

## REGULAR MEETING OF THE AGAWAM CITY COUNCIL

NOVEMBER 5, 2008

**Vice President Calabrese** – Welcome to the November 5<sup>th</sup> meeting of the Agawam City Council. My name is Cecilia Calabrese. I am the Vice President of the Agawam City Council. Our Council President, Gina Letellier, is on maternity leave. I'm gonna ask everyone to silence their cell phones. Thank you.

### Item 1. Citizen's Speak Time

**Vice President Calabrese** – First person and I'm gonna apologize if I'm mispronouncing people's names. I have Joseph Czerpak, is that correct? Thank you. You have five minutes. I will ask you to come to the microphone, state your name and address and Barbara Bard, who's our secretary, will be keeping the time. Go ahead.

**Joseph Czerpak** – Good evening. My name is Joseph Czerpak. I live at 636 South Westfield Street, Feeding Hills, Massachusetts. I'm here to address a few issues with the Town Council. You recently paved Route 57. At the top of the mountain, you have one big dip when you come in from Southwick, right after the big...and it's really distracting when you come over it. Before the paying the people that paved it, please try and get it straightened out. The next thing is down on Springfield Street here we have no sidewalks for the children to go to Robinson Park School. There's an area in there where the children have to cross through private property to go to school with a crossing guard. I don't believe that is proper. That's unsafe. And at the same corner over there by CVS, you have a pedestrian light and you have a sign printed right there "Stop and go on red". What happens if a kid is in a crossing? Pedestrian crossing is a red light and my interpretation of and a man from the State of Massachusetts told me ...they took down the signs ...no right on red during school hours. And I said why don't you replace them with no right on red period? And he said because it is the law, if you have a pedestrian crossing with a pedestrian light, you cannot go right on red. That is a sign that has been there for years and I've addressed it to several people and it's gotten no place. Now I'm addressing it to you. And if it is the law, remove it and put up a no right on red even though it's gonna cause a traffic jam. And then third issue that I have about public safety is Six Flags...we passed many years ago the height of buildings, it was for public safety. It was for our own protection. This is why we eliminated...Board of Appeals because it is strictly in place so we don't have tall buildings in this town so we can fight the fires. It was public safety. It wasn't because of the amusement parks, the rides and everything else. Safe structures don't burn, that's why you grant variances. What happens if you, if you don't keep this under the Board of Appeals...what's gonna stop them from building a wooden structure there? It is flammable. This is why we had that ordinance. Thank you.

**Vice President Calabrese** – Thank you. Donna Piper.

**Donna Piper** – Good evening. My name is Donna Piper. I live at 138 Marlboro Road in Southborough, MA. I came out here tonight to speak in favor of Six Flags New England.

Since the year 2000, Six Flags New England has been an exemplary amusement park. I am a coaster enthusiast. I have found that they've been growing the park sensibly and using great judgment in how they are moving their plans forward. It is a wonderful family environment. They've put in attractions to address the entire spectrum of people visiting the park. I know for a fact we had our preservation conference out there in August. We had guests coming from Oregon and many, many states from across the country. It brought in revenue to your area and it brought pride for organization to be able to see such a quality place such as Six Flags operating. Their management team is made up of professional people who are very safety conscious and they will be doing a wonderful job to make sure that everything in that park operates safely and securely for all. I came all the way out here tonight to say how strongly I'm in favor of letting that park grow and develop as a nice tourist attraction, as a destination park of amusements for our area. Thank you.

**Vice President Calabrese** – Thank you. Gene Brauchemin?

**Gene Brauchemin** – My name is Gene Brauchemin. I live at 12 Cosgrove Avenue here in the City of Agawam. I'm also a deacon from the Grace Baptist Church. I'm here tonight to represent the church for the zoning change that is before you this evening. We ask that you vote in favor of the zoning change. The concerns that I have as an Agawam resident is that as I look around the town and I see so many different open buildings that are not occupied and homes that are not occupied within the Town of Agawam, I don't think it's in the Town's best interest from a safety point of view to have one more building. Not only does it sound shocking as I'm standing here before you asking for the zone change but for almost two years now we've been trying to find a buyer for our church and we finally found one. But it is subject to that zoning change. It's been a very long road for our congregation from a cost perspective because we've had to support two buildings. It will be very detrimental if we are not able to put this deal together with the Masons and it's contingent on this zoning change. As far as the impact on the neighborhood, once again, I think it's in the best interest of the neighborhood to make sure that zoning change goes through so we have a valuable organization there to keep that building going from the safety point of view, there are some folks who might not think that, but any way, from a safety point of view, we wouldn't want to see the building get damaged in any way, God forbid a fire should happen there. It's just an abandoned building basically because we are not able to afford to keep that building up in the way we should. So it is drastically important that the zoning change goes through. So that's all I have. Thank you very much.

**Vice President Calabrese** – Thank you Mr. Brauchemin. Jay Cameron?

**Jay Cameron** – (can you pass these out to the council please?) Hi. I'm Jay Cameron, 173 Pineview Circle. I'd like to speak with you tonight about an Old Business item that's on your agenda this evening for a vote and the item is TOR-2008-4 which is the ordinance amending Article XIII of the Code of the Town of Agawam governing signs. And first I want to thank the Planning Board and the Zoning Review Committee for their efforts thus far and I also want to apologize for not showing up at the public hearing that

was held on September 18<sup>th</sup>. I have reviewed the proposal and I have several questions and concerns in regarding its impact on churches and private homes that I fear warrant the Town Council tabling the action this evening. I'd be willing to work on a revised proposal if so desired. I'm looking to minimize the affect of unintended consequences. The handout package that I provided you illustrates my concerns. On the front page are four questions that I have. For example, would a "non-accessory sign" include blood drive v-shaped signs belonging to Mercy Hospital or the Red Cross? Would a "Temporary window sign" include "Go Red Sox" or "Go Patriots" or would these be prohibited as "Non-accessory signs"? Would it also include "Happy Birthday" or "Welcome Home from Iraq"? Would a "Temporary Sign" include an instructional sign? In Section 180-78C, what is the definition of an "identification sign"? I think it's an accessory sign but I'm not sure and an "entrance marker" which I think it's termed an instructional sign? On the next two pages, I include pictures of St. John's, Agawam Congregational and First Baptist churches showing a sampling of accessory, instructional, bulletin board and temporary signs. In the spirit of 'don't bring me problems, bring me solutions' the remaining pages include some proposed further revisions. So rather than read a bunch of them, I'll just kind of scan through them – revise non-accessory sign definition to include, to indicate that signs for public or non-profit purposes such as blood drives and the like, are not included; revise the definition of 'temporary sign' to limit the 60-day provision to business or industrial but not public or non-profit purposes; revise the accessory sign requirement in Section 180-78A for churches, synagogues or institutional building complexes; revise 180-78A to not include window signs; revise 180-78C to permit two (2) instructional signs per entrance for safety purposes; revise 180-78C back to the 20 square feet provision; revise 180-78H from the two (2) square feet provision t 25% of the window glass area which is half of that permitted for business and industrial purposes. Note that two square feet is only three sheets of paper or just over one newspaper page. And add back 180-78K to indicate that for residence districts the ordinance only applies to a buffer zone of ten feet within the property line; and the last suggestion is to revise 180-84 to include one or more of the following (a) revise 180-84A to allow temporary signs for public on non-profit purposes without fee or permit (b) add Section 180-84C to exempt from the ordinance temporary signs for public or non-profit purposes (c) clarify that the temporary permit is limited to one (1) per year per specific purpose and (d) move Section 180-84A to Section 180-79 to apply only to business and industrial districts. And the remainder of that package includes some mark ups, I'm offering some suggestions on how to revise the proposal. Like I said in the introduction, I'd be willing to work with whoever is interested to bring this to fruition. I think there's some great progress that we're making here. I ask that when the item comes across the agenda that the Town Council considers tabling the item for this evening and I thank you for your time and consideration.

**Vice President Calabrese** – Thank you Mr. Cameron. The next name I'm having a little difficulty reading. It looks like the last name is Rienzo? 475 Pine Street, Feeding Hills? I'm sorry. Carmen Rizzo?

**Carmen Rizzo** – I'm pastor of Grace Baptist Church and we've all come here this evening to request that the Town Council approve our request for a zone change on the

property that is currently owned by the Church located at 475 Pine Street. From 1995 to present, we've held ownership of the property located at the above mentioned address. During our stay in Feeding Hills, we not only sought to maintain a low profile presence at this location but we also strove to be good neighbors to the residents that were located in our immediate vicinity. We made sure that our parking lot was kept plowed and safe and available from town school busses from both the Town of Agawam and Suffield, Connecticut to be able to turn around safely in our parking lot and discharge school children at the street entrance. We have always allowed residents in the vicinity to use our parking lot for overflow parking for a wide variety of events and family functions. This we have always offered free of charge and without complaint even during the numerous times that our parking lot was used for these reasons without first having obtained our prior permission. It has always been our policy to provide the residents, the children of the neighborhood, a safe place to play and to ride their bikes and to play basketball in our parking lot as well. Our decision to relocate to Springfield was made in consideration of both the needs of the growing congregation and the increased traffic and parking problem that was manifesting itself as our congregation grew. It was readily apparent that the number and frequency of cars entering our parking lot on both Sunday and Wednesday evenings was increasing the footprint of traffic in the neighborhood. This we saw would eventually begin to pose safety concerns for not only our church congregation but the neighbors as well. In our address of these concerns, we saw only two viable options for the church. One was to expand the current facility or the second one was to relocate. While expanding the Feeding Hills facility would have alleviated the space constraints for the congregation, it would not have eased the traffic flow problems in and out of our parking lot. Thus, we sought to purchase and relocate to our current facility in Springfield. We are requesting the zone change from Agricultural to Resident B for the purposed of finalizing a sale agreement that we have made with the Masonic Temple of Springfield. While a zone of Residence B allows for the property use for a number of different purposes, our request applies specifically to its use by the Masons who occupied their last residents for ninety years. Yet, even if our intent in applying for a zone change to Residence B was for any of the other specific allowances under this Zoning Ordinance using as an example hospitals, sanitariums, or other charitable organizations, we are firmly convinced that those types of organizations staffed and administered by trained professionals would not only provide a safe environment for those who are in need of professional care in a quiet setting but would also add value to the neighborhood as well. However, this is not our intention. We are requesting this zone change to allow for the finalization of the sale of our property to the Masonic Lodge, a fraternal order with a well-known reputation of being good, quiet and peaceful neighbors as well as being renowned in their charitable deeds most especially as it applies to children with disabilities.

