

SPECIAL COUNCIL MEETING OF THE AGAWAM CITY COUNCIL

JANUARY 5, 2009

President Letellier – Good evening and welcome to the Special Meeting of the Agawam City Council for Monday, January 5, 2009. Barbara, could you please call the roll?

Item 1. Roll Call

ROLL CALL – 11 Present, 0 Absent

President Letellier – With eleven present, we have a full quorum.

Item 2. Moment of Silence and the Pledge of Allegiance

President Letellier – Please rise for a Moment of Silence and the Pledge of Allegiance?

Item 3. TR-2008-54 - A Resolution Authorizing an Appropriation and Loan Order in the Amount of \$400,000.00 for the Repair, Reconstruction or Replacement of the Sanitary Sewer Force Main Crossing of the Westfield River in the Town of Agawam (Mayor)

President Letellier – Good evening. We have one item on our Special Meeting agenda. This was tabled on December 15, 2008. It requires eight votes. Do we have a motion to remove from the table? Moved by Councilor Simpson, seconded by Councilor Cavallo. Do we have any further information from the Finance Committee, Councilor Young?

Councilor Young – No, but I would recommend, I asked Solicitor Johnson to join us as well as Jack Stone, Laurel Placzek and our Auditor and maybe some others to join us. I would recommend that we go into Committee as a Whole so that if the Council has detailed questions about the bid and the contract in question and any details surrounding this item so that we again can come to a decision this evening. I think after discussing the matter with Solicitor Johnson either last week or the week before, one of the holiday weeks recently, we suggested that we have this Special Meeting and try to make a decision on this tonight and I think, speaking for myself, I find the matter fairly cut and dry unfortunately at this point. So again my only recommendation is that we go into Committee as a Whole.

Councilor Bitzas – I make a motion to go into Committee as a Whole.

President Letellier – Moved to go into Committee as a Whole by Councilor Bitzas, seconded by Councilor Calabrese. Barbara, could you call the roll?

ROLL CALL – 11 Yes, 0 No.

President Letellier – With eleven yes, we've moved to go into Committee as a Whole. Councilor Young, did you want to ask the questions or did you want to open it to the floor?

Councilor Young – I would unless Attorney Johnson wanted to do any more discussion on it, I would open it up to the floor.

President Letellier – Thank you. Anyone with any questions? Councilor Bitzas?

Councilor Bitzas – Yea. I would agree with that. I have a couple questions for the Solicitor after he makes his presentation.

President Letellier – Do you have a presentation that you wish to make, Mr. Johnson?

Attorney Johnson – I do have that but I think it might be more fruitful if you had questions to just offer the questions and Jack and Laurel are both here and between the three of us hopefully we can answer your questions.

President Letellier – Okay, thank you. George?

Councilor Bitzas – Yes, Chris, as you know it's very hard for us to sit down here and ask the tax payers in these times, the tax bills go up and the economy is so bad, to ask for \$400,000.00 more and I know that we are in a very difficult position. If we say no to the vote, just to protest, of course we may go to court and we may lose that and we probably would cost more money. We are in very, very difficult position. Can you explain to us, to explain to the people that are watching us, to clarify for them better why we have to have the vote tonight, otherwise we cost the taxpayers more money. We don't like to vote for it, I was the one the last time who said I was coming to vote against it to protest it because it's lots of money to go over and can you explain a little more the legal procedures if we vote no, what would happen? Thank you.

Attorney Johnson – Certainly. Just in a nut shell as you know, or most of you already know, this was a time and material contract based on the fact that we had a sewer main that crossed under the Westfield River that sprung a leak based upon the fact that the river had diverted itself over the course of the past thirty or forty years and so we had an emergency situation that the town faced relative to sewage leaking into the Westfield River. Fortunately for the town, the old pipe which is about seventy years old was still there so we were able to divert the flow into that ten inch pipe but we faced a situation where if we didn't make an emergency repair to the 20-inch sewer main that crossed the end of the river, we would be in a situation where we could potentially face \$10,000.00 per day fines from EPA for discharging sewage into the river. Alternatively, we were going from a 20-inch force main to a 10-inch and while lay people think that that's a reduction of half it's actually a reduction to a quarter of the capacity. In other words a 10-inch pipe only has a quarter of the capacity of a 20-inch pipe. So frankly we didn't know whether or not that pipe would (1) hold or (2) be able to deal with the capacity from that pump station which is the pump station behind Hood's. So, what made the

