

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

JULY 7, 2008

President Letellier – Good evening and welcome to the Regular City Council meeting of July 7, 2008.

Item 1. Citizen's Speak Time

President Letellier – Our first item of agenda is Citizen's Speak Time. Please state your name and address for the record. It is limited to five minutes and you are asked keep to council business and not to personal matters. Our first speaker is Jay Cameron from the School Committee. Jay?

Jay Cameron – Thank you. Jay Cameron, 173 Pineview Circle. I am a member of the Agawam School Committee. I wanted to speak with you tonight briefly about TR-2008-40 which is on your agenda tonight and first I wanted to mention that I'm not here as a representative of the School Committee as a whole just as an individual member and particularly one that came on after the budget process went through and I know I had a lot of numbers rolling around my head. So some of the research I did, I was hoping to share with you and I've provided a handout that Barbara kindly handed out. It helped clarify for me anyways the item that's on the agenda tonight. So some of the research that I've found is starting off with the original Chapter 70 projection was almost \$16 1/2 million dollars, that's the money from the State coming in for education and that increase is nearly 2 1/2 million dollars from last year. The School Committee decided to hold in abeyance and not use that entire amount and only budgeted under \$16 million in our budget. Over half a million dollars were cut back just to be conservative cuz we weren't sure of what was gonna come through from the state. Original wish list, dream, came through with almost an 8% increase and that was pared down to the \$34 million budget and that was over \$600,000.00 that was reduced from that wish list. And that ended up with a 6.02% increase or a \$1.9million increase. Of that \$1.9 million increase, 1.4 million was for fixed costs for level surface and just over half a million was for non-fixed costs, or for new stuff. That was approved by the School Committee and also approved by the Town Council School Budget Sub-Committee. The Mayor's office proposal came in under the \$34 million and was \$181,000.00 reduction from that approved budget and this was 32% almost a third of the non-fixed costs – discretionary funds if you wish that the School Committee had to play with and so that was the reduction, originally proposed reduction. If the Town Council approves tonight this \$72,000.00 to be restored to the School Committee budget from the Stabilization Fund, it would still end up with net nearly 20% decrease from the original non-fixed costs that were in the original budget that was approved by the School Committee so going through the numbers in my own head, it appeared that the School Committee was very conservative with the numbers that they put together, went through the process and developed a value that everyone felt comfortable with and through some communication issues, the budget that was proposed by the Mayor did not support that original number and I believe that the restoration of the \$72,000.00 is very fair and a reasonable compromise and I thank you for your time.

President Letellier – Thank you Mr. Cameron. Next we have Louis Russo.

Louis Russo – Thank you. Louie Russo Highland Street in Feeding Hills. I hope you can understand me, I've been hoarse for the past couple days. I am here in an effort to finally put to rest the Phelps School Playscape issues raised at the Council meeting of June 16th and I'd like to offer the following. A member of this Council who shall remain nameless at this point chose to remarks in the Agawam Advertiser remarks he did not want to reply or dignify with a reply. However he stood by his conviction not to reply, he did. I, on the other hand, have no problem dignifying his remarks with a response because I believe that truth, honesty, and integrity are very dignified characteristics. That is one reason why I take exception at this councilor's false accusation that I have distorted the truth in the past and will do again in the future. Those who know me know otherwise while those who truly know this councilor may feel he invented the word distortion. After having made such an accusation, let's see who is more believable. This Councilor still insists that the Liquori family's \$10,000.00 donation to the CPA should be deducted from our recommended appropriation for the Phelps' Playscape. He also continues to feel that they should be required to submit a written guarantee that they will donate the money and that he wants this done in the interest of the taxpayers. He continues to disregard the fact that the CPA committee, Council Ad Hoc committee members, other members of the City Council, the Mayor and School Committee totally disagree with him and realize that the donation will have no affect on the taxpayers or their taxes. I guess in this councilor's mind as the only one who knows it all and the rest of us don't know what we're talking about. Incidentally, the Liquori's were very moved by the apologies given by the aforementioned regarding this councilor's shameful actions. Of course, this councilor has yet to apologize for his heartless actions and the anguish he caused. Not believing any of us who is the person he claims to have turned to for advice? He turns to Parks Director Chris Sparks rather than those fully versed on the Community Preservation Act and Council procedures. This should not be any surprise because this is not the first time this councilor has caused problems with the CPA while using town employee's lack of knowledge as his excuse. As all of you but one knows, the CPA does everything according to state law and Community Preservation Act. If this councilor did not want to believe previous issues or any of us regarding this one, all he had to do was look up Chapter III, Section 2, of the Preservation Act instead of consulting Chris Sparks. The Borgatti Playscape was an identical situation in which Sparks was involved. That he knew councilor in question raised the issue of deducting the donation or requiring a written guarantee. So why do they want one now? This very same councilor claims that the donated money "by law" will be put into the CPA account or into the city's Parks and Rec Fund. Once again he is wrong. Since the Liquori's donation was made to the CPA it must BY LAW only be used by the CPA. Also, since the donation is stipulated that it is to be used for the Phelps Playscape, that it where the money must be spent. Contrary to what this councilor wants everyone to believe, it is not necessary for the money to be deducted or a written guarantee required to proceed with the construction of the Playscape. As many councilors stated when trying to make their colleague understand such a simple matter – it is a wash. The councilors were correct in their remarks and decision-making except the councilor in question. To fin out what

exactly occurred or was said, I, as this councilor suggested, urge all those who were not in attendance or watching the council meeting on television, read the minutes. Those in attendance or watching on television already know the truth. So then, who really is distorting the truth? Having stated all of this, I stand by my original remarks entirely. I still take exception to the false accusation made by Mr. Distortion. Incidentally, with the exception of his insistence regarding the \$10,000.00 donation, this Councilor did not dispute anything else I stated in the Advertiser. So in close I will make one final statement and I wish he was here tonight, the Liquori family is STILL owed an apology as well as the taxpayers and me, by Councilor George Bitzas. Thank you.

