

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated May 4, 2020

Meeting was called to order by Council President Johnson at 7:01pm via remote telephone conference. Per Governor Baker's order suspending certain provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 20, the public is not allowed to physically access this meeting. Members of the public can access the meeting on Cable Access Channel 15 and on the town website as soon as practicable.

Item A. Roll Call

ROLL CALL – 11 PRESENT, 0 ABSENT

Roll Call was taken with the following councilors remotely present: George Bitzas, Cecilia Calabrese, Paul Cavallo, Christopher Johnson, Gina Letellier, Dino Mercadante, Robert Rossi, Rosemary Sandlin, Gerald Smith, Anthony Suffriti and Mario Tedeschi. With eleven present, there was a quorum. Council President Johnson explained details of how he will proceed with the remote meeting. He will alphabetically call upon each councilor for comment during the discussion portions of each item. He encouraged using the mute button when not speaking so it would help improve the quality of the audio recording.

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

There was a moment of silence and the Pledge of Allegiance led by Councilor Cavallo.

Item C. Citizen's Speak Time

***SUSPENDED ***

Only electronically submitted comments from members of the public that are received prior to the meeting will be read into the record of the meeting

Council President Johnson stated that there were two residents who submitted emails to the Council Office which were read into record. Susan Grossberg of 131 Moore Street, Agawam spoke about using CDBG funds for the grant program as well as the North Agawam infrastructure repair and Brady Village roof. She also asked about the Mayor and Council looking into rental assistance. Will Clark of 26 High Meadow Road, Feeding Hills talked about the Capital Improvement Plan and asked the Council to reconsider reductions to infrastructure funding.

Item D. Minutes

Council President Johnson mentioned that he planned on holding off on the approval of minutes until we are back in some sort of normalcy.

Item E. Declaration of Council President

1. Update on Residential Rental Assistance

Council President Johnson stated that he met with the Mayor and the Solicitor to discuss rental assistance. He noted that a lot of funds were pouring in from the state and federal government for rental assistance. On April 15th the Governor signed legislation prohibiting landlords from evicting renters and courts from acting on notices to quit for 120 days from April 15th or 45 days from the date it gets lifted. Tenants are not in jeopardy of being evicted or served notice. They are continuing to explore the town's options into rental assistance.

Item F. Presentation of Resolutions

1. TR-2020-34 - A Resolution to appropriate funds for the Agawam Police Supervisor's Association and Agawam Nurses Association agreements with the Town of Agawam (Mayor Sapelli)

Motion to approve made by Councilor Cavallo and seconded by Councilor Sandlin. Councilor Bitzas stated he would be supporting the item. Councilors Cavallo, Letellier and Mercadante had no problems with these negotiated contracts. Councilors Rossi, Sandlin, Smith and Suffriti had no questions or issues with this item. After reviewing everything, Councilor Tedeschi asked when negotiating contracts, are all the issues discussed or just a total amount needed to fund. Council Vice President Calabrese had no problem with this item and was in favor. Council President Johnson stated that each side brings to the table a long list of proposals other than the funding and then they negotiate from there. For the public's information, we are just voting to approve the funding for the first year of a three year contract. It is two percent for each year for the three years.

The vote was **11 YES, 0 NO** approving the item.

2. TR-2010-36 - A Resolution confirming the reappointment of Violet Baldwin, 1245 Main Street, Agawam, MA to the Community Preservation Act Committee to a term expiring April 30, 2023 (City Council)

Motion to approve made by Councilor Cavallo and seconded by Councilors Mercadante and Calabrese. Councilor Letellier was happy to see that Vi wanted to be reappointed noting that she is really involved and cares for our town. Council President Johnson noted that Ms. Baldwin is the Planning Board representative to the Community Preservation Act Committee.

The vote was **11 YES, 0 NO** approving the item. Council President Johnson thanked Ms. Baldwin for her continued service.

3. TR-2020-37 - 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, 2022 (City Council)

Motion to approve made by Councilor Cavallo and seconded by Councilors Bitzas and Sandlin. Council President Johnson noted that Mr. Ronghi was the Housing Authority's representative on the CPA Committee.

The vote was **11 YES, 0 NO** approving the item. Council President Johnson thanked Mr. Ronghi for his continued service.

Item G. Elections

1. TE-2020-3 - Election of an at-large member of the Community Preservation Act Committee to a term expiring April 30, 2023 (City Council)

Council President Johnson explained that this position is currently held by Louis Russo and he has expressed interest in continuing. He opened the floor for nominations. Council Vice President Calabrese placed the name of Louis Russo into nomination and Councilor Letellier seconded it. Councilor Letellier moved to close nominations and this was seconded by Councilor Sandlin. Voice vote approved to closed nominations.