most sense after consultation with the State, Army Corp of Engineers was to move forward on an emergency basis. So to do that we did a time and material contract, hired Brushi Brothers to do the work. It's a real simple concept. It's like hiring a contractor to build a house and instead of getting a detailed set of plans up front and having the contractor give you a price, it's based upon how much time and materials that contractor utilizes. Unfortunately, this summer we had probably not probably, the wettest summer on record, the wettest year on record since they've been keeping records. This project involved construction of a coffer dam so that we could de-water the area around where the construction had to take place. That coffer dam was overrun twice based upon record rain falls. In addition to that, the original estimate was that they would have to use sixty feet of steel sheeting in order to shore up the area, turned out it required almost double that, up to a hundred feet of sheeting. But the bottom line is this was a time and materials contract. Every minute that Brushi Brothers was out there, the town through its representative, Tighe & Bond Consulting Engineers, had someone on site saying okay they worked from this time to this time, these are the materials they utilized, everything was certified. So, the reality is the Town owes the money to Brushi Brothers. They completed the contract. The contract has been completed since mid to late November. Unfortunately, it's gone well in excess of the original estimate. Why? Part of it was the fact that the river waters were higher than anticipated. Part of it was the fact that the coffer dam was overrun three times during the course of the construction. The original time frame that Tighe & Bond estimated was two months to get the job done, it took four because of the problems. In addition, as I said, the amount of steel sheeting that was driven in is almost double what was originally anticipated. The reality is the Town wasn't in a position where it could do a traditional contract. It would have required months and months and months to put together specifications, to do on the ground analysis so that you could give contractors detailed information regarding what they would be facing and in the meantime the Town was and the photos you saw in the presentation at the Finance Committee, the 10-inch pipe is an old pipe that ran right next to this 20-inch sewer main. At any time that pipe could have given way or at any time it could have been determined that it couldn't handle the capacity coming from that sewer pump station. And in that reality and Jack's here and he can give you more detail, if that would have happened, fortunately for the Town it didn't, we would have been looking at multi-million dollar solutions to try to either shut down sewage to this station. This station handles about a third of the Town. So we would have had to curtail sewage service for a third of the Town. We would have had to try to come up with another way to bring the sewage from this pipe to one of the other pipes that cross the Westfield River which would have been an overland pipe situation dealing with innumerable environmental laws. So the reality is this was the best solution available in order to get that 20-inch main pumping again so that we wouldn't run into the difficulty. To get to the heart of Councilor Bitzas' question, at this point the Council's choice is simple. What's before you is a loan order. This project has qualified for low income financing through the Commonwealth of Massachusetts. The Mayor, Jack, Laurel and I are asking you to approve that borrowing authorization so that we qualify to get the low income loan from the State so we can pay Brushi Brothers. The president of the company is here tonight and I'm sure he'd be happy to come up and answer any questions for you. They've been waiting very patiently to get paid by the Town on this project. But the

alternative is if you choose not to approve the loan appropriation, they're gonna pursue a breach of contract option against the Town and frankly, you know, I'm sitting at a public meeting telling you as the Town's attorney, I don't know that we have any defense. They did exactly what the contract required them to do. Every bit of time and materials was certified by our consulting engineers, Tighe & Bond, they are due the money. So the reality is if you say no, they'll be forced to pursue and get a judgment and Laurel can give you more details but when a judgment's rendered against a municipality, then the Treasurer is left with the duty of having to raise outside the levy the money to pay that judgment. So in other words no Council authorization or appropriation is necessary to pay a judgment and unfortunately it falls directly on the backs of the tax payers all at once. What's before you is a bonding authorization seeking to bond this additional \$400,000.00 of cost on this project pursuant to a low income loan from the State. So from a money perspective, yea, the project went substantially over budget. If you want to blame somebody, blame the weather, blame Tighe & Bond for being a little too, a little less conservative perhaps than they should have been on the original estimate but there's no way they could have ever known what kind of weather we were gonna have. I know at the sub-committee meeting there was questions regarding did they look further back to like the hundred year high for the river? Well, they looked at five years worth of data and came up with the notion that this year that we had is better than double those five years of data that were available. They have since gone back and looked from the period of 1929 to 2007 and if they were to use that data rather than the last five, their estimates for river, for the height of the river would have been 18% less than what they used in the contract. In other words, the last five years were wetter than the previous what it is? Seventy-nine years? So the reality no one could have anticipated when this contract was done in July that we would have had the record rainfall that we've had. I mean go down and look at the river today, I mean, I can't remember in my lifetime seeing the river, the Connecticut River, the Westfield River as high as it is right now. I don't know where we're gonna be come springtime if we get a wet winter because we're already right now close to flood stage at the river. And that's fundamentally the problem that happened with this contract. The contract was finished in mid-November, mid to end November. This item was placed on the Council's agenda late November, your first December meeting. So as soon as the contract was finished and I have a timeline regarding the contract, basically the contract was finished on or about November 19th of 2008 and that's when you know the Town became acutely aware that it was significantly over budget. Up until that point Jack was holding \$180,000.00 account that he had done an internal transfer in relative to what we thought, what the Town thought was a surplus relative to our costs at Bondi's Island. In late November just about the first of December we were notified by the treatment plant that we owed an additional \$152,000.00 from last year. In other words we had \$180,000.00 that we were holding over waiting for our final year end from the sewage treatment plant. We, Jack, had done an internal transfer to hold that money as an overage if you will against this particular contract. So up until November we thought we were in good shape monetarily because we had that \$180,000.00 that we were hanging on to. You had appropriated \$300,000.00 to begin and up until that point, the numbers were well within that range. Unfortunately two things happened. Number one, the contract came in even higher based again if you look at the rainfall that happened in late October, you know that caused the coffer dam to