President Letellier – James Marmo?

James Marmo – James Marmo, 130 Main Street, Agawam. I'm here tonight urge the Council not to change the amendment 180-49. The thing is they say that they got things there two hundred feet in the air now. That doesn't mean anything because if you give somebody a variance, a set back variance or site variance, that doesn't mean everybody on the street can have the variance. Six Flags is no different from anybody else in town. The thing is when they put in, they tried to put in Dark Knight, they had, they came three times to the Board of Appeals. First time, they come in with 65 feet, then they come in with 70 feet height, then the third time they come in they didn't even have the blue prints certified. So then they blame the Board of Appeals for holding them up. The Board of Appeals didn't hold them up at all. Then they come in and they say that everything was all right. It wasn't all right. The blueprint was ten feet off. We say they know a lot of the councilors say well that's up to the Building Inspector. Well then they didn't even go to the Building Inspector and get a permit until the building was probably seventy percent up. So the Board of Appeals is the one that polices it. So I'm urging the Council not to change 180-49 to 180-49A because like I say the Board of Appeals is the one that monitors what's going on in town. Thank you.

President Letellier – Thank you Mr. Marmo.

Item 2. Roll Call

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

ROLL CALL – 9 Present, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine present and two absent, we have a quorum. Councilor Bitzas is on vacation and Councilor Simpson is not feeling well.

Item 3. Moment of Silence and the Pledge of Allegiance

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

Item 4. Minutes

(a) Regular Council Meeting – June 16, 2008

President Letellier – Moved by Councilor Rheault, seconded by Councilors Calabrese and Perry. Any discussion? Seeing none, voice vote will suffice. All those in favor of the Minutes for June 16th, please signify by saying Ay. Opposed? Abstentions? Thank you.

Item 5. Declaration from Council President

President Letellier – We received an email that the DPW union has ratified their contract. So at least all of this coming fiscal year's contracts have been settled. And I want to just give a little update about the parking. I met again with the Mayor and the Solicitor on Friday because I felt that there had been some delay in our original discussion about some parking ordinance changes. The Solicitor indicates that he has another idea with regards to the parking. Unfortunately it delays it but I received a really disturbing phone call today from a neighbor of Six Flags indicating that she had called the Health Department because someone had both urinated and defecated on her lawn and this is unacceptable. The Health Department told her to call the Council. I have no authority to deal with health code violations. So Barbara I'm gonna ask that you send a memo to the Health Department and ask them to investigate all health code violations that are happening at that end of town and I will again meet with the Mayor and the Solicitor and see if we can, if we have to call special meetings, whatever we need to do to get this moving forward, I'm willing to do. I know it's vacation season but we need to do something to give these people some relief. And I would ask that people who are parking down there and I guess if you're waiting for us to pass an ordinance to tell you you can't do it, at least try to protect your neighbors and have some respect for decency.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

1. TR-2008-20 - A Resolution Requesting the Mayor to Appropriate Funds for the Board of Appeals to Employ Outside Counsel for the Appeal of the Special Permit Granted to Six Flags New England. (Council) (Tabled 6/16/08) (Majority of those present and voting)

President Letellier – As far as I know that law suit has not been dismissed, it remains pending. Do we have a motion from the Council? Moved to leave it on the table by Councilor Rheault, seconded by Councilors Cavallo and Mineo. Any discussion? No? Barbara, could you call the roll. A yes vote is to leave the item on the table. Five votes are needed.

ROLL CALL – 8 Yes, 1 No (Councilor Calabrese), 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With eight yes and one no, we've tabled the item.

2. TR-2008-40 - A Resolution Authorizing an Appropriation of Seventy-Two Thousand (\$72,000.00) Dollars from the Stabilization Fund to the Fiscal Year 2009 Textbooks and Equipment Account. (Mayor) (2/3 Majority of Full Council or 8 votes)

President Letellier – This needs two-thirds of the Full Council or eight of the nine people voting tonight. Do we have a motion? Moved by Councilor Rossi, seconded by Councilor Cavallo. I believe this was referred to the Finance Committee. It was not? School Budget Committee. All right. Do we have a new report Councilor Cavallo?

Councilor Cavallo – Well, no, it stands as we wrote the letter from the committee...The committee unanimously voted at that time with three of us present that we wanted the Mayor to re-do the passage to reinstate that money and that's the way it was left. We haven't had a meeting since then.

President Letellier – That's fine. Any discussion from the Council? I'm sorry. Councilor Rossi?

Councilor Rossi – Yes. I made at the budget hearing last time I made mention of the fact that that \$72,000.00 that should come back from the School Department budget. I felt that that money was taken out of the School Department budget by the School Superintendent under the watchful eye of the School Committee. It wasn't taken out as a result of Mayor Dawson or this City Council. I was hoping my comments at that budget hearing that someone on the School side would pick up the ball and start running with it and find a way to appropriate that money through their own budgeting process. To ask this City Council to come back here now and appropriate \$72,000.00 from the Stabilization Fund I think is totally inappropriate. I think mismanagement on the side of the School Department does not constitute a crisis for this City Council. That School Department took that money out and they should find a way to get that money back in there. To come here and ask this Council to pass a supplement to the City Budget for \$72,000.00 because in someone's wisdom in the beginning they decided they wanted to take that out. I don't know what transpired between the Superintendent of Schools and the Mayor or the School Department or with the School Committee or anything else, all's I know is that it wasn't the Mayor's idea to take out that money for the textbooks and it was the School Department's idea and if they didn't feel it was a priority at that time, I don't know why they feel it's a priority this time. If they feel it's a priority, then I think that they should get their priorities straight. I think that they should find the money somewhere and I think that they could find it quite easily. I think out of a \$34 million budget, I think they could come up with \$72,000.00 somewhere. When I look at their budget, I see all of their replacements were made, some 25 or 26 teachers were replaced, they added another five or six teachers and other costs. Now if they can do all of that, I think that they could find the \$72,000.00. I believe that this Council should send a clear message back to the Superintendent of Schools and the School Committee and tell them to better manage their priorities, that we cannot continue to fund their mismanagement. And I believe here and I believe that we should vote this thing down and send it back to

