

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated August 1, 2022

Meeting was called to order by Council President Johnson at 7:00pm at the Agawam Senior Center Veterans Hall.

Item A. Roll Call

ROLL CALL – 10 PRESENT, 1 ABSENT

Roll Call was taken with the following Councilors present: Cecilia Calabrese, Paul Cavallo, Thomas Hendrickson, Christopher Johnson, Dino Mercadante, Anthony Russo, Robert Rossi, Rosemary Sandlin, Gerald Smith, and Anthony Suffriti. Councilor George Bitzas 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 followed by the Pledge of Allegiance.

Item C. Citizen's Speak Time

None.

Item D. Minutes

1. Regular Council Meeting – July 11, 2022

Motion to approve made by Councilor Mercadante and seconded by Councilors Russo and Sandlin. Voice vote approved.

Item E. Declaration of Council President

None.

Item F. Presentation of Resolutions

1. 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) (Remain on table since 4/4/22)

Motion to remove the item from the table made by Council Vice President Calabrese and seconded by Councilor Sandlin. Voice vote approved. Motion to approve made by Councilor Mercadante and seconded by Councilors Cavallo and Sandlin. As Chair of the Finance Committee, Councilor Mercadante provided the report stating that Solicitor presented the new route and why it had to be changed noting the new route is more efficient and less costly to the rate payers (not the tax payers). He explained the changes and answered any questions. The Committee made a Motion to send a positive recommendation to the Full Council which was made by Councilor Cavallo and seconded by Councilor Sandlin. The vote was 5 Yes, 0 No.

Councilor Mercadante mentioned that again the new route significantly reduced the cost to \$691,000 and after a ten year bond it would be \$843,630 which would save a lot and making the project more efficient. He reiterated that this project would be paid by the rate payers not the taxpayers. Council Vice President said she was happy with the result after the federal funding offset the total. Councilor Sandlin agreed that the sewer rate payers or users of the sewer system would help fund this not the taxpayers. Council President Johnson explained the background in more detail.

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

- 2. TR-2022-50 - A Resolution to appropriate and transfer Two Hundred Forty Eight Thousand and Four Hundred Seventy Six Dollars and Eighty Cents (\$248,476.80) for the Agreements of the Agawam Nurses Association, the Agawam Police Supervisor's Association, the Agawam Patrolmen's Association, and the Agawam Building Maintenance Association with the Town of Agawam (Sponsored by Mayor Sapelli) (Referred to Finance Committee)**

Motion to approve made by Councilor Rossi and seconded by Councilor Suffriti. As Chair of the Finance Committee, Councilor Mercadante provided the report stating that this item is a culmination of negotiated contracts between the administration and the unions as listed. The City Council votes on the funding for the first year which is 2% followed by 2% in second year and 3% in third year. The Committee made a Motion to send a positive recommendation to the Full Council which was made by Councilor Cavallo and seconded by Councilor Sandlin. The vote was 5 Yes, 0 No.

Council President Johnson noted that the City Council is required to approve the funding for the first year. If the City Council fails to approve, then they would have to go back to the bargaining table and renegotiate.

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

Item G. Elections

None.

Item H. Public Hearings

- 1. ZC-2022-1 (PH-2022-7) - Petition for Zone Change by prospective owner Route 75/Main Street Aga, LLC for property located at 36 Main Street from Residents A-2 to Business A (Referred to Legislative Committee)**

Motion to approve made by Councilor Sandlin and seconded by Councilors Rossi and Calabrese. Council President Johnson declared the Public Hearing open at 7:08pm. Peter LaPointe, Vice President of Real Estate & Construction at the Colvest Group presented the zone change request. He explained how this small parcel in the rear of 36 Main Street would square off the large parcel that already own on the corner of Suffield and Main Streets. Council President Johnson stated that this zone change was fairly straight forward and thanked Mr. LaPointe for his presentation. No one else spoke in favor of the zone change. Corinne Wingard, 194 Elm Street, Agawam spoke in favor in name only. No one spoke in opposition or in opposition name only. Council President Johnson declared the Public Hearing closed at 7:11pm.

As Chair of the Legislative Committee, Councilor Suffriti provided the report stating that the Solicitor provided a detailed explanation of this zone change including where the parcel is location and why this is coming before us for a zone change. The Planning Board gave a positive recommendation to the Council and that the Colvest Group has submitted two Special Permit applications for this parcel. The Committee made a Motion to send a positive recommendation to the Full Council which was made by Councilor Russo and seconded by Councilor Sandlin. The vote was 4 Yes, 0 No, 1 Absent (Councilor Bitzas)

The vote was **10 YES, 0 NO, 1 ABSENT** (Councilor Bitzas) approving the zone change.