The vote was **11** for **LOUIS RUSSO** reappointing him for another three year term. Council President Johnson thanked Mr. Russo for his continued willingness to serve the town.

2. TE-2020-4 - Election of an at-large member of the Community Preservation Act Committee to a term expiring April 30, 2022 (City Council)

Council President Johnson explained that this position was formerly held by Les Tingley who is now an employee of the town. He then opened the floor for nominations. Councilor Letellier nominated Ron Wieners and Council Vice President Calabrese seconded this nomination. Motion to close nominations was moved and seconded and voice vote approved.

The vote was **11** for **LOUIS RUSSO** appointing him to the CPA Committee. Council President Johnson thanked Mr. Wieners for his willingness to serve.

Item H. Public Hearings

1. TR-2020-35 - A Resolution adopting the Fiscal Year 2021-2025 Capital Improvement Program (Mayor Sapelli) – Suggest a Public Hearing Date of May 18, 2020

Council President Johnson stated that this Public Hearing is set for May 18th even though the Primary Election has now been set for May 19th. The Public Hearing had to be advertised and this was done before we knew if the election would actually be held.

Item I. Old Business

1. TOR-2020-2 - An Ordinance to Amend Chapter 78 of the Code of the Town of Agawam regarding Blighted Properties (Sponsored by Mayor Sapelli) (First of Two Readings) (Referred to Legislative Committee)

Motion to approve the first reading made by Councilor Smith and seconded by Councilor Sandlin. As Chair of the Legislative Committee, Councilor Suffriti provided the report stating that Councilors Sandlin, Bitzas and Tedeschi were present and Councilor Letellier was absent. Also present were Councilors Calabrese and Mercadante as well as Solicitor Buoniconti. He noted that they had a very lengthy discussion and councilors asked many questions to the Solicitor. Solicitor Buoniconti did a great job answering all of these questions. In the end, the committee made a Motion to send a positive recommendation to the Full Council. The vote was 3 yes (Councilors Suffriti, Sandlin and Tedeschi), 0 no, 1 absent (Councilor Letellier) and 1 Present (Councilor Bitzas).

Discussion began with Councilor Bitzas saying he voted present because although he was a strong supporter of this, he didn't see a need to bring forth a new ordinance. He and former Council President Cichetti sponsored the original Blight Ordinance and noted that there are only two changes to this proposed one. Councilor Bitzas thinks it doesn't make sense to submit a new ordinance when we could simply amend the original. He also thinks it is too strong for a local owner to have these fines and couldn't it be more lenient for people that live there. Why delete and insert words – he thinks it doesn't make sense although he is in favor of the blight ordinance and keeping the town nice and clean. Council Vice President Calabrese stated that we need the changes for enforcement reasons as there is no longer a Code Enforcement Officer. She believes this is a good piece of legislation geared toward bank owned properties and thinks it is drafted fine and will achieve the goal of cleaning up properties in town. Councilor Cavallo will be voting in favor noting that something needs to be done as Land Housing Court is full of complaints. This puts more teeth into the ordinance. Councilor Letellier noted that the Solicitor's memo addressed Councilor Bitzas' point and the goal is to go after the lender. It is a good idea to put more teeth into this ordinance and would be voting in favor. Councilor Mercadante would also be voting in favor stating that the reality of it is the neighborhoods have to deal with this. It disrupts their quiet enjoyment. He stated the fines would motivate people to clean up the properties. Councilor Mercadante wants to make sure the town has a stick-to-it-tiveness to go after non-payments of fines noting there are currently thirty pages of uncollected fines to the Town of Agawam. We need to be really serious and do our due diligence and cross all of our T's and dot our I's. Councilor Rossi was also in favor and was happy to see that we closed up some loop holes saying this allows the town to go after problem areas. Councilor Sandlin was in full support of this ordinance and said that it takes a year to go on the blighted properties list and then after that the owners can be fined. Councilor Smith was also one hundred percent in favor and would vote for anything that would improve some

of these blighted properties. His concern is the enforcement of the rules and the collection of fines. Councilor Suffriti thanked Councilor Bitzas and former Councilor Cichetti for getting this on the books back then but this proposed ordinance closes loop holes and puts additional teeth in this. He is in favor of the ordinance and noted that everyone's questions were answered at the sub-committee level. Councilor Tedeschi agreed that all questions were answered at the Legislative Committee. Council President Johnson noted that there was an exemption for non-bank owned properties. When properties are bank owned, the owners are generally difficult to contact regarding problems with properties. The purpose of registering properties is to provide proper contact information to be able to get a property owner to resolve dangerous conditions. Council President Johnson stepped from the Chair to say he spoke with the Mayor and Solicitor and it is not their intention of enforcing the levy of fines on unshoveled sidewalks. Once the property has been declared blighted, then these fees will kick in. When the fines go unpaid, they would like to have the ability to lien the property. The Building Inspector said there was a similar system in place in the City of Springfield. He reminded everyone that this was the first reading of the ordinance. Councilor Bitzas thanked Council President Johnson for clarifying everything however he reiterated that the Mayor does not need to propose an entirely new ordinance when the current one could be amended. Why are we doing this – it is the same ordinance from five years ago. Council President Johnson interrupted Councilor Bitzas stating he made his point and asked Barbara to call the roll.

The vote was **11 YES, 0 NO** approving the first reading.

- 2. TO-2020-10 - Budgetary Transfer of 102,294.48 from Salary Reserve (#16605-57350) to Police Regular Salary (\$96,530.57 to #12101-51010), Police Holiday (\$4,463.91 to #12101-51050) and Police Longevity (\$1,300.00 to #12101-51400) (Mayor Sapelli)**

Motion to approve made by Councilor Smith and seconded by Councilor Sandlin. Council President Johnson stated that this and the next transfer go along with the resolution from earlier regarding the unions (TR-2020-34).

The vote was **11 YES, 0 NO** approving the item.

- 3. TO-2020-11 - Budgetary Transfer of \$30,843.00 (#16605-57350) to Health Regular Permanent (\$27,147.00 to #15101-51010) and Health Regular Temporary (\$3,696.00 to #15101-51020) (Mayor Sapelli)**

Motion to approve made by Councilor Smith and seconded by Councilor Sandlin.

The vote was **11 YES, 0 NO** approving the item.

Item J. New Business

- 1. TR-2020-38 - A Resolution confirming the reappointment of Henry Kozloski, 102 Meadow Street, Agawam, MA to the Community Preservation Act Committee to a term expiring April 30, 2023 (City Council)**

Next Agenda.

- 2. TOR-2020-3 - An Ordinance amending Chapter 33 of the Code of the Town of Agawam (Mayor Sapelli) (Two Readings Required)**

Next Agenda.

- 3. TO-2020-12 - Budgetary Transfer of \$6,300.00 from Fire Department Regular Temporary (#12201-51020) to Fire Protection & Safety (#12203-52410) (Mayor Sapelli)**

Next Agenda.

4. TO-2020-13 - Budgetary Transfer of \$7,500.00 from Fire Department Regular Temporary (#12201-51020) to Ground & Building Main (#12202-52020 (Mayor Sapelli)

Next Agenda.

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

Councilor Suffriti expressed thoughts for everyone to stay healthy and safe at our new future normal and to use common sense. Councilor Smith reminded everyone of Governor Baker's statewide order to wear face masks. He hopes the Town of Agawam will support this especially when going to the grocery stores. He sees people ignoring these regulations already. Councilor Sandlin thanked all the teachers and wished them a Happy Teacher's Appreciation Day. Councilor Rossi told everyone to stay safe and was looking forward to things going back to some sort of a normal. Councilor Mercadante said there is a light at the end of the tunnel and try to do your best to follow all of the guidelines. Councilor Letellier thanked all of the teachers as well and cannot believe all of the hard work that goes into teaching. She said please be safe and remember to social distance. It is disturbing that some people do not follow it. She also wished everyone a Happy Mother's Day. Councilor Cavallo wanted to know how many applicants there were for the grant program. Council President Johnson stated that the Mayor said they will wait until the list of approved applicants is done and will send it out then. This should be within one to two weeks. Councilor Cavallo noted we also have to wait for the state to confirm but said they said we were on a fast track for approval. Council President Johnson confirmed that information – once the applicants are approved at a local level and then goes to the DHCD for approval. Council Vice President said stay safe and remember to social distance. She reminded everyone of the Special Election on May 19th and how important it is to fill this vacancy. Councilor Bitzas talked about a memo he wrote about working for many years to use CPA housing funds to help our low-income residents especially in this difficult time. He has asked State Representatives Boldyga and Velis to draft a piece of bipartisan legislation to use CPA Housing funds for these purposes. He expressed thanks to both of them for their willingness to work together. Council President Johnson thanked the Mayor, the Solicitor, Jeff Hulbert and Les Tingley for all of their hard work in keeping everything going and keeping everyone informed. They are doing a phenomenal job handling the frequent calls and doing a great job.