again get overrun and the fact that Bondi's Island sent us the year end so of that \$180,000.00, \$152,000.00 ended up going to Bondi's Island. So, we were in that double whammy situation where the question if you will that the Town had put aside to try to handle any overage on this time and material contract disappeared to pay the year end at Bondi's Island and as I said if you were there for the presentation at the sub-committee and I have a copy of the book if anybody wants to see it, you can see that the coffer dam gets set up, you can see they have photos of when it gets overrun and you know what happened you know as a result. And at this point, I'm asking on behalf of the Town that you approve what's before you. Financially, yea, it's tough, I agree, it's tough to vote for something that's more than 100% more than the original estimate but again, this was a time and materials contract. And frankly had it been, had the Town taken the year that it probably would have taken to do detailed specifications to get on the ground data, to go through the formal bidding processes that you have to go through to do your advertising in the central register and all that stuff, we would have clearly missed the construction season but had that happened in the same set of circumstances occurred, we'd still be in a situation where we'd be facing overages because weather would have amounted to a change on the contract. So the contractor would have said I'm gonna bill based upon the river data you're providing and if the river is higher than what you're saying that it has been over the last five years, then I'm gonna submit a change order seeking additional funds and had the same set of facts occurred where the coffer dam got overrun twice and so forth and so on, the cost would have been the same. And I don't want to speak for Brushi but there was conversation early on with Tighe & Bond that this was such a difficult and unique project that I don't know if a full set of specification had been done whether many contractors would have bid on it because it's not like reconstructing an intersection which to an outfit like Brushi Brothers, they do that rather often. This is something much more unique so it would have been much more difficult to get anyone to bid on a full blown project like this because it's not something that happens everyday.

President Letellier – Thank you. Councilor Bitzas any other questions?

Councilor Bitzas – No I'm all set. Thank you, Chris.

President Letellier – Thank you. The next light I see is Jill Simpson. Did you have a question?

Councilor Simpson – Thank you. Just really quickly. Time and Materials – so if we ever have another type of emergency type issue, something similar to this or what ever, that means are we always tied into having to have this time and materials which then we can always pretty much say we're gonna run into problems because as we all know no matter what you do it always seems even when you do small home improvement project you end up spending a couple hundred more than you thought of 'cuz this happens or that happens, so does this always tie us into these time and materials type contracts?

Attorney Johnson - I know in the eleven years that, almost eleven years that I was Mayor, that we never did a time and materials contract and I don't know in the eight years that I was gone that they did a time and materials contract because this was such a

