

REGULAR COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

DECEMBER 15, 2008

President Letellier – Good evening and welcome to the Agawam City Council meeting for Monday, December 15, 2008.

Item 1. Citizen's Speak Time

President Letellier – If you have not spoken before when I call your name, please come to the microphone, you need to push the button on so that we can hear you. Please state your name and your address. You have five minutes to speak and our Administrative Assistant will keep the time. Our first speaker this evening is Joseph Aldridge. Mr. Aldridge?

Joseph Aldridge – Good evening. My name is Joe Aldridge. I live at 63 Silver Lake Drive. I don't know if the Council is aware that we have a major problem with our water lines on this street. Last Friday night, actually last Monday night, the water main broke. It ruptured through into the sewer line and flooded the basements of eight homes with several thousand dollars. The first time something like this happens you say okay, it's an act of God, the second time okay; it's an act of God. Well, I'm here to tell you that this has happened eight times since the road was paved. And every time we talk to the town it's either not in the budget or it's not a good time or Cooper Street has to be next. Well, Silver Lake needs to be done. I'm looking at \$3,800.00 worth of expenses in my house right now, that's as far as I am. My basement is not done and this is the second time I've done my basement this year. You have got other people hear that have the same problem. The water main keeps breaking, you've ruined my lawn, you've ruined my drive way, you've ruined the road and every time I go down to the town and talk to the DPW, I get one of these – well call your insurance. Well, you know what my insurance tells me? If it came in through the sewer drain, you're not covered. So I keep footing the bill. This keeps going on and I've been getting water in my cellar all the time. I'm the low guy on the street. This time several of my poor neighbors had the same problem. Some of them were covered by insurance. Unfortunately, most of them weren't. I don't know where else to go so I'm coming to the Town Council to see if you can help us. The next step will be to go to court because if I'm putting my business, if I do something over and over again, it's negligence. In Massachusetts, negligence is treble damages and I don't think we'd like to go to treble damages. All we'd like to have is our houses fixed and our road fixed. I don't think that's asking too much. We play by the rules, we pay our taxes on time, we pay our water bill on time, we pay our sewer bill on time, and we'd like to have some of the services. Thank you and anything you can do, you can stop by and look at basements, you might look at the road, I'd be more than happy to walk you through. Thank you.

President Letellier – Thank you Mr. Aldridge. Just to state, this was brought to my attention first this weekend by one of your neighbors and so we have a Public Safety Committee that used to encompass the DPW and that's a part of that committee now so

we will be referring that to the Public Safety Committee to take a look at the issue but I'm certainly happy to hear from all the rest of the speakers but I wanted to let you all know that I just heard about it this weekend from one of your neighbors. Thank you. Our next speaker is Paul Wakem.

Paul Wakem – Good evening, Council President, Council members, citizens of Agawam, my name is Paul Wakem and I'm here as a, not as a son of Agawam but as a cousin. What I mean by that is as a kid, a long time ago, I was active with my family and friends here in town...I recently returned to Agawam after many years. I now live on North Street in Feeding Hills. As a youngster, my family's business was the old Sunoco station at the corner of Mill and Suffield Streets, which is now the Citco station. I have fond memories of riding my bicycle throughout Agawam, from Riverside to Feeding Hills watching the crop dusters leave tire marks on the tobacco sheds and fishing in the local ponds. It's my belief as a resident of this fine community in which I live, I have an obligation to actively participate in the boards for the betterment of the community. This being said I've submitted an application to the City Council to be considered for appointment for one of the vacancies on the Zoning Board of Appeals. Some of my experiences as I wrote in my resume are as follows: Zoning Board of Appeal member, Town of Yarmouth; Zoning Chairing Committee member, City of Boston, Zoning Officer, Zoning Code and Building Code Consultant, Consultant for Americans with Disabilities, Environmental Consultant and Project Manager, ...Certified Amusement Device Inspector, Inspector of Damage to Homes and Buildings in Jackson, Mississippi for the victims of Hurricane Katrina, Building Inspector, Contractor. These past experiences have given me a working knowledge not only as an official but it enhanced my ability as a concerned resident to represent this city, the applicant, the contractor and the abutters of the property in question. What I ask of you, Council members, is to put my name into consideration for the ZBA. As speaker Tip O'Neil once said, if you do not ask a person for their vote, you will not get it. This being said, I ask for the support of you the City Council members to nominate and confirm me as a member of the Zoning Board of Appeals. Thank you.

President Letellier – Thank you. Our next speaker is Ron LaRiviere.

Ron LaRiviere – Good evening. My name is Ron LaRiviere. 79 Bradford Drive, here in Feeding Hills. I'm the chair of the local Republican town committee but I'm here tonight to speak on behalf of Peter McNair who is also a candidate for one of the two open seats on the Zoning Board of Appeals. As some of you may realize or may not, I served on the Zoning Board for fifteen years. I served several years as its Chair so I know full well the duties, responsibilities, obligations and the power associated with the Zoning Board of Appeals. Peter McNair would be a fine candidate. He would represent these responsibilities very well. I have known Peter for a long time both professionally and socially and I'm here tonight to support his efforts and his application and I would ask that you consider appointing Peter McNair to one of the two open positions on the Zoning Board of Appeals. Thank you very much.

President Letellier – Thank you. Next we have Anthony Winiarski. Thank you.

Anthony Winiarski – Good evening and thank you. My name is Tony Winiarski, 89 Silver Lake Drive. I don't have the gift that some of my neighbors have so I have a written statement. My family and I have lived on Silver Lake Drive for nearly thirteen years. For ten years at number 54 and now we live at number 89. During this time we've experienced we estimate to be at least twelve and perhaps as many as fifteen or more water main breaks. And the most recent as indicated by Mr. Aldridge was last Monday night at around 10:30 pm. It was finally repaired shortly before 6:00am on Tuesday. I was the lucky member of the neighborhood today with the time and opportunity to hand deliver a letter signed by several residents of Silver Lake Drive, most of whom like myself suffered a back up of sewage and silt into our basements. We feel that this is a serious situation. This letter was given to the Council Clerk for distribution to you. I hope that you did get it and have a chance to read it. I also brought a copy of the same letter to Mayor Dawson's office and finally brought one also to the DPW Superintendent, Mr. Stone. While I was at the DPW, Mr. Stone did have the opportunity to come out of his office to speak with me directly about the issue. He acknowledged that he is aware of our water main break last week as well as the back up of sewage into our basements. He also said that he knew that we had several breaks over the past several years. He told me that we're on the list for replacements of the water main in addition to other streets with similar issues. To this point, some of our water main has already been replaced although unfortunately only at ten to fifteen feet intervals, and usually at night or holiday periods. As far as when the main might be replaced, he said that they intended to include our street's work in his budget proposal for the next fiscal year. This indicates to us that if it was indeed budgeted, the replacement won't happen to at least 2010. Naturally we have no way of knowing what the water main replacement cost may be, Mr. Stone apparently does. We can only imagine what it must cost in overtime for the DPW water and sanitation departments to spend nights, weekends or holidays on our streets to repair the broken pipes. We don't know either what the cost of not replacing the main might be when there exists to be a known problem. What happens if someone drives into a sink hole, our pavement on our street is being undermined by the sand washing out every time a water main breaks or if one of our neighbors suffers an accident or a fall from the ice resulting from the water main fallout accumulating on the street in the wintertime? Also, since many if not most of our storm drains empty directly into Silver Lake, we wonder what is the environmental cost of untreated raw sewage emptying into the lake? We understand that plans are underway for funding sewer service in a large portion of Feeding Hills. We've already been paying for our water and sewer services; please provide us with the service we're paying for. Please keep the sewage in the system and not in our basements. Finally, I'd like to publicly acknowledge the work of the Agawam town employees who responded to our emergency last week – an unknown Agawam police officer actually came to my wife's aid last week before I was able to get home from work and even waded through the ankle deep water and sewage to help set up a submersible pump. The fire department came to check on the neighborhood including awaking sleeping neighbors who were not quite aware of the situation, the DPW water and sanitation departments were present for much of the night under very cold conditions. In particular there was a Mr. Lascalia, we believe, and Brian Blackak who were present