Item L. Adjournment

Motion to adjourn moved and seconded all around. Meeting was adjourned at 7:54pm.

Please note that this meeting will be recorded and be available on the town's public access channel as soon as practicable as well as on the town's website (www.agawam.ma.us)

approved

TR-2020-34

A RESOLUTION TO APPROPRIATE FUNDS FOR THE AGAWAM POLICE SUPERVISOR'S ASSOCIATION AND AGAWAM NURSES ASSOCIATION AGREEMENTS WITH THE TOWN OF AGAWAM

(Sponsored By Mayor William P. Sapelli)

WHEREAS, the Town of Agawam has negotiated a Collective Bargaining Agreement with the bargaining units, the Agawam Police Supervisor's Association and the Agawam Nurses Association; and

WHEREAS, the Town and Unions have executed the Settlement Agreements; and

WHEREAS, the Settlement Agreements has been ratified by the Unions; and

WHEREAS, the Settlement Agreements are three year agreements that provides for an increase in wages as follows:

Police Supervisors

- a. Effective July 1, 2019 - 2.0%,
- b. Effective July 1, 2020 - \$2,000.00 salary increase
- c. Effective July 1, 2021 - \$2,000.00 salary increase, and

Nurses

- a. Effective July 1, 2019 - 2.0%,
- b. Effective July 1, 2020 - 2.0%
- c. Effective July 1, 2021 - 2.0%, and

WHEREAS, pursuant to G. L. c. 150E, § 7, the Agawam City Council must appropriate the necessary funds; and

WHEREAS, Transfer Orders 10 and 11 reflect the necessary funds needed for each contract; 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 the necessary funds for FY2020 of said Settlement Agreements, amounting to one hundred and thirty three thousand and one hundred and thirty seven dollars and fifty eight cents (\$133,137.58), is approved.

org - TMLK
cc - Council
cc - Auditor
cc - Personnel
cc - Treasurer
cc - Police
cc - Health

Page 1 of 2

Dated this 4th day of May, 2020.

PER ORDER OF THE AGAWAM TOWN COUNCIL

Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti, City Solicitor

approved

TR-2020-36

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF VIOLET BALDWIN, 1245 MAIN STREET, AGAWAM, MA, TO THE COMMUNITY PRESERVATION ACT COMMITTEE TO A TERM EXPIRING APRIL 30, 2023

(Sponsored by the Agawam City Council)

WHEREAS, the appointment of Violet Baldwin as the Agawam Planning Board's representative on the Agawam Community Preservation Act Committee will expire on April 30, 2020; and

WHEREAS, Violet Baldwin, 1245 Main Street, Agawam, MA wishes to be reappointed; and

WHEREAS, at their February 6, 2020 meeting, the Agawam Planning Board voted on and confirmed that Violet Baldwin be reappointed as the Board's representative on the Community Preservation Act Committee; and

NOW, THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the reappointment of Violet Baldwin, 1245 Main Street, Agawam, MA, to the Agawam Community Preservation Act Committee for a term expiring April 30, 2023.

Dated this 4th day of May, 2020

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, Council President

APPROVED AS TO FORM AND LEGALITY

Stephen Buoniconti, City Solicitor

org - TMLK
cc - Council
cc - Mayor
cc - CPA

approved

TR-2020-37

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, 2022

(Sponsored by the Agawam City Council)

WHEREAS, the appointment of Vincenzo Ronghi on the Agawam Community Preservation Act Committee will expire on April 30, 2020; and

WHEREAS, Vincenzo Ronghi, 55 Avalon Place, Feeding Hills, MA wishes to be reappointed; and

WHEREAS, the reappointment of Vincenzo Ronghi was voted on and confirmed by the Housing Authority at their March 16, 2020 meeting; and

NOW, THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the reappointment of Vincenzo Ronghi, 55 Avalon Place, Feeding Hills, MA, to the Agawam Community Preservation Act Committee for a term expiring April 30, 2022.