them.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – Yea. I, as I stated at that meeting, I share the sentiments and the same feelings as Councilor Rossi. It's not that we're against kids having a replacement of books, but the Mayor made a cut of \$181,000.00 in good faith and they chose to cut books from that and all they had to do is to find it or fund it somewhere else. So I don't think it's incumbent on the Council to bail them out because they didn't want to make the cuts themselves and especially from the Stabilization Fund because originally when that fund was established this was not the purpose of it. So I will not support that transfer. I am definitely in favor of them getting the books but I think that they can go back and dig in a little deeper. You're looking at a \$34 million budget and I'm sure that they can find if in fact the books are that critical, that \$72,000.00.

President Letellier – Thank you. Any further discussion? No? Seeing none, Barbara, could you call the roll? A yes vote is to approve the \$72,000.00 appropriation from the Stabilization Fund. Again, eight votes are needed.

ROLL CALL – 6 Yes, 3 No (Councilor Rheault, Rossi, Calabrese), 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With a vote of six yes, three no, two absent, you have defeated the Resolution.

3. TR-2008-41 - A Resolution Authorizing an Appropriation and Loan Order in the Amount of \$300,000.00 for the Repair, Reconstruction or Replacement of the Sanitary Sewer Force Main Crossing of the Westfield River in the Town of Agawam. (Mayor) (Majority of those present and voting)

President Letellier – And that needs five votes tonight. Moved by Councilor Rossi, seconded by Councilors Perry and Rheault. Do we have any discussion? Councilor Rheault?

Councilor Rheault – I have a question.

President Letellier – Certainly.

Councilor Rheault – Does this a bond issue? It takes eight votes then.

President Letellier – It is a bond. Correct. Sorry about that. I believe from the Memo that it would be a one year bond. It would be a one year loan. Do you want to clarify that Laurel? You have to come to the microphone. I'm sorry. Do we have a motion to go into Committee as a whole? Motion by Councilor Perry, seconded by Councilor Messick. Are we all in favor of going into Committee as a Whole, please signify by saying ay? Opposed? Thank you. Laurel?

Laurel Placzek – Initially it would be a one year loan but it would be reissued in long term probably a ten year note or a five year note, depending on Mass Water Pollution Abatement Trust because they have come to us and said that they would try to get us into their loan program which we've used for the combine sewer overflow and Westfield River pump station where they've subsidized the interest cost. We borrow through them. So the eventual long term would be based what they're doing out there if they're going for a ten year, we would be part of a pool, because they have a pool of notes that they borrow.

President Letellier – Thank you. I didn't realize, I thought it was just a one year loan, not a full bond, that's why I had the numbers wrong on the votes. Anybody have any questions for our Treasurer/Collector? Jill Messick?

Councilor Messick – What kind of documentation do we have that \$300,000.00 is the correct amount of money?

Laurel Placzek – That is the amount that we received from the Engineering Consultants and I believe that we've got a bidder, a quote, on the work that comes in at around that amount but I can't give you it.

President Letellier – Okay, here is what we have for the backup. We have a memo from Jack Stone but it does not include the Engineer's cost estimate or how it was going to be paid for.

Laurel Placzek – And I just have that figure verbally from Mr. Stone.

President Letellier – Councilor Perry?

Councilor Perry – Yes, thank you. Through the chair, Laurel, thank you for being here this evening. Now when you say we're bonding for one year that we're voting on this evening for the \$300,000.00 and then possibly a five or ten year bond term, would that come back to us to be voted back on?

Laurel Placzek – No. Your vote tonight will be to issue the debt for however long the Water Pollution Abatement Trust would go for. The statute that it's authorized under goes up twenty years. We did get the Army Corp of Engineers permit today.

Councilor Perry – Oh, okay. Okay. Thank you.

President Letellier – Thank you. Any other questions? Councilor Rossi?

Councilor Rossi – Yes. Just a comment. After the discussion that we had, I think Dennis you might have been here? Yea. I don't think we have any choice here in this matter cuz there is a whole there and there is certain pollutions going into the river and right now it's being dammed up. So whatever needs to be done I think that we have to do it. So...

President Letellier – Councilor Cavallo?

Councilor Cavallo – Yea. I agree with Councilor Rossi but I was wondering if we could get anything more definitive after. I know you need the vote tonight but in terms of is it \$300,000.00? Is it \$280,000.00? He said he told you verbally what it would be, could that be followed up with how long the debt is gonna be, the amount of time, would that be possible?

Laurel Placzek – Sure. Well, I put in a call to Water Pollution Abatement Trust and they haven't...but I will get back with the debt schedule and how long it's gonna go.

Councilor Cavallo – Okay.

President Letellier – So if the need is greater than \$300,000.00, you would have to come back?

Laurel Placzek – Oh yea. We can't go any higher without your approval.

President Letellier – Yes, I knew that. Any other questions for our Treasurer/Collector? Councilor Perry? Do we have a motion to come out of Committee as a Whole? Moved by Councilor Perry and Councilor Rossi, seconded by Councilor Messick. All in favor of coming out of Committee as a Whole, please signify by saying ay. Opposed? Thank you very much. Any further discussion from the Council? Councilor Rheault?

Councilor Rheault – No.

President Letellier – Councilor Perry?

Councilor Perry – Yes, thank you Madam President. Going back to Councilor Rossi's statements at one of our sub-committee meetings it was discussed – this issue- and there's two pipes that carry the sewage across the river in that area. There's the twenty inch main and a ten inch backup and basically the twenty inch main is the one that ruptured and was leaking sewage, raw sewage, into the river. Once it was notified to the Town, they shut that down and now everything is being transported out the ten inch pipe. It's something that has to be repaired, there's no question about it, we have no choice but to appropriate the funding to get this going. I think Councilor Messick's question in regards to what type of information do we have that it's gonna be the \$300,000.00, it's really an emergency situation. I think we all understand that. Basically the engineers have come in, they've assessed the situation and they said this is what it should cost to fix it. Here's a cap to go by and that's what's before us this evening, so it's something that definitely has to be done. Thank you.

