

1. New Business

2. TR-2023-72

- A Resolution accepting a grant in the amount of Four Thousand Nine Hundred and Nine Dollars and Nine Cents (\$4,909.09) from the United States Department of Homeland Security to the Town of Agawam Fire Department for personal protective equipment (Sponsored by Mayor Sapelli)

Documents:

[TR-2023-72.PDF](#)

3. TR-2023-73

- A Resolution to accept M.G.L. Chapter 59, Section 5K to establish a property tax work-off program for seniors (Sponsored by Mayor Sapelli and Councilor Bitzas)

Documents:

[TR-2022-73.PDF](#)

4. TR-2023-74

- A Resolution to accept M.G.L. Chapter 59, Section 5N to establish a property tax work-off program for veterans (Sponsored by Mayor Sapelli and Councilor Bitzas)

Documents:

[TR-2023-74.PDF](#)

5. TR-2023-75

- A Resolution accepting a grant in the amount of \$421,000.00 pursuant to M.G.L. Chapter 44, Section 53A from the Massachusetts Department of Housing and Community Development to the Town of Agawam (Sponsored by Mayor Sapelli)

Documents:

[TR-2023-75.PDF](#)

6. TR-2023-76

- A Resolution accepting a grant in the amount of \$6,500.00 from the Massachusetts Emergency Management Agency pursuant to M.G.L. Chapter 44, Section 53A (Sponsored by Mayor Sapelli)

Documents:

[TR-2023-76.PDF](#)

7. TR-2023-77

- A Resolution authorizing the adoption of Orders of Taking for the North Street Culvert Replacement Right of Way Project under the authority of Section 14 of Chapter 40 and Chapter 79 and Chapter 84 of the General Laws for the construction and maintenance of the North Street Culvert Replacement Project (Sponsored by Mayor Sapelli)

Documents:

[TR-2023-77.PDF](#)

8. TOR-2023-8

- An Ordinance to amend Section 7C of Chapter 49 of the Code of the Town of Agawam (Two Readings Required) (Sponsored by Mayor Sapelli)

Documents:

[TOR-2023-8.PDF](#)

TR-2023-72

A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF FOUR THOUSAND AND NINE HUNDRED AND NINE DOLLARS AND NINE CENTS (\$4,909.09) FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO THE TOWN OF AGAWAM FIRE DEPARTMENT FOR PERSONAL PROTECTIVE EQUIPMENT

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the US Department of Homeland Security has awarded a grant to the Town of Agawam Fire Department from FY2022 Assistance to Firefighters Grant Program for the purchase of personal protective equipment (PPE); and

WHEREAS, the grant is in the amount of four thousand and nine hundred and nine dollars and nine cents (\$4,909.09); and

WHEREAS, the grant monies will allow the Fire Department to purchase breathing apparatus and equipment; and

WHEREAS, pursuant to the condition of the grant, the Town of Agawam Fire Department is obligated to pay 10% of funds awarded for the cost of the PPE (\$490.91) which the department can cover through the FY 2023 operating budget; and

WHEREAS, it is in the best interest of the Town of Agawam to accept said grant; and

WHEREAS, the Town desires to accept said grant.


NOW THEREFORE BE IT RESOLVED, that the Agawam City Council pursuant to M.G.L. c. 44 §53A accepts a grant of four thousand and nine hundred and nine dollars and nine cents (\$4,909.09) from the US Department of Homeland Security for the purchase of personal protective equipment.

