know if we're dealing with ten restaurants, twenty restaurants, thirty restaurants or how many restaurants so that we don't burden ourselves by setting a rule that's it's gotta be done within a year when it can't be done and maybe a two year window would be you know more realistic for some of these restaurants so I don't know if we want to just vote it through on the first reading but have this go out and have it answered so we have more information by the second reading so I'd like to hear a little bit more idea from some of the other councilors.

Vice President Rossi – Councilor Simpson?

Councilor Simpson - Thank you. Mine tags along with Councilor Magovern because I was just thinking, Anthony has just said that he has a list of all restaurants, bars, whatever, whoever is licensed to sell food but at this point if I'm understanding you don't know who is in compliance and who's not, now the time that it takes to probably do that, I don't know how many restaurants we have, I mean if you probably just add up all the little places in Six Flags, you're talking quite a few establishments so by the time all that work is taken we could be two to three months into the year period before then they start getting notification. I know we're doing this as a convenience to them but we could be a lot further into the year before they're even notified or maybe some restaurant doesn't even know about it or doesn't know it's up to date or what they have for grease or whatever, new owners, so I'm just wondering if we actually do need a little bit more time frame because it sounds like you just kind of started the process when we don't even know in town if we're in compliance or not. So that was my thought too along with Councilor Magovern if you want to maybe pass the first reading tonight and then think about the time frame.

Vice President Rossi – Councilor Bitzas?

Councilor Bitzas - I can see here it's like a little hypocrisy for us. We spoke before that we're not going to allow the state to regulate our town, now we're here to make strong regulations to businesses that can may be a little bit difficult and we ask us to come down here without any Ordinance Committee meeting which never happened before with no recommendation from this committee, without having the facts front to us and to just have Anthony front to us and of course we are unprepared. How can we vote something we don't have a recommendation from the Ordinance Committee? Never before we have this kind of Ordinance and Mr. Magovern as the chair not having a meeting? I suggest to have the Ordinance Committee meeting, have the facts from Anthony and then make the intelligent decision if you go for it or go against it, this Ordinance, so I hope we table, have the Ordinance Committee do their homework, make the recommendation to the full council and then have open, public, open the floor for anybody or people, restaurant businesses come and speak and of course Anthony and the others, we rush it too much. Thank you.

Vice President Rossi – Councilor Letellier?

Councilor Letellier – I respectfully disagree that we are rushing. It's the law. It's been law. In terms of making a list and how much time it's gonna give restaurants to comply, a letter from the Board of Health can say we are here to remind you that under Mass Code of Reg you must do this and we are giving you x time to do this. I don't think we need a couple of months. I don't think we need an extra Ordinance meeting. I think we need to pass the first reading. Have the Health Department send a letter out saying, once we pass the second reading, saying this is what you're already been required to do, we are giving you an extension of time and then in the meantime as things back up, the town doesn't have to do anything. We don't even have to remind people that it's the law. It's not the town's job to say did you know that's the law? Did you know *that's* the law but I think it makes sense to write to the people that have prepared food, or food licenses. The Health Department has a list of who has a food license; you send them a letter saying we want to remind you under Mass. General Law Chapter XYZ, Code Reg XYZ, you must do this and the City Council has given you an extension until this date. I don't see why this is some big conundrum. Committees don't meet plenty of times. Plenty of times we get a report that the License Committee polled two people and they decided before the meeting, yea that's fine. I mean so this is not some earth-shattering thing that we didn't have a meeting tonight. I don't see why we're expending all this energy on something that's already law and we're giving people an extension to follow the law.