**Clerk** – One minute please.

**Carmen Rizzo** – Okay. So in closing, we request that you consider our request for the zone change in consideration of our desire and intent to transfer ownership of this property to a fraternal order that has served many of the communities that it is located in. Thank you.

**Vice President Calabrese** – Thank you. Stanley Labrecque?

**Stanley Labrecque** – Good evening. My name is Stanley Labrecque and I live at 1357 Sumner Avenue in Springfield, Mass. I am presently the president of the Springfield Masonic Temple Association that's in negotiation to buy the building at 475 Pine Street. I am here to speak on behalf of the zone change. We have looked at a number of communities to move to. We are looking for a community that we know that is growing and is vital and cares about their residents. We as an organization do a lot of charitable things like, things like the program for the kids where we identify the children, highway cleanup, a number of other benefits that we think would be beneficial to the Town of Agawam. We, like I said, we've looked at a number of communities and we like this building, it meets our needs. The impact on the neighborhood I think it would be good because we do things for the neighborhood, that's what we're in business for to help the community and the traffic, the parking lot, is adequate size for our organization. We were in Springfield on State Street and we downsized because of our fall off in membership. So I'm asking for a zone change so we can finalize this negotiation with the church and be an asset to Agawam as we were an asset to Springfield for over ninety years. Thank you.

**Vice President Calabrese** – Thank you. Jason Freeman?

**Jason Freeman** – Good evening folks. My name is Jason Freeman, 1623 Main Street. I am the Corporate Safety Manager for Six Flags and I'm here to talk just a few minutes on the height variance. At the last council meeting regarding this issue, a question was raised by Councilor Perry asking or basically stating that by allowing us to remove the height variance ordinance up to 200 feet that it would allow us not to be accountable by any law and basically I'm here to refute that. Massachusetts has a very recognized and very stringent law – 520CMR – which is the Code of Mass. Regulations which covers amusements devices and construction. That Code of Mass. Regulations is derived from the Mass. General Law 142-05A. I'll be happy to answer any question that you might have on that but we also obviously are held accountable to the Building Code – 780 CMR – which is the Massachusetts Building Code which any construction, any and all construction in the Commonwealth of Massachusetts has to be in agreement with that law so when we get to our section, I'll be happy to discuss 520CMR if there's any question but any theme park, amusement park, any ride being constructed in Commonwealth of Massachusetts has to follow very stringent regulations as set forth by the State of Massachusetts and again I will say that the Commonwealth of Massachusetts Department of Public Safety has just recently been recognized nationally for their stringent law that we have to follow. So again we wouldn't be bypassing any issues when it comes to construction or the safety of patrons on any of our rides by adversing the 200 or the 45 foot height variance, so I'll be happy to answer any questions at that time. Thank you.

**Vice President Calabrese** – Thank you. Larry Litton?

**Larry Litton** – Good evening everyone. Larry Litton, 1623 Main Street. Let me assure all of you that it's not my intent to be redundant tonight nor do I mean to imply that I think any of the councilors are obtuse but there has been a significant amount of time since the first reading was passed and I just wanted to take this opportunity to re-address what I think are the key points that need to be made in our request or the requirement for the zoning variance be raised from 45' to 200' without special permitting. Let me start by reiterating that Six Flags is NOT looking to circumvent any governing body. We're not looking to ignore legitimate concerns of the Town and/or our abutters and we certainly aren't looking to cut short on safety. Our business is unique to Agawam for that fact, it's unique to the Commonwealth and we feel it deserves to be recognized as such. We have a very short window to plan and then build and a short window in which to make our money. We max out at 150 days typically we get about 140 business days in, if you factor in weather. I'm constantly asked in town why I believe this change is necessary. First let me say again, we have never been denied a permit by the Zoning, a special permit by the ZBA, never! That being said, does it really make sense to require us, Councilor Rossi mentioned this, basically we're being asked over and over and over again to do the same thing that we've done, I don't have an exact number, but it's between 35 and 45 structures in the park that are already well over 45 feet. We did research this to come up with the 200 feet, the average thrill ride height built world wide over the last five years is 193 feet, that's why we asked for 200 feet and we just need that to continue to grow and develop Six Flags New England. I would also like to point out even emphasize to you that we have also listened to both you the Town officials and the abutters and we were the ones that requested that the buffer zone be moved back from 150 feet to 200 feet to ease any concerns that anyone might have over that off of Main Street and it was already set up that way. Bottom line is we need to stay competitive and maintain attendance by continuing to appeal to a broad and diverse market. We need the teens, we need the families, we need the young children and any of you that have watched our business in the last five years in particular will know that that's what we have been doing. But we do need to be able to have the ability to bring thrill rides in on occasion. In our world I'm sure this would be considered of any business if not all businesses, if you're not growing, you're dying and we need the ability to continue to grow the property. Historically, we have built at our own risk as was eloquently pointed out by ZBA member Gary Suffriti at the public Zoning meeting on the 29<sup>th</sup> of July that several of you were in attendance. He also stated that nothing was broken and said so again in an article in the Springfield Republican on July 31<sup>st</sup>. I would absolutely counter that if we were required to build anything at our own risk particularly in today's economy, and in the financial situation that our company is in, that the system is indeed broken. We shouldn't have to do that with our track record. We shouldn't have to do that with all the special permits that we've been given. Also, just three last points, Barbara's giving the dirty look here, the company will not allow us to build at our own risk in the future. Two, we do not have finances to commit to projects years in advance, despite what most people either think or believe to be true and third and most importantly, we're not skipping the check and balance system. All building and structures have to be inspected by Mr. Urbinati in order to open, that doesn't change. We have to go to Planning for every project, that won't change. And then depending on where we propose to put the amusement device it could or could not go to Conservation,

that will not change and then finally through the ZBA if that's appropriate because of all those things and even after all that, we have to get a CO from Nick before we can begin operating so that seems to me to be very healthy check and balance. I thank you for taking the time to listen to me and I look forward to your vote and your support. Thank you.

**Vice President Calabrese** – Thank you Mr. Litton.

**Item 2. Roll Call**

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

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

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

**Item 3. Moment of Silence and the Pledge of Allegiance**

**Vice President Calabrese** – Please rise and please keep the Rheault family in your hearts this evening.

**Item 4. Minutes**

**(a) Regular Council Meeting – October 20, 2008**

**Vice President Calabrese** – Moved by Councilor Rheault, seconded by Councilor Rossi. Any discussion or amendments? All those in favor of approving the minutes please signify by saying Ay?

**Councilor Simpson** – Abstain.

**Vice President Calabrese** – One abstention, thank you.

**Item 5. Declaration from Council President**

**Vice President Calabrese** – I just have one. I attended the opening of the CVS on Springfield Street this past week. Councilor Bitzas was there. It's a lovely location and that's something that we should all be very proud of here on this council.

**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.**

**Vice President Calabrese** – That item was tabled. What is the Council’s pleasure? Yes, Councilor Rheault?

**Councilor Rheault** – Any change in status?

**Vice President Calabrese** – No change in the status. Motion to leave it on the table by Councilor Rheault, seconded by Councilor Bitzas. Will the Clerk please call the roll? A yes vote will keep the item on the table.

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

**Vice President Calabrese** – Seven yes, three no and one absent, the item remains on the table.

**Item 7. Report of Council Committees**

None

**Item 8. Elections**

None

**Item 9. Public Hearings**

**TO-2008-43** - (ZC-2008-4) **Zone Change** for the Property known as **475 Pine Street, Feeding Hills, Ma.**, and the **Grace Baptist Church** Petitioning the Town of Agawam to Change the Current Zone from Agricultural to Residential B to Allow for the Occupation and Utilization of the Property by a Masonic Lodge for the Purposes consistent with their Organizational Activities and By-laws.

**Vice President Calabrese** – I am now going to declare the public hearing open. The way we are going to work the public hearing is we’re gonna budget 45 minutes for this public hearing. If we do run over time at that point in time I will entertain a motion to extend time for public hearing if necessary. I am going to first call up individuals one by one, you can come to the microphone, I’d like to hear first from individuals speaking in favor of the zone change. Please come up to the microphone if you’d like to speak in favor of the zone change. Give you name and address. Thank you.

**Paul Brown** – Good evening. My name is Paul Brown. I live at 119 Barnard Road, Granville, MA. and I’m a deacon at Grace Baptist Church. I am in favor of the zone change.

