

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated August 2, 2021

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

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, Christopher Johnson, Dino Mercadante, Robert Rossi, Rosemary Sandlin, Gerald Smith, Anthony Suffriti and Mario Tedeschi. Councilor and 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

Item D. Minutes

1. Regular Council Meeting – July 12, 2021

Motion to approve made by Councilors Mercadante and Smith and seconded by Councilor Cavallo. Voice vote approved noting the abstention of Council Vice President Calabrese.

Item E. Declaration of Council President

None.

Item F. Presentation of Resolutions

1. TR-2021-43 - A Resolution petitioning our State Legislators to sponsor legislation that permits Community Preservation Act funds to be used by seniors on a fixed income and low income residents for home maintenance and repairs (Councilors Bitzas, Suffriti and Mercadante) (Referred to Community Relations Committee) (Tabled 6/21/21)

Motion to remove the item from the table made by Councilor Bitzas and seconded by Councilor Suffriti. Voice vote approved. Council President Johnson asked what was the Council's pleasure and Councilor Bitzas made the Motion to approve which was seconded by Councilors Calabrese and Mercadante. Councilor Bitzas said this Resolution is simply asking our legislators to draft special legislation to allow CPA funds to be used by fixed income seniors and low income residents to fix their homes. Residents have been ineligible for twenty years because of a twenty year old law. Taxpayers have been paying into this fund for twenty years and with this pandemic, we should be able to help our low income residents and fixed income seniors. State legislators strongly support doing this. Councilor Bitzas read letters/emails from Senator Velis and his assistant noting that they are waiting for us to pass this to see what language to use. Councilor Bitzas asked for everyone's support in trying to do this stating we have nothing to lose and it is worth the effort to support our low income and fixed income elderly residents. Councilor Mercadante supported this Resolution as well. He equated it to a snowball rolling down hill and gaining momentum. This is a worthwhile endeavor noting there is a lot of money left unused in that CPA account. If we approve this, then we can let the legislators work out the parameters. He said it may go nowhere but we must try. Councilor Cavallo asked if Councilor Bitzas and any of the co-sponsors met with the CPA Committee to go over the ground rules and said we would need to have our ducks in a row. He said it would have been proper to first meet with Henry Kozloski and his

team to discuss this noting our Solicitor made a very good argument on why this is illegal and Councilor Cavallo said the Solicitor is a very sharp person. Council President Johnson stepped from the Chair and stated that right now the CPA does not allow for this and going to the CPA Committee would have been a waste of time and energy. He believes that this Resolution as written would not be allowed and agreed with the Solicitor. Council President Johnson also stated that there is a strong precedence for no interest loans and forgivable loans with the CDBG funds for people in need of capital improvements and he offered an amendment in the Now Therefore clause after “appropriated”...*for no interest loans and/or forgivable loans to low income senior citizens and low income residents in need of capital improvements to their homes*....believing this is consistent with practice that currently exists. He applauded what the sponsors are trying to accomplish with this Resolution but this amendment gets us a little closer to where it should be. Councilor Sandlin mentioned we already have an Aging in Place program through the CDBG where residents apply, get approved and a lien is placed on their property. She probably won't support this even with the Amendment because for many years, she has seen so many pieces of legislation filed for similar things and they don't get to Committee. She won't support something that won't go anywhere and believes it is unmanageable this way. Councilor Rossi agreed with Councilor Sandlin. He was adamant that CPA public funds in no way can be used for private residents. This has always been an uphill battle to try to change CPA laws as it is tied to the Anti-Aid amendment. He told Councilor Johnson to stop shaking his head. Council President Johnson stated that the Anti-Aid amendment from the 1800's is separate and distinct from CPA prohibiting government from using public money to private entities however it does not prohibit loans. Councilor Rossi doesn't know how he can say that stating everyone is talking apples and oranges. He thinks it would be great to have a forgivable loan program however CPA cannot be used nor was that what it was intended to be used for. It is similar to trying to get the residents in town to foot the bill for the Feeding Hills Sewer Project where the residents did not want to pay for a small portion of people's sewers. This is similar in that we shouldn't use funds that residents contributed to help only a certain few. Councilor Mercadante again mentioned it is up to our legislators to place parameters on this Resolution and Council President Johnson has put forth a worthy Amendment. What would we have to lose he pleaded with his fellow councilors – if we put this forth, what exactly do we have to lose? Councilor Bitzas thanked Council President Johnson for offering the Amendment and is happy to second it. He also mentioned he spoke with CPA members several times and that they tried to change the law many times in the past. He noted that we actually changed the law before and we can do it again. There is \$955,000 sitting in that account for the last twenty years and we should try to use this money for our residents. He doesn't understand why this is bothering anyone – we have this money and we need to help our people. Councilor Sandlin said she didn't want to support it because it goes against the Anti-Aid amendment and she likes to file legislation that has the ability to pass noting there are other ways to take care of our low income and elderly people. Councilor Rossi agreed. Councilor Mercadante said he was not for another program that taxes people or would put another burden on the taxpayer. Councilor Tedeschi asked if it would be possible for the town to be in control of who would get this money if it ever happened. Council President Johnson said confirmed that the town would be in control.

Councilor Johnson made the Motion to amend which was seconded by Councilor Bitzas. The following wording was to be added in the Now Therefore clause after “to be appropriated”...add the words “*for no interest loans and/or forgivable loans to low income senior citizens and low income residents in need of capital improvement to their homes.*” The vote on the amendment was **6 Yes** (Councilors Bitzas, Calabrese, Johnson, Mercadante, Suffriti and Tedeschi), **4 No** (Councilors Cavallo, Rossi, Sandlin and Smith), **1 Absent** (Councilor Letellier) approving the amendment.

The vote on the Main Motion as amended was **6 YES** (Councilors Bitzas, Calabrese, Johnson, Mercadante, Suffriti and Tedeschi), **4 NO** (Councilors Cavallo, Rossi, Sandlin and Smith), **1 ABSENT** (Councilor Letellier) approving the item *as amended*.

2. TR-2021-46 - A Resolution to petition our State Legislators to oppose any amendments of Special Covid-19 legislation that make universal mail-in voting a permanent process (Sponsored by Councilors Bitzas, Calabrese, Mercadante, Suffriti and Tedeschi) (Referred to Legislative Committee)

Motion to remove the item from the Agenda made by Councilor Bitzas and seconded by Councilor Sandlin. Voice vote approved. Motion to approve made by Councilor Bitzas and seconded by Councilors Calabrese and Mercadante. Councilor Bitzas explained this item noting that on July 20th the House lawmakers continued the Covid-19 emergency mail-in voting law that was set to expire by June 30th without taking a formal vote. Extending this law in an informal

session means that there was not a roll call or public date and in his opinion was not fair. Councilor Bitzas said that the extension of this law would now be valid until December 15th. He believes we need to send a strong message to Governor Baker and legislators to oppose any permanent universal mail-in voting. People who are not able to vote in person can always use absentee ballots. Councilor Bitzas said we have to preserve the integrity of our voting system in this country. The costs for mail-in voting per election are about \$18,000. Councilor Mercadante stated he wouldn't debate whether or not there was voter fraud but his issue is that this is an unfunded mandate and he is not for adding one more dollar on to the residents of Agawam. Our town has not had issues with voting in the past so why change things – “if it ain't broke, why fix it?” – we should go back to our old ways of voting in town. Councilor Rossi said mail in voting was done successfully in other states and other countries and our last election showed no fraud after being scrutinized “six ways to Sunday”. He believes these types of resolutions are scary as we are making administrative laws to change the outcome of elections and he will not make a decision to restrict anyone's vote. Council Vice President Calabrese noted that we have de facto mail-in ballots in the form of absentee ballots and this was changed because of the pandemic. She would prefer to go back to the system that was in place prior to the pandemic and has worked for years and years. Council Vice President Calabrese also questioned that if what we had before was considered too restrictive then why was it never changed before? Councilor Smith said the fairest election is the one involving the most people. He would be in favor of anything that gets as many people to vote as possible. Council President Johnson stepped from the Chair to share some facts by the City Clerk who is also the Election Officer. The Clerk stated that universal mail-in voting is a logistical nightmare for his office. There is no space to keep all of the paperwork related to mail-in voting. He noted that the law that was just extended does not automatically include mail-in voting – a town would have to opt in. Currently there will be no cards mailed out but changes are unfolding as we speak so he will have to keep us updated. The City Clerk also said the federal and state legislators may regulate the number of days allowed for early voting at municipal elections but the main concern for his office is the record retention and number of cards to be mailed out. Councilor Rossi had no problem with whatever administrative decisions are made by the town but in his opinion, this resolution does not belong on the City Council Agenda as it shouldn't be our decision. Councilor Sandlin agreed with Councilor Smith saying the more people voting, the better. Regarding early voting, she said, each town handles things differently and we have to leave up to the Clerk's Office but she will not support voter suppression and she believes this is voter suppression. Councilor Tedeschi respectfully disagreed saying it should be up to the City Council. Councilor Mercadante said his issue is with the terminology of restricting people from voting. Prior to the pandemic, our voting system in town worked fine and the reality is to get back to a place of normalcy. He again stated he did not want another burden placed on the back of the taxpayer. Councilor Sandlin asked to move the question.

The vote was **6 YES** (Councilors Bitzas, Calabrese, Johnson, Mercadante, Suffriti and Tedeschi), **4 NO** (Councilors Cavallo, Rossi, Sandlin and Smith), **1 ABSENT** (Councilor Letellier) approving the item.

Item G. Elections

None.

Item H. Public Hearings

None.

Item I. Old Business

None.

Item J. New Business

- 1. TR-2021-51 - A Resolution authorizing the posting of the warrants for the 2021 Elections (City Clerk)**

Next Agenda.

2. **TR-2021-52 - A Resolution accepting a grant in the amount of Five Thousand and Nine Hundred and Ninety Five Dollars and Zero Cents (\$5,995.00) from the Executive Office of Public Safety and Security Office of Grants and Research to the Town of Agawam Fire Department (Sponsored by Mayor Sapelli)**

Next Agenda.

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

Councilor Tedeschi asked about the new bridge and why the red arrow stays red and not a blinking yellow. Councilor Sandlin talked about the new Early Childhood Center fundraiser “you’ve been buzzed” – it is a five day program and very worthwhile. She also questioned the porta-potty at the end of Redwood Drive off of River Road and how long it would have to remain there since there apparently hasn’t been any construction in quite some time. Councilor Smith asked if the Town of Agawam can enforce the placing of campaign signs too early. He said it detracts from the beauty of the town and noted we should have an agreement in place. Council President Johnson said there has always been an unwritten rule to place signs up post Labor Day but we have to be very careful not to infringe on anyone’s First Amendment. Councilor Sandlin said we can enforce the size and location of signs and the need to obtain property owner consent. Signs cannot be on public property. It was noted that the only signs out there at this point are for a mayoral candidate. Councilor Cavallo mentioned the upcoming Big E and the related traffic hoping that town officials will make or have made plans on how to alleviate the traffic issues throughout town. He also spoke with City Engineer Michelle Chase regarding Silver and Suffield Streets intersection who said the crosswalks will be painted soon but the lighting situation will take some time as they are very costly. Councilor Mercadante asked for the latest electric bills for the electric vehicle charging stations to ensure that they are being used as these are an investment since the town went Go Green. We need to put our money where our mouth is and do something about this to make sure they are being used. Councilor Suffriti agreed and noticed the charging station at the High School was being used. He mentioned National Night Out. Councilor Bitzas said as a member of the Lions Club, he would be there. He congratulated the Captain Leonard House on their recent fundraising event hoping this location gets restored as it has a lot of history and is a jewel in this town. Council President Johnson thanked John McCarthy of McCarthy Liquors for the tremendous amount of work he did as well as Phil Campbell. Council President Johnson reminded everyone that our next meeting will be back at the Junior High School on September 7, 2021 unless Covid-19 regulations reappear.

Item M. Adjournment

Motion to adjourn moved and seconded all around. Meeting was adjourned at 8:00pm. *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

TR-2021-43

*Tabled 6/21/21
Amended and
approved 8/21/21*

A RESOLUTION PETITIONING OUR STATE LEGISLATORS TO SPONSOR LEGISLATION THAT PERMITS COMMUNITY PRESERVATION ACT FUNDS TO BE USED BY SENIORS ON A FIXED INCOME AND LOW INCOME RESIDENTS FOR HOME MAINTENANCE AND REPAIRS

(Sponsored by Agawam City Councilor George Bitzas and co-sponsored by Councilors Anthony Suffriti and Dino Mercadante)

WHEREAS, there is currently a total of \$3,713,960.63 in the Community Preservation Act accounts and \$883,360.16 in the Community Housing account; and

WHEREAS, for approximately the last twenty years, seniors and low income residents have been ineligible to apply for CPA community (or affordable) housