

1. New Business Items

2. TOR-2022-1

- An Ordinance to amend the Code of the Town of Agawam Zoning Ordinance regarding Drive-In and Drive-Through restaurants (Sponsored by Mayor Sapelli) (Two Readings Required) – Refer to Planning Board and Set a Public Hearing Date

Documents:

[TOR-2022-1.PDF](#)

3. TOR-2022-2

- An Ordinance amending Chapter 33 of the Code of the Town of Agawam by establishing a Tax Title Revolving Account (Sponsored by Mayor Sapelli) (Two Readings Required)

Documents:

[TOR-2022-2.PDF](#)

4. TR-2022-3

- A Resolution renouncing nuclear weapons proliferation and urging the United States to pull “back from the brink” and prevent nuclear war (Sponsored by Councilor Calabrese)

Documents:

[TR-2022-3.PDF](#)

5. TR-2022-4

- A Resolution confirming the reappointment of Mary Lee Bertrand, BSN, 926 North West Street, Feeding Hills, MA to the Board of Health for a term expiring the first Monday in February, 2025 (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-4.PDF](#)

6. TR-2022-5

- A Resolution accepting a grant (\$9,062.04) from the Commonwealth of Massachusetts State 911 Department for the Agawam Police Department (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-5.PDF](#)

7. TR-2022-6

- A Resolution accepting a 911 Support and Incentive Grant (\$116,290.00) from the Commonwealth of Massachusetts State 911 Department for the Agawam Police

Department (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-6.PDF](#)

8. TR-2022-7

- A Resolution confirming the reappointment of Gladys L. Fernandez-Largay, MD, 187 Edgewater Road, Agawam, MA to the Board of Health for a term expiring the first Monday in February, 2025 (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-7.PDF](#)

9. TR-2022-8

- A Resolution accepting a donation in the amount of Forty Two Dollars and Forty Four Cents (\$42.22) from the Bonavita Committee (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-8.PDF](#)

10. TR-2022-9

- A Resolution to appropriate and authorize borrowing in the amount of Three Million and Three Hundred Thousand Dollars (\$3,300,000.00) in order to refund existing bonds pursuant to M.G.L. Chapter 44, §21A (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-9.PDF](#)

11. TR-2022-10

- A Resolution to accept M.G.L Chapter 60, §15B to establish a Tax Title Collection Revolving Fund (Sponsored by Mayor Sapelli)

Documents:

[TR-2022-10.PDF](#)

12. TO-2022-5

- An Order granting or renewing a Class 2 Dealer's LICENSE to 57 Auto, LLC, 371 South Westfield Street, Feeding Hills, MA (Clerk)

Documents:

[TO-2022-5 ORDER.PDF](#)

TOR-2022-1

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AGAWAM ZONING
ORDINANCE REGARDING DRIVE-IN AND DRIVE-THROUGH RESTAURANTS**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, Chapter 180 of the Code of the Town of Agawam is the municipal zoning ordinance while drive-in and drive-through restaurants require a special permit to operate, Chapter 180 Section 44 currently requires no fewer than 50 parking spaces be provided on site; and

WHEREAS, the Zoning Board of Appeals may grant a reduction in parking if there is a finding that the reduction is not inconsistent with the Town Code but in no case shall the parking spaces be reduced to 30 spaces; and

WHEREAS, consumer habits have changed especially over the last two years with residents patronizing drive-through restaurants at a higher volume due to the pandemic; and

WHEREAS, most other communities do not have a minimum requirement of parking spaces for drive-in and drive-through restaurants and permit the planning boards and special permit granting authorities the discretion to decide on the number of parking spaces on a cases by case basis; and

WHEREAS, the proposed ordinance would reduce the minimum required parking spaces in half; and

WHEREAS, the zoning advisory committee is in support of this ordinance; and

WHEREAS, it is in the best interest of the Town of Agawam to amend Chapter 180 Section 44.

NOW THEREFORE, the Agawam City Council hereby resolves, ordains and amends and enacts the following to Section 44 of Chapter 180 of the Code of the Town of Agawam by:

§180-44 (H) - Striking the number "50" and inserting in it's place "25"

§180-44 (H) (2) - Striking the number "30" and inserting in it's place "15"

Dated this ____ day of _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, Solicitor

TOR-2022-2

**AN ORDINANCE AMENDING CHAPTER 33 OF CODE OF THE TOWN
OF AGAWAM BY ESTABLISHING A TAX TITLE REVOLVING
ACCOUNT**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the City Council authorized a Table of Revolving Funds under §33-5 upon enactment of Chapter 33 of the Code of The Town of Agawam (**TOR-2017-6**); and

WHEREAS, the Municipal Modernization Act St. 2016 c. 218 §86 permits revolving funds to be authorized by ordinance and thus require approval by the City Council; and

WHEREAS, the Town of Agawam has adopted TR-2022-10 which accepted MGL c. 60 section 15B and now permits the establishment of a tax title revolving account; and

WHEREAS, a new revolving account needs to be created to collect and expend tax title fees and expenses; and

WHEREAS, the account must be established prior to the start of the new fiscal year to become effective July 1, 2022.

NOW THEREFORE, the Agawam City Council hereby amends the Table of Revolving Funds as described in Chapter 33, Section 5 of the Code of the Town of Agawam by inserting the following attached Exhibit A.

DATED THIS ___ day of _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TR-2022-3

A RESOLUTION RENOUNCING NUCLEAR WEAPONS PROLIFERATION AND URGING THE UNITED STATES TO PULL “BACK FROM THE BRINK” AND PREVENT NUCLEAR WAR

(Sponsored by City Councilor Cecilia P. Calabrese)

WHEREAS, the United States of America was the first country to develop and use nuclear weapons in war, and

WHEREAS, approximately 13,100 nuclear warheads exist in the world today, with 91 percent of these weapons being owned by Russia and the United States, which pose a significant risk to human survival worldwide, and

WHEREAS, nine nations collectively have nuclear weapons in their arsenals, most of which are far more destructive than those that killed hundreds of thousands of people in Hiroshima and Nagasaki, Japan, in 1945, and

WHEREAS, detonation of even one nuclear weapon could have catastrophic human and environmental consequences that could impact everyone and everything on our planet, and

WHEREAS, the United States maintains several hundred nuclear missiles in underground silos on hair-trigger alert, capable of being launched within minutes after a Presidential Order, which greatly increases the risk of accidental, mistaken, or unauthorized launch, and

WHEREAS, the United States continues to claim the right to use nuclear weapons AS A FIRST STRIKE WEAPON, which reduces the threshold for use of nuclear weapons and makes nuclear war more likely, and

WHEREAS, taxpayers spend over \$2 Million every hour of every day to pay for the maintenance and preparedness for the use of the United States' nuclear arsenal, and

WHEREAS, the United States is currently planning to spend at least \$1.7 Trillion to rebuild the U.S. nuclear weapons arsenal, funds that could be used for life-enhancing programs such as infrastructure, education, COVID response and other healthcare needs, and

WHEREAS, on January 22, 2021, the United Nations Treaty on the Prohibition of Nuclear Weapons entered into force with 59 ratifications and 86 signatures, and support from the majority of the world's nations, and

WHEREAS, experts like former Defense Secretary William Perry and the advisory panel at the Bulletin of the Atomic Scientists are warning that the danger of nuclear war is greater than it was during the Cold War, and

WHEREAS, the United States Constitution gives Congress the sole power to declare war, but the President of the United States has de facto sole authority to order nuclear attacks without any required consultation or system of checks and balance before such order is given, and

WHEREAS, nuclear war would result in severe humanitarian and environmental consequences, and

WHEREAS, a grassroots movement called “Back from the Brink: The Call to Prevent Nuclear War” has been organized, and has been endorsed by over 380 health, environmental, academic, peace, faith, and justice organizations and has resulted in resolutions approved by numerous municipalities across the Commonwealth of Massachusetts and states across our country,

NOW THEREFORE BE IT RESOLVED that the Agawam City Council calls upon our state and federal leaders to make nuclear disarmament the centerpiece of our national security policy and join the global effort to prevent nuclear war by:

- I. Renouncing the option of using nuclear weapons as a first-strike weapon;
- II. Establishing a system of checks and balances ensuring that the President of the United States no longer has the sole, unchecked authority to launch nuclear weapons;
- III. Taking U.S. nuclear weapons off hair-trigger alert;
- IV. Cancelling the plan to replace the entire U.S. nuclear arsenal with next-generation nuclear weapons;
- V. Actively pursuing a verifiable and multilateral agreement among nuclear-armed states to eliminate nuclear arsenals;

AND BE IT FURTHER RESOLVED that the City of Agawam supports the United Nations’ Treaty on the Prohibition of Nuclear Weapons and calls upon the United States federal government to join the treaty; and that the City of Agawam authorizes that the passage of this Resolution be considered by the International Campaign to Abolish Nuclear Weapons (ICAN) for the ICAN Save Cities Campaign, joining cities from around the world in formally supporting the Treaty on the Prohibition of Nuclear Weapons; and

BE IT ORDERED that the City Clerk is requested to transmit suitably attested digital copies of this Resolution to United States Senator Elizabeth Warren, United States Senator Ed Markey, United States Representative Richard Neal, State Senator John Velis, and State Representative Nick Boldyga

Dated this _____ day of _____, 2022

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, City Council President

APPROVED AS TO FORM AND LEGALITY

Stephen Buoniconti, City Solicitor

TR-2022-4

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
MARY LEE BERTRAND, BSN 926 NORTH WEST STREET,
FEEDING HILLS, MA
TO THE BOARD OF HEALTH
FOR A TERM EXPIRING
THE FIRST MONDAY IN FEBRUARY, 2025

WHEREAS, the appointment of Mary Lee Bertrand on the Agawam Board of Health is due to expire; and

WHEREAS, the Mayor has reappointed Mary Lee Bertrand, 926 North West Street, Feeding Hills, MA to the Board of Health for a term expiring the first Monday in February, 2025;

NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the reappointment of Mary Lee Bertrand, 926 North West Street, Feeding Hills, MA to the Board of Health for a term effective February 2022 expiring the first Monday in February, 2025.

DATED THIS _____ DAY OF _____, 2022

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Stephen Buoniconti, Solicitor

January 2, 2022

Dear Mayor Sapelli,

This is to inform you that I am still interested in being a member of the Board of Health in Agawam, MA. I have enjoyed being a member and hope that I will be allowed to continue.

Thank you,

Mary Lee Bertrand

Mary Lee Bertrand

*Approved
WPL*

1/6/22

OFFICE OF THE
TOWN CLERK
2022 JAN -6 AM 9:20

**A RESOLUTION ACCEPTING A GRANT FROM THE COMMONWEALTH OF
MASSACHUSETTS STATE 911 DEPARTMENT
FOR THE AGAWAM POLICE DEPARTMENT**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Massachusetts State 911 Department is a division with the Commonwealth of Massachusetts Executive Office of Public Safety and Security (EOPPS); and

WHEREAS, the Agawam Police Department applied for and received an FY 2022 Training Grant from the Commonwealth of Massachusetts State 911 Department; and

WHEREAS, the grant is in the amount of nine thousand and sixty two dollars and four cents (\$9,062.04); and

WHEREAS, the Agawam Police Department will use the funds for fees associated with attendance at 911 training courses and certification compliance and overtime costs associated with the attendance at the courses; and

WHEREAS, the Agawam Police Department desires to accept said grant; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant from the Massachusetts State 911 Department.

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to M.G.L. c.44, §53A to accept this grant from Massachusetts State 911 Department of the Massachusetts Executive Office of Public Safety and Security in the amount of nine thousand and sixty two dollars and four cents (\$9,062.04).

DATED THIS _____ DAY OF _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY


Stephen J. Buoniconti, Solicitor

**A RESOLUTION ACCEPTING A 911 SUPPORT AND INCENTIVE GRANT
FROM THE COMMONWEALTH OF MASSACHUSETTS STATE 911
DEPARTMENT FOR THE AGAWAM POLICE DEPARTMENT**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Massachusetts State 911 Department is a division with the Commonwealth of Massachusetts Executive Office of Public Safety and Security (EOPPS); and

WHEREAS, the Agawam Police Department applied for and received an FY 2022 Support and Incentive Grant from the Commonwealth of Massachusetts State 911 Department; and

WHEREAS, the grant is in the amount of one hundred and sixteen thousand and two hundred and ninety dollars and zero cents (\$116,290.00); and

WHEREAS, the Agawam Police Department will use the funds associated with enhanced 911 telecommunicator personnel costs and furniture for the dispatch area; and

WHEREAS, the Agawam Police Department desires to accept said grant; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant from the Massachusetts State 911 Department.

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to M.G.L. c.44, §53A to accept this grant from the Massachusetts State 911 Department of the Massachusetts Executive Office of Public Safety and Security in the amount of one hundred and sixteen thousand and two hundred and ninety dollars and zero cents (\$116,290.00).

DATED THIS _____ DAY OF _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, Solicitor

TR-2022-7

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
GLADYS L. FERNANDEZ-LARGAY, MD, 187 EDGEWATER ROAD,
AGAWAM, MA, 01001
TO THE BOARD OF HEALTH
TO A TERM EXPIRING
THE FIRST MONDAY IN FEBRUARY, 2025**

WHEREAS, the term of Gladys L. Fernandez-Largay, on the Agawam Board of Health is due to expire; and

WHEREAS, the Mayor has reappointed Gladys L. Fernandez-Largay, MD, 187 Edgewater Road, Agawam, MA, 01001 to the Board of Health to a term expiring the first Monday in February, 2025; and

NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the reappointment of Gladys L. Fernandez-Largay, MD, 187 Edgewater Road, Agawam, MA 01001 to the Board of Health to a term expiring the first Monday in February, 2025.

DATED THIS _____ DAY OF _____, 2022

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher Johnson, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, Solicitor

TR-2022-8

A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF FORTY TWO DOLLARS AND FORTY FOUR CENTS (\$42.44) FROM THE BONAVITA COMMITTEE

(Sponsored by Mayor William P. Sapelli)

WHEREAS Anthony Bonavita is a distinguished Agawam citizen who has served the Town in various capacities throughout his career; and

WHEREAS, Mr. Bonavita served on the Agawam City Council for four years and the School Committee for the last sixteen years upon deciding not to seek reelection in 2021; and

WHEREAS, Mr. Bonavita has generously offered to donate to the Town of Agawam the balance of his campaign account of forty two dollars and forty four cents (\$42.44); and

WHEREAS, the Town of Agawam desires to accept said donation.

NOW THEREFORE, the Agawam City Council resolves, pursuant to G. L. c.44, §53A, to accept the donation from the Bonavita Committee in the amount of forty two dollars and forty four cents (\$42.44) and deposit the full amount into the Scholarship Fund.

Dated this _____ day of _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TR-2022-9

**RESOLUTION TO APPROPRIATE AND AUTHORIZE BORROWING IN THE
AMOUNT OF THREE MILLION AND THREE HUNDRED THOUSAND DOLLARS
(\$3,300,000.00) IN ORDER TO REFUND EXISTING BONDS PURSUANT TO G.L.
C.44, §21A**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town is eligible to “refinance” and “refund” existing bonds pursuant to G.L. c.44, §21A after reaching maturity of seven years; and

WHEREAS, the Senior Center bond and another miscellaneous bond is more than seven years old and can be refinanced and refunded which will save the Town in interest costs; and

WHEREAS, the interest rates are lower in the bond market now compared to when the bonds were issued in 2014 and if refunded the Town will realize a savings of approximately \$250,000 in interest costs; and

WHEREAS, the expiration (or end date) of the bonds will remain the same should the Council adopt this resolution; and

WHEREAS, the Town Treasurer has confirmed the eligibility of refunding the bonds with the UniBank; and

WHEREAS, the exact amount of the amount to be refinanced and refunded will be determined once the Town receives final approval which will likely be in March; and

WHEREAS, it is in the best interest of the Town of Agawam to perform such work as described above.

**NOW THEREFORE THE AGAWAM CITY COUNCIL HEREBY RESOLVES TO
AUTHORIZE THE FOLLOWING:**

That, in order to reduce interest costs, the Treasurer with the approval of the Mayor is authorized to issue refunding bonds pursuant to G.L. c.44, §21A or any other enabling legislation to refund all or a portion of the Town’s outstanding general obligation bonds; that the refunding bonds shall be issued in an amount not to exceed \$3,300,000.00 in order to pay the principal, redemption premium, if any, and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust or escrow agreement with a bank or trust company.

DATED this ____ day of _____, 2022

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TR-2022-10

**A RESOLUTION TO ACCEPT MGL C. 60 SECTION 15B TO ESTABLISH A TAX
TITLE COLLECTION REVOLVING FUND**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam engages in a tax title collection process when taxpayers become delinquent in the payment of real estate taxes and other taxes; and

WHEREAS, pursuant to MGL c. 60 Section 15B, municipalities who accept the statute may establish a revolving fund to account for total costs incurred by the Town through the tax title collection process; and

WHEREAS, the Treasurer considers the adoption of MGL c. 60 Section 15B a better course to manage all the costs associated with the tax title collection process; and

WHEREAS, local acceptance of MGL c. 60 Section 15B requires municipalities to comply with MGL c.4 Section 4 which requires a vote of the majority of the City Council at a duly posted meeting and approval by the Mayor; and

WHEREAS, it is in the best interest of the Town to accept MGL c. 60 Section 15B.

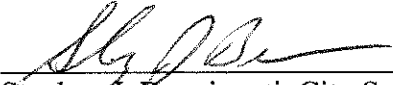
NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 4 Section 4 to accept Massachusetts General Laws Chapter 60 Section 15B (Tax title Collection Revenue Fund).

DATED THIS ____ DAY OF _____, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TO-2022-5

**AN ORDER GRANTING OR RENEWING A
CLASS 2 DEALER'S LICENSE TO
57 AUTO, LLC
AT 371 SOUTH WESTFIELD STREET, FEEDING HILLS, MA 01030**

WHEREAS, 57 Auto, LLC has submitted an Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles pursuant to Massachusetts General Laws, Chapter 140; and

WHEREAS, 57 Auto, LLC currently holds a Class 2 Dealer's License issued by the Town of Agawam for this property located at 371 South Westfield Street, Feeding Hills, MA.

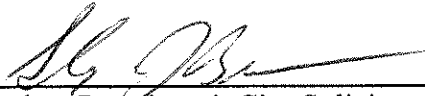
NOW, THEREFORE, the Agawam City Council hereby grants 57 Auto, LLC a Class 2 Dealer's License for its property located at 371 South Westfield Street, Feeding Hills, MA for the period commencing on January 1, 2022 and expiring on December 31, 2022, subject to the previously approved site plan, all previously approved conditions and with a maximum of sixteen (16) vehicles

Dated this ____ **day of** _____, **2022**

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen Buoniconti, City Solicitor