**Vice President Calabrese** – Thank you Mr. Brown.

**Gary Syret** – Good evening. My name is Gary Syret. I live at 654 Newbury Street. I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Richard Lamoreaux** – My name is Richard Lamoreaux and I live at 36 North Umberland Street in Springfield. I'm a deacon at Grace Baptist Church and I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Peter Albano** – My name is Peter Albano. I live at 21 Carol Lane in Westfield. I'm also a deacon at the church and I'm in favor of the zoning change as well. Help our church and help your neighborhood. Thank you.

**Vice President Calabrese** – Thank you.

**Rich Spath** – I'm Rich Spath. I live at 76 Lime Street in Southampton. I'm also a deacon of the Grace Baptist Church. We've been good neighbors for some years there now and we would appreciate it if you would help us out a little bit and approve this zone change. It would help us to move on with the work we have with the church. Thank you.

**Vice President Calabrese** – Thank you.

**Al Gigere, Jr.** – Good evening. My name is Al Gigere, Jr. of 4 Grant Street in Westfield, Mass. I'm on the Board of Directors for the Springfield Masonic Temple. I'm in favor of this. If we're allowed to get this I guarantee you we will be a great asset to this city. Thank you.

**Vice President Calabrese** – Thank you.

**Mark Rizzo** – My name is Mark Rizzo. I live at 919 Southampton Road in Westfield, Mass. I'm a deacon at Grace Baptist Church and I'm also in full favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Marge Govin(?)** - Good evening. My name is Marge Govin. I live at 152 Jeffrey Lane in West Side and I'm also in favor of the zone change.

**Vice President Calabrese** – Thank you.

**Nancy Mandell** – Good evening. I'm Nancy Mandell. I live at 25 Overlook Drive in Easthampton, Mass. and I'm also in favor of the zone change.

**Vice President Calabrese** – Thank you.

**Mark Mandell** – My name is Mark Mandell. I live at 25 Overlook Drive, Easthampton, and I'm also a member of Grace Baptist Church and I am in favor of the zone change.

**Vice President Calabrese** – Thank you.

**Michael Fiorentino** – Hi. Michael Fiorentino, 17 Merrell Drive, Agawam, I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Doug Peloquin** – Good evening. I'm Doug Peloquin, 221 Ellendale Circle, Springfield, Mass., a teacher at the church. Please allow us to do this change so that we can make that property productive for Agawam again.

**Vice President Calabrese** – Thank you.

**Lisa Albano** – Good evening. My name is Lisa Albano and I live at 21 Carol Lane in Westfield, Mass. I'm also a member of the church and I am in favor of the zoning change. Thank you.

**Vice President Calabrese** – Thank you.

**Virginia Pallotta** – Good evening. My name is Virginia Pallotta. I live at 15 Keating Lane in Agawam. I'm a member of Grace Baptist Church and I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Linnea Beauchemin** – Good evening. My name is Linnea Beauchemin. I live at 12 Cosgrove Avenue here in Agawam and I'm a member of Grace Baptist Church and I just want to say that this would greatly help us to sell this church. In looking at the zoning on Pine Street, there are a lot of different zonings there and one that is far more intrusive than the one we're looking for is RA-2 which allows a lot more building and a lot of other things to go in there. So the zone change we're looking for is nothing compared to what's already there. Thank you.

**Vice President Calabrese** – Thank you.

**Shirley Ainsworth** – I'm Shirley Ainsworth. I live at 299 Fuller Street in Ludlow, Mass. I'm a member of Grace Baptist Church. I'm in favor of the zoning change and would appreciate it very much. Thank you.

**Vice President Calabrese** – Thank you.

**Shawn Lahey** – Good evening. My name is Shawn Lahey. I'm a resident at 919 Southampton Road in Westfield and I'm for the zoning change. Thank you.

**Vice President Calabrese** – Thank you.

**Dave Lyman** – Good evening. I'm Dave Lyman and I live at 425 Hadley Street in South Hadley, Mass. I am a member of Grace Baptist Church, the music director there and I'm certainly in favor of the zone change.

**Vice President Calabrese** – Thank you.

**Mary Cyrus** – I'm Mary Cyrus from 654 Newbury Street in Springfield. I've been a member of Grace Baptist Church for many years and I favor the zone change.

**Vice President Calabrese** – Thank you.

**Joanne Spath** – Hi. My name is Joanne Spath. I live at 76 Lime Street in Southampton. I'm a member and the treasurer of Grace Baptist Church and I am in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Jennie Brown** – Hi. My name is Jenny Brown and I live at 119 Barnard Road in Granville and I'm a member of the Grace Baptist Church and I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Carol Lyman** – Good evening. My name is Carol Lyman. I live at 425 Hadley Street in South Hadley and I'm a member of Grace Baptist Church and I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Chris Rydmiller** – Good evening. My name is Chris Rydmiller and I live at 55 Hanover Street. I'm a member of Grace Baptist Church. We would greatly appreciate the zone change. You can see the response that we have tonight in favor of it and we need this zone change to effectively move on and effectively minister and reach out to the community that we're at now. Thank you.

**Vice President Calabrese** – Thank you.

**Mike Postill** – Hello. My name is Mike Postill. I live at 47 School Street in Springfield and I'm a member of Grace Baptist Church and I'm very much in favor of this zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Roger Eaten** – Hi. My name is Roger Eaten. I live at 1048 North West Street in Feeding Hills and I'm in favor of the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Carmen Rizzo** – Hi. I'm Carmen Rizzo, pastor of the church and not to restate again what I've already said but this was a difficult move for us and we spent several years looking at the possibility of expanding the property there and in the end it wouldn't have been a good decision either for us or for the neighborhood and so we thought that in moving to Springfield which was where the church originally began in 1935, it was a good decision for us and for the community. And we believe that the Masons will really be a positive force in the community. Thank you.

**Vice President Calabrese** – Thank you. Anyone else wishing to speak in favor of the zone change? Anyone else wishing to register in name only in favor of the zone change? Fair warning – thank you. Anyone wishing to speak against the zone change? Please come to the microphone, state your name and address and go ahead.

**Joseph Czerpak** – My name is Joseph Czerpak. I live reside at 636 South Westfield Street in Feeding Hills, Mass. and its, the zone change that they're requesting is on property that they do not own. I had taken ownership from the railroad and it's under, Article well my wife will tell you later what it is, but also, the state of Massachusetts recognized this deed by the way, cuz they would have taken it when they built 57. They approached me and here is a document notarizing that I do own that land. They're saying that, their attorney says that I never owned the land because it reverted back. That chapter that my wife has over there will explain what it involves. They had to take back the title by 1964. Here is document proof right here when I bought it from the railroad if you want to look at it. It shows everybody who took title back on that property and they are not one of them. The ...was then put up for sale and if you check back in your records, the town counsel at that time had, before I purchased it, had the first right of refusal on that land. He handled this for me and I'm sorry he's passed away, but Thomas Locke, your former solicitor, and they're bragging that they have title insurance. We all have life insurance right? Does that guarantee we're not gonna die? Does that guarantee that they own the property? No. I have title insurance on that. And for the title insurance company to give it, they wanted that section whatever it is, 31A, they wanted a copy of it and that's the only way they list the title insurance on that piece of property...sister I would sell her that piece of property. I did sell it to her. And now their attorneys are saying that I had no business I had no ownership of that property. Well, it's up to the land court and I'll tell you another thing, Mr...., the piece of property...and we went through this a while back, took it up in land court and he...stated that he had right of refusal...but ...land court, he ...he knows that I never took possession because he knows that the land court will throw that out. That had nothing to do with it. That...the state recognized it when they wanted to build 57, I don't know how you people can't say that my sister doesn't own the property and by the way, Mr. Johnson, when you asked him directly,...asked him directly, ...property and he came back with "in my opinion". When he stated 'in my opinion' that means it does not have a clear title because he

cannot say it has a clear title. According to our...checked with the Board of Overseers. Only a judge can tell you if that piece has a clear title and he says 'in my opinion it has a clear title' so that tells you right then and there that he said that it does not have a clear title on that property. And as far as ...they're saying that I have I released the...five or six different deeds and...worked there way up, one's a little bit better than the other and so on and so forth but never once did they go back and check...prior owner. They didn't go all the way back to the road. If I give you a car, okay, and you sign the title to me, I drive the car and say well I don't want the car, you can have it back. If I don't sign the title back to you, do you get the car back? The car is not yours either. It doesn't mean a damn thing if you don't have the title...railroad and got the title back and it went up for sale. There were signs posted on, wherever the railroad property was. On Shoemaker Lane, I believe there was one on Shoemaker Lane; there was two on South Westfield Street and one on Barry Street where the railroad crossed over and then there was a title process. I got them. Matter of fact, we'll go one further. If this title ...because they had gone through this for twenty years we've been working on this. John Thompson had me in land court with a little piece of land down there. Twenty years, finally he ... by Westfield Savings Bank. You know what? Westfield Savings Bank gave me \$30,000.00 for a piece of land ...square footage, it ended up being about \$2 ½ million an acre. Now they fight it through land court. It was in land court. They left it there. So now they're building a shopping center...that I don't, never owned the land because of what they're all saying. They don't have any facts all they have is...the deed. Do you want to see it? It's written right up here...and it states every deed that came off of that property. Grace Baptist or nobody else is on that thing...on that piece of property and this deed and everywhere else...and also...no one else did. Richard...didn't buy it back...I didn't buy it from Richard...so I don't own it. He had a first right of refusal also. You're opening up a big can of worms if you go along and say that they own the property. A real big can of worms and I don't think I'd want to be involved in it because you know the facts and if you vote and say...Grace Baptist Church...They do own the title to the front, I'm not arguing that thing and I'm not arguing the title they have to the back. I'm arguing the part of the railroad property in the middle. If you give them a zone change on that, you are...that they own the property. Uh uh. You can, my sister, as a matter of fact...did the Masons know about this? Because Grace Baptist Church, one of their members, I assume it was one of their members, when it...why don't you have your sister deed over the land to us and we'll give them a...or she can write it off on her income tax...Thank you.