unique situation because of the emergency nature of the repair and the potential for EPA coming in to fine the Town, we had to demonstrate to the environmental agencies that we were moving as quickly as we could to fix the problem. So given the nature of the emergency here and the fact that this kind of work is just not you know in what seven years, Jack, there's been three pipes, three or four pipes that have been put under the Westfield River going over. This wasn't even that, you know a spec job, this was an emergency repair on a river bank that had eroded away with a pipe exposed you know and leaking into the river. The short answer to the question is I don't know when if ever the town's ever gonna be in that situation where it would have to go time and material but given the time constraint that the Town was under relative to keeping the environmental agencies happy and all you have to do is look at the picture of the 10-inch pipe that runs right next to this pipe, that's where all the sewage was going and I remember talking with Jack at that time, and Jack saying I hope it's big enough to do it and I hope that as soon as we cut it over, it doesn't let go and thankfully it didn't. There was, we had some capacity as Jack will tell you if you want more detail, there was some capacity problems but managed to deal with those over the course of the summer and luckily we weren't in a situation where we'd have to potentially shut down businesses or whatever in that area to get sewage flows down or you know, like Jack and I have had the discussion, we don't know really other than running a floating pipe across the river what would have been done had that 10-inch line given way.

Councilor Simpson – Okay and just one other really quick we're running out of time I know and other people might and we have to vote but when this contract was done and I don't know if this is something that legally could be done so you'd be the person to answer this, was there ever a mention that because like you're saying the uniqueness of this you know dealing with weather conditions, dealing with the river water, whatever, that there was any thing put out there saying this could be difficult, we could be looking at more money, was that ever mentioned? Cuz I'm thinking should we at the time when we did the contract and I don't know if this is legal, had, put in some more money if they thought this was such a difficult task. When you're dealing with weather no one can, and water, that's what I don't understand, were we led to believe that this was just gonna be fine and dandy and they maybe knew that it wasn't, that's my only problem was that something so unique that chances are that a bell would go off saying something could happen and if we had known at the time of the initial, that we could be looking I think that would have been, I mean we still have to pay it, but it would have been a little bit easier. Was there any type of discussion that something could happen and cost us another x amount of dollars?

Attorney Johnson – Tighe & Bond used the best data that was available in the contract, they put in the river flows from the closest station for the average of the prior five years and as I pointed out earlier that's higher than if you look over the last seventy-nine year period so they used the best weather data and river level data that was available in putting together not only the contract, which was time and materials, but also that estimate. But frankly that estimate was based on a sixty day construction period and it turned out to be a hundred and twenty and their estimate was based upon constructing the coffer dam once and not as in this particular case, they constructed it twice –

Councilor Simpson – So they didn't anticipate problems, even thinking about that? That's what I'm getting at, I understood cuz you explained all that before but I'm saying did they ever at any point say you know dealing with a river, dealing with this type, we could have overages, issues, failures, what not, to anticipate problems, that's what I'm getting at. Was there any discussion?

Attorney Johnson – I don't think they anticipated the coffer dams being overrun, the coffer dam being overrun, I think that's the one thing they didn't anticipate because they, you know the coffer dam was constructed in accordance with average river levels and so when the river levels exceeded and we're not talking about the fact that they slightly exceeded average levels, they were more than twice average levels and they had two particular events – one in October and one in it was in August 5th through the 10th we had almost seven inches of rain fell in Agawam. That caused it to over go. Then in September 6th, on that one day alone we had five inches of rain. So within that one month period we had almost twelve inches or rain that fell and caused the river levels to go up and overflow over the top of the coffer dam. Had the company that, and Brushi subbed out the construction of the coffer dam, had the coffer dam held, they would have been in and out of there twice as fast as they ended up being and we didn't pay Brushi for all the time that their equipment sat there and they couldn't do anything because the river level was too high and the coffer dam was overrun. We only paid Brushi Brothers, we only owe them, I don't want to say we paid them because we're here hopefully so we can pay them, they only charged us for the work that was actually done. And again we had an on site consulting engineer every minute of every day so that the Town wasn't billed for anything that wasn't done. It was just one of those you know, it was a unique type project that ran into a lot of difficulties.

President Letellier – Thank you. Councilor Cavallo?

Councilor Cavallo – Yea. I think and I believe you mentioned that Jack Stone kept \$180,000.00 in, on the side, knowing that he was gonna run into some problems, right Jack, that you could possibly use that right to offset any kind of increase in cost. Could you explain that again? In other words, that you had to pay Bondi's Island people, the sewage people, \$151,000.00 and that's why you weren't able to apply it. Am I interpreting that correctly?