Item I. Old Business

1. **TO-2022-16 - Budgetary Transfer (\$248,476.80) from Line Item – Salary Reserve (#16605-57350) to the following accounts (Referred to Finance Committee):**

Health Reg/Permanent	#15101-51010	\$ 46,804.25
Building Maintenance Reg/Permanent	#11921-51010	\$ 56,057.13
Police Reg/Permanent	#12101-51010	\$122,466.04
Police Science College	#12101-51120	\$ 23,149.38

Motion to approve made by Councilors Cavallo and Smith and seconded by Councilor Suffriti. Council President Johnson noted that this was the companion item to TR-2022-50. As Chair of the Finance Committee, Councilor Mercadante provided the report stating that this transfer is to fund the negotiated raises and funds the first year. The Committee made a Motion to send a positive recommendation to the Full Council which was made by Councilor Sandlin and seconded by Councilor Cavallo. The vote was 5 Yes, 0 No.

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

Item J. New Business

1. **TR-2022-51 - A Resolution confirming the reappointment of Howard Safford, 92 Juniper Ridge Drive, Feeding Hills, MA to the Agawam Liquor License Commission to a term expiring the first Monday in June 2027 (Sponsored by Mayor Sapelli)**

Next Agenda.

2. **TR-2022-52 - A Resolution appropriating (\$50,000.00) from the Community Preservation Fund and authorizing the expenditure of Community Preservation Funds for open space restoration (CPA)**

Referred to Community Relations Committee, next Agenda.

3. **TR-2022-53 - A Resolution to redraft a petition to the General Court to amend Chapter 80 of the Acts of 2002 relative to Special Police Officers in the Town of Agawam (Sponsored by Mayor Sapelli)**

Referred to Legislative Committee, next Agenda.

4. **TR-2022-54 - A Resolution to appropriate and authorize borrowing in the amount of Five Hundred Forty Thousand Dollars (\$540,000.00) for the costs of lead service line inventory planning (Sponsored by Mayor Sapelli)**

Referred to Finance Committee, next Agenda.

5. **TR-2022-55 - A Resolution authorizing the appropriation of Thirty Three Thousand Seven Hundred and Eighty Six Dollars and Twenty Nine Cents (\$33,786.29) from the Energy Management Project Stabilization Fund for costs related to lighting upgrades at the Public Library and Senior Center (Sponsored by Mayor Sapelli)**

Referred to Finance Committee, next Agenda.

6. **TR-2022-56 - A Resolution to Authorize the Chief of Police to assign Police Officers to polling places (Sponsored by Mayor Sapelli)**

Next Agenda.

7. **TR-2022-57 - A Resolution regarding early voting hours for the 2022 Fall State Election (Sponsored by Mayor Sapelli)**

Next Agenda.

8. **TR-2022-58 - A Resolution to appropriate and transfer Eighty One Thousand Eighty Seven Dollars and Forty Eight Cents (\$81,087.48) for the Agreement of the Agawam Clerical Association with the Town of Agawam (Sponsored by Mayor Sapelli)**

Referred to Finance Committee, next Agenda.

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

Councilor Mercadante asked about our blight ordinance noting we need to get more teeth in this ordinance to get yards cleaned up around town. Council President Johnson explained that the Housing Court is back up doing Code Enforcement in person which should help the process. The tools are already in place it is just a matter of using those tools. He also stated that both the Building Inspector and Health Director have the ability to enforce state sanitary code but the Housing Court is the most effective way. Council Vice President Calabrese reminded everyone about the National Night Out on Tuesday, August 2nd from 5pm – 7pm. She also gave condolences to State Police Canine Office’s dog Frankie. Councilor Rossi said the town is enacting a Beautification Committee trying to get neighborhoods more involved hoping to help their neighbors and avoid court action. He also spoke about the letter from Aldo Mancini regarding a Fourth of July 2023 parade. He remembered when we used to have this parade years and years ago with a picnic right afterwards which was great to get to know each other. This would be a great community event especially during such trying times. We have a whole year to think about it but hopes everyone gets involved. Councilor Suffriti thanked Mayor Sapelli and his office for working so hard with Congressman Neal and Velis to get the funds necessary to offset. They are really looking out for our residents. Council President Johnson had a few housekeeping items. He noted that the Special Police item was back on the Agenda with some revisions. Senator Velis and Senate Counsel have already approved this as well as receiving PERAC approval. They are unable to get any directive from the House and Special House Counsel approval and this would be the third time trying to get this approved. With Council permission, he would like to send a letter on behalf of the City Council to our State Representative to vote on this in September. Council President Johnson noticed many Sheriffs doing traffic details because there is a shortage of Special Police. Hopefully this letter would get us the approval we need to get this approved and not having anything happen again and the Bill dying in session. Secondly, Council President Johnson explained the reasoning behind the wording “workshop” on our Sub-Committee meeting notices. If we have five members on a sub-committee and one extra councilor attends – that would constitute a quorum of the Council and could potentially violate Open Meeting Laws. Years ago, when the changes were made to the Open Meeting Law, we contact the Attorney General’s Office who suggested this way of posting our meeting and approved of this wording. He also stressed that the Committee Chair is in charge of running the individual meeting. He reminded the Council to try to have committee members sit separately from others so the residents would be clear about who the committee members were. Third item was location of our Council meetings. Our first choice would be the Library which would be best since it is the geographic center of town however they have already booked up their Mondays through the end of the year. Council President Johnson wanted a consensus of having it at the Senior Center. Councilor Sandlin expressed concern to have the sub-committee meetings live-streamed and videoed. There is the Garden Room on the same level as the Veterans Hall at the Senior Center which could work or Les would prefer the Dining Room. Councilor Mercadante agreed that it was very important to have the sub-committee meetings televised.