**Vice President Calabrese** – Thank you Mr. Czerpak. The next person wishing to speak against the zone change?

**Mary Ann Czerpak** – Yes. Mary Ann Czerpak, 636 South Westfield Street. Having the church on Pine Street receive a zone change is fine with me. It isn't fine with me that Mr. and Mrs. Roy's parcel dissects the church parcel. Mr. and Mrs. Roy do not want their parcel receiving such a zone change. It was written in an opinion from the Town Attorney of Agawam that Mr. and Mrs. Roy did not own the railroad property that dissects 475 Pine Street, Feeding Hills because the Czerpaks who sold them the property were not the previous owners...We are the former owners of the railroad property that dissects 475 Pine Street, Feeding Hills. In 1899 Mr. and Mrs.....deeded the piece of land

in question, 475 Pine Street, Feeding Hills to the railroad. Neither them or future owners of 475 Pine Street ever took the title back from the railroad. According to Massachusetts General Law which my husband spoke about, Chapter 260, Section 31A, limitation of actions, after 1964, the former owners of in this case the railroad property were...the owners of the 475 Pine Street did not take their title back from the railroad in the time period stated in Section 31A. In 1985, after the railroad put the remaining property for sale, my husband and I bought the remaining railroad parcels, then sold a portion of the railroad including the portion that dissects 475 Pine Street to Mr. and Mrs. Roy. My husband and I are the former owners of the railroad property dissecting 475 Pine Street. Mr. and Mrs. Roy are the current owners. Mr. and Mrs. Roy do not want their railroad parcel to receive the zone change. Thank you.

**Vice President Calabrese** – Thank you.

**Patricia Roy** – Hi. I'm Patricia Roy and I'm the owner of the railroad parcel. I have a description of what I've been paying taxes on since 1985. So I think that Mary Ann and Joe, Mr. and Mrs. Czerpak have clearly stated the information in the General Laws regarding Chapter 260, Section 31A. They described with it how it would revert...property was limited to calling back deeds which none of the previous owners did not do. I have also a copy of my deed, it's recorded in the Hampden County of Deeds on January 24, 1985. I have been taxed by the Town of Agawam, Massachusetts since then. I have paid the taxes and our taxes are current. Grace Baptist Church also is aware that we own the property and that we were approached about selling it to them. My husband and I definitely do not want our property rezoned. Thank you. And here is the deed, and lot description and how mine intersects. Thank you. Do you want a copy of my deed also?

**Vice President Calabrese** – That would be helpful, actually. Anyone else wishing to speak against the zone change? Anyone to register in name only against the zone change? Any questions from any of the Council members? Councilor Rheault?

**Councilor Rheault** – Yes. I have a question for Pastor Rizzo.

**Pastor Rizzo** – Yes, sir?

**Councilor Rheault** – Do you have a title to go with the property that is in question?

**Pastor Rizzo** – Yes, we do. We have our attorney with us who has all of the documentation. Since we've owned the property, since 1995, there have been no less than four title searches on the property. Also, the matter was mentioned here about a member of the church approaching them to purchase that parcel. Again, I've been pastor of the church since 1998 and I would certainly be aware of such a move over ten years and that has not occurred over ten years. So our attorney is here, he has the title, he also has the reversion clause in the deed to the railroad and so he's better suited to answer those questions than I am.

**Councilor Rheault** – Do you receive a tax bill from the Town of Agawam for that property?

**Pastor Rizzo** – We did.

**Councilor Rheault** – You did?

**Pastor Rizzo** – Last year.

**Councilor Rheault** – Last year?

**Pastor Rizzo** – Well, yea, we received a tax bill on the entire parcel of land.

**Councilor Rheault** – Is that piece of property included in it?

**Pastor Rizzo** – I'm not sure.

**Councilor Rheault** – Can your attorney answer that question?

**Attorney Martin** - Good evening. I'm Bradford Martin, I represent Grace Baptist Church. My understanding is that the church was only assessed on the property not including the area in question because there was a separate assessment by the Town as was stated by the Roy's that that property was assessed in their name and they paid taxes on it over the years. Until last year, the church was exempt because as a religious organization they didn't pay taxes so they never received any tax bills until last year when the question came up by the assessors as to whether or not it was still being utilized as a church and if there was an abandonment of the religious purposes therefore they wouldn't be exempt any longer and in fact, it was assessed for taxes and the tax bill did come out but I do not it included otherwise there would have been a double assessment on that little piece in question. And I don't believe that that occurred.

**Councilor Rheault** – Well, because obviously we normally bill the owner of the property and Mrs. Roy said that she has a tax bill from the Town which basically declares the ownership to her.

**Attorney Martin** – But except that the Assessor's office is not determinative as to land ownership, the Registry of Deeds is the definitive record keeping for ownership. The Assessor's office, while they assess property and they change the assessment every year, they simply look at the deeds that come into them. They don't perform title searches, they don't verify the deeds are appropriate or inappropriate, they just simply see that there's been a transfer and they begin to assess on that basis. Here we have an issue of record title not being in the name of the Roy's but being in the name of the Church because of the reversion clause that stems back to the 1899 deed. The deed in 1899 into the railroad provided that if the railroad ceased to function then the property would revert to the owners on either side of the railroad easement. The railroad ceased to function in 1938 and therefore the reversion went into effect at that time. The statute that was

mentioned earlier tonight doesn't apply to the Grace Baptist Church because there was an exemption in the statute that says if two things occur (1) if the reversion has taken place and (2) the owner has made an entry and taken possession of the property prior to 1954 then there's no need to file any certificates or claim anything under the reversion clause so there, and what happened in this case was the abandonment occurred in 1938, predecessors entitled ... owned it by virtue of deeds in 1951 and therefore the railroad did not own anything at the time that they conveyed that property and that is supported by not only the opinion that I wrote but Mr. Johnson who wrote an opinion for the Planning Board and I think if you read his memo to the Planning Board, he's very definitive in what he believes is the actual status of the title and that is the reversion clause and the subsequent non-application of the statute puts it in the name of Grace Baptist Church. The assessment of the property in the name of the Roy's is an unfortunate thing but that's really not the issue with respect to the Town of Agawam.

**Vice President Calabrese** – Councilor Cavallo? Oh, I'm sorry. Are you done?

**Councilor Rheault** – Yes, thank you.

**Councilor Cavallo** – I just have two questions. You mentioned that our City Solicitor researched this, according to what I received it said that he concurred with your opinion which leads me to believe that he read your opinion and concurred with your opinion. Is that correct?

**Attorney Martin** - That's correct

**Councilor Cavallo** - Although he, you said that he researched this, you just said that our City Solicitor researched it –

**Attorney Martin** - I believe he did because there are things in his opinion that were not included in mine.

**Councilor Cavallo** – Okay. The second question I have assume that the zone change is granted this evening and then the sale is to take place because it hasn't taken place yet. The Czerpak's and the Roy's now can go to court, could they not, to question why their land is being taken, correct? Could this tie up the sale?

**Attorney Martin** - They could be.

**Councilor Cavallo** – I would think that would be out of your purview at that point, I mean, as far as the zone change.

**Attorney Martin** - Well, I guess the, if you talk about hypotheticals, yes. Look at it this time, if the zone change doesn't occur, then there's no property for sale. If the zone change does occur, then the parties have their rights to pursue whatever remedies they have to enforce those rights which may end up with the zone change still in effect because parties as the Church says were not, that issue never gets addressed really unless

the zone change occurs but nobody is prejudiced by it because whatever rights anybody has those are there whether or not the zone change occurs or not.

**Councilor Cavallo** – Yup. The last question I have and you're an attorney and you know more than I do about this –

**Attorney Martin** – Well –

**Councilor Cavallo** – According to, if they have deeds the Registry, there must have been a ...for example the late Thomas Locke who he claimed was his attorney, had to do a title search in order for him to take possession of the property or her to take possession of the property, wouldn't you have to do that? I mean I just bought a home a little while ago and the title search went back quite a ways so if I'm representing the Registry of Deeds, where's the follow up here?

**Attorney Martin** –When you go to record something at the Registry of Deeds, they take it at face value. I mean they accept documents based on what they call the formalities of execution so as long as it's printed the appropriate way, signed, notarized and contains all of what they call the indices of execution, they'll accept it. And they won't question whether or not you're the owner or not the owner. I mean there are lots of documents at the Registry of Deeds that are ineffective documents. It happens all the time. The people who are accepting the recording of those documents don't make any judgment calls other than whether or not it meets the statute for recording purposes. The issue has come up in this situation, it is a pretty archaic title issue that isn't, you know, something that everyone would necessarily find. Mistakes are made all the time in title searches, that's why there is a land court, that's why there's title insurance and all of those issues but it is clear in my opinion and in Mr. Johnson's opinion that a reading of the original deeds and filing forward the reversion clause was in there for a specific purpose and that was so that once the railroad ceased to function, that that property would go to the owners of the property and the statute that was referred to earlier was a statute that kind of reached back to help cure some of the problems but there's a specific exception for the circumstances in which this property is in.