Jack Stone – When the project first, when the main first broke, we had transferred \$180,000.00 we thought would be available for this project and then as time went on this, and as you recall the state DEP called us over and said you know you could use our low interest 2% loan to finance this. We would approve it, you have an emergency use for this type of project and being this is the first year on an enterprise basis on the Waste Water operation, this is not tax dollars, this is the enterprise fund from the waste water that's gonna be paying back this bond. First year we have no surplus at all, all the funds are closed out to the General Fund at the end of the year. We lost some money that we had in sewage treatment so, but that's where we had that money. When it first looked like, after the first coffer dam went out and we knew costs were going up, we still were within the \$300,000 plus the cushion that we had, so I advised the Mayor and I said but

we won't have to go back for more bonding, we can cover this and it wasn't until very late in game that we had the second failure and some other stuff that we knew we were over that level PLUS we got the ...from Springfield Sewer and Water on their actual costs for sewage treatment for 2008. They are on an estimated based on their budget and they take measurements throughout the year and at the end of the year there's an audit and all the communities share on whatever the costs ended up really being and this is the first time for a long time that it's ever gone up over what the estimates were. But again, it was a wet year and one of the conditions on which we're billed is the flow. The flow in the sewers go up when it's a very wet year because there are people with sump pumps in cellars and we have some old sewers that still might leak in water when the ground water's high so our flows and everybody else's flows go up which means more dollars in treatment costs at the plant. So we lost those funds when that came in. We had closed out; we didn't have sufficient funds in our surplus in the waste water to meet that bill from 2008. Our fiscal year had already been closed out and the books closed on that so we couldn't go back and say well, we had those set aside some other funds, they had already been closed out and weren't available so that's when we said we gotta go for more bonding and when the state approved a loan emergency funding for this project and they did and that's how this happened.

Councilor Cavallo – Yea, I think it's good that you explained this tonight because I think at the Finance Committee meeting if that had been mentioned at that time I don't think we would have been as apprehensive about the whole thing knowing full well that you had made some preparations but unfortunately it didn't work out for you. The big shock was I think for the Council, at least for me, and maybe other people as well, \$400,000.00 hitting you all at once, I think that was the big thing but I clearly understand now.

Jack Stone – At the committee, and this material and working out the amounts in the contract, there was input as to what the costs might be and another time they would ask us when we went back the first time what it was gonna cost to complete and we got that information and we were still okay but the problems kept coming and the time and materials to fix this just kept going up so it ended up very late in game as beyond our capabilities to handle because of those two things. We don't like coming here and I'm sure the next time anything like this ever happens, if we had gone to you and said this project is gonna cost \$800,000.00 when we started, you know, chances are we would have voted that and we would have looked really great but everybody was just conservative and said it was, you know, everybody thought it could be done for this amount. And then the weather came and it couldn't be done for that amount. We needed to come back. We don't enjoy having to do this and you know that. I try to make my sewer water rates last as long as possible. I don't like coming to you for increases when necessary but this is circumstances beyond anyone's control that caused this.

President Letellier – Thank you. Any other councilors with any questions? I'm sorry, Dennis, I didn't see your light.

Councilor Perry – Thank you, if I can to either Jack or Chris, of the original \$300,000.00 that was allocated for this project by the Council, has money, payments been made out to the engineering and Brushi Brothers?

Attorney Johnson – Yes, the entire \$300,000.00 has been paid.

Councilor Perry – It has been and to my knowledge, through communications with the Finance Committee chairman, the balance of that – there was a demand letter presented to the Town for the balance of the payment?

Attorney Johnson – Brushi Brothers sent a request seeking the balance of the monies that are due them.

Councilor Perry – And that was received when to the Town, do you know?

Attorney Johnson – Well, they submitted all of the formal requests in a timely manner but the President of the company wrote a letter in late December.

Councilor Perry – In late December. Okay. All right. I'm just looking at the time frame cuz I know we tabled this with the hopes of having a sub-committee meeting with Brushi Brothers and Tighe & Bond to discuss further in detail the whole project. I didn't expect to be here this evening in a Special Meeting discussing it with the time frame of our council meeting. I was just looking at why the Council elected to call a Special Meeting so that's why I was asking you those questions. Thank you.

President Letellier – Thank you. Any one else? I do have a quick question on that actual resolution Chris? The first paragraph? It refers to the 20-inch force main, it should be the 10-inch force main, correct? I think we just need to make that quick amendment.

Attorney Johnson – I'm looking on –

President Letellier – Where as the City has suffered a failure of its 20-inch force main –

Attorney Johnson – That was the 20-inch main that failed. The town cut back to the existing 10-inch.