for most of the night and were professional and helpful in their duties right into Tuesday morning. Thanks for your attention.

President Letellier – Thank you very much. Next we have Paul Mazdzanowski.

Paul Mozdzanowski - Paul Mozdzanowski, 68 Silver Lake Drive. I would like to just reiterate what Joe and Tony have said about the break, the concern of it, I have a new concern and part of it is that not only did water come out through the two sinks I have in the basement, but it's coming out through the lolly columns which tells me that there's so much pressure in the road, that it has found it's way to a weak spot and has created a channel. Obviously, the only way that can be fixed is to dig it out, recompact it and which is quite expensive to do if anybody knows anything about excavation work so that is a concern that I have. And again we just ask that the Council would act on this. It's a serious matter. We don't want to go through this time and time again. Thank you.

President Letellier – Thank you. Next we have Peter McNair.

Peter McNair – Peter McNair, 31 Richardson Place, Agawam. I am running for the ZBA position and I'm an owner of McNair Business Machines for twenty years and as you know what's going on with the business and the economy right now, I've been juggling and you know scaling back and just communicating to my vendors and manufacturers so I think this type of communication and type of direct contact and am able to keep employee morale steadfast and up is a huge positive. I've been able to battle against the Staples and some of the other bigger companies and persevere so I think my position running this business and you know being able to help the ZBA and the committee, being a good listener, being an awesome communicator, being able to get the information and when I get the information I'd be able to react on it in a timely fashion. There's really not, time as you know is money, ...I just wouldn't be waiting on something if something if it needs to be signed sign off on it if all the t's and the i's have been looked at so that's my strengths so you know running a business day to day, just making it happen. Also, locally here in town I've coached for my three kids right through high school. My oldest son is son is in college now, great hockey player here in Agawam. My daughter Megan, part of the Western Mass State champ field hockey, she's on the senior team and my younger daughter is a sophomore, she's been active in the school system. I really think that I can add a lot to the ZBA. I really appreciate your support. I thank you and have a great Christmas. Thank you.

President Letellier – Thank you. Next we have Shelley Sullivan.

Shelley Sullivan – Hi. Shelley Sullivan, 96 Silver Lake Drive. Again, I would just like to ask the council members for your help in this matter. We've been living on Silver Lake Drive for many years now and you know Monday night was just another evening that I had to wake my kids up and tell them you have to go with Nana and sleep at Nana's and why because we had another flood in the basement. We used to have a nice finished basement that the kids could go down and watch TV; we had a fireplace down there and a bathroom. Now all that's left is just concrete walls because we've had to rip everything

out from the sewage over the past however many years backing up into the basement. All that's left is just a concrete wall. That's it. We had to rip out stairs. We've had to replace numerous stains; we've had to throw things away. I've got about ten contractor bags going out into the trash tomorrow to pick up filled with toys, clothes, things that have survived the past floods but now after this one it's just, it's gone, pictures, numerous things so you know we're just asking for your help in this matter. One time, it's an accident, two times okay we can deal with it but several times over all these years and all these patches, it's just too much at this point. We're just asking for you guys to please look at this and address this issue. Thank you.

President Letellier – Thank you. Next we have Michael Mercadante.

Michael Mercadante – Good evening, Council. My name is Mike Mercadante. I live at 1063 Main Street in Agawam. As you may or may not know, I'm recently retired from the Agawam Fire Department. I had a career of approximately spanning forty-four years. The last ten years I was your Fire Inspector and during that tenure I had the perchance of enforcing not just fire codes but I also bring to the attention of the Building Inspector, building code issues and zoning issues and architectural access issues. I feel that I am well suited for this Zoning Board of Appeals position and I hope that I could count on your support for this. I have plenty of time to donate to this situation, being retired, and as my last ten years on the Fire Department has proven, I have the honesty and integrity to do this job and make it so that everyone would be satisfied. I try to keep an even keel. I try to let everybody be heard and I try to do the job as honestly and above board as possibly. So I would appreciate your consideration in this position and thank you very much.

President Letellier – Thank you. Our next speaker is Anthony Franco.

Anthony Franco – Good evening. My name is Tony Franco. I currently live at 9G Mansion Woods Drive and I'm also here for the Zoning Board of Appeals position. I believe I can have a positive impact on this position. I bring five years of experience when I used to live in East Longmeadow; I was on that ZBA from '95 to 2000. I was born and raised in Agawam. I'm currently in banking. I have been in banking for twenty years. I'm a commercial loan officer and am quite familiar with certain zoning laws and bylaws of the Town of Agawam. So I would just appreciate your consideration for this position. Thank you.

President Letellier – Thank you. Last, we have Bob Michalski.

Bob Michalski – Good evening. I'm Bob Michalski. I live at 76 Silver Lake Drive, Agawam and I'm here just to reiterate what some of the other previous speakers have said here before me and also I also got flooded. I would just like to say that I'm retired from construction work. I've been a ...foreman for years, thirty four years in a union. I'm very familiar with pipe work. I've done a lot of it through the years and I'd just like to say that that pipe work that is in the ground moving our water systems into our houses is going through transite pipe which is an asbestos type pipe and you know what asbestos

is and what it's done to people. And that pipe is very brittle and once you get movement in it and you get a hairline crack, you can fix one length of it but if there's a hairline crack somewhere down that line, it's gonna blow again, and it's gonna blow out a big hole in it because it doesn't make just a little spurt. It blows out usually a section of that pipe and then the problems begin. And we've had plenty other problems. I mean I know the other speakers have said enough is enough, but when is enough enough? I think half the twelve, fifteen breaks, how many, whatever the number is, I don't know exactly but I'm sure there's people that do know. And I think it's time something was done. We're here to just ask for your help in getting something done. Thank you.

President Letellier – Thank you and that's our last speaker for the evening.

Item 2. Roll Call

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

ROLL CALL – 9 Present, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine present, two absent, we have a quorum. Councilors Mineo and Messick called to indicate that they were not feeling well and to wish everyone a happy holiday season.

Item 3. Moment of Silence and the Pledge of Allegiance

President Letellier – Could you please rise?

Item 4. Minutes

(a) Regular Council Meeting – December 1, 2008

President Letellier – So moved by Councilor Simpson, seconded by Councilor Cavallo. Any discussion, corrections, or amendments? Councilor Cavallo? Seeing none, a voice vote will suffice. All in favor please signify by saying Ay. Opposed?

Councilor Rheault – Abstain.

President Letellier – One abstention. Eight yes and one abstention, thank you.

Item 5. Declaration from Council President

President Letellier – First, I'd like to thank everyone who is running for the Zoning Board of Appeals' positions. We have an excellent field. I think the best in the ten or twelve years I've been on the Council. And if you don't get on this time, please consider applying for other boards or running for office, because we really truly have some excellent candidates.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

- 1. TR-2008-53 - A Resolution Confirming the Appointment of Priscilla Peterson, 51 Monroe Street, Agawam, MA. 01001 to the Agawam Veterans Council as an Honorary Lifetime Member (Mayor) (Majority of those present and voting)**

President Letellier – Is Priscilla here? No. Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Cavallo. Any discussion? Councilor Young?

Councilor Young – Just a question, I do have a question. What's the current enrollment in the Veteran's Council and is there such a position available as Honorary? I never heard of such a thing – Honorary Membership and such – is that, do we have any history or experience with a position like this before we vote on it? I guess I'd be curious.

President Letellier – To the best of my knowledge, and I know there are people who have served longer than me, I am not aware of any other honorary lifetime members. I think what this does is open up a spot for a younger veteran but yet still shows respect for someone of Priscilla's tenure being a World War II veteran, but we can certainly get more information if you'd like to. If that's your –

Councilor Young – Like everyone I love Priscilla and she does fine job and this is appropriate. I just don't want to vote on something that's unofficial and improper and then just God forbid vote someone else in just to have them tell them sorry we can't do it, not that we've erred before, I again, I'm all for whatever the Council wants to do. I guess I would just, I've never heard of such a thing and I'm not sure that the current, I mean I think there was a set up by Ordinance or Resolution with a membership roster of a certain numbers and had terms and so on and so forth and I don't know if we can just add on to that freely but maybe we can. So if anyone has any input, I'd like to hear it. Thanks.

President Letellier – My understanding as an honorary member, she wouldn't be voting but whereas the full council members would be but again, if you wish to table it, we can certainly do that. Councilor Rossi?

Councilor Rossi – I was just gonna say that, it appears that she might be just stepping down into an honorary position and making room for a full time member who would be in voting position. Now, I think that we have in the past made people honorary members of different things. I think we have anyway, I'm not sure but I don't know if there's any harm in that. I guess we may be so much as recognizing her years and dedication of service to the Veteran's Council by making her an honorary member and keeping her involved on that and not on a full time basis but at least on a part time basis. That would be my guess but I don't personally have a problem with it.

President Letellier – That's my understanding as well is that she would move to an honorary position which would then open the enrollment for another full voting member.

Councilor Simpson?

Councilor Simpson – Yes, thank you. I'm just gonna make the assumption but I could be wrong but if you look at her letter that's attached to it where she's saying she wished to be put as a lifetime member and then another female veteran to be appointed and I assume that since it was signed off by the Solicitor that legally if we're gonna take his word, that it should be okay. So it makes it a thing that she's just gonna be honorary and probably involved but would not be voting on matters or whatever, the new appointment would be. So I don't have an issue with this. I think it seems like it's okay. Thank you.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes. I do agree with the Councilors, previous speakers. It is an honor for the person to serve the Council very well and also she's served our country I believe in the Navy for many, many years and it's just an honor to keep her there without voting power. So I think it's good for her and I think we all need to vote for it. Thank you.

President Letellier – Any other discussion or questions? No? Barbara, could you call the roll? Five votes are needed.

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, we've confirmed Priscilla's appointment as an honorary member and we thank her for her years of service.

2. TR-2008-54 - A Resolution Authorizing an Appropriation and Loan Order in the Amount of \$400,000.00 for the Repair, Reconstruction or Replacement of the Sanitary Sewer Force Main Crossing of the Westfield River in the Town of Agawam. (Mayor) (Referred to the Finance Committee) (2/3 Majority Vote of the Full Council or 8 votes)

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Rheault. And who will be giving the Finance Committee report this evening? Councilor Perry?

Councilor Perry – Yes, thank you, Madam President. I'll be giving the report this evening. Councilor Young had contacted me earlier and asked if I could chair the meeting, he was going to be fifteen, twenty minutes late, unfortunately his car broke down and he was stranded down in Suffield I think it was, Bob, right, for most of the evening. So I did ask him to see the repair bills just to make sure. No but we did meet on the 12th, Wednesday the 12th at the Agawam library at 7:00pm. Committee members attending were myself as acting chairman and Councilor Mineo was also there as a committee member. Other Councilors in attendance were City Councilor Paul Cavallo, George Bitzas and Jill Messick. Also present at the meeting for this Agenda item were the town employees from the DPW, we had Jack Stone, DPW Director and Chris Golba as the Assistant Director. Also in attendance were Laurel Placzek our City Treasurer and