**Vice President Calabrese** – Okay, Councilor Rossi?

**Councilor Rossi** – Are you the attorney who did the title search when the Church brought the property?

**Attorney Martin** – No.

**Councilor Rossi** – Did they give you any search in the title of parcel?

**Attorney Martin** – Yes.

**Councilor Rossi** – Who owned the property, who owned the property and sold it to the church?

**Attorney Martin** – A gentleman by the name of Scott.

**Councilor Rossi** – Scott. Did he purchase that land do you know?

**Attorney Martin** – I have all of the information. I mean I can –

**Councilor Rossi** – Was it prior to 1954?

**Attorney Martin** – No. No, there is, since 1951 there were I think four deeds.

**Councilor Rossi** – Four deeds?

**Attorney Martin** – Four deeds, so an individual took it in 1951 actually a husband and wife I believe took it in 1951, they conveyed it to another individual and that individual conveyed it to Scott, and Scott conveyed it to the church.

**Councilor Rossi** – So, you're saying based upon the deed transaction that happened prior to 1954 that that reversion clause took affect?

**Attorney Martin** – The reversion, there are really two issues. The reversion occurred in 1938 when the abandonment of the railroad was affected and it was affected because there was a recording at the Registry of Deeds that said the railroad is abandoned. So that's the benchmark we're showing the railroad is...and that triggers the reversion clause. The statute then said that if somebody then took possession of the property or made entry that basically exerted ownership rights over the property before 1954 that the statute doesn't apply to that. For things that occurred after '54, you then had to go through this procedure based on the statute. And if you read Mr. Johnson's memo, he refers to the statute and he refers to a case that's operative as it relates to that same issue.

**Councilor Rossi** – Yea. I've read it and I understand what he's saying so if this whole thing is based on the premise that the property, the reversion had taken place, so that the sale to the property was legal because there was no need to file the claim for reversion until 1954. That's what this whole thing is about. Isn't that what the opinion is based on?

**Attorney Martin** – The opinion is based on the fact that title was perfected before 1954, therefore there was no need to take any further, any further action and it's the reversion clause is very, very clear in terms of what it was intended to do.

**Councilor Rossi** – Yea. But I have, I think the problem that I'm having right now is if we go ahead and give a zoning change, a zone change, then the zone change takes place for the entire parcel and what I'm hearing from this woman who claims she's the owner of the little sliver that runs through the middle of it all, she doesn't wish to have a zoning change.

**Attorney Martin** – I understand. And I understand the dilemma that the Council is faced with. Another point just for clarification is for all intents and purposes the property is kind of a rectangle and that description has been consistent for all the deeds going back out to 1951 and so, there's never been a deed that said oh by the way, you've got this front part, then you've got this railroad easement, then you've got the other part which is consistent with the position that since 1951 the party that took title at that point exercised it over that whole piece and including the railroad piece and therefore there was no reason to take any further action. But with respect to your point, this has got to be resolved one way or the other; it seems to me, that it can be resolved in the context of the zone change. So if the zone change is permitted, then again I don't think anybody's rights are prejudiced because whatever rights anybody has they can be exercised. If it isn't granted, then there's still an issue out there but it probably prejudices the church more at that point because they've lost a buyer, you know the property will probably go into disrepair and I think those are the real concerns that the Council needs to address and of course, around the road there's always the prospect of coming to resolution too.

**Councilor Rossi** – Yea. Thank you.

**Vice President Calabrese** – I have a question. Has there any been an action brought to court...on that strip of land?

**Attorney Martin** – Not that I'm aware of.

**Vice President Calabrese** – Okay.

**Attorney Martin** – Certainly not by the Church.

**Vice President Calabrese** – Okay.

**Attorney Martin** – And the reason being when the church bought it, they got title examinations, and they got title insurance and it's been insured several times and they never saw the need to do that.

**Vice President Calabrese** – And when did this issue first come to light? When were you first made aware of, that we had this strip issue? Was it just when this Purchase and Sale came to pass?

**Attorney Martin** – I haven't been involved in representing the church from the time that they entered into the Purchase and Sale.

**Vice President Calabrese** – Mrs. Roy? I was just curious. When were you first made aware?

**Patricia Roy** – Do you want me to stand?

**Vice President Calabrese** – Sure. Go ahead.

**Patricia Roy** – I was blindsided by the copy that you all received that had Johnson’s word on 10/16/08. Up until that point, I had every reason to believe that I owned that property because I had a deed, I had paid taxes on it and so this is all brand new to me, this problem and so I have done a lot of research and so has my brother and I think we’ve done a lot of homework done on this and I think you really have to consider what we’re saying to you as being important. Thank you.

**Vice President Calabrese** – Okay, thank you. And Mr....title insurance on your property, I’d hate to make a ruling and leaving someone without a remedy...

**Joseph Czerpak** – Yes, I did get the title insurance policy on that, on all the railroad property that I bought and represented by Thomas Locke and there was no reason I was told but I didn’t have the documentation and it disappeared afterwards that the way they gave me title insurance because of that statute that my wife read off to you, they insured the title on that property. Okay?

**Vice President Calabrese** – Okay. Councilor Rossi?

**Councilor Rossi** – I just want to ask a question and I don’t know if I’m asking it to you or your sister, when the Grace Baptist Church bought the property, why didn’t this issue come up at that point?

**Joseph Czerpak** – What?

**Councilor Rossi** - When Grace Church bought this property, why didn’t you bring this issue up at that point?

**Joseph Czerpak** – Because there was never an issue. There was never an issue. Grace Baptist Church never built on that land. Grace Baptist Church built on the property in the front. They never put a building on it and they never took possession of that property in the back. They knew that they didn’t own it. I tell you who it does...in the city that no one ever asked, I tell you Mr. ...was the one who told me to tell my sister to donate it. I...I don’t know if he’s a member of the church or not.

**Councilor Rossi** – Well, my question Mr. Czerpak is when you brought the property, you obviously thought at that point that ...I ...and ...

**Joseph Czerpak** – No. They never used it and they never purchased it and they never said anything...

**Councilor Rossi** – Well, they must have a deed?

**Joseph Czerpak** - Is it a deed or is it not a deed?...Like I say, I spent three years in land court so I know a little bit more about it than the average person does. And I’ll tell you another thing, Mr. Taylor decided that he was gonna take it to land court and he...

**Vice President Calabrese** – Councilor Simpson?

**Councilor Simpson** – Thank you. I have a question for Mrs. Roy.

**Patricia Roy** – Yes?

**Councilor Simpson** – I was just wondering if you could give a reason why you don't want the zone change. Is there anything specific in your parcel of land that you are opposed to having the ... zone change?

**Patricia Roy** – It's agricultural.

**Councilor Simpson** - You said you were opposed to it, what's the reason, just because you ?

**Patricia Roy** – It's just that it's agricultural.

**Councilor Simpson** – Okay, thank you.

**Patricia Roy** - All your ... property is agricultural.

**Vice President Calabrese** – Anything else? Yes, why don't you come to the microphone? Go ahead.

**Mary Ann Czerpak** – I'm Mary Ann Czerpak, 636 South Westfield Street. What I'm thinking you're probably imagining... imagining the church property and Mrs. Roy's property and the state property, the church property, it isn't like that. The church is built on flat ground, so there was a manmade ditch. So it's church property, railroad property, church property. They didn't use it cuz it was permanently done, it's probably 30, probably this deep! So they would never use it for anything because their land is up there, goes down into her property and then goes up again. There's never been anyone to use it. So just to give you an idea of what it looks like. Thank you.

**Vice President Calabrese** – Thank you.

**Pastor Rizzo** – We are quite frankly confused because the person who transferred the title of the property to the church, Mr. Scott, was a member of the church and remained a member of the church for some years afterwards. What we're confused about is at the time the title search was done and as the land in question was changing in ownership from Mr. Scott to the church, one would assume that the same objection would have arisen then but it did not. In fact, it did not arise until it became known that the Masons were interested in purchasing the property. Thank you.

**Vice President Calabrese** – Thank you. And that is forty-five minutes. At this point in time, I will go close the public hearing. What is the council's pleasure? Do I have a motion to put the item on the floor for discussion? Thank you, Councilor Simpson, a

motion to put the item on the floor, seconded by Councilor Mineo and Councilor Rossi. I know that we had a sub-committee meeting regarding this matter and we didn't receive a report? Councilor Messick?

**Councilor Messick** – Thank you. We did have a Zoning Review Sub-Committee on this on October 7<sup>th</sup>. I was present, Councilor Rossi was present, Councilor Bitzas was present and City Solicitor Chris Johnson was there as well. And we did get into the discussion of the ownership of the property, the reversion clause, MGL 260, 31A was discussed on the dates that the title had been perfected in 1938 when the railroad easement reverted and then since then the title has been handed down whole and that these attorneys and title companies opinions are that Grace Baptist Church does have a whole title. So we did discuss that and we also discussed the possible uses for the property should the zone change not be granted. It would severely limit the different purchasers that might want to purchase the property and use it and that the uses under Zone B are not so obnoxious or egregious to the neighborhood that it would be anything that would stop us from granting the zone change so we voted in favor of sending a positive recommendation to the Full Council. We also noted that Planning Board had sent a positive recommendation as well. And in the discussion with Attorney Johnson, one of the things that struck me and this is all very complex and interesting with all due respect to the Czerpak's and the Roy's, it is not this body's, under this body's purview to decide whether the church has a clear title, only to decide whether the zone change is beneficial for particularly that neighborhood and for uses in that neighborhood, so that's my opinion and I'll be voting in favor of it. Thank you.