President Letellier – Thank you. From my understanding, the Town was lucky that someone fishing off of Pyncheon Point saw it shortly after it happened. Otherwise the

leak could have been and the damage could have been much much greater. Councilor Messick?

Councilor Messick – Let me just, I'd like to just clarify my concern here. I know a good deal about the situation being on the Conservation Commission and we've already had to go through two firms for design. The first firm couldn't handle the project because it was too big. And we also have to have now the National Endangered Species Act is requiring us to do a survey for an endangered species of mussels in the river. And once those mussels are located if they are located in the area where the company is going to be working, they've got to be moved. And that is not an undertaking that's gonna be inexpensive. Just having this survey done is gonna be fairly expensive, so I suspect that the total cost for this project may end up being more than \$300,000.00. I'm not arguing with the fact that it's an emergency and we have to take care of it. I was down at the pump station and I was watching those three pumps go and all in a row and they're not gonna be able to handle that for very long. So, I don't disagree. I'm just a little worried that we're gonna have to come back for more. Thank you.

President Letellier – Thank you. Any further discussion from the Council? No? Seeing none, Barbara, could you call the roll? Eight votes are necessary.

ROLL CALL – 9 Yes, 2 Absent (Councilor Bitzas and Simpson)

President Letellier – With nine yes, two absent, you've approved the Resolution appropriating the borrowing.

Item 7. Report of Council Committees

(a) Finance – Councilor Young

President Letellier – With one final report from Councilor Young from Finance?

Councilor Young – Thank you. Again, to give a quick report on our activities for the first quarter, second quarter and the beginning of the third quarter. We met twice during the first quarter – January 30th on the infamous salary reserve transfers for the department head salaries, also some Fire Department ones, also on March 13th regarding capital expenditures for Perry Lane Park as well as School Street Park. During the second quarter, we met four times. April 7th regarding property that belongs to the Lango family that we decided not to take, April 14th a Resolution regarding refunding of bonds if interest rates changed as well as the transfer of monies from the Reserve Fund to the DPW. Again, I believe in support of overtime and salaries. June 5th we met on the capital improvement plan and June 5th we also met with the Public Safety Committee on the sewer rates for 2009. And most recently, coming into the third quarter, this past Wednesday on July 2nd, we met on the five salary ordinances that we will be discussing later this evening. Again, I'd like to thank my committee members, Councilors Calabrese, Rossi, Mineo and Perry. I think I got them all. And a special thanks to our Council Clerk, Barbara Bard, our City Auditor, Cheryl St. John, and our Treasurer, Laurel Placzek, with that many meetings and there's a lot of paperwork and agendas and

minutes that these folks are very kind to help out with. Haven't had enjoyed so much service in my eleven years. So I appreciate everyone's help. That's it. Thank you.

President Letellier – Thank you.

Item 8. Elections

None

Item 9. Public Hearings

None

Item 10. Old Business

1. TOR-2008-1 - Ordinance Amending Section 49-7 of the Code of the Town of Agawam to Change the Title of “Council Clerk” to “Administrative Assistant to the City Council” (Council) (2/3) (Majority of those present and voting)

President Letellier – Moved by Councilor Rheault, seconded by Councilor Cavallo. Any discussion? Councilor Young?

Councilor Young – Yes. Any chance of bringing up the title?

President Letellier – I don't understand your question.

Councilor Young – I guess maybe the title of Executive Assistant or something else might be more appropriate. Just a thought. Administrative Assistant doesn't seem to do the job or the person justice in my humble opinion. But again, just a thought. Thank you.

President Letellier – Did you miss the prior discussions Councilor Young? Just kidding. Any other discussion? Councilor Rheault?

Councilor Rheault – I was just admiring his comments.

President Letellier – Okay, come on the program. No, I'm just kidding. Anyone seconding Councilor Young's suggestion? Okay, Barbara...

Councilor Rheault – Was that a formal amendment?

Councilor Young – I know, again, I know the committee worked long and hard on this.

Councilor Rheault – We're flexible.

President Letellier – ...so seeing no further discussion, Barbara, could you please call the roll? Five votes are needed to pass the second reading.

ROLL CALL – 9 Yes, 2 Absent (Councilor Bitzas and Simpson)

President Letellier – With nine yes and two absent, you’ve passed the second reading. Do we have a motion to move the third this evening? Moved by Councilors Perry and Cavallo, seconded by Councilor Young. All those in favor of moving the third reading, Barbara, could you call the roll? This vote will be just to move the third reading and then we’ll actually have the third reading if it moves. So Barbara this is vote to move the third reading.

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you’ve moved the third reading. And now we have the third reading. Any discussion on the third reading. No? Seeing none, Barbara, could you call the roll? Again, five votes are needed to pass the final reading of the ordinance.

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, you’ve approved the Ordinance in full. Congratulations to Barbara. Job well done.

2. TO-2008-23 - Order Granting or Renewing a LICENSE for Automatic Amusement Device(s) – Six Flags New England, 1623 Main Street, Agawam, MA. (Clerk) (Referred to the License Committee) (Majority of those present and voting)

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

Councilor Rossi – I do. I do. Councilor Cavallo and myself as part of the Licensing Committee met. As you know, Councilor Simpson was sick this evening and couldn’t attend. We find that the applicant was in order. There were 88 devices in all. The inspection was made on the premises by the Police Department and there was no simulated gambling and all the devices were appropriate with their application. And it is the judgment of this Licensing Committee that we send a favorable recommendation for passage to the City Council.

President Letellier – Thank you Councilor Rossi. Any further discussion or questions? No? Seeing none, Barbara, could you call the roll? Five votes are needed.

