

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated April 4, 2022

Meeting was called to order by Council President Johnson at 7:00pm at the Agawam Junior High School.

Item A. Roll Call

ROLL CALL – 10 PRESENT, 1 ABSENT

Roll Call was taken with the following Councilors present: George Bitzas, Cecilia Calabrese, Paul Cavallo (remote), Christopher Johnson, Dino Mercadante, Anthony Russo, Robert Rossi, Rosemary Sandlin, Gerald Smith, and Anthony Suffriti. Councilor Letellier was absent. With ten present, there was a quorum.

Item B. Moment of Silence and the Pledge of Allegiance.

There was a moment of silence and the Pledge of Allegiance.

Item C. Citizen's Speak Time

Kitty Axelson-Berry, 89 Stony Hill Road, Amherst spoke about the Roderick L. Ireland Courthouse expressing gratitude for this item being on our Agenda and how important it is to get a comprehensive study done and hopefully an entirely new courthouse. She is not a resident however her daughter works at the Courthouse and she is very, very concerned for her daughter's health as well as the health of the other employees. She feels it is sheer negligence and arrogance to not do anything. The courthouse is known as the "Hall of Toxicity". She asked people to email markzski@hotmail.com or call Kitty 413-230-3271 to see how you can help.

Item D. Minutes

1. Regular Council Meeting – March 21, 2022

Motion to approve made by Councilor Mercadante and seconded by Councilor Smith. The minutes were voice vote unanimously approved with Council President Johnson noting the abstention of Councilor Sandlin.

Item E. Declaration of Council President

None.

Item F. Presentation of Resolutions

1. TR-2022-22 - A Resolution in support of a comprehensive feasibility study to replace the Roderick L. Ireland Courthouse (Sponsored by Councilor Calabrese)

Motion to approve made by Councilor Mercadante and seconded by Councilors Russo, Rossi and Cavallo. As sponsor of the Resolution, Council Vice President Calabrese said she can't add more than the Citizen Speak Time speaker said and wishes to provide motivation to get traction for this situation. She drafted this resolution to be a model for other communities to create a concerted front. Councilor Rossi agreed this was a worthwhile resolution and should be taken seriously. Councilor Sandlin also believed this is something that needs to happen NOW. She feels that should move the employees out of that building and build a new building. Councilor Bitzas is also in strong support stressing the poor air quality and mold issues. Councilor Suffriti said he was recently scheduled for jury duty and was very relieved to hear his jury duty was cancelled. He was actually nervous for entering that building for one day – can you even imagine how the employees feel having to be there every day? Council President Johnson stepped from the Chair and said he has spoken with employees and he sees legitimate fear in their eyes and that alone is reason enough to move

forward with this item. He believes it is important to get ALL the courts into a new well laid out, modern and efficient courthouse. The amount of cancer diagnoses and ALS is just too high to be a coincidence.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the item.

2. TR-2022-23 - A Resolution to appropriate Seventy Seven Thousand Dollars and Zero Cents (\$77,000.00) from the Agawam Golf Course Retained Earnings Account to fund the Agawam Municipal Golf Course Operations Accounts (Sponsored by Mayor Sapelli) (Referred to Finance Committee)

Motion to approve made by Councilor Smith and seconded by Councilors Rossi, Suffriti and Cavallo. As Chair of the Finance Committee, Councilor Mercadante provided the report stating that they had a very lively and positive discussion. The Mayor explained the many positive moves that have built up Retained Earnings in the Golf Course account. Tom DiRico gave further explanation of the fund through June 30th noting there are two new employees, more play and they are trying to build inventory in both the Food & Beverage and golf products. Councilor Mercadante mentioned the fuel may be increased at a later date. Councilor Sandlin said gasoline is not exempt and Councilor Cavallo noted that Tom and his staff were doing such a great job with the course. Councilor Suffriti asked why they have to come back to the Council for each appropriation. Motion to send a positive recommendation to the Full Council made by Councilor Sandlin and seconded by Council Vice President Calabrese. The vote was 5 Yes, 0 No.

Councilor Mercadante's only concern is that they may have to come back to the City Council in near future however the golf course is in the black. Councilor Rossi was pleased to see this because it shows how well the golf course is doing. They have to come back to the City Council because it is a Retained Earnings account. This hasn't happened in so long that that they have actually had money in the Retained Earnings account. So happy to see this. Councilor Bitzas also was very glad to see that there is money in Golf Course Retained Earnings account. This is what happens when we work together. We would have had homes in that area if we never put a golf course in there in the first place. Council President Johnson congratulated Tom DiRico and his staff noting that this Resolution is on our Agenda BECAUSE they are doing so well at the golf course. It has turned a corner as compared to a few years ago with the previous golf course manager.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the item.