**Vice President Calabrese** – Thank you Councilor Messick. Any one else wishing on the Council to speak regarding this item? Councilor Rossi?

**Councilor Rossi** – Yes. I have given it quite a bit of thought and I have to agree that I think the only persons here that would be aggrieved would be the church if this zone change wasn't granted and I don't see any harm that would come to the Roy's or the Czerpak's if it were. They still have, they have an option if they want to pursue, they certainly still can do that, that's within their legal rights. I understand Mrs. Roy's position that she didn't want the zone change to take place because she prefer that it be agricultural. All I can say that you would not be harmed in total if it did go through and should you prevail in land court, you could always petition that the land be reverted back to agricultural and I don't think you would have an argument from this council, at least not with me. And so I think it's in the best interest of everyone around, I don't see what the harm would be of issuing the zone change because as Councilor Messick said, it really isn't up to this council to ...and all the land issues itself so I think based on that, I think it would be the best interest of the community to issue the zone change and let the parties if they want to take whatever action that they feel as though they want to take, separate from whatever action we take here.

**Vice President Calabrese** – Thank you. Councilor Bitzas?

**Councilor Bitzas** – Yes, as a member of the Zoning Review Committee, also I support this zone change and the reasons are this would be in the best interests of the town. Instead we have a building to fall down and be neglected and we have some tenants that will be there and the ownership is not in the power of this Council and I hope to solve the problem through the courts so I vote in favor on the sub-committee and I will continue to vote in favor in this body too. Thanks you Councilors.

**Vice President Calabrese** – Thank you Councilor Bitzas. Anyone else wishing to speak on this matter? Seeing none, will the clerk please call the roll? We need eight votes to grant the zone change.

**ROLL CALL** – 9 Yes, 1 Abstain (Councilor Cavallo), 1 Absent (President Letellier)

**Vice President Calabrese** – With nine yes, one abstain, one absent, you have granted the zone change. Why don't we have a five minute recess to allow you to leave, if you want to stay for the rest of the meeting, you're certainly welcome to do that. We will just stay in recess for five minutes.

#### **FIVE MINUTE RECESS**

**Vice President Calabrese** – I'd like to call the meeting back to order. We are reconvening the Council meeting. Actually it was a seven minute recess.

#### **Item 10. Old Business**

- 1. TOR-2008-2 - An Ordinance Amending Section 180-49 and Adding Section 180-49A to the Code of the Town of Agawam Governing Height of Buildings and Structures in Amusement Parks in the Business B Zone (Mayor) (Tabled 10/20/08) (2/3) (Referred Jointly to the Zoning & Ordinance Committees) (2/3 Majority of the Full Council or 8 votes)**

**Vice President Calabrese** – What is the Council's pleasure? Motion to remove from the table by Councilor Simpson, seconded by Councilors Bitzas and ...Clerk, please call the roll to remove the item from the table.

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

**Vice President Calabrese** – With ten yes, one absent, you've removed the item from the table. Moved to the second reading, seconded by Councilor Mineo. Any discussion on the second reading? Councilor Perry?

**Councilor Perry** – Yes, thank you Madam President, I would just like to state and I'm not gonna get into any large conversation cuz I said all I had to say on my side of the issue here, I would like to propose an amendment to this this evening. I'll throw it out there and then we can discuss it. As I mentioned in the last meeting, one of the main things and I know the sub-committee worked on this when they were forming this ordinance was to notify the public. And as I stated in our last meeting in the public

hearing, in our debating portion of that was that all this does right now is notify the abutters of a public meeting. There's no public say in it, so I would like to amend or throw an amendment out there. On page, Section 2 B, the seventh line down, it's the Planning Board's public meeting, I would like to amend that to say public hearing. And on the ninth line, it also says public meeting, to amend that to say public hearing. This would definitely give the abutters a voice in what's going on in regards to that. So I'll throw that amendment out there and leave it up to the Council to see if they agree or disagree. Thank you.

**Vice President Calabrese** – Thank you. I have a motion to amend to replace public meeting with public hearing. Do I have a second? I have a second. Any discussion on the amendment? Yes, Councilor Rossi?

**Councilor Rossi** – Yes, we're talking about having a public hearing at the Planning Board stage?

**Councilor Perry** – Correct. Yes.

**Councilor Rossi** – And that's for the public, the abutters would be able to speak in favor or against? At the Planning Board hearing?

**Councilor Perry** – At the Planning Board hearing, yes. Because basically the amendment says the Planning Board public meeting, I just would like to amend it to say the Planning Board's public hearing to have the public speak...and not have to allow you to speak on this issue. They just notify the abutters, the abutters can show up and listen to their discussions on it. All I'm asking is that this council make this amendment to give the abutters the right to speak at that meeting because currently they do not have that unless the Planning Board, I'm not saying the Planning Board's is not gonna allow them to speak, but this would definitely officially allow them to speak at the meeting.

**Councilor Rossi** – I understand you and I understand the purpose of it and really I'm not denying anybody's right to speak. I think that anyone should have a right to speak on any issue concerning their government but if we pass this, it's determining what height requirement...by right, so what would they be speaking or giving their voice up?

**Councilor Perry** – It's to have a voice on what's going down there, that's all.

**Councilor Rossi** – Okay.

**Vice President Calabrese** – Councilor Bitzas?

**Councilor Bitzas** – Is that gonna satisfy you Councilor to support that?

**Councilor Perry** – I would say no.

**Councilor Bitzas** – Yes or no?

**Councilor Perry** – No.

**Councilor Bitzas** – No.

**Councilor Perry** – Only for the fact of all the other reasons. I'm just throwing this out to the full Council because one of my reasons against this was because it took the public's voice away, that's one of the reasons. The reason was the powers of our Zoning Board of Appeals which I still strongly stand by and feel that we should go through them still. That's why I would not support this tonight. Thank you.

**Vice President Calabrese** – Any more discussion on the amendment? Yes, Councilor Rheault?

**Councilor Rheault** – Well, I have no supporting them with the right to speak but it does not change at all the issue. The issue is separate in my opinion, do we take the authority away from the Board of Appeals, or don't you? And apparently, we've got enough votes tonight that's why we're probably discussing it, because it was tabled last time because we didn't have enough votes and well, we'll speak about that on the main motion.

**Vice President Calabrese** – Any other discussion on the amendment? Seeing none, will the clerk please call the roll? We are voting on the amendment to replace in Section B, on the second page of the motion, Planning Board's public meeting to Planning Board's public hearing.

**Councilor Bitzas** – Madam President, before we...?

**Vice President Calabrese** – Yes, Councilor Bitzas?

**Councilor Bitzas** – Yes, a question to Councilor Rheault, my understanding is that if you support the amendment, officially speaking, are you saying you support the whole?

**Councilor Rheault** – I said I would support the amendment.

**Councilor Bitzas** – Oh, the amendment.

**Councilor Rheault** – That's what we're discussing. And that's all.

**Vice President Calabrese** – Will the Clerk please call the roll on the amendment?

**ROLL CALL** – 3 Yes (Councilors Messick, Perry and Rheault), 7 No and 1 Absent (President Letellier)

**Vice President Calabrese** – With three yes, seven no and one absent, you have defeated the amendment. We will now move on to the second reading of the ordinance. Do I have any discussion before I call the roll for the second item? Councilor Rheault?

**Councilor Rheault** – Is this the final reading?

**Vice President Calabrese** – It is the second of three readings as set forth. I know we've talked about changing it to two, we have not done that officially to change in our Rules, it is on for three readings, we are going to be doing the second reading tonight. Councilor Rossi?

**Councilor Rossi** – I was under the impression there's only two readings on these. There's only two readings.

I think we've been doing two right along.

Yea. We can do two.

**Vice President Calabrese** – We can do two readings...on the agenda. So two readings it shall be. Clerk, please call the roll? Oh, just a second, Councilor Rheault?

**Councilor Rheault** – I still have a problem supporting this because we, just two minutes ago just adopted something because two boards recommended it. Planning Board and sub-committee now we're contracting ourselves and going against our board that wants this which is the Board of Appeals. I strongly believe it's still a check and balance and we appoint these people to the Board of Appeals and I think that we should support them. The last time this was tabled I believe it was a political move because we didn't have, the votes weren't there so in fact if I can recall the article that Mr. Litton was quoted saying "I wasn't surprised it was tabled but I'm completely confident it will pass on November 5<sup>th</sup>". That's a bold statement. I don't know what connection he may have up here to pre-read the council's minds but that kind of a remark offended me. And I, well my gut reaction is that it's not good for the town to take one business and make an exception and all the rest of them have to comply with all of the boards and rules and regs so I will not be supporting it and that's some of my reasons.

**Vice President Calabrese** – Councilor Simpson?

**Councilor Simpson** – Thank you. I'm not gonna belabor this. I think a lot of us have spoken already when this first came on our agenda, but because of the nature of this business, it's very different than anything else we have with the height, nothing else in town would even come into this factor but and I have stated at some point because it took so long to get through the Board of Appeals and for example, we have, we've had some emails and letters about how long things have taken, something has been held up for three weeks because paper work isn't signed, so I think the Board of Appeals really needs to look at time factors to make sure that these businesses once they have things all taken care, that they need to get things signed and not hold people up. So this is a fact that the Board of Appeals really needs to start doing their job with the time constraints and this was a perfect example of how many days I believe Councilor Messick had done some information on how long it took for certain things to get through so and also I believe that

the state and our Building Inspector will keep a firm hand on what goes on there for any type of building. And I don't think we'll be adversely affected by it. Thank you.