President Letellier – Okay, then they fixed the 20, just wanted to make sure, sorry. All right do we have a motion to come out of Committee as a Whole? Moved by Councilor Bitzas, seconded by Councilor Simpson. All in favor of coming out of Committee as a Whole, please signify by saying Ay? Opposed? Thank you we are back in the Council. Any discussion from the Council? No? Seeing none, oh, I'm sorry, Councilor Perry, you're a little late with the light. That's all right.

Councilor Perry – Yea, I am. I'm a little slow this evening. I apologize.

President Letellier – That’s okay I can appreciate. Go ahead.

Councilor Perry – I was involved with the Finance Sub-Committee meeting when the presentation was made and I understand the emergency situation and the different difficulties that became present in the course of this whole project and the added cost to it. My main focus is the extent of the cost and why it was, the whole project itself, was anticipated at \$300,000.00 which was presented to us. Now we’re looking at another \$400,000.00 to pay this project off. I did in that sub-committee meeting and in our last Council meeting ask that we table it, which we did, to have another Finance Sub-Committee meeting so we could sit down with the engineers, with Jack, with Chris and Brushi Brothers to discuss the costs to try and get more information in regards to why these expenses incurred because we’re talking well over 100% increase in what was presented to us at the beginning of this project. And I’m just a little disappointed that we had to sit here this evening and have this meeting in public. I would have liked to been sitting down and getting into more specifics but with the time of our regular Council meeting already being past, you know I’m a little disappointed in regards to not being to have that opportunity to dig a little deeper and find out and see if some of these costs could have been shared with engineering, Tighe & Bond, or what not. Thank you.

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

Councilor Bitzas – Yes, I can agree with that and everybody agrees that it is very hard to swallow – the \$400,000.00 – but do we have any other choice? Even if we delayed or even if we tabled and I don’t support that and I hope the Council votes, if we delayed, if we vote no just to make us feel good about it, actually we don’t do any good to our town, actually going to harm the town as the questions came to Solicitor Johnson, so makes no difference. We have no choice than to pay the bill. We can point the fingers at one or the other but if we point more fingers and more meetings and something becomes good with it, I will do it. I will wait. But we got the facts tonight. Mr. Johnson presented very, very well. Jack, Mr. Stone, presented. We had the meeting with the sub-committee. I was there. We asked questions. What else can we ask? I think we should try or leap and just end it and solve the bill. I mean it’s not good, I don’t feel good about it but I have no choice at all and nobody has a choice. If we don’t pass it, we cause the tax payers more money. Remember that. Thank you.

President Letellier – Thank you, Councilor Bitzas. Councilor Rossi?

Councilor Rossi – Thank you. I don’t think that the question here is whether or not we have a choice in paying what we owe here and I don’t think that’s what Councilor Perry was alluding to. I didn’t have the opportunity, I wasn’t in the area, and I was away at the time of the sub-committee meeting and there was a lot of questions that I wanted to have answered. I don’t think it was ever a question at least in my mind that we didn’t owe this money to this company out here. I think that we contracted their services, they performed those services and I think they should get paid for them. But I do have some serious questions concerning the contract. You know I look at some of the things that I read here in this packet and I listened to what some people have told me and some of the

stuff doesn't make sense at least not to my logic it doesn't. And I would like to have had an opportunity to at least sit down with these people on an informal basis and discuss this to find out just what did happen and how we could prevent this from happening in the future should it happen to arise again. And all I keep hearing over and over again is emergency, emergency, emergency. But since I've been on this council, that's all I've heard is emergency, emergency. We've been carrying water buckets on this Council for a long time and I think it's about time we stop putting out some of these fires. And if we can head off some of these problems in the future I think that's the avenue we should be taking. So, question on whether we should pay them? I don't think there's a question at all. I think that there's serious questions we should be asking to prevent to these from happening in the future and to get at least get some idea in our own mind to satisfy our own minds as to when we vote for this thing so we can vote for it with at least some sort of conscience.

President Letellier – Thank you. Anyone else? No? Barbara, could you call the roll? A yes vote is to approve the loan order in the amount of \$400,000.00. Eight votes are needed. A no vote would be to deny the loan order.

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

President Letellier – With ten yes and one no, you've approved the item, the loan order in the amount of \$400,000.00. That is the only item on the agenda tonight. Do we have a motion to adjourn? Moved by Councilors Simpson and Rossi, seconded by Councilor Young. All those in favor, please signify by saying Ay. We are in adjournment. Thank you.

Item 4. Adjournment