Cheryl St. John our City Auditor and there was two representatives from Tighe & Bond, Mike Parcens was the one that did most of the speaking. Basically in the course of the meeting, Jack Stone did a quick overview of the situation that occurred down with these sewer lines, the 20-inch line, the broke in the river in regards to when we appropriated the first \$300,000.00 for this project. After Jack gave that quick summary, Chris presented, did a nice, a fine presentation, I think you all received this in your packet in regards to really a step by step presentation of exactly what took place down there for this project and why this is on our agenda for the overrun costs. He did a good job. There was a lot of questioning in between from the committee members and the council members that were there. Then, after his presentation, Mike Parcens from Tighe & Bond went over the financial side of things in regards to the cost overruns which I think we all received in our packets from Tighe & Bond – a breakdown of the overruns. One of the main concerns that the committee had and the councilors that were there were just that – why? Why did we have a 57% cost overrun on this whole project? A lot of it was regarded to and if you looked at the presentation was because of the heavy rains that we had right as this project was going on, the coffer dam had basically because of the high water levels in the river had been run over twice during this project. It was estimated to take eight weeks. It actually took 19 weeks. Engineering costs were a lot higher due to the length of this project. But I do and I did have a lot of concerns and questions for Jack, for Tighe & Bond, in regards to the planning of this project and I still have those questions today. We did not vote on this because we did not have a quorum and do not have a recommendation to the council because we did not take a vote because we did not have a quorum. Some of the questions and the main questions, Councilor Cavallo had asked in regards to the work that was performed down there – what type of warranty is on that? I believe we all got that information from Barbara – thank you. Jack did get that information to us that the work is guaranteed for a year. But one of the biggest issues is the cost overruns I think that all of us had that evening. Councilor Bitzas, Councilor Cavallo and myself questioned the amount. You know we're going from a project that was estimated to cost \$299,882.00 to a cost of \$699,282.00 – that's 57% increase or overrun on that project. The engineering total that was submitted to us when we approved this money was \$73,282.00 and went up to \$98,682.00 which is a 41% increase in the engineering costs. If you went through the information some of the reasons given for those increases on engineering were the additional monies for the steel for the embankments. In regards to the construction costs obviously the coffer dam got flooded twice and had to be rebuilt. So I did have a lot of questions in regards to the engineering side of things here. And we still do and I would recommend again there was no formal vote taken by this committee but I would recommend to the full Council that we table this issue for the time being. I would like to see it go back to the Finance Committee so we can have another meeting with the engineering company, Tighe & Bond, with Jack Stone and the DPW. I don't feel the town should bear the full brunt of the overrun costs. I think there's some things here that in my opinion anyways as a councilor, we need to look at. It was an open ended contract. I don't think that was projected to us at the time that we approved this money and what I mean by that was most building constructions there's bids that go out and there's a cost and the people that won the bid are obligated to hold to that cost to a certain degree. This was open ended and I have a problem with that and I have a problem with the engineering side of things in regards to you know I

understand that it was an emergency situation down there to a certain degree and it was a unique project in that nature had some things to do with this but I think we still need to do some more investigation into the cost of this before we actually approve it. Thank you.

President Letellier – Thank you, Councilor Perry. Councilor Cavallo?

Councilor Cavallo – Yea, I'd like to make a couple comments and Councilor Perry did a wonderful job on that meeting and I thought we tried to pinpoint some of the issues in some detail and one of my concerns in addition to the warranty that we tied to that was why during that period of time, was not the Council made aware of the issues, the problems, they were having? I mean we have agreed upon a certain amount of money to complete the job but then we find out, when did we find out, we found out last Wednesday night, that it's gonna, we need 400,000 more dollars? Among all these problems I think it would be obligatory on their part to at least notify somebody, the DPW, someone to enlighten this Council there's a lot of need to this money, to let us know that hey, this is gonna cost us you more money. When you can... in one shot like it was last Wednesday night, I became very concerned about that. Another issue I have and that issue Councilor Perry brought it up, the entire...that they had, there was something about the coffer dam being destroyed and had to be rebuilt –

Councilor Bitzas – Point of information, Madam President? Do we have discussion now or is this still the report only by the committee? Don't you think we have to vote to go –

President Letellier – We've already, a motion has been made to bring the item forward. We've brought the item forward. I asked for a committee report and then it goes up for discussion and now we're in the discussion phase.

Councilor Bitzas – So no table, no table yet?

President Letellier – I have no motion to table it. We're in the discussion phase.

Councilor Bitzas – Okay.

President Letellier – Okay, thank you.

Councilor Cavallo - ...what had happened if we had that bad storm again. Is this coffer dam, I'm not an engineer, but is ...? I mean there was a lot of questions that I think that if we're in agreement, we have to really get at and I'm not on the committee but as a Council I think we've got to look at this really seriously. I've read the article in the paper and the City Solicitor gave of course some interesting information regarding our obligation, okay, regarding state rules and regulations and so forth but I see no reason why we can't go a little further with this. I'd like to see if in fact there would be some burden placed on the developer and the engineers for picking part of the cost of this project because of the negligence on their part not in letting us know what was going on here. Thank you.

President Letellier – Thank you, Councilor Rossi?

Councilor Rossi – Thank you. I was absent from that sub-committee meeting. I was on vacation and there are a lot of questions that I would have like to have asked concerning the overruns as it was mentioned, 50% overruns is quite a bit of money when the original project was \$300,000.00 and they're asking for another \$400,000.00 in overruns and they contribute the overruns to this tremendous amount of rain and water that we got and as I recall, and they're talking about some 27 inches of rain from July to September, but as I look at the material I find out that the first coffer dam was built on September 4th. Now if they had high rain back in July, why wasn't that taken into consideration? And secondly, the coffer dam that they built on September 4th failed on September 6th – only two days this thing lasted – two days! When did they notice to fix the other one back in October they put another one up and work was completed and after the work was completed, it failed again but the work had already been completed but they hadn't put the stone in and somebody made a decision that they had already rebuilt this coffer dam again that it would be less costly to sink professional divers down to guide the stoning. Now, I didn't see any report about the cost to hire professional divers to go down, ... professional divers would be ... coffer dam. Again, I would have liked to review it. And there's some other things that I'd like to review, did we have ... I would have liked to have aired these things out at a sub-committee meeting cuz obviously I don't see anybody here that's prepared to respond to any of these questions, so I don't think that there's any way that this Council can make a decision intelligently based on the information that we have and I think this Council is due much more information than we got here. Cuz if we could get a \$48,000 waiver on a \$300,000.00 job, this just has to stop. We just can't continue to go on like this. I don't know if these people think that we have ... in the backyard or what, but it just has to stop. So I would suggest that we table this and I certainly would entertain a motion for ... of the council to table this until the sub-committee can bring these people in to answer some questions.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Thank you. I was at the meeting with Councilor Perry and Councilor Mineo, Councilor Cavallo and Councilor Messick and I did, as all of us, we have concerns and then questions. I came prepared tonight to vote against it just to show my displeasure of the \$400,000.00 overrun. I'm not an engineer but to fail twice, the coffer dam, I don't understand how they built it. I think that the responsibility should lie not only for the taxpayers of Agawam but for the other people involved the Tighe & Bond engineers and of course the people that built it. I'm glad we are going to table. I hope we hear some good news. I hope to see some compromise. I know it it's an act of God but somebody must be responsible if they didn't do the job well they must share some of the cost. Thank you.

President Letellier – Thank you Councilor Bitzas. Motion to table made by Councilor Simpson, seconded by Councilors Cavallo and Calabrese. Barbara, could you call the roll?

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes and two absent, we've unanimously tabled the item and I will re-refer it to the Finance Committee.