Item M. Adjournment

Motion to adjourn was moved and seconded all around the house. 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 as amended 8/1/2

TR-2022-24

A RESOLUTION TO APPROPRIATE AND AUTHORIZE BORROWING IN THE AMOUNT OF SIX HUNDRED AND NINETY ONE THOUSAND AND SIX HUNDRED DOLLARS (\$691,600.00) TO PAY COSTS FOR THE WESTFIELD RIVER INTERCEPT SEWER RELOCATION PROJECT AND THE REED STREET EMBANKMENT PROJECT

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Westfield River Interceptor sanitary sewer line is a critical part of the Town's sanitary sewer system which handles approximately 30% of the entire Town's sewer line flow; and

WHEREAS, the interceptor sewer line runs along the top of the embankment of the Westfield River from approximately Cooper's Commons to the back of Hood's where it connects to a town pumping station; and

WHEREAS, and in recent years, despite slope stabilization efforts, erosion has continued to encroach on the sewer line causing concern of exposure of the sewer line and potential failure; and

WHEREAS, the town has researched potential solutions and recommends that the sewer line be relocated to run further along Main Street and then pass through Carando's parcel and reconnect to the existing sewer line at the rear of Carando's which then runs to the pumping station located in the rear of Hood's; and

WHEREAS, the Town has invested in the sewer drainage system in the area the last few years with the elimination of discharge from the Rebecca Doering Middle School roof; and

WHEREAS, the embankment on the Westfield River across from Doering School and Reed Street needs repairs for stabilization; and

WHEREAS, the Town requested assistance in the cost of the projects from Chairman Neal who was successful in securing a federal earmark in the amount of for the projects in the amount of seven hundred and forty thousand dollars (\$740,000); and

WHEREAS, the projected cost for the projects, including a 10% contingency and costs for an easement taking is approximately \$1,431,600.00; and

WHEREAS, it is in the best interest of the Town of Agawam to accept the federal earmark and fund the balance to complete the above-referenced projects.

orig. clerk's office
cc: Council
cc: Auditor
cc: Treasurer
cc: Law
cc: Mayor
cc: DPW

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

Six Hundred and Ninety One Thousand Dollars and Zero Cents (\$691,000.00) is appropriated for funding the cost of relocating the Westfield River Interceptor sanitary sewer and the Reed Street embankment project and further, that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow the full amount of Six Hundred and Ninety One Thousand Dollars and Zero Cents (\$691,000.00) to pay costs of this project, including the payment of all costs incidental and related thereto, under M.G.L. c. 44, §7(1) 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 1st day of August, 2022

PER ORDER OF THE AGAWAM CITY COUNCIL


Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY


Stephen Buoniconti, City Solicitor

TR-2022-50

approved

A RESOLUTION TO APPROPRIATE AND TRANSFER TWO HUNDRED AND FORTY EIGHT THOUSAND AND FOUR HUNDRED AND SEVENTY SIX DOLLARS AND EIGHTY CENTS (\$248,476.80), FOR THE AGREEMENTS OF THE AGAWAM NURSES ASSOCIATION, THE AGAWAM POLICE SUPERVISOR'S ASSOCIATION, THE AGAWAM PATROLMEN'S ASSOCIATION, AND THE AGAWAM BUILDING MAINTENANCE ASSOCIATION WITH THE TOWN OF AGAWAM

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam has negotiated Collective Bargaining Agreements with the following bargaining units: the the Agawam Nurses Association, the Agawam Police Supervisor's Association, the Agawam Patrolmen's Association and the Agawam Building Maintenance Association; and