Councilor Magovern – Number one I polled the entire Ordinance Committee this afternoon and asked them what their wishes were. I for one am glad that we're doing it this way because rather than have Anthony come and talk to the three of us, he's talking to the entire City Council and I think his input to the entire City Council for an issue that really is this complicated, which I didn't understand it to be this complicated, when you're asking a business in town to possibly come up with \$2,000 - \$10,000, I think it's very much more democratic to have everybody here weigh in and give their opinion and to have it go before three of us and then come back here and have a meeting and then go back and have another meeting, is a waste of the Council's time and so I'm glad that

we're doing it the way we're doing it. The council was polled but I really feel very strongly that we should get an idea as to what we are dealing with so that if there's thirty restaurants in town, to know if we got twenty-eight that have to come into compliance or two that have to come into compliance. I agree with Councilor Letellier that it is a law that's on the books and it should be enforced but not to the detriment of every restaurant in town if they're not aware of the complexity or if they purchased a restaurant and don't even know where there grease catchers are but I thoroughly believe that we have to have the Ordinance here to protect the sewer system. Thank you.

Vice President Rossi – Councilor Walsh?

Councilor Walsh – Yes, basically we're just putting some teeth into what we already have and I guess my question would be have inspections been done because you're saying you don't know who's in compliance which would lead me to believe that maybe inspections have not been done?

Councilor Perry – Point of Order? We're out of Committee as a Whole.

Vice President Rossi – Yes, we are.

Councilor Walsh – Oh, I'm sorry.

Councilor Perry – Sorry Councilor.

Councilor Mineo – May I just say one quick thing? Again, I am in favor of it. Again, I'm not looking to hold anything up. I know you mentioned the list. The list is just for my own information. Going back to Six Flags, I'd like to know how many restaurants are in Six Flags. I've been in there many a times and there's more than one restaurant. Everywhere you go, there's a restaurant. I just want to know how many are in town and I want to know how many are in Six Flags. I just want to know if when this does come into law, I want to make sure that everything's getting inspected over at Six Flags cuz they seem to have the biggest portion of restaurants in town. That's all and again it's for my own information.

Vice President Rossi – Well, I think we can have the Clerk send a letter to the Health Department? Yes, Councilor Bitzas?

Councilor Bitzas – Yes, Mr. President, I'm not going to vote tonight. If the Council votes fine, but I'm not ready to vote and I kindly disagree with Councilor Magovern because I've been serving for many, many years, when we have an Ordinance thrown to us, we don't bypass the Ordinance Committee, that's why we have the Ordinance Committee. This Ordinance like any other ordinance should be in the Ordinance Committee and the Ordinance Committee has to recommend to us and then we have open discussions. You cannot poll your committee and say we're not gonna do that because first of all it's not legal to do that because it's your committee, it's posted and you supposed to do that. Secondly, it is never happened here before. We always have

Ordinance Committee to recommend to the Council after we have all informations and then the council will do what we are doing right now. Thank you.

Councilor Letellier – Move the first reading.

Vice President Rossi – All in favor? Opposed? Clerk, please call the roll?

ROLL CALL – 8 YES, 1 NO (Councilor Walsh), 1 ABSTENTION (Councilor Bitzas) and 1 ABSENT (Councilor Rheault)

Vice President Rossi – With eight yes, we’ve passed the first reading.

Councilor Magovern – But a letter is going out to the Health Department –

Vice President Rossi – I’ve already instructed Barbara to send a letter to the Health Department requesting that information. Mr. Sylvia, you don’t have to do that. We can get that information. Thank you, Anthony.

Item 11. New Business

1. **TOR-2010-6 - An Ordinance to Amend Certain Fees in the Park & Recreation Department (Perry Lane Camp) (Mayor)**

Vice President Rossi – Next Agenda. I’m gonna send that to the Finance Committee.

2. **TOR-2010-7 - An Ordinance to Amend Certain Fees in the Park & Recreation Department (Perry Lane Nursery) (Mayor)**

Vice President Rossi – Next Agenda. Again, to the Finance Committee.

3. **TR-2010-38 - A Resolution Authorizing Preparation of a Statement of Interest for a Green Repair Program for the Agawam Junior High School (Councilor Bitzas and Councilor Walsh)**

Vice President Rossi – Next Agenda. Again, I’m gonna send that to the Finance Committee.

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

Vice President Rossi – I’ll start with Councilor Perry.

Councilor Perry – Yes, thank you. Nothing this evening.

Vice President Rossi – Councilor Letellier?