3. TR-2022-24 - A Resolution to appropriate and authorize borrowing in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to pay costs for the Westfield River Intercept Sewer Relocation Project and the Reed Street Embankment Project (Sponsored by Mayor Sapelli) (Referred to Finance Committee)

Council President Johnson noted that the Administration requested this item be tabled. Motion to table made by Councilor Sandlin and seconded by Councilor Mercadante. Voice vote approved tabling the item.

Item G. Elections

None.

Item H. Public Hearings

None.

Item I. Old Business

- 1. 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) (2 of 2 Readings) (Referred to Legislative Committee) (Tabled 3/21/22)**

Motion to remove the item from the table made by Council Vice President Calabrese and seconded by Councilor Mercadante. Voice vote approved removing the item from the table. Motion to approve the second and final reading made by Councilor Sandlin and seconded by Councilors Smith and Cavallo. Council President Johnson clarified that this was a reduction to the number of parking spaces required for drive-in and drive-through restaurants.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving second and final reading.

- 2. TOR-2022-4 - An Ordinance to amend Chapter 103 of the Code of the Town of Agawam (Sponsored by Mayor Sapelli) (2 of 2 Readings) (Referred to Legislative Committee) (Tabled 3/21/22)**

Motion to remove the item from the table made by Councilor Sandlin and seconded by Councilors Mercadante and Calabrese. Voice vote approved removing the item from the table. Motion to approve the second and final reading was made by Councilor and seconded by Councilor . Council President Johnson clarified that this was an increase in the inspection fee for larger solar arrays.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the second and final reading.

- 3. TOR-2022-6 - An Ordinance to amend Section 7C of Chapter 49 of the Code of the Town of Agawam (1 of 2 Readings) (Sponsored by Mayor Sapelli) (Referred to Legislative Committee)**

Motion to approve the first reading made by Councilor Sandlin and seconded by Councilor Cavallo. As Chair of the Legislative Committee, Councilor Suffriti provided the report stating that the Solicitor explained the reason for this ordinance change. Councilor Mercadante asked how many hours per week this position works. Councilor Cavallo asked if the two percent would align this position with the rest of the departments and Councilor Suffriti explained more detail of this position with the Solicitor answering and providing additional information. Motion to send a positive recommendation to the Full Council made by Councilor Sandlin and seconded by Councilor Russo. The vote was 4 Yes, 0 No, 1 Absent (Councilor Letellier). Councilor Mercadante said this was worthwhile to keep this office competitive.

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Letellier) approving the first reading.

Item J. New Business

- 1. TR-2022-25 - A Resolution asking the Mayor to reinstate the original hours of operation at the Agawam Senior Center (Sponsored by Councilors Bitzas and Rossi)**

Referred to the Community Relations Committee, next Agenda.

- 2. TR-2022-26 - A Resolution confirming the reappointment of David Cecchi, 29 Albert Street, Agawam, MA to the Community Preservation Act Committee to a term expiring April 30, 2025 (City Council)**

Next Agenda.

- 3. TR-2022-27 - A Resolution confirming the reappointment of Vincenzo Ronghi, 55 Avalon Place, Feeding Hills, MA to the Community Preservation Act Committee to a term expiring April 30, 2025 (City Council)**

Next Agenda.

4. **TO-2022-6 - An Order granting or renewing a PERMIT for Weekly Amusement for Six Flags New England, 1623 Main Street, Agawam, MA (Clerk)**

Referred to Administrative Committee, next Agenda.

5. **TO-2022-7 - An Order granting or renewing a LICENSE for Automatic Amusement Device(s) for Six Flags New England, 1623 Main Street, Agawam, MA (Clerk)**

Referred to Administrative Committee, next Agenda.

6. **TO-2022-8 - An Order amending a LICENSE for gasoline/petroleum storage tanks, Gulf Express Mart, 18 Springfield Street, Agawam, MA (Clerk) – Set Public Hearing Date for May 2, 2022**

The Public Hearing is set for our May 2nd meeting and the item is referred to Administrative Committee.

7. **TO-2022-9 - An Order amending a LICENSE for gasoline/petroleum storage tanks, One Stop Mart, 373 Rowley Street, Agawam, MA (Clerk) – Set Public Hearing Date for May 2, 2022**

The Public Hearing is set for our May 2nd meeting and the item is referred to Administrative Committee.

8. **TO-2022-10 - An Order granting or renewing a Junk Dealer’s PERMIT for John’s Trucking of Agawam, Inc., 415 Silver Street, Agawam, MA 01001**

Referred to Administrative Committee, next Agenda.

9. **TOR-2022-7 - An Ordinance to amend Sections 7(A)(1) and 7(A)(2) of Chapter 49 of the Code of the Town of Agawam (Two Readings Required) (Sponsored by Mayor Sapelli)**

Referred to Legislative Committee, next Agenda.

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

Councilor Mercadante asked if Animal Control could do something about the number of bears wandering around town and if they could be relocated. He also questioned the water issue. Councilor Cavallo reminded his committee that they had a joint meeting the next evening to review the proposed FY23 school budget and to come prepared with questions. He also reminded them that he would be scheduling a meeting to make their recommendation to the Full Council. Councilor Cavallo provided a medical update noting he would be attending the next City Council meeting in person and was really looking forward to it. He thanked everyone for their support over the last few months while he recovered.

Item M. Adjournment

Motion to adjourn was moved and seconded all around. Meeting was adjourned at 7:33pm.

***Please note that this meeting was live-streamed on Channel 15 as well as being able to view on the town’s website* www.agawam.ma.us**

approved

TR-2022-22

RESOLUTION IN SUPPORT OF A COMPREHENSIVE FEASIBILITY STUDY TO REPLACE THE RODERICK L. IRELAND COURTHOUSE

(Sponsored by City Councilor Cecilia P. Calabrese)

- WHEREAS, the Trial Court of the Commonwealth of Massachusetts consists of the Supreme Judicial Court, the Appeals Court, the Executive Office of the Trial Court, the seven Trial Court Departments, the Massachusetts Probation Service, and the Office of the Jury Commissioner, and
WHEREAS, the Roderick L. Ireland Courthouse (hereinafter the "Courthouse") in Springfield is the main courthouse for Hampden County and contains the Superior Court, the District Court, the Probate and Family Court, the Office of the Hampden County District Attorney, the Hampden County Registry of Deeds, among other offices doing business on behalf of the people of Hampden County; and
WHEREAS, the Division of Capital Asset Management and Maintenance (hereinafter "DCAMM") is responsible for capital planning, public building construction, facilities management, and real estate services for the Commonwealth of Massachusetts, and DCAMM has as its stated purpose to "work with state agencies to create and manage forward-thinking sustainable buildings to meet the needs of the citizens they serve"; and
WHEREAS, the Trial Court of the Commonwealth of Massachusetts is a state agency that serves the citizens of Massachusetts; and
WHEREAS, the Courthouse has a long history of mold, air quality problems and dust accumulation which recently led to the closing of the Courthouse for remediation in 2021; and
WHEREAS, a report released March 7, 2022 revealed that are several species of toxic mold infesting the interior of the Courthouse which are linked to cancer and other serious diseases; and
WHEREAS, the Trial Court has determined the building would remain open to the public notwithstanding the presence of toxic, cancer-causing mold inside the Courthouse; and
WHEREAS, the Trial Court stated that the anticipated cost to renovate the Courthouse is approximately \$91 million dollars, not including the cost to re-house existing offices and personnel during the proposed renovation; and
WHEREAS, the Trial Court anticipates that renovation of the existing Courthouse would take at least two years to complete; and
WHEREAS, the anticipated cost to replace the Courthouse would be approximately \$200 million dollars according to the Trial Court; and
WHEREAS, the people of Hampden County have a reasonable expectation of safety when interfacing with the state legal system and conducting other business within the Courthouse; and

WHEREAS, the Trial Court and DCAMM are now on notice that they likely cannot provide a toxic-free, forward-thinking, sustainable environment within the Roderick L. Ireland Courthouse for the citizens they serve.

NOW THEREFORE BE IT RESOLVED:

- 1. That the Agawam City Council hereby urges DCAMM and the Trial Court to work together to immediately make the Roderick L. Ireland Courthouse safe for the general public and employees and staff who work in the facility;
2. That the Agawam City Council hereby urges DCAMM and the Trial Court to identify suitable temporary facilities within which the public can interface with the legal system and conduct business with other entities currently in the Courthouse until it can be made safe; and
3. That the Agawam City Council hereby urges DCAMM and the Trial Court to obtain a comprehensive feasibility study to include remediation and renovation of the existing Courthouse versus construction of a new courthouse that is forward-thinking and sustainable to meet the needs of the people of Hampden County.