Dated this 4th day of May, 2020

PER ORDER OF THE AGAWAM CITY COUNCIL

Christopher C. Johnson, Council President

APPROVED AS TO FORM AND LEGALITY

Stephen Buoniconti, City Solicitor

org - TMLK
cc - Council
cc - Mayor
cc - CPA

First Reading 5/4/20
Second Reading 5/18/20

TOR-2020-2

AN ORDINANCE TO AMEND THE CHAPTER 78 OF THE CODE OF THE TOWN OF AGAWAM REGARDING BLIGHTED PROPERTIES

(Sponsored by Mayor William P. Sapelli)

WHEREAS, Chapter 78 of the Code of the Town of Agawam is the blight ordinance adopted by the City Council (TOR-2015-6); and

WHEREAS, Chapter 78 currently requires all owners of properties to register vacant properties yearly with the Town at no cost; and

WHEREAS, surrounding municipalities, and many throughout the Commonwealth, require owners of vacant properties to pay a yearly registration fee to the municipality; and

WHEREAS, most of the vacant properties are bank owned; and

WHEREAS, a proposed change to the current ordinance would require all premises that meet at least one of the defined "blight" conditions to register with the Town of Agawam; and

WHEREAS, the proposed fee to register a blighted premises is \$500; and

WHEREAS, blighted premises that are owner occupied or actively marketed for sale shall be exempt from paying a registration fee; and

WHEREAS, it is in the best interest of the Town of Agawam to modify Chapter 78 of the Code of the Town of Agawam.

NOW THEREFORE, the Agawam City Council hereby resolves, ordains, amends and enacts Chapter 78 of the Code of the Town of Agawam by deleting it in its entirety and inserting in its place the attached Exhibit A.

Dated this 15th day of May, 2020.

Christopher C. Johnson
Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

Stephen J. Buoniconti
Stephen J. Buoniconti, Solicitor

BUDGETARY TRANSFER FORM

TO-2020-10

approved

Department: POLICE DEPARTMENT

Amount: \$102,294.88 Date: APRIL 14, 2020

From: SALARY RESERVE 16605-57350 \$ 102,294.88
Title of Account Account Number

To: POLICE REGULAR SALARY 12101 51010 \$ 96,530.57
POLICE HOLIDAY 12101 51050 \$ 4,463.91
POLICE LONGEVITY 12101 51400 \$ 1,300.00

Reason for Transfer:

To fund the first year of the Police Supervisors' contract from July 1, 2019 through June 30, 2022.

William P. Sapelli
Department Head

I hereby certify that funds are available to make the above-stated transfer.

Date: 4/16/20 Cheryl St. John
Cheryl St. John, Auditor

I hereby approve placement of the above-stated transfer on the Council agenda.

Date: 4/16/20 William P. Sapelli
William P. Sapelli, Mayor

Approved as to form and legality.

Date: 4/16/20 Stephen J. Buoniconti
Stephen J. Buoniconti, Solicitor

PER ORDER OF THE AGAWAM TOWN COUNCIL - APPROVED ON 5-4-2020

Date: 5/4/20 Christopher C. Johnson
Christopher C. Johnson, President

APPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby approve the Council passage of the above-stated transfer.

Date: William P. Sapelli
William P. Sapelli, Mayor

DISAPPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby disapprove the Council passage of the above-stated transfer.

Date: William P. Sapelli
William P. Sapelli, Mayor

BUDGETARY TRANSFER FORM

TO-2020-11

Department: HEALTH DEPARTMENT

Amount: \$30,843.00 Date: APRIL 15, 2020

From: SALARY RESERVE 16605-57350 \$ 30,843.00
Title of Account Account Number

To: HEALTH REGULAR PERMANENT 15101 51010 \$ 27,147.00
HEALTH REGULAR TEMPORARY 15101 51020 \$ 3,696.00

Reason for Transfer:

To fund the first year of the Nurses' contract from July 1, 2019 through June 30, 2022.

William P. Sapelli
Department Head

I hereby certify that funds are available to make the above-stated transfer.

Date: 4/16/20 Cheryl St. John
Cheryl St. John, Auditor

I hereby approve placement of the above-stated transfer on the Council agenda.

Date: 4/16/20 William P. Sapelli
William P. Sapelli, Mayor

Approved as to form and legality.

Date: 4/16/20 Stephen J. Buoniconti
Stephen J. Buoniconti, Solicitor

PER ORDER OF THE AGAWAM TOWN COUNCIL - APPROVED ON May 4, 2020

Date: 5-4-2020 Christopher C. Johnson
Christopher C. Johnson, President

APPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby approve the Council passage of the above-stated transfer.

Date: William P. Sapelli
William P. Sapelli, Mayor

DISAPPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby disapprove the Council passage of the above-stated transfer.

Date: William P. Sapelli
William P. Sapelli, Mayor