**Vice President Calabrese** – Thank you. Councilor Rossi?

**Councilor Rossi** – Yes. I think there's a lot of talk going back and forth about this issue for a very long time but I think the thing is very clear at least for me as I stand back and look through the window at this whole thing. From the people that I've spoken to about it, the Board of Appeals themselves every single member I have called individually and collectively who have said that had never ever denied a height variance for Six Flags nor would they ever have any reason for denying one in the future. They didn't believe that they would ever have cause to deny one in the future – for height alone. That's not taking away any of the rights or responsibilities of our Board of Appeals or any one else. We still have the site plan reviews. We still have all the safety checks in place and all of the other provisions are still in place. All we're simply doing here is we're taking away a time line that in my view seems to be very needless. If everyone is in agreement that height in and of itself is not an issue there, then why do we want to impose and unnecessarily impose this time line, this derailing in the process? I just can't get that. Now, I heard all the remarks and innuendos about what may be going on behind the scenes. I don't know anything about that. You talk about political maneuvering and everything else. Well, I guess it could be argued on both sides. If we took the vote last night, the last time, and didn't have enough of votes, I guess it could be argued that that would be political so I try not to get involved in those kinds of things and I try to keep my remarks and my personal feelings out of this thing. In my view, simply I just want what's would be in the best interest of the Town of Agawam and a working relationship with Six Flags. Now I think that it would be in the best interest of our community to work with Six Flags who really has an overall, I think has been a pretty good neighbor and I guess if I have to venture a wager, I would think that the Town of Agawam has certainly laughed more than its cried by having an amusement park in this community. And I don't see any reason why we should unnecessarily ... those people in their rebuilding in trying to maintain or operating, they maybe they have to continually try to find their way in the mousetrap, and we have to understand and believe that without that, they not only draw the paperwork... And if their business is gonna survive, then I think ...because with all the people who come to Six Flags... and reduce... I think it's in in the best interest to do that. And I think that this council should very seriously consider if you just stand off and look through the window at this thing and try to put your personal views out, then I think you'll find that there isn't anyone who's losing any rights and there's no responsibilities taken away from any member of the Board and Six Flags has certainly going to be held accountable to anything that they build because they know... to have those rides operate.

**Vice President Calabrese** – Thank you. Councilor Mineo?

**Councilor Mineo** – I'd just like to say that I agree with Councilor Rossi. I think what we need to take a look at especially what happened last year, and I certainly don't want to have a repeat with what happened last year. I think if they're looking to build another

roller coaster, I certainly don't have any problem with this and I'll be supporting it tonight.

**Vice President Calabrese** – Councilor Cavallo?

**Councilor Cavallo** – I will be supporting this this evening as well and I've taken a hard look at it and I think again Six Flags is going to be here and we have to sit and work with them. And I think what Mr. Litton said tonight about the fact that he still has to go through all the Boards; he has to go through if Conservation's involved, he has to them. If it's Planning, whatever and the ...is still there, there's...they certainly can become involved in some way, if something is going astray here. I don't look upon it as really being a big problem. I feel that you know it certainly is beneficial to the Town of Agawam. We do receive tax revenue, substantial tax revenue from Six Flags. They do employ some of our people that live in Agawam. I think I just have to go with it, and I have to vote in favor of it. Thank you.

**Councilor Simpson** – Move the question.

**Vice President Calabrese** – Question's been moved, seconded. Clerk, please call the roll? We need eight yes votes to pass this ordinance.

**ROLL CALL** – 8 Yes, 2 No (Councilors Perry and Rheault), 1 Absent (President Letellier)

**Vice President Calabrese** – With eight yes, two no, one absent, you've approved the ordinance.

**Councilor Bitzas** – Move the third reading.

**Vice President Calabrese** – Move the third reading? ...Seconded by Councilor Mineo.

**Councilor Rheault** – Didn't you just rule that there was only two readings?

**Vice President Calabrese** – We'll go ahead and have a third reading anyway. Move the question, Clerk, please call the roll?

**ROLL CALL** – 8 Yes, 2 No (Councilors Perry and Rheault), 1 Absent (President Letellier)

**Vice President Calabrese** – With eight yes, two no, one absent, you've actually approved a third reading as well.

2. **TOR-2008-4** - An Ordinance Amending Article XIII of the Code of the Town of Agawam Governing Signs (Mayor) (2/3) (Referred jointly to the Zoning & Ordinance Committees) (2/3 Majority of the Full Council or 8 votes)

**Vice President Calabrese** – What is the Council’s pleasure? Councilor Rheault?

**Councilor Rheault** – Yes, in light of some more information that came in this evening plus the fact that as Ordinance Chairman I do not have the current language from the Attorney and I would welcome also Mr. Cameron’s input on this at our next meeting previous to next Council meeting, I would move that put this item on the table.

**Vice President Calabrese** – I have a motion to table til the next meeting, do I have a second on that motion? Seconded by Councilor Messick. Will the Clerk please call the roll on the motion to table? I’m sorry?

**Councilor Cavallo** – So on the next agenda it will be New Business?

**Vice President Calabrese** – No, it will still be Old Business.

**Councilor Cavallo** – Okay.

**Vice President Calabrese** – Thank you. Clerk, please call the roll.

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

**Vice President Calabrese** – Ten yes, one absent, you’ve tabled the item.

**Councilor Rheault** – Point of information?

**Vice President Calabrese** – Yes, Councilor Rheault?

**Councilor Rheault** – Could I ask the Administrative Assistant to call a meeting for probably next Monday evening? And the Ordinance Committee and probably Zoning as well and invite also Mr. Cameron to, no? You can’t make it? Well, we’ve got your input anyways.

**Vice President Calabrese** – Councilor Bitzas?

**Councilor Bitzas** – Point of information, Madam President, through the Chair to Councilor Rheault, can you call also the Beautification Committee? We have a committee and we’ve tried to coordinate the signs, cc us so we can be there too. I’ll be there as a Councilor but also as a member of the Beautification Committee. Can we have a copy to all the members, so can you send a letter to invite them? Thank you.

**Councilor Rheault** – 7:00 Barbara would be good.

**Vice President Calabrese** – Thank you.

**Item 11. New Business**

1. **TO-2008-51** - CLASS II LICENSE for renewal – **Balfour Motors**, 825 Springfield Street, Feeding Hills, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

2. **TO-2008-52** - CLASS II LICENSE for renewal – **Elmwood – D & J Auto Sales & Service**, 521 River Road, Agawam, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

3. **TO-2008-53** - CLASS II LICENSE for renewal – **Dina Carando d/b/a Euro Imports**, 175 Main Street, Agawam, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

4. **TO-2008-54** - CLASS II LICENSE for renewal – **Garden Auto Sales**, 204 Garden Street, Feeding Hills, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

5. **TO-2008-55** - CLASS II LICENSE for renewal – **Luigi's Auto Body and Sales, Inc.**, 371 South Westfield Street, Feeding Hills, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

6. **TO-2008-56** - CLASS II LICENSE for renewal – **Town Motors II**, 393 Main Street, Agawam, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

7. **TO-2008-57** - CLASS II LICENSE for renewal – **G & T Beaver, Inc. d/b/a Beaver Camper Services**, 721 Springfield Street, Feeding Hills, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda and I'd like to refer all those to the License Committee.

8. **TO-2008-58** - Voucher List (\$110.98) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

9. **TO-2008-59** - Order Granting or Renewing a LICENSE for Amusement Device(s) – **Buc, Inc.**, 84-86 Maple Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda. Again I'll refer that to the License Committee.

10. **TO-2008-60** - Order Granting or Renewing a LICENSE for Amusement Device(s) – **Tom-Weil Enterprises, LLC d/b/a Coach T's**, 360 North Westfield Street, Feeding Hills, MA. (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

11. **TO-2008-61** - Order Granting or Renewing a LICENSE for Amusement Device(s) – **T. J. Sport House**, 1664 Main Street, Agawam, MA. (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda.

12. **TO-2008-62** - CLASS II LICENSE for renewal – **LaFleur Auto Exchange**, 374 Main Street, Agawam, MA (Clerk) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda. Again, for the License Committee to review.

13. **TR-2008-52** - A Resolution Adopting a Residential Factor of .000000 Pursuant to Massachusetts General Laws, Chapter 40, Section 56. (Set Public Hearing Date – Suggest December 1, 2008) (Mayor) *(Majority of those present and voting)*

**Vice President Calabrese** – Next agenda. There's a request to set a public hearing of December 1, 2008. Is that okay with everyone? I'll also refer this to the Finance Committee; I would also invite our Auditor to be present. And also, Barbara, could you just a letter from me to the Mayor asking that she give us significant time in advance of submitting the tax factor that she's gonna be requesting so that we don't get cut short on time in reviewing that item?

14. **TOR-2008-5** - An Ordinance Creating Article IV of Chapter 155 of the Code of the Town of Agawam Establishing a Permitting Authority and a Permit Fee for Trench Permits in the Town of Agawam Pursuant to M.G.L. Chapter 82A. (Mayor) *(2/3 Majority of the Full Council or 8 votes)*

**Vice President Calabrese** – Next agenda. Councilor Rheault could you possibly address this item as well at the next Ordinance Committee meeting or would you rather meet with them separately? Okay, so we can add that to the next Ordinance Committee meeting.