3. TR-2008-55 - A Resolution Adopting the Town of Agawam Local Natural Hazards Mitigation Plan. (Mayor) (Majority of those present and voting)

President Letellier – Do we have a motion? Moved by Councilor Bitzas, seconded by Councilors Simpson and Perry. Do we have any discussion? Councilor Rossi?

Councilor Rossi – I would like to know what this is! Does anybody know what this is? ...Just exactly what does it do? Does anybody know?

President Letellier – In addition to the materials in the packet you mean? Councilor Perry?

Councilor Perry – Thank you Madam President. Through the chair to Councilor Rossi, the Natural Hazard Mitigation Plan was basically a project that took place, it actually started in 2006. It didn't cost the town anything, it was funded through a grant to prepare this plan through the various boards, FEMA and things of that nature, and what this plan is just that, it's a hazardous mitigation plan that was put together as part of the committee that put this together as appointed back by our previous mayor, Mayor Cohen, to be on the board and really what this plan is is a plan that really breaks the town down in case of natural disasters. This is a plan in place to react to any type of natural disasters that may occur be it flooding, be it an earthquake, whatever. We looked at you know everything and what we did was we identified the basic, we developed a map with all the critical areas that need to be looked at in case of a natural disaster, the emergency operation centers. We looked at and identified nursing homes, daycares, different facilities, we looked at the pumping stations and put together a plan in case there is a natural disaster of some sort in how the town is going to handle it and that's what this plan is all about. What it does is it really opens the door for the community having this plan in place for not only state but federal funding through grants for improvements on different things such as the migration route out of town in case we have to evacuate the town for whatever reason, to improve the infrastructure of the town. This plan is really, this is the plan that we're adopting. There's no committee, it's a plan that we're saying that we're adopting. It's gonna go to the state. It's gonna go to the federal government, FEMA, and basically it's gonna open the door for us for any type of funding for you know, you'd be surprised at how dams there is actually in town. I was amazed when we went through this whole plan, those things may need upgrading. We can apply for funding for that, grant money, where it's not gonna cost the town anything for this, by adopting this plan here. So, there's a lot to it but it hasn't cost us anything. It's a plan we need to adopt which is helping Emergency Management Planning and will help us in funding any future projects in regards to the infrastructure of the community when it comes to natural disasters.

President Letellier – Thank you Councilor Perry. Councilor Rossi does that answer your questions?

Councilor Rossi – Well, yea it does, but we had these plans before, we've had this for quite some time, we've had these evacuation routes and other stuff through our civil defense and through our naval offices have taken this over, I know because I was the coordinator of their program and I have been for probably the last twenty years on the department but the monies that are granted through these plans generally to towns, the town accepts the grant money and we have to assume the responsibility of this program and my question is what is it gonna cost us in the end by accepting the money and by adopting this plan? Generally when you adopt a plan somewhere down the line, there's an expense there somewhere because when the state tells you that there's regulations that they require that you finally adopt...

Councilor Perry -...and for natural disasters. In order to be available to apply for any of the state or federal funding for infrastructure improvement in regards to emergency mitigation which may fit under those categories, you have to have this plan adopted or you can't apply for those funds. There's one area right now that I know we're looking at and that's on Suffield Street heading towards Suffield, heading south, southerly by Tennessee Gas, there's a, that's one of the migration routes out of the emergency evacuations. There's a brook that goes through there, there's a cul de sac that goes under Suffield Street that really needs to be improved and it's gonna cost about anywhere from \$250,000.00 to \$300,000.00 to repair that. We could get funding to offset the cost of that project by having this plan.

President Letellier – Councilor Rheault you had your light on?

Councilor Rheault – Yes. I just have a question through the Chair to Councilor Perry. It appears that a fair amount of work went into the putting together of that brochure or portfolio, how long ago was that completed? And why are we just adopting it now?

Councilor Perry – It's been in process, the committee was formed in basically two years ago, it was December of '06. We've had a number of meetings basically I think we've had five or six meetings over the course of those two years. I do want to recognize that the Pioneer Valley Planning Commission has been involved in this also and has done a lot of the writing of this. Katherine Miller and Jessica Jo Allen were present at our meetings. They facilitated a lot of the state regulations in regards to putting this plan together and working with the various committee members, myself included, Jack Stone, Chet Nicora, Nick Urbinati and Debbie Dachos were on the committee also. So it's been ongoing for two years now. We had our last meeting finalized the plans back in June based on submittals to the state and the state committees and they kicked back some suggestions to us in regards to maybe some improvements into the plan which we finally finalized I believe it was in June and the final version has been written and submitted to the Council. So it's been ongoing for about two years.

Councilor Rheault – Thank you.

President Letellier – Thank you. Any other questions? Councilor Calabrese? I'm sorry. Councilor Simpson? The water jug is blocking your light so I didn't see it. Councilor Cavallo just move it just a wee bit. Thank you.

Councilor Simpson – Just a quick question through the chair to Councilor Perry, we have it, we're all set with it but I assume I'm correct and if we don't formally adopt it and then say a hurricane, earthquake, whatever should happen, we could not go for any type of aid, is that what it is even though it has to be officially adopted?

Councilor Perry – I believe we, even if we didn't have it, if there was a state of emergency, the community would be privy to state emergency funding, there's no question, any community in the Commonwealth would, I would imagine. What this does is it not only puts us one step ahead in this type, if that type of disaster ever happened, we have this plan in place, we have the personnel in place and how we're going to react to these types of situations. The main thing that it does is (1) if it could save one life or whatever it's well worth the effort that we put into it. Financially what it does is it opens the door for grants. It's what it does for the community also.

Councilor Simpson – So that would be like on top of like you were saying how the states always kick in if there's some kind of natural disaster but that would give us some extra?

Councilor Perry – Yes.

President Letellier – Thank you. Any other – Councilor Calabrese, sorry.

Councilor Calabrese – Yea, hi, Councilor Perry, I just want to know, are there other surrounding towns that are adopting similar types of measures?

Councilor Perry – There is, through the chair, and it does state in the beginning that they've you know you are looking at the Pioneer Valley Planning Commission has worked with several communities in the area. I'm trying to figure out where it lists those but there's several communities. I know Tolland, Granville, you know some of the hill towns have been involved, so yea, they've worked this plan with probably about seven other communities in Western Massachusetts.

Councilor Calabrese – Okay, thank you.

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

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With a vote of nine yes, two absent, you've adopted the Natural Hazards Mitigation Plan.

Item 7. Report of Council Committees

None

Item 8. Elections

1. TE-2008-6 - Election of a member of the Zoning Board of Appeals with a Term Expiring January 1, 2012. (Council) (*Majority of those present and voting*)

President Letellier – The floor is open for nominations. Councilor Calabrese?

Councilor Calabrese – I'd like to nominate Peter McNair.

President Letellier – Peter McNair's name is in nomination. Seconds are not needed. Do we have any other nominees for the full time position? Councilor Young?

Councilor Young – Yes, I'd like to nominate Paul Wakem.

President Letellier – Paul Wakem's name is in nomination. Councilor Bitzas?

Councilor Bitzas – I'd like to nominate Doreen Prouty.

President Letellier – Doreen Prouty's name is in nomination. Councilor Cavallo?

Councilor Cavallo – Yes, I'd like to nominate Tony Franco.

President Letellier – Mr. Franco's name is in nomination. Councilor Perry?

Councilor Perry – Yes, I'd like to nominate Michael Mercadante.

President Letellier – Michael Mercadante's name is in nomination. Any further nominees?

Councilor Rheault – This is just for the full time position?

President Letellier – This is for the full time position. Five votes will be needed and if one person does not get five votes the first time, we will continue to vote until someone receives five votes. When Barbara calls the roll you will indicate the last name of the person you wish to have the position and the first person to get to five votes will get the position. You may absolutely have discussion; you can go into Committee as a Whole if you'd like to to ask questions of the nominees, whatever is the Council's pleasure.
Councilor Bitzas?

Councilor Bitzas – Yes, I am very impressed with the candidates that came here tonight and I wish we had six more seats for everyone that they deserve but we can't. I name first my first choice as to be working with the person is Doreen Prouty. Doreen Prouty proved to this town that she is very intelligent, honest, with integrity and put the town first in her decisions for the Board of Appeals. All these years, I believe more than close to twenty years, she is working here. Sometimes some decision may be controversial, nobody is perfect but all in all, Doreen did a great job and I hope the Council will support her to continue serving the town another twenty years. I think she deserves it and she's got my first vote. Thank you.

President Letellier – Thank you Councilor Bitzas. Any other discussion? Councilor Calabrese?

Councilor Calabrese – Yes, I'd just like to voice again my support for Peter McNair. He is a local businessman and has been very active in the community and I know him to be a man of integrity and driven and he's someone that's very detailed oriented and as a small business owner, he understands what needs to be done and what obstacles the business owners in town may be facing and therefore I do support Peter McNair and encourage other Councilors to do the same. Thank you.

President Letellier – Thank you. Any further discussion? We're gonna take a minute recess to double check the number of votes. It may in fact be six. It may be the majority of the Full Council. Councilor Rheault is checking so thank you Councilor Rheault. One minute recess there's no need to even leave your seat. (RECESS) Barbara, could you please call the roll, this is for the full time position and six votes are needed.

ROLL CALL – 1 McNair, 2 Wakem, 4 Prouty, 1 Franco, 1 Mercadante, 2 Absent (Councilors Mineo and Messick)

President Letellier – Okay, so we do not have one with six so we will once again have the roll call. Barbara, could you call the roll?

ROLL CALL – 1 McNair, 2 Wakem, 5 Prouty, 0 Franco, 1 Mercadante, 2 Absent (Councilors Mineo and Messick)

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

ROLL CALL – 1 McNair, 2 Wakem, 5 Prouty, 1 Mercadante, 2 Absent (Councilors Mineo and Messick)

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

ROLL CALL – 1 McNair, 2 Wakem, 5 Prouty, 1 Mercadante, 2 Absent (Councilors Mineo and Messick)

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

ROLL CALL – 1 McNair, 2 Wakem, 5 Prouty, 1 Mercadante, 2 Absent (Councilors Mineo and Messick)

President Letellier – Barbara, could you please – I’m sorry. Yes, Mr. Wakem? Wait, we have to go into Committee as a Whole. Is there a motion to go into Committee as a Whole? Moved to go into Committee as a Whole, is there a second? All in favor of going into Committee as a Whole, please signify by saying Ay? Mr. Wakem?

Paul Wakem – May I speak at the mike?

President Letellier – You may, thank you.

Paul Wakem – Thank you Council members. With the dead lock here, this being what it is and me being a newcomer to the town, even though I do have, or with the credentials that I do have, I respectfully withdraw and respectfully thank Councilor Simpson and Councilor Young for their support in my nomination to the ZBA and in the future I’d like to continue to be considered for the Zoning Board of Appeals or any other board that I could serve the community in. Thank you very much.

President Letellier – Sir, do you understand there’s also an alternate being voted on. Do you wish to be considered for an alternate?

Paul Wakem – Yes, ma’am.

President Letellier – You are taking your name out of the permanent position – just for clarification purposes. All right. Thank you, sir.

Paul Wakem – Thank you.

President Letellier – Do we have a motion to come out of Committee as a Whole? So moved, second? All in favor? Opposed? We are back in to session. Barbara, could you please call the roll?

ROLL CALL – 1 McNair, 0 Wakem, 6 Prouty, 2 Mercadante, 2 Absent (Councilors Mineo and Messick)

President Letellier – With six votes, Doreen Prouty has been re-elected to the Zoning Board of Appeals. Congratulations.

Councilor Simpson – Excuse me, did she six?

President Letellier – Six Prouty and two Mercadante

Councilor Simpson – That’s only eight.

President Letellier – And McNair.

Councilor Simpson – Oh, right, McNair, I'm sorry.

President Letellier – You're welcome. I had to think myself.

2. TE-2008-7 - Election of an alternate member of the Zoning Board of Appeals with a Term Expiring January 1, 2012. (Council) (Majority of those present and voting)

Councilor Rheault – Madam Chairman, point of interest?

President Letellier – Certainly.

Councilor Rheault – Upon discussion with the Ethics Board in Boston, I have disclosed to the Clerk's office in writing as well publicly tonight regarding Chapter 268A, 23B-3, that there is a candidate which is the second cousin of my wife's that I am eligible to vote for.

President Letellier – Thank you. The floor is open for nominations. Councilor Simpson?

Councilor Simpson – Thank you. I'd like to nominate Mercadante.

President Letellier – Mercadante has been nominated. Councilor Young?

Councilor Young – I'll nominate Paul Wakem.

President Letellier – Mr. Wakem's been nominated. Any further nominations? Councilor Calabrese?

Councilor Calabrese – I'd like to nominate Peter McNair.

President Letellier – Peter McNair's been nominated. Any further nominations? Do I have a motion to close nominations? So moved. All in favor? Opposed? Again, six votes are needed. Barbara, could you please call the roll?

ROLL CALL – 6 Mercadante, 2 Wakem, 1 McNair, 2 Absent (Councilors Mineo and Messick)

President Letellier – With a vote of six Mercadante, Mr. Mercadante you are the alternate member. Congratulations. Thank you again all for your interest.