DATED THIS _____ DAY OF _____, 2023.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, Solicitor

A RESOLUTION TO APPROPRIATE AND AUTHORIZE BORROWING IN THE AMOUNT OF FIVE HUNDRED AND NINETY FIVE THOUSAND AND SIX HUNDRED DOLLARS (\$595,600) TO PAY COSTS OF THE SANITARY SEWER EVALUATION STUDY: PHASE II, PART B

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam completed Phase I of an infiltration and inflow (“I/I”) analysis for the water and wastewater systems in 2017 in order to comply with 314 CMR 12.04(2)(C)(1); and

WHEREAS, the City Council authorized the appropriation for Phase I (**TR-2016-53**) for \$259,900; and

WHEREAS, the Town is required to reduce its water inflow and infiltration volumes into the sanitary sewer system to comply with 314 CMR 12.00; and

WHEREAS, it is necessary to perform the next phase of the Sanitary Sewer Evaluation Study to find specific defects to remedy areas identified in the initial 2017 study; and

WHEREAS, the Town is required under state regulation to perform Phase II, Part B within five (5) years on the completion of Phase I; and

WHEREAS, the Town has received a proposal for Phase II that will cost Five Hundred and Ninety Five Thousand and Six Hundred Dollars (\$595,600).

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

Five Hundred and Ninety Five Thousand and Six Hundred Dollars (\$595,600) is appropriated for funding the cost of the Sanitary Sewer Evaluation Study: Phase II, Part B, and further, that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow Five Hundred and Ninety Five Thousand and Six Hundred Dollars (\$595,600) to pay costs of this project, including the payment of all costs incidental and related thereto, under M.G.L. c. 44, §7 or any other enabling legislation; that the Mayor is authorized to contract for and expend any grants or aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this resolution.

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

APPROVED AS TO APPROPRIATION

Cheryl St. John, Auditor

**A RESOLUTION TO ACCEPT MGL C. 59 SECTION 5N TO ESTABLISH A
PROPERTY TAX WORK-OFF PROGRAM FOR VETERANS**

**(Sponsored by Mayor William P. Sapelli and Councilor George Bitzas and co-sponsored by
Councilor Rosemary Sandlin)**

WHEREAS, pursuant to MGL c. 59 Section 5N, municipalities may establish a tax work-off program for taxpayers who are veterans; and

WHEREAS, MGL c. 59 Section 5N is a “local option” statute that requires the Mayor and City Council’s approval to be adopted; and

WHEREAS, the Town desires to adopt the maximum abatement permitted under 5N which is \$1,500 per fiscal year; and

WHEREAS, the hourly rate for a veteran’s service shall be no greater than the Commonwealth’s minimum wage, currently \$15.00 per hour (for a total of 100 hours); and

WHEREAS, the Town desires to limit the number of eligible veterans per fiscal year to 20 for a maximum reduction in tax revenue to \$30,000 per fiscal year; and

WHEREAS, an individual must be a “veteran” as defined in MGL c. 4 Section 7, Clause 43; and

WHEREAS, the Town intends to begin the program effective January 2024 to give time to establish the places and scope of veterans work within certain departments and assess the interest in the program; and

WHEREAS, it is in the best interest of the Town to accept MGL c. 59 Section 5N.

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 4 Section 4 to accept Massachusetts General Laws Chapter 59 Section 5N (Property Tax Work-Off Program for Veterans) effective fiscal year 2024.

DATED THIS _____ DAY OF _____, 2023.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TR-2023-75

**A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$421,000.00
PURSUANT TO M.G. L. c.44, §53A FROM THE MASSACHUSETTS
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO THE
TOWN OF AGAWAM**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Community Development Block Grant (CDBG) program is part of the United States Department of Housing and Urban Development Agency and administered by the Commonwealth of Massachusetts with the objective to support communities in their effort to provide decent housing and suitable living environments and expand economic opportunities; and

WHEREAS, the Massachusetts Department of Housing and Community Development (DHCD) is the administrator of the Community Development Block Grant Program (CDBG); and

WHEREAS, the Town of Agawam has been awarded a grant from the CDBG program; and

WHEREAS, the grant is up to the amount of four hundred and twenty one thousand dollars and zero cents (\$421,000.00); and

WHEREAS, the funds from the grants will be used for eligible applications submitted to the Town and overseen by the Pioneer Valley Planning Commission; and

WHEREAS, it is in the best interests of the Town of Agawam to accept the grant from the Massachusetts Department of Housing and Community Development and the CDBG program.

NOW THEREFORE, the Agawam City Council resolves pursuant to M. G. L. c.44, §53A to accept a Community Development Block Grant from the Massachusetts Department of Housing and Community Development in the amount of up to four hundred and twenty one thousand dollars and zero cents (\$421,000.00).

Dated this _____ day of _____, 2023.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, City Solicitor

TR-2023-76

A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$6,500.00 FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam applied for a grant through the Massachusetts Emergency Management Agency (“MEMA”) which is a division of the Executive Office of Administration and Finance; and

WHEREAS, MEMA has awarded the Town of Agawam a Grant in the amount of six thousand and five hundred dollars and zero cents (\$6,500.00); and

WHEREAS, the Emergency Management Office for the Town of Agawam will use the funds to purchase a portable radios to assist in responding to emergencies; and

WHEREAS, the Town of Agawam desires to accept said grant; and

WHEREAS, it is in the best interest of the Town of Agawam to accept said grant.

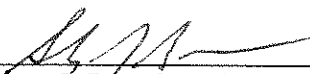
NOW THEREFORE, the Agawam City Council hereby resolves, pursuant to M.G.L. c.44, section 53(a) to accept this grant in the amount of six thousand and five hundred dollars and zero cents (\$6,500.00) from the Massachusetts Emergency Management Agency, a division of the Executive Office of Administration and Finance.

Dated this _____ day of _____, 2023.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

A RESOLUTION AUTHORIZING THE ADOPTION OF ORDERS OF TAKING FOR THE NORTH STREET CULVERT REPLACEMENT RIGHT OF WAY PROJECT UNDER THE AUTHORITY OF SECTION 14 OF CHAPTER 40 AND CHAPTER 79 AND CHAPTER 84 OF THE GENERAL LAWS FOR THE CONSTRUCTION AND MAINTENANCE OF THE NORTH STREET CULVERT REPLACEMENT PROJECT

(Sponsored by Mayor William P. Sapelli)

WHEREAS, authorizing the taking of interests in land necessary to allow for the construction maintenance and improvements for the North Street Culvert Replacement Project; and

WHEREAS, it is necessary to take, by eminent domain, certain real estate not owned by the Town of Agawam in both fee and easement (Exhibit 1-16) as more fully described herein pursuant to Section 14 of Chapter 40, Chapter 79, and Chapter 84 of the General Laws in order to construct and maintain the North Street Culvert Replacement Project;

WHEREAS, the interests in fee and easement being taken by the Town of Agawam for the North Street Culvert Replacement Project will result in damages being assessed to the owners of the parcels so taken in the amount of \$ 31,500.00 ;

WHEREAS, M.G.L. c. 90 allows the Department of Public Works Director to authorize the funding for said takings of easements and in fee;

WHEREAS, the temporary and permanent easements are shown on the plan described as "Easement Plan; North Street; Agawam, Massachusetts; Prepared for: Town Of Agawam; Prepared by: WSP USA INC., 500 Winding Brook Drive, 1st Floor, Glastonbury, CT 06033, 860-659-0444; Scale: 1 Inch=20 Feet; Date: May 1, 2023" and is recorded in the Hampden County Registry of Deeds under Book _____ and Page _____.

WHEREAS, the temporary and permanent easements described herein below and further in Exhibits 1-2 are:

1. Exhibit 1 pertains to an area on the property of 534 North Street, Agawam, Massachusetts shown in Hampden County Registry of Deeds Book 5714 Page 426.
 - a. It is the intention to take two temporary easements and one permanent easement on this property, designated as TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,525 SQ. FT., TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 3,290 SQ. FT., and PERMANENT CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,234 SQ. FT., and which is said to be owned by

Daniel L. Donatini and Cheryl M. Donantini. Temporary Easements shall be in effect for a period of no more than five years from the date of this recording.