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

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

WHEREAS, the settlement agreements are all three year agreements for the period of July 1, 2022 to June 30, 2025 that provide for a yearly 2% increase in salaries in years 1 and 2 and a 3% increase in year 3; and

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

WHEREAS, funding for the agreements shall come from a transfer from the salary reserve account (16605-57350); 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 two hundred and forty eight thousand and four hundred and seventy six dollars and eighty cents (\$248,476.80) shall be transferred from the salary reserve account (16605-57350) to fund the first year of the agreements with the Agawam Nurses Association, the Agawam Police Supervisor's Association, the Agawam Patrolmen's Association, the Agawam Building Maintenance Association.

orig. clerk's office
cc: Council
cc: Auditor
cc: Treasurer
cc: Personnel
cc: Law
cc: Health
cc: Police
cc: Mayor
cc: B.M.

Dated this 1st day of August, 2022.

ZC-2022-1

approved

PETITION FOR ZONE CHANGE BY PROSPECTIVE OWNER ROUTE 75/MAIN STREET AGA, LLC FOR PROPERTY LOCATED AT 36 MAIN STREET FROM CLASSIFICATION RESIDENCE A-2 TO BUSINESS A

WHEREAS, the Town of Agawam entered into a land transfer agreement with Route 75/Main Street AGA, LLC on June 8, 2022 to sell a portion of Parcel # J15 5 3 located at 36 Main Street, Agawam, Hampden County, Massachusetts, with entrance located on Main Street (See Hampden County Registry of Deeds Book #2129, Page #70 and Book #34, Page #46); and

WHEREAS, Route 75/Main Street AGA, LLC is a registered limited liability corporation with the Massachusetts Secretary of State's Office with a principal address of 33 Main Street, Springfield, Massachusetts 01103 and the listed agent is Stephen Krevalin, Esq. and the manager is Frank Colaccino; and

WHEREAS, Route 75/Main Street AGA, LLC is the Petitioner for the zone change; and

WHEREAS, Parcel # J15 5 3 is zoned Residence A-2; and

WHEREAS, Route 75/Main Street AGA, LLC desires to change the zoning of the subject parcel from the current classification of Residence A-2 to Business A; and

WHEREAS, a contingency of the land transfer agreement is for the portion of land described in attached Exhibit A to be rezoned from RA-2 to Business A; and

WHEREAS, Route 75/Main Street AGA, LLC plans to combine the parcel with an adjoining parcel the LLC owns at the corner of Suffield and Main Street and construct at least two drive thru commercial buildings on the parcels; and

WHEREAS, the zoning change is being requested to allow for utilization of the property for its highest and best use; and

WHEREAS, it is in the best interest of the Town of Agawam to change the zoning of the parcels located at 36 Main Street, Agawam, Hampden County, Massachusetts and more specifically described in attached Exhibit A from the current classification of Residence A-2 classification to Business A Classification

NOW THEREFORE, the Agawam City Council hereby resolves to change the zoning of the subject property located at 36 Main Street, Agawam, Massachusetts 01001 from Residence A-2 to Business A classification contingent upon the transfer by the Town of Agawam to Route 75/Main Street AGA, LLC.

orig. clerk's office
cc: Council
cc: Planning
cc: Assessor
cc: Auditor
cc: Law
cc: Mayor
cc: Engineering

Approved
TO-2022-16

BUDGETARY TRANSFER FORM

Department: Line Item - Salary Reserve

Amount: \$ \$248,476.80 Date: July 7, 2022

From	Title of Account	Account Number	Amount
	SALARY RESERVE	16605 57350	\$248,476.80

To:	Title of Account	Account Number	Amount
	Health Reg/Permanent	15101 51010	46,804.25
	Building Maintenance	11921 51010	56,057.13
	Reg/Permanent		
	Police Reg/Permanent	12101 51010	122,466.04
	Police Science College	12101 51120	23,149.38

Reason for Transfer:

To fund newly ratified Nurses, Building Maintenance, Police Supervisors and Police Patrolmen's contracts.

William Sapelli
Department Head

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

Date: 7/7/22 Cheryl St. John
Cheryl St. John, Auditor

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

Date: 7/7/22 William Sapelli
William Sapelli, Mayor

Approved as to form and legality.

Date: 7/7/22 Stephen Buoniconti
Stephen Buoniconti, Solicitor

PER ORDER OF THE AGAWAM CITY COUNCIL - APPROVED ON August 1, 2022

Date: 8/1/22 Christopher Johnson
Christopher 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: 8/2/22 William Sapelli
William Sapelli, Mayor

CR 18 - Clerk, Office, Council, Auditor, Treasurer, Council Mayor (Korn, B.H. + Blue)