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you’ve approved the license.

3. TO-2008-25 - Transfer of \$2,804.50 from Line Items Reserve Fund (16605-57300) to Council Professional Services (11112-52190) (Council) (Majority of full council or six votes)

President Letellier – This is to pay what hopefully is the final bill for the Mushy’s LLC cell tower site case. Do we have a motion? Moved by Councilors Rossi and Cavallo, seconded by Councilor Perry. Six votes are needed. Any discussion? No? Barbara, could you please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

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

4. TO-2008-26 - Voucher List (\$540.00) (Majority of those present and voting)

President Letellier – The next item goes along with that bill. Everyone has signed that. Do we have a motion? Moved by Councilor Calabrese, seconded by Councilor Perry. Any discussion? Barbara, could you please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you’ve approved the voucher.

5. TO-2008-27 - Transfer - \$56,236.76 from Line Items – Salary Reserve (16605-57350) to a variety of accounts (Referred to the Finance Committee) (Mayor) (Majority of those present and voting):

President Letellier – To a variety of accounts in Building Maintenance, Engineering, Highway, Grounds, Motor Vehicle Maintenance, Waste Water, and Water Departments. Do we have a motion? Moved by Councilor Cavallo, seconded by Councilor Messick. Do we have a report from the Finance Committee?

Councilor Young – Yes we do. Thank you. The Finance Committee met on last Wednesday, July 2nd, at 7:00pm. In attendance were members of the committee myself, Councilors Rossi, Calabrese and Mineo. Also present were Councilor Messick, Attorney Chris Johnson, Treasurer Laurel Placzek, I’m sorry, Councilor Paul Cavallo, thank you and also Councilor Bitzas. I think I got everybody. Again, the items we reviewed were, and I’ll just give a full report, and that will cover items TO-2008-27, -28, -29, -30, and -31. Again, out of the eight collective bargaining agreements we have with the Town, we were reviewing five of those that were recently ratified or almost ratified and those were the Police Patrolmen’s Union Agreement, Police Supervisor’s Union Agreement, the Clerical Union Agreement, Building Maintenance as well as the DPW. All I believe except the Building Maintenance were for three years and Building Maintenance was for one year and all were for the 3% that were built into the budget as I recall. Again, after review and much discussion and many thanks to Laurel Placzek, Cheryl, Barbara, and Attorney Johnson who brought a memo that articulated the differences between the contracts that expired at the end of fiscal year 2007 and the agreements that we were there to vote on, all of you on the council should have got copies of those, the full copy of the old agreement that expired in 2007 as well as the addendums that highlighted the changes and the updates that we were voting on, as well as I believe three other contracts

that weren't up for voting at this point. After much discussion and review, the committee voted 4-0 to send a positive recommendation of approval of five agreements that we reviewed. And as Council President Letellier mentioned what we didn't know that night that we do know now is that the DPW union agreed to the three year terms of that contract for 3% as well. So, I believe we got a lot of good information so anyone that wasn't there has questions on the details, we certainly can answer those as you have them and I guess that's it. Thank you.

President Letellier – Thank you, Councilor Young. Any discussion? Councilor Rheault?

Councilor Rheault – Yea. Through the chair to Councilor Young, it is my understanding that just in the Clerical Union that one step was added for those employees serving over twenty years to the Town?

Councilor Young – I believe that's true.

Councilor Rheault – Which I think is worthy for this Council to support because certainly after twenty years, I think it's time that they do get one step increase. Probably in the motion it might be wise to move that these are for in fact to ratify contracts so three years from now when we look this up, we won't have to go crazy wondering what these transfers were for.

President Letellier – I'll do that. I'll call it a transfer and a ratification on each of them. Thank you. Any other discussion or questions? No? Seeing none, Barbara, could you call the roll? Six votes are needed.

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes and two absent, we have both transferred to the line items and also ratified the Building Maintenance, Public Works, Engineering, Highway & Grounds, Motor Vehicle Maintenance, Waste Water and Water contracts.

6. TO-2008-28 - Transfer - \$59,756.40 from Line Items – Salary Reserve (16605-57350) to a variety of accounts (Referred to the Finance Committee) (Mayor) (Majority of those present and voting):

President Letellier – To a variety of accounts namely City Council, Mayor, Administrative Office, Assessor, Treasurer, Clerk, Community Development, Building Maintenance, Police, Fire, Inspection Services, Public Works, Health, Council on Aging, Library, Park & Rec, Line items. And that would be again to ratify the contracts and to transfer the salary reserve to fund them. Moved by Councilor Cavallo, seconded by Councilor Rossi. Anything you wish to add to your report Councilor Young? No? Okay. Any discussion or questions? Seeing none, Barbara, could you call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you have transferred the funds and ratified those contracts.

7. TO-2008-29 - Transfer - \$63,310.37 from Line Items - Reserve Fund (16605-57300) to the following accounts (Referred to the Finance Committee) (Mayor) (Majority of those present and voting):

<u>12101-51010</u>	<u>Police Salaries - Regular Permanent</u>	<u>\$49,897.80</u>
<u>12101-51030</u>	<u>Police Salaries - Overtime</u>	<u>\$ 4,650.26</u>
<u>12101-51050</u>	<u>Police Salaries - Holiday</u>	<u>\$ 2,350.47</u>
<u>12101-51080</u>	<u>Police Salaries - Court Time</u>	<u>\$ 736.24</u>
<u>12101-51120</u>	<u>Police Salaries - Science College</u>	<u>\$ 5,314.52</u>
<u>12101-52180</u>	<u>Police Expense-Training & Education</u>	<u>\$ 361.08</u>

President Letellier – Again, it's to transfer and to ratify the contract. I'm sorry, may I have a motion? Moved by Councilor Rossi, seconded by Councilor Rheault. Any discussion? No? Seeing none, Barbara, again, could you please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you have transferred the funds and ratified those contracts.

8. TO-2008-30 - Transfer - \$25,311.22 from Line Items – Salary Reserve (16605-57350) to the following accounts (Referred to the Finance Committee) (Mayor) (Majority of those present and voting):

<u>12101-51010</u>	<u>Police Salaries - Regular Permanent</u>	<u>\$16,390.50</u>
<u>12101-51010</u>	<u>Police Salaries - Overtime</u>	<u>\$ 3,506.64</u>
<u>12101-51050</u>	<u>Police Salaries - Holiday</u>	<u>\$ 790.78</u>
<u>12101-51080</u>	<u>Police Salaries - Court Time</u>	<u>\$ 184.35</u>
<u>12101-51120</u>	<u>Police Salaries - Science College</u>	<u>\$ 4,242.70</u>
<u>12101-52180</u>	<u>Police Salaries - Training & Education</u>	<u>\$ 196.25</u>

President Letellier – Again, it's to ratify and transfer. May I have a motion? Moved by Councilor Cavallo, seconded by Councilor Rossi. Any discussion? No? Seeing none, Barbara, could you please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, you have transferred and funded, ratified those contracts.

9. TO-2008-31 - Transfer - \$25,625.95 from Line Items – Reserve Fund (16605-57300) and \$20,248.50 from Line Items – Salary Reserve (16605-57350) to the following accounts (Referred to the Finance Committee) (Mayor) (Majority of those present and voting):

<u>11221-51010</u>	<u>Admin. Salaries - Regular Permanent</u>	<u>\$ 952.33</u>
<u>11921-51010</u>	<u>Bldg.Maint. - Regular Permanent</u>	<u>\$41,511.87</u>

<u>11921-51020 Bldg.Maint. - Temporary</u>	<u>\$ 768.82</u>
<u>11921-51030 Bldg.Maint. - Overtime</u>	<u>\$ 2,501.28</u>
<u>16602-51030 Line Items - Overtime</u>	<u>\$ 140.15</u>

President Letellier – Do we have a motion please? Moved by Councilor Rossi, seconded by Councilor Cavallo and Councilor Perry. Do we have any discussion? Again, it would ratify these contracts as well as fund them. Barbara, could you please call the roll?

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – Yes, thank you.

10. TO-2008-32 - Transfer - \$31,250.00 from Line Items – Reserve Fund (16605-57300) to Capital Improvements – School Street Park (16610-58930). (Mayor) (Referred to the Finance Committee and Ad Hoc Recreation) (Majority of those present and voting)

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

Councilor Young – Yes, just quickly, at 6:30 that same evening, July 2nd, we also had a joint meeting of the Finance Committee and the Ad Hoc Recreation Committee. I believe everyone, again, in attendance were the Ad Hoc Recreation Committee chairman, George Bitzas, and Councilor Rossi were in attendance along with the Finance Committee – myself, Councilors Mineo and Calabrese. Mr. Cavallo, Paul Cavallo, were you there yet? (No I wasn't there yet) Okay and I believe Chris Sparks was there as well as Laurel and Chris Johnson as well. I believe after review and again this is TO-2008-32, this transfer is for the Playscape? No. I'm sorry, severe drainage issues caused by the construction on South Alhambra Circle at the very end. So definitely a must do, I think, now I remember. This was driven by the Recreation Committee that's why I'm not remembering all the details. It was severe issues involved caused by the construction and I think we have to do this. Near as I can recall it was unanimous for approval. Again, I think Councilors Rossi or Perry know more about it than I do or Councilor Messick was there as well.

President Letellier – Anyone else like to give an updated report? Councilor Rossi?

Councilor Rossi – Well, as part of the Recreation Committee as well as the Finance Committee, Councilor Bitzas asked if I would give a presentation.

President Letellier – Oh, I'm sorry, had I known that I would have asked you.

Councilor Rossi – But yes, it was for that 59 South Alhambra Circle if I remember correctly that was being flooded as a result of some of the winter and the harsh rains and stuff that we had. And that the cost is being shared by Berkshire Power and Design Group and others as well as the Town is gonna share in the responsibilities. So I think it's a necessary thing. We all agreed that it was something that needed to be done so it

was a unanimous recommendation of the Recreation Committee as well as the Finance Committee that we send it for a positive recommendation to the Council. Thank you.

President Letellier – Thank you. Any other discussion? No? Barbara, could you please call the roll? Six votes are needed.

ROLL CALL – 9 Yes, 2 Absent (Councilors Bitzas and Simpson)

President Letellier – With nine yes, two absent, we have passed the transfer and we thank the party involved for settling the matter.

Item 11. New Business

1. TO-2008-33 - Voucher List (\$44.48) (Majority of those present and voting)

President Letellier – Next agenda.

2. TR-2008-42 - A Resolution Establishing a No Parking Zone on South Street. (Mayor) (Majority of those present and voting)

President Letellier – We will refer that to the Public Safety Committee. Next agenda.

3. TR-2008-43 - A Resolution Establishing a No Parking Zone on Kanawha Avenue, Ruskin Avenue, Sunnyslope Avenue, Woodcliff Avenue, Riverview Avenue, Veranda Avenue and Mark Drive. (Mayor) (Majority of those present and voting)

President Letellier – Again, Public Safety, next agenda.

4. TR-2008-44 - A Resolution Accepting a Gift in the Amount of Ten Thousand (\$10,000.00) Dollars from Nick & Annette Liquori Pursuant to Massachusetts General Laws Chapter 44, Section 53A, for the Community Preservation Fund (Mayor) (Majority of those present and voting)

President Letellier – I think that's probably been discussed enough. We don't need a sub-committee. Next agenda.

5. TR-2008-45 - A Resolution Accepting a Drainage and Flood Easement over the Property Located at 59 Alhambra Circle South. (Mayor) (Majority of those present and voting)

President Letellier – Next agenda. We passed the money now we actually have to approve the easement.