Item 9. Public Hearings

None

Item 10. Old Business

- 1. TO-2008-66 - Transfer - \$45,000.00 from Reserve Fund (16605-57300) to Veterans' Benefits (16604-57100) (Mayor) (Referred to the Finance Committee) (Majority of Full Council or 6 votes)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Bitzas. Do we have a report from the Finance Committee? Councilor Perry?

Councilor Perry – Yes, thank you Madam President. Again, the committee met on the 12th, Councilor Mineo and I were there representing the Finance Committee again no vote or recommendation can come forward in regards to the Council in regards to this in our meeting because of the lack of a quorum. I think all the Council's received the information. The Director of Veterans' Services, Rich Girard, was present at the meeting. He reiterated the need for this money. I think we all understand the economic times that we're all facing and the Veterans' Administration is really being swamped with applications for help. And I know Rich is really dedicated. He goes over the applications very closely and they're in need of more money is what it boils down to. He's here this evening if the Council feels they would like to go into Committee as a Whole, that's fine but from this Councilor's perspective I would fully support this this evening. Thank you.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, this is for \$45,000.00 transfer – it's very well spent money for those people they well deserve it, our veterans. It is difficult times for everybody especially in this economic crisis we are now and this \$45,000.00 would be a big help for those in it and I hope the Council votes unanimously for that to show a strong support for the veterans. Thank you.

President Letellier – Thank you Councilor Bitzas. Any further discussion? No? Barbara, could you call the roll? Six votes are needed for a transfer.

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, you've approved the transfer. Thanks for coming just in case we needed you Richie.

Rich Girard – Thank you.

President Letellier – You're welcome.

- 2. TO-2008-67 - Transfer -\$12,803.63 from Council on Aging – Regular Temporary Salaries (15411-51020) to Building Maintenance – Regular Permanent Salaries (11921-51010) (Mayor) (Referred to the Finance Committee) (2/3 Majority Vote of the Full Council or 8 votes)**

President Letellier – Do we have a motion? Moved by Councilor Simpson, seconded by Councilor Bitzas. Councilor Perry you're on.

Councilor Perry – Thank you Madam President. Again, this was the last issue that was discussed at the Finance Committee on the 12th at the library. Councilor Mineo and I were present. Also were our Treasurer, Laurel Placzek, and our Auditor, Cheryl St. John. Everybody get the memorandum in regards to that was attached to TOR-2008-67 in their packet? Which really explains what's going on. Basically we're transferring the funds for the custodian from one account to another. Once the new senior center is opened, instead of the Council on Aging paying the salary of the custodian like they do currently at the old senior center, it's gonna be transferred to Building Maintenance and the new senior center. It's my understanding that the custodian that currently does this work at the old senior center is going to be retiring and it just makes sense with the new building being under Building Maintenance or the Building Department, it just makes sense that the custodian also falls underneath there so that's basically my report. Thank you.

President Letellier – Thank you. Any questions or discussion? Councilor Bitzas?

Councilor Bitzas – Yes, I do understand and agree with Councilor Perry, this is necessary monies and what do they want to be under the Building Maintenance because all the specifications of the equipment that we have down at the senior center, it must have one person down there full time to take care of that. It's ...and the climate and all the heat and cool and it's very sophisticated so somebody must know how to do the work and somebody must be there full time. It's a large building so it's money well spent. Thank you.

President Letellier – Thank you. Any other discussion? No? Barbara, could you please call the roll again? Six, I'm sorry, eight votes are needed.

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, you have approved the transfer.

3. TO-2008-68 - Order Granting or Renewing a LICENSE for a Weekly Amusement Device(s) – Springfield Turnverein, Inc., 176 Garden Street, Feeding Hills, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)

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

Councilor Rossi – Yes, we do. The Licensing Committee met this evening prior to this Council meeting. Councilors Cavallo and Simpson were there and first item on our Agenda was 2008-68, that's a weekly license and what that license is is to give them the opportunity to hold functions for physical education and other cultural educational events they have there, so we issue them a weekly amusement license...I have broken it down to amusements, renewals and car dealerships but we'll take this one first.

President Letellier – Okay, fair enough. Any other discussion? Councilor Cavallo, your light's on? No? Just wanted to make sure. Councilor Simpson you're lights on? No? Don't want to skip anyone. Well, seeing none, Barbara, could you call the roll? A yes vote is to grant the Automatic Amusement Device for the Turnverein and five votes are needed.

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, we've granted the license for the Turnverein.

4. TO-2008-69 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – FSF, Inc. d/b/a Riverboat Bar & Grill, 11 South End Bridge Circle, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)

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

Councilor Rossi – Yes. Again, we discussed these two transfers, or renewals, and it's for the Riverboat Bar & Grill which is 2008-69 and West Springfield Fish & Game Club also for their Amusement Devices and both sends a positive recommendation. If you'd like to couple them under one vote, it's up to the Council's pleasure, Madam President.

President Letellier – Thank you. Do we have a Motion to Consolidate? Moved by Councilor Simpson, seconded by Councilor Bitzas. So the first vote would be the motion to consolidate TO-2008-69 and TO-2008-70 and these are to approve Amusement Devices FSF, Inc., d/b/a Riverboat Bar & Grill and for West Springfield Fish & Game Club, Inc. Voice vote is sufficient. All those in agreement in consolidating, please signify by saying Ay. Opposed? Abstentions? Now we'll have the vote on the main item. Any further discussion? Barbara, could you call the roll on the two licenses?

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, you've approved both of those licenses.

5. TO-2008-70 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – West Springfield Fish & Game Club, Inc., P.O. Box 25, 329 Garden Street, Feeding Hills, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)

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

Councilor Rossi – Yes, again, the committee met and it was recommended to send a positive recommendation and again if we could couple them if you will if the Council has its pleasure. It is 2008-71, 2008-72, 2008-73, 2008-74.

President Letellier – All right. Do we have a Motion to Consolidate? Moved by Councilor Rheault, seconded by Councilor Rossi. All those in favor of consolidating please signify by saying Ay. Opposed? Abstentions? We've consolidated items -71, -72, -73, and -74. Any discussion on the four Class II Licenses? No? Barbara, could you please call the roll. Again, five votes are needed.

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, you've approved the four Class II Licenses.

6. TO-2008-71 - CLASS II LICENSE for renewal – Auto Kraft, 119 Walnut Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

President Letellier – See Item 5 above.

7. TO-2008-72 - CLASS II LICENSE for renewal – Chris Auto South, Inc., 207 Main Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

President Letellier – See Item 5 above.

8. TO-2008-73 - CLASS II LICENSE for renewal – Elias Auto, 1123 Suffield Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

President Letellier – See Item 5 above.

9. TO-2008-74 - CLASS II LICENSE for renewal – RNK Auto Sales, 28 Moylan Lane, Agawam, MA. (Clerk) *(Majority of those present and voting)*

President Letellier – See Item 5 above.