- b. A parcel of land owned by Daniel L. Donatini and Cheryl M. Donantini, located on North Street in the City of Agawam, in Hampden County, Massachusetts, bounded and described as follows:

- i. TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,525 SQ. FT. is an area of about $\pm 2,525$ S.F. as shown on the Plan of Easements Owned by the City of Agawam, Agawam, Massachusetts, Hampden County; Showing Location of Easements for the purpose of Reconstructing the Culvert on North Street for the City of Agawam; Date: May 1, 2023; Revised: August 2, 2023; as available at the Agawam D.P.W and recorded herewith in the Hampden County Registry of Deeds.
- ii. TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 3,290 SQ. FT. is an area of about $\pm 3,290$ S.F. as shown on the Plan of Easements Owned by the City of Agawam, Agawam, Massachusetts, Hampden County; Showing Location of Easements for the purpose of Reconstructing the Culvert on North Street for the City of Agawam; Date: May 1, 2023; Revised: August 2, 2023; as available at the Agawam D.P.W and recorded herewith in the Hampden County Registry of Deeds.
- iii. PERMANENT CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,234 SQ. FT.: A certain parcel of land located at 534 North Street, Agawam, Massachusetts now or formerly Daniel L. Donatini and Cheryl M. Donantini containing an area of 2,234 square feet, more or less, and bounded and described as follows:

A portion of a parcel of land known as 534 North Street, in the Town of Agawam, County of Hampden and State of Massachusetts, now or formerly Daniel L. Donatini, containing an area of 2,234 square feet and being more particularly bound and described as follows:

Beginning at an Iron Rod along the northerly easement line of an easement in favor of the Town of Agawam recorded in Book 2558 Page 350 of the Hampden County Registry of Deeds at the division of land now or formerly Sarah C. Hoisington and Daniel L. Donatini;

Thence running along the division line of land now or formerly Daniel L. Donatini and land now or formerly Sarah C. Hoisington North $43^{\circ}08'47''$ West a distance of 67.42 feet to a point;

Thence running through land of said Donatini the following three courses and distances: North $62^{\circ}41'44''$ East a distance of 27.44 feet to a point, South $53^{\circ}14'28''$ East a distance of 43.96 feet to a point, South $37^{\circ}58'42''$

East a distance of 33.40 feet to a point along the said northerly easement line;

Thence running along said northerly easement line South 74°58'43" West a distance of 35.26 feet to the point and place of beginning.

2. Exhibit 2 pertains to an area on the property of 536 North Street, Agawam, Massachusetts shown in Hampden County Registry of Deeds Book 20878 Page 373.

a. It is the intention to take two temporary easements and one permanent easement on this property, designated as TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,117 SQ. FT. and PERMANENT CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 3,246 SQ. FT., and which is said to be owned by Sarah Hoisington. Temporary Easements shall be in effect for a period of no more than five years from the date of this recording.

b. A parcel of land owned by Sarah Hoisington, located on North Street in the City of Agawam, in Hampden County, Massachusetts, bounded and described as follows:

i. TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 2,117 SQ. FT. is an area of about ±2,117 S.F. as shown on the Plan of Easements Owned by the City of Agawam, Agawam, Massachusetts, Hampden County; Showing Location of Easements for the purpose of Reconstructing the Culvert on North Street for the City of Agawam; Date: May 1, 2023 as available at the Agawam D.P.W and recorded herewith in the Hampden County Registry of Deeds.

ii. PERMANENT CONSTRUCTION EASEMENT IN FAVOR OF THE TOWN OF AGAWAM 3,246 SQ. FT.: A certain parcel of land located at 534 North Street, Agawam, Massachusetts now or formerly Sarah Hoisington containing an area of 3,246 square feet, more or less, and bounded and described as follows:

A portion of a parcel of land known as 536 North Street, in the Town of Agawam, County of Hampden, and State of Massachusetts now or formerly Sarah C. Hoisington, containing an area of 3,246 square feet and being more particularly bounded and described as follows:

Beginning at an Iron Rod along the northerly easement line of an easement in favor of the Town of Agawam recorded in Book 2558 Page 349 of the Hampden County Registry of Deeds at the division of land now or formerly Sarah C. Hoisington and Daniel L. Donatini;

Thence running along said northerly easement line South 74°58'43" West a distance of 76.41 feet to a point,

Thence running through land now or formerly Sarah C. Hoisington the following three courses and distances: North 39°58'05" West a distance of 28.16 feet to a point, North 42°32'44" East a distance of 61.49 feet to a point, North 63°19'31" East a distance of 4.71 feet to a point at the division line of land now or formerly Sarah C. Hoisington and land now or formerly Daniel L. Donatini;
Thence running along said division line South 43°08'47" East a distance of 67.42 feet to an iron rod and the point and place of beginning.

NOW THEREFORE, in consideration of the foregoing, and by virtue and in exercise of the power conferred to the City Council, it is hereby resolved:

That for the purpose of said takings is for the North Street Culvert Replacement Project including all appurtenances related thereto.

That the takings are made pursuant to the authority give to the City Council by Section 14 of Chapter 40 and Chapter 79 and Chapter 84 of the Massachusetts General Laws and of all acts in addition thereto and in amendment thereof, and of all power and authority the City Council here to enabling.

That an appropriation of money having been duly made for said takings was approved by two-thirds vote of the City Council.

That said takings include any easements and any and all trees and structures upon the land.

Betterments are not to be assessed under the taking.

That the City Treasurer be and here is authorized to pay said damages to the owners of the land specified herein, or to their heirs, executors, administrators, successors or assigns when said sums shall become payable as provided by law. Said sums shall be paid from the M.G.L. c. 90 funds of \$31,500.00.

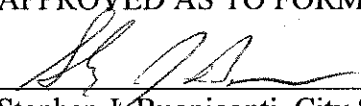
That the City Clerk shall certify the Orders of Taking on behalf of the Town of Agawam, City Council, for purposes of recording the Orders in the appropriate registry of deeds and land court department within thirty (30) days after the adoption of this resolution and the Orders of Taking, and that they cause all persons entitled thereto to be notified of these proceedings in the manner required by law.

Dated this ___ day of _____, 2023

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen J. Buoniconti, City Solicitor

TOR-2023-8

**AN ORDINANCE TO AMEND SECTION 7C OF CHAPTER 49 OF THE CODE
OF THE TOWN OF AGAWAM**

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam has negotiated a personal services agreement (i.e. contract) with an individual to perform the duties of Sealer of Weights and Measures; and

WHEREAS, the position of Sealer of Weights and Measures is not a member of a union, not eligible for additional employee benefits or subject to a collective bargaining agreement; and

WHEREAS, the agreement for the positions is a yearly salary of \$10,000; and

WHEREAS, the Auditing Department has advised, for payment purposes, the position needs to be included in the Town Code because it is not subject to a collective bargaining agreement; and

WHEREAS, Section 7 of Chapter 49 of the Code of the Town of Agawam lists the part time and full time positions not included in a collective bargaining agreement; and

WHEREAS, it is in the best interest of the Town to include the position on the Town Code and establish a flexible salary structure for such position that can be adjusted from time to time.

NOW THEREFORE, the Agawam City Council hereby amends Section 7(C) of Chapter 49 of the Code of the Town of Agawam by inserting the following:

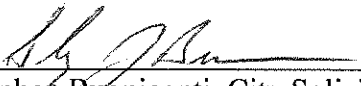
(14) Sealer of Weights and Measures: \$10,000 to \$15,000 per year.

Dated this _____ day of _____, 2023.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher Johnson, President

APPROVED AS TO FORM AND LEGALITY



Stephen Buoniconti, City Solicitor