BE IT FURTHER ORDERED:

That suitably attested digital copies of this Resolution be transmitted to the Governor of the Commonwealth of Massachusetts; the Trial Court of the Commonwealth of Massachusetts; the Division of Capital Asset Management and Maintenance; and all State Senators and State Representatives who represent communities located in Hampden County.

Dated this 4th day of April, 2022

Original - Town Clerk
cc: Council
cc: Law
cc: Auditor
cc: Mayor

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen F. Buoniconti, City Solicitor

approved

TR-2022-23

A RESOLUTION TO APPROPRIATE SEVENTY SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$77,000.00) FROM THE AGAWAM GOLF COURSE RETAINED EARNINGS ACCOUNT TO FUND THE AGAWAM MUNICIPAL GOLF COURSE OPERATIONS ACCOUNTS

(Sponsored by Mayor William P. Sapelli)

- WHEREAS, several golf course accounts need additional monies to prepare the municipal golf course this spring for the beginning of the 2022 golf season; and
WHEREAS, pursuant to Massachusetts General Law Chapter 150E, Section 7, the Agawam City Council must appropriate necessary funds; and
WHEREAS, the necessary funds for the Agawam Municipal Golf Department must be appropriated from the Agawam Municipal Golf Retained Earnings account; and
WHEREAS, the certified amount in the Municipal Golf Retained Earnings Account (\$402,490.00) is available to meet budget appropriations; and
WHEREAS, it is in the best interest of the Town of Agawam to appropriate the necessary funding.

NOW THEREFORE, BE IT RESOLVED by the Agawam City Council that seventy seven thousand dollars and zero cents (\$77,000) be appropriated from the Agawam Golf Course Retained Earnings Account as follows:

Table with 4 columns: Item Number, Description, Amount, Total. Rows include Temporary Salaries (\$20,000.00), Food & Service Supplies (\$25,000.00), Pro Shop Supplies (\$15,000.00), Fuel/Oil (\$5,000.00), Contractual Services (\$5,000.00), and Materials/Equipment (\$7,000.00).

DATED THIS 4th day of April, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, City Solicitor

Orig: Town Clerk
cc: Council
cc: Auditor
cc: Treasurer
cc: Law
cc: Golf
cc: Mayor

First Reading 3/17/22
Second Reading 4/14/22

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 4th day of April, 2022.

Orig: Town Clerk
cc: Council
cc: Auditor
cc: Planning
cc: Law
cc: Mayor

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen F. Buoniconti, Solicitor

TOR-2022-4

First Reading 3/17/22
Second Reading 4/14/22
approved

AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF THE TOWN OF AGAWAM

(Sponsored by Mayor William P. Sapelli)

WHEREAS, Chapter 103 ("Fees"), Section 3 of the Code of the Town of Agawam relates to service and license fees issued by the Building Department; and

WHEREAS, the current fee schedule was amended last by TOR-2017-4; and

WHEREAS, there are now 5 large scale solar energy systems located within Town and the Building Department recommends amendments to the fee schedule based on the work involved with the issuance of permits; and

WHEREAS, it is in the best interest of the Town of Agawam to amend the fees related to industrial and business solar energy systems.

NOW THEREFORE, the Agawam City Council hereby amends Section 3(C) of Chapter 103 ("Fees") of the Code of the Town of Agawam by:

Deleting under "Building-Business, Institutional and Industrial"	
Solar - less than 5,000 square feet of panel	\$200
Solar - between 5,000 square feet and 10,000 square feet	\$300
Solar - over 10,000 square feet of panel	\$500
Solar - independent accessory structures	\$25 per structure
Periodic inspections (capacity under 500/over 500)	\$50/\$100

And inserting in it's place
Solar Energy System \$0.20 per square foot of panel coverage

Deleting the fee amounts under "Electrical-Business, Institutional and Industrial"
\$0.10 sq. ft.; \$100 min. New or additions and alterations
\$0.10 sq. ft.; \$60 min. Accessory building
\$75 Solar Collectors

And inserting in it's place
\$100.00 per inspection

Dated this 4th day of April, 2022.

PER ORDER OF THE AGAWAM CITY COUNCIL
Christopher C. Johnson
Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY
Stephen J. Buoniconti
Stephen J. Buoniconti, City Solicitor

Orig. Town Clerk
cc: Council
cc: Law
cc: Auditor
cc: Treasurer
cc: Inspection Services
cc: Mayor