10. TOR-2008-6 - An Ordinance Amending Section 180-8B of the Code of the Town of Agawam Governing the Height of Fences within the Setback Area of Corner Lots (Councilor Simpson) *(Majority of those present and voting)*

President Letellier – Do we have a motion? Moved by Councilors Simpson and Rheault, seconded by Councilor Cavallo. Councilor Simpson do you wish to speak on your item?

Councilor Simpson – I believe there was a Committee report?

President Letellier – Okay, that's fine. We'll start there. Do we have an Ordinance Committee report? Councilor Rheault?

Councilor Rheault – The Committee met preceding the Council meeting this evening this evening and after discussion, the full committee was there, 3-0 vote in favor of supporting the ordinance.

President Letellier – Thank you Councilor Rheault. Anyone else wish to speak? Councilor Simpson?

Councilor Simpson – Thank you. I'll just be very brief. It's really simple and straight forward. This really basically came up by some people having some issues living on corner lots especially on main roads on being able to have some privacy and protection. And basically what this will do is that they will still have to go to the Board of Appeals for a Special Permit and to take care of issues like if their fence was intruding or blocking vision of drivers and what not so we still have the protection there. But it also allows our citizens now who live on corner lots to be able to have that protection of having a little bit higher fence. We are living in a different day and age now where sometimes four foot fences aren't as protective and people can see in and still access in especially with homes with children as is the instance with a resident who also has a home daycare for protection of other people's children. So this gives our citizens a little bit more ability to have a little bit of privacy and protection. That's pretty much it. Thank you.

President Letellier – Thank you, Councilor Simpson. Any further discussion? No? Seeing none, Barbara could you call the roll? I'm sorry five votes are needed and this is the first of three readings. Yes, we're still waiting for your committee to report back on that item of number of readings required.

Councilor Calabrese – Yes, I know.

President Letellier – It's been since January that item. It's the first of three readings. Barbara, could you please call the roll?

ROLL CALL – 9 Yes, 0 No, 2 Absent (Councilors Mineo and Messick)

President Letellier – With nine yes, two absent, you have approved the first reading and thank you for that reminder, Councilor.

Councilor Calabrese – You're welcome.

Item 11. New Business

1. **TR-2008-56 - A Resolution Adopting Special Speed Regulation #7290-A (Council) (Majority of those present and voting)**

President Letellier – Next Agenda and I guess that would go to the Public Safety Committee.

Councilor Perry – It's on there because of our last meeting.

President Letellier – Oh, I'm sorry. You're right so I guess you don't need to re-review it, do you?

2. **TR-2008-57 - A Resolution Adopting Special Speed Regulations #946-A (Council) (Majority of those present and voting)**

President Letellier – Next Agenda.

3. **TO-2008-75 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – American Legion Post 185, 478 Springfield Street, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda and refer to the Licensing Committee.

4. **TO-2008-76 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Ray-Mor, Inc. d/b/a The Elbow, 386 Walnut Street Ext., Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda, Licensing Committee.

5. **TO-2008-77 - Order Granting or Renewing a LICENSE for an Automatic Amusement Device(s) – Scoreboard Restaurant & Bar, 15 King Street, Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda, Licensing Committee.

6. **TO-2008-78 - CLASS II LICENSE for renewal – A-C-E Auto Sales, 1363 Main Street, Agawam, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda, Licensing Committee.

7. **TO-2008-79 - CLASS II LICENSE for renewal – Malkoon Motors, 1039 Springfield Street, Feeding Hills, MA. (Clerk) (Majority of those present and voting)**

President Letellier – Next Agenda, Licensing Committee.

8. **TO-2008-80 - Voucher List (\$60.00)**

President Letellier – Next agenda.

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

President Letellier – And we'll start with Councilor Perry this time.

Councilor Perry – Thank you Madam President. I'll be real brief. Just based on the citizen's speak time I will definitely take a look and my committee will take a look at what's going on down on Silver Lake Drive and get back to the Council in regards to that

issue. And lastly I just want to wish all my colleagues, our camera crew and our residents at home a happy and healthy holiday season. I'll see you next year. Thanks.

President Letellier – Thank you. Councilor Bitzas?

Councilor Bitzas - Yes, I'd like to wish you all and the people that are watching and living in Agawam a Merry Christmas and Happy New Year.

President Letellier – Thank you. Councilor Young?

Councilor Young – Yes, also happy holidays to all and as Dennis said, see you next year!

President Letellier – Thank you. Councilor Simpson?

Councilor Simpson – Thank you. Also a very Merry Christmas to everybody and Happy New Year and to Councilor Letellier, enjoy your first Christmas with your little son!

President Letellier – Thank you! I think I'll be opening his presents for him but thank you! Councilor Cavallo?

Councilor Cavallo – I'd like to wish everybody, my colleagues a Happy New Year and happy holidays and a healthy New Year as well and to the viewer audience also happy holidays and a healthy New Year!

President Letellier – Thank you. Councilor Rossi?

Councilor Rossi – Merry Christmas and Happy New Year. I hope it's a very healthy and happy one for the next coming year and Gina again good luck with the baby in your first Christmas. That's exciting isn't it?

President Letellier – Thank you and congratulations and enjoy your first Christmas with your new wife. Councilor Rheault?

Councilor Rheault – I'd like to wish all my fellow colleagues and their families a Merry Christmas, a very healthy and happy New Year and to all the viewing audience and to Councilor Rossi, a sincere congratulations on his new wife. He wasn't on vacation, it was his honeymoon! And the best of luck to you and Lois and many years to come. It was a secret, he said he went to a casino and he did all right.

President Letellier – Thank you. Councilor Calabrese?

Councilor Calabrese – Yes, Merry Christmas to everyone. I just wanted to let you all know I had a chance to actually go out to see that property for YMCA and the Post Office park this morning. I arranged to take a tour today and I want you all to keep an open

mind about this. Of course, the biggest issue that we have up in the Tennis Road area is traffic flow...as far as traffic patterns go...businesses that are in that area are all professional medical and legal offices things of that nature in addition to the YMCA which is fabulous facility. I really think that the town would benefit a great deal from this, keeping an open mind about that particular project. Happy New Year to everyone and a Merry Christmas! Thank you.

President Letellier – Again, happy, healthy New Year to everyone. I will be taking a tour of that tomorrow. I asked the Mayor to make it available to make a tour so if anybody is free at 1:30 tomorrow afternoon, we're meeting at the Town Hall and going. Plenty of room with the car seat in my car, so no problem. You can all join us. So, Merry Christmas, Happy Hanukkah, Happy Kwanzaa, whatever you celebrate, enjoy! Thank you. Do we have a Motion to Adjourn? All in favor? Opposed? Thank you.

Adjournment.