Councilor Letellier – Thanks, I know it’s late. I’m not sure if anyone’s still up. This week is the Pioneer Valley Alzheimer’s Association Memory Walk September 11th,

Saturday, at Holyoke Community College. I am part of a team called Agawam Against Alzheimer's. If anyone would like to walk with us or make a donation they can please contact me. My email address is ginalet@verizon.net. Thank you.

Vice President Rossi – Councilor Messick?

Councilor Messick – Well, I'm extremely disappointed with the vote this evening. I do want to say that the Energy Commission still exists and we will be working on implementing the other four requirements of the Green Communities Act even though we won't be designated a Green Community so we'll just keep plugging away at it and hopefully we'll get some efficiencies and some grants sooner or later. Thank you.

Vice President Rossi – Councilor Cichetti?

Councilor Cichetti – Nothing this evening.

Vice President Rossi – Councilor Walsh?

Councilor Walsh – Nothing this evening.

Vice President Rossi – Mr. Bitzas? Councilor Bitzas?

Councilor Bitzas – Yes, Mr. Vice President. Three things. First of all we have September 11th Memorial and I want to invite you the people to a small ceremony this year in front of the Fire Department in the memorial, twin towers, on Main Street and next year, it's the 10 year anniversary, we plan something a lot bigger. The other thing is school is open. I'd like to wish all the students, the teachers, the parents a safe and healthy school year and the third one is you probably saw in your papers I sponsor a resolution along with my friend Jack Walsh as co-sponsor about the sponsoring, the resolution is to authorize the preparation of a Statement of Interest for the Agawam Junior High School roof replacement as well as doors and windows. As you probably see we have, I have enclosed many informations in your package and I know and I hope you go through it and if you have any questions before the meeting, that needs to be more researched please call the Superintendent of Schools, Tony Albro, Pat Cavanaugh or the Mayor's office and they can answer your questions before the last minute because we don't want to be late. If we delay our vote, we're going to lose \$700,000.00 and that's a free money. It's now. We get it to make it. As you know this project is already in our Capital Budget and we all vote for it. So why not have \$700,000.00 extra? And I hope that you don't vote it down. Thank you.

Vice President Rossi – Councilor Simpson?

Councilor Simpson – Thank you. Gina will be walking on Saturday, Sunday I will be doing a walk for the Out of the Darkness Suicide Prevention Walk. It's going to be held at the Jewish Community Center in Springfield on Converse Street. If anyone would like to come it's a kind of informal, I shouldn't say informal, but it's one of those that you can

just register the day of the walk. If anyone's interested our team is for Brian's Walk and we hear a lot about all different kinds of walks for cancer, for Alzheimer's, suicide prevention is one of those that's kind of an up and coming to get people aware that over 33,000 people a year die of suicide so this walk is not only to donate money but to be there to support people who have gone through this tragedy in their life so the walk, although the love donations unlike the emphasis on this walk on Sunday is to be there to support those people who have been touched by suicide so if anyone's interested they can contact me. Thank you.

Vice President Rossi – Thank you. Councilor Magovern?

Councilor Magovern – I'd like to call for an Ordinance Committee meeting to go over this anyway but I'd like to do it after we get some of the answers back that we've asked for this evening and so we can be a little bit more informed as to what we can bring back to the Council so if Barbara when you get the responses back, call me and I'll try to schedule an Ordinance meeting before the next meeting and then we can just discuss it and bring back our recommendation at that point and number two, we have a great nation and one of the reasons we have a great nation is we have the best democracy in the world with elections and historically one of the blots on our democracy is the fact that so few people show up to vote in their primaries and we have both Democrat and Republican primaries coming up on Tuesday, the 14th, and it's a very, very important primary for D.A., for State Rep and for State Senate races so please I ask you to make a note of that on the 14th and come out and vote. Thank you.

Vice President Rossi – Councilor Mineo?

Councilor Mineo – Nothing tonight, thank you.

Vice President Rossi – Thank you and I would just like to say, this being my maiden voyage, I think that went pretty well. I will entertain a motion to adjourn. We are adjourned.

Adjournment.