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

**Vice President Calabrese** – So, I'll start with Councilor Perry.

**Councilor Perry** – Nothing this evening.

**Vice President Calabrese** – Thank you. Councilor Messick?

**Councilor Messick** – Hi. I have something. Western Mass Electric Company is beginning to undertake a very large project. They're gonna be replacing lines and updating and upgrading their equipment going right through Agawam so every one of the

high power lines that goes through Agawam, if you see people in the back, don't worry, they generally have a hard hat and safety vests on. They're either doing surveying, they're doing some soil testing, they might be looking at wet lands and that type of thing. So any unusual activity it's gonna continue to occur and I just wanted to let people know about that. Thanks.

**Vice President Calabrese** – Thank you. Councilor Bitzas?

**Councilor Bitzas** – Yes, just an observation and it was great seeing so many to go out and vote here today. All the towns people went out in numbers 71%, they broke records. So it was a great, great feeling to see so many people and I hope they continue to do so in the future elections. That's democracy at work and congratulations to all good workers, the poll workers, they did a good job, no problems at all, maybe one minor here and there but I think our town should be proud and congratulations to the people who went out to vote. Thank you.

**Vice President Calabrese** – Thank you. Councilor Young?

**Councilor Young** – I have nothing this evening. Thank you.

**Vice President Calabrese** – Thank you. Councilor Simpson?

**Councilor Simpson** – Thank you. Just a question. Have you heard anything back from your Memo to the ZBA about the time constraints and trying to get some new procedures established?

**Vice President Calabrese** – I haven't heard back about that but I understand that the issue that's noted in that memo has, was resolved this morning.

**Councilor Simpson** – Can you just make sure that we hear back?

**Vice President Calabrese** – Councilor Mineo?

**Councilor Mineo** – Just what Jill had said, I've been meeting with Edgar Allejandro and Liz Albano for probably the last year and a half regarding this restructure project. I believe we are going to be meeting with, Barbara, is it the first meeting in December?

**Clerk** – December 1<sup>st</sup> yes.

**Councilor Mineo** – December 1<sup>st</sup> I will be holding a sub-committee meeting where Edgar and Liz will be coming and we will be holding a sub-committee meeting and I would suggest that every councilor that's interested in the infra-structure project that WMECO is doing, please attend. Thanks.

**Vice President Calabrese** – Thank you. Councilor Cavallo?

**Councilor Cavallo** – Yea, I have two issues. The first, Joe, I noticed as I was going through the meetings coming up, I believe there's some confusion here cuz you were at the Personnel Sub-committee meeting and I thought that Gina our President was going to schedule an Executive Session at the next meeting. Am I correct in assuming that?

**Councilor Mineo** – I believe my meeting was set up first.

**Councilor Cavallo** – Wasn't that the intent after we left that meeting? I'm not criticizing her. So in other words, that's an issue that we don't want to leave to long in addressing, okay?

**Vice President Calabrese** – We have one set up before the next City Council meeting.

**Councilor Cavallo** – Well, I'm not privy to what you may know but I think it's something that we should address soon and before you know it's Christmas and we never get around to it. That was my first question, okay. And Joe, I'm not trying...

**Councilor Mineo** – I will be attending the Executive Session and I will excuse myself...

**Councilor Cavallo** – From what you said and how it's gonna happen. The second thing I wanted to bring up, you know we're not being televised okay? It's gonna be taped and -

**Ray** - It's actually on now.

**Councilor Cavallo** – Well, we've been talking about this for three months now, two months and I mentioned to some of the councilors, you know we really have to do something with this antiquated system that we have. I mean we're here to get a message out to the public okay? And I just learned this evening I didn't know after we pay the cable bill, annually some of that money goes back to the town. I understand at least \$10,000.00 a year has been going back to the town for the past eight years of course it has to do with the contract we have with Comcast. I don't know the details but it seems to me it would behoove us to somehow either establish an Enterprise Fund for cable so that we can take some of that money and I don't know but these poor people who are out there donating their time and they have equipment out there that isn't really that effective, okay? My wife watches at home and she tells me I can't hear you sometimes, sometimes the sound just goes blank,...it doesn't have to be high definition but give them something...where we're not, so we look good okay? Cuz if you look at us, we all look like we're pale...I think we should address this. As a Councilor I think we all should be able to concur that we establish this fund so maybe we could bring this up as an agenda item possibly Madam President or for discussion somehow so this goes to a sub-committee,...and I'd like you know Marge and Ray and the people out there who are volunteering their time, Ray told me that he went to Longmeadow a couple weeks ago I believe, he and Marge and they looked at the equipment and the whole studio, I mean...we're talking about being technologically advanced, computers everything...so I really hope that we can get together and somehow see if we can do something. I mean

the money is there okay and...see what their needs are, let's finance it and support them. Thank you for your time.

**Vice President Calabrese** – Councilor Rossi?

**Councilor Rossi** – Yes, thank you. I think that the Council can, just touching briefly on this, I think we can if we wanted to put together some sort of a Resolution to appropriate the money to the City Council. I mean it is our...but I think it's probably establish an Enterprise Fund because we can use that money to help the schools for example if they wanted to put on plays and stuff...and those kinds of things, probably an Enterprise Fund would be more beneficial for the entire town. But anyways, that aside, my problem here is much deeper. I have heard many times and I've had a conversation with the Mayor over this and I've even seen some communiqué that she is intending to move our City Auditor into the basement of the Town Hall. I find that to be totally objectionable. I think that that is crazy to take probably the most important position in this town and put it into the basement where there has been flooding in the past. I have witnessed wet insulation, mold, the air quality is poor down there, the...is next to deafness. I think this is crazy to take an important department like the Auditing, the Accounting Department, and put it in the basement of the City Hall under the guise of being ADA compliant because they need to find a conference room that's accessible for wheel chairs in case someone wants to come to the Town Hall and ask a question of anyone of our department heads or departments. This is absolutely insane. Now I think that this Council, we need to call the Mayor together, we need to have a meeting, take some kind of action, all I'm asking...at the very least to send her a letter letting her know the disapproval of this Council in making them move, that considerations could be made where she does not have to be moved into the basement. I know there are other options available and I think if we talked about those things I think everybody would be in agreement that there are other options available and it's not necessary to put such an important department down there and subject those people, which I might add, one of the workers is a handicapped person herself making them go up and down those cement stairs, to put those people down there and subject our records to a place that has been known to flood in the past and I don't know what's gonna prevent it from flooding in the future at least from what I went down there and witnessed. ...It just makes nonsense to me but I am asking for this Council...we would send a letter to ask her to cease and desist on the building. Stop the process of moving this person down there. If she's going to do that immediately or call some kind of a special meeting and have this meeting, go down there and meet with the City Council and I think that the City Council should invoke all of its powers under the Charter to stop this move and I'll be willing to talk to anybody about this and if anybody's got anything to say, I'll be more than happy to listen to what they have to say.

**Vice President Calabrese** – Thank you Councilor Rossi. Councilor Rheault?

**Councilor Rheault** – Yes, first thing, Barb, on that last item, I think the DPW Director should be involved, Mr. Stone, on the ditch permit and if he can't make that meeting, at least give us some supportive data as to why we should implement that ordinance. The second thing is I echo the sentiments of Councilor Rossi. We've had discussions on this.

I think it's deplorable. I would suggest the first step we could take is for our Council President or Acting President to immediately send a letter to the Mayor and state the opposition of the Council to remove the Auditor down there. I know when the previous mayor was, and I was Council President, the former mayor tried to move her into smaller quarters into Planning and at that time I told him that I didn't think the Council would support it and I would certainly lead the fight against it and in good judgment he chose not to move her. So I don't know if there's a problem why they want to always pick on our Auditor, it seems like it's a personal thing and she works for us and the powers of the Town are in the hands of this Council so I think the Mayor would gladly listen to us and meet and work out a compromise but she should not, absolutely not, be down stairs. There are definitely alternatives which we could suggest and would be more than happy to share those.

**Councilor Mineo** – CeCe could I just make one comment? Just a question, what I'd like to know, is why is Planning still in Town Hall and not at the DPW?

**Councilor Rheault** – I brought that subject up to her and told her that Planning should have been at DPW to start with but she did not want to go from my conversation with the mayor at that time because there wasn't a window in an office up there and I told cut a whole in the wall if you have to...And also Conservation should probably be up there.

**Vice President Calabrese** – Thank you Councilor Mineo. I too echo those sentiments and Barbara will be drafting a letter and we'll have that ready for you tomorrow to go out on behalf of all of the city council members. Also, I just wanted to let you all know we got some upcoming discussions about these tables and Shelley Reed from the School Committee has let me know there is a different type of a table that they're gonna be looking at putting in here. We're still gonna have a little privacy shield, it's gonna be draped in the front, it's gonna have the ability to be moved a lot more easily than these heavy ones, and they'll look nicer too, they won't be all chipped so I just wanted to let you know that that was a change in furniture here and we may need an item on our agenda...I didn't think we needed to. If anyone has any strong feelings about that, please feel free to call me tomorrow. Yes, Councilor Rheault?

**Councilor Rheault** – Yes, if we're gonna decorate new tables I think we ought to correct the amplification and the video taping of the meetings first.

**Vice President Calabrese** – ...We have nothing else, I'll entertain a motion to adjourn. So moved and seconded by Councilor Rossi, all those in favor please signify by saying Ay? Very good. We are in adjournment.

**Adjournment.**