6. TOR-2008-2 - An Ordinance Amending Section 180-49 and Adding Section 180-49A to the Code of the Town of Agawam Governing Height of Buildings and Structures in Amusement Parks in the Business B Zone (Mayor) (2/3 Majority of the Full Council or 8 votes)

President Letellier – I'm gonna refer that to a joint meeting of the Zoning & Ordinance

Committee. Next agenda.

7. TOR-2008-3 - An Ordinance Amending Sections 180-15 and 180-16 and Adding Section 180-15A to the Code of the town of Agawam Governing Enforcement and Penalties For Violating the Zoning Ordinances of the Town of Agawam (Mayor) (2/3 Majority of the Full Council or 8 votes)

President Letellier – Again, a joint meeting of Ordinance & Zoning, next agenda.

8. TOR-2008-4 - An Ordinance Amending Article XIII of the Code of the Town of Agawam Governing Signs (Mayor) (1/3) (Majority of those present and voting)

President Letellier – Again, a joint meeting of Zoning & Ordinance, next agenda.

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

President Letellier – We'll start with Councilor Mineo.

Councilor Mineo – Yes. I would like to let you know and the rest of this Council know effective tonight I am resigning from the Ad Hoc Sewer Committee as the chairman and as a committee member. I feel I've done my time on this committee. I've taken enough heat from being chairman of this committee. There is, I believe the Mayor is gonna be putting something on the agenda where there is gonna be a Phase I. It's only gonna affect 36 homes that will receive relief. None of them are this high septic system failure areas. This does not include Bradford Drive. I spoke with Jack Stone today. Out of the 36 people that live in that area, only two people responded and it was very clear what they, they do not want sewers, the two people that responded. Thirty four people didn't respond. So what that tells me, they don't want sewers in that area. So before we start thinking about charging these people between \$6000 and \$14,000 dollars to put them on the public sewer system, I think, the people that came out here in January and February had made it very clear, they don't want sewers. And I think at this time, it's just time for me to back off a little bit from this, and that's all I wanted to say tonight. I think I've done enough work. I've worked eight years. I think it's time for somebody else. I think hopefully somebody else will do a better job. But I think with this Phase that we're talking about, I don't know. I'm a little leery of it. Just a little leery of we're gonna start getting, these meetings are gonna have a hundred to two hundred people again cuz people are gonna think sewers are coming. That's all I have to say. I've said my peace.

President Letellier – Well, I guess I would respond by saying that although I accept your resignation, I don't anybody could do a better job because you really brought sewers from being neglected for twenty or thirty years, to being back to the forefront.

Councilor Mineo – And one thing, I do want to thank all my committee members over the last eight years. I would like to thank Ron LaRiviere, Lowell McLane, Jack Cappuccilli. I'd also like to thank the late Jack O'Neil who I tell you, he was with me from the very beginning with the meetings back in 2000 trying to get this thing together.

I'll never forget Jack O'Neil, all the meetings we attended, everything we did on this project. So again, thank you.

President Letellier – No, thank you. Councilor Cavallo?

Councilor Cavallo – I don't know if this is an appropriate time to ask Joe, if I could ask Joe a question? There was a lady there representing Senator John Kerry's office, I'm sure the news was not good, right? She was supposed to check in to see...

Councilor Mineo – Nobody has responded. I feel it's just time for me to, I want to do other things.

Councilor Cavallo – I can understand your frustration because I attended that meeting, your last meeting, and you know it was a well run meeting and there seemed to be a lot of optimism at that point. You have some people that really stuck with you and I thought maybe that lady from Senator Kerry's office, she never got back to you, correct?

Councilor Mineo - Not yet.

Councilor Cavallo - That's all.

Councilor Mineo - To be honest with you I'm personally, I just don't want, what I went through in January and February, I don't want to go through again. So leave it to somebody else.

Councilor Cavallo – I have nothing else to say.

President Letellier – All right, thank you. Councilor Rossi?

Councilor Rossi – Yes, just briefly. Just touching on what you started earlier about the phone calls you got from Six Flags area down there. On the agenda here under New Business that you just read here is the amending the Ordinances for the enforcements of penalties which goes to show that we do have the laws in place, our Ordinances are in place to be enforced. All we need to do is to beef up our penalties and I'm glad to see that they're finally on here and that we're really beefing up the penalties so that when we actually go out there and start enforcing these things, they'll have a little bit of teeth behind them and hopefully we can solve those problems down there. I don't think anybody should have to live under the conditions that some of those people are being asked to live. I'm never in favor of denying anybody any opportunity to make a buck over here, but with that comes responsibility and I don't actually see anybody taking responsibility down there for some of this that's happening to those residents. So I am hopeful that after the next Council meeting with the added teeth that we'll have, that we'll actually get out there and start enforcing these ordinances and maybe we can resolve these problems.

President Letellier – Thank you. Councilor Rheault?

Councilor Rheault – I have a couple of things. First, to Jill, you have to share a joint meeting with me, would the Monday preceding the first meeting in August be acceptable?

President Letellier – It's the 28th, July 21st is a Monday so –

Councilor Messick – Yes, that would be fine.

Councilor Rheault – Okay, Barbara, would you be kind enough to set up a joint meeting for that Monday evening at the library somewhere? I'm sure we've got enough time so I'm sure that that might be available.

Councilor Cavallo - Excuse me, Mr. Rheault, I told you I'm not going to be at that meeting. I'll be on vacation.

Councilor Rheault - Well, I know where your priorities are. No, stay on vacation. Enjoy yourself.

President Letellier – Pick on everyone. Go ahead. (chuckle)

Councilor Rheault - No, we talked about it before. This is inside humor. As a matter of fact, he may rule on it down there. Okay, that's number one. Number two, the, from my understanding, I have not had a chance to review them but those all those changes were written by our attorney and we'll have to take a good look at those.

President Letellier – Yes and I would recommend that you double check that he is available that day and see what his vacation schedule is to cuz I know when I was reading through it, I had some notes on the drafts as well.

Councilor Rheault - Barbara, would you also be kind enough to -? And it's not the end of the world, but I still can't find anywhere in General Law or from our legal counsel or anywhere, where it needs three readings for an ordinance and I, I know that you have strong feelings about that Madam President and I have as well. I think it's time consuming and I don't really think it's necessary. I would really like a written legal opinion from our attorney and I think he would support the fact that two readings is all that's necessary. If you are in any discussion with him, if you would be kind enough to support that in writing I would appreciate it. The third thing I have is a pet peeve of mine with our ball fields. And I noticed our Park & Rec Director out here. At the beginning of the season, I think I briefly discussed with him and we had previous discussion over the last couple of years, we give our field out to in my belief and I stand to be corrected but from all the research I've done, there is no Agawam player on the Tri-County team that we share our fields with. And at great, sometimes great expense, we need to put a crew on there to get that ready for Tri-County games, and Legion is playing down at Shea's which gets darker quicker, I would think that priority for that field should be to Agawam teams. They call themselves I believe the Agawam Braves but Springfield is written on

their uniform and to the best of my knowledge, we have nobody representing Agawam on that team. And I have strong feelings, I don't believe that they should be entitled to use our field and I don't, I checked and they told me there's no compensation to the town so I wondered why we continually give that field to them. And maybe you'll be kind enough to provide an answer in writing. And that's it.

President Letellier – Well, I can certainly take the time right now to respond to your discussion on ordinance readings. When I was not the chair, there were a number of incidences where some things needed three and some things needed two and I'm sure that Councilor Perry had the same memory that I do cuz we would sit there in wonderment saying why does this one need three and this one need two? So I had asked at the beginning of the year that the Rules Committee look into making a rule as to how many readings for an Ordinance and how many readings for Bonding and I know that the Rules Committee got very tied up at the beginning of the year. Whatever the Rules Committee and the Council decide is fine with me. But my goal was consistency. Not two readings for this ordinance and three for that. So if the Rules Committee decides that it's two, I have no objection to that but I want a set rule in writing and until we have one, my position has been when I first came on the Council it was three and only in the last couple of years has it gone sometimes two, sometimes three. And Councilor Perry I know can confirm his recollection with mine so whatever is the pleasure of the Council is fine with me. I just want some consistency and let's get it in writing. The other thing we had talked about at the beginning of the year and this has been a very busy legislative year, is that bonding – I don't think bonding should be done with one reading. Bonding is too important. I think bonding should have two readings but again, it's not a rule yet so I've been doing it as one. So, you know if there's time this summer to meet on those items, I'm happy to do whatever the Council's pleasure is. Councilor Perry?

Councilor Perry – Yes, thank you Madam President. I'll be brief. Joe, I hate to see you go as Chairman of the Sewer Committee. It's been an honor serving with you and you've done a lot of hard work and as our Council President pointed out, you brought the sewers from being not even thought about to where they are today. I know you poured your heart and soul into that committee and I was there with you working with you and I know how much time and effort you put into it. Personally, you put your personal self into that whole project and I commend you for the hard work that you did and I hate to see you go but thank you for your time and effort on that committee as chairman. I mean that Joe. And secondly yes I concur with Council President that in the past it's been two readings or three readings and so on and so forth, and as a member of the Rules Committee along with Councilor Rheault and Vice President Calabrese as the chairman, I think we need to clarify that so we're all on the same page in regards to ordinances and bondings and things of that nature. That's all I have. Thank you.

President Letellier – Thank you. Councilor Messick?

Councilor Messick – I wanted to invite all the residents of the Town and specifically anyone who is the head of a town group, the Rotary, the Chamber, anyone who is interested in saving the Town some money, I think is our major goal. I've given one of

these copies to each of the Councilors and I'm hoping there's some good response from the Councilors as well. We've already got a couple of Councilors on board and there's a lot of excitement around town about this. The Go Green Agawam Committee is a new committee which consists of representatives from the following groups. The Agawam Democratic Committee, the City Council, the Agawam DPW, the Agawam School System, Berkshire Power, Covanta and concerned residents working together to promote Green awareness and action across our community. The next Go Green Agawam meeting will be July 31st at 7:00 at the Agawam Public Library. Peggy McCloud from CET will be speaking on ways that municipalities can reduce costs using green practices. And I'd just like to invite all the residents who have a concern about this to come to the meeting and to get involved. I think it's gonna be kind of a big deal. Thank you.

President Letellier – Thank you. Councilor Young?

Councilor Young – I just would like to again thank Joe, Councilor Mineo, for all his hard work on the Sewer Committee and certainly I understand his decision and hopefully that committee will live on and share in his wealth. Thank you.

President Letellier – Thank you. Vice President Calabrese?

Vice President Calabrese – Thank you. Joe, thank you so much for your time on that committee. I know I served with you for four years on that committee and I was really moved by your passion and your leadership on that committee and I want to thank you for that. Councilor Rheault, maybe what I will do is why don't we go ahead and schedule, Barbara? A Rules Committee meeting on that 28th as well, maybe we'll do it a half hour before the joint meeting if that's okay with you Dennis? This way we'll make that a really productive night. Thank you.

President Letellier – Thank you. I don't want anybody to rush into it now because it's a very busy committee but if in the next couple weeks, you're interested in being a member of the Ad Hoc Sewer Committee and/or Chair of the Ad Hoc Sewer Committee, we'll at least need to add one new member to keep the numbers where they are. So let Barbara know and then Vice President Calabrese and I will, if there's multiple applicants, figure out who we think will fit that job. It's a very busy job. It's going to be. I know the Mayor very much wants those sewers in that area but they don't serve the people that need it the most and that have been requesting it the most, so I don't know how it benefits the town but I guess we'll deal with that when it's on the Agenda. But I would like to have a new Chair in place and a new member in place before it hits the Agenda. So I guess if that's it, I guess I'll thank everybody. We'll see you in August and have a good month. Thank you. With that, do we have a motion to adjourn? All in favor say Ay? Opposed? Thank you for a good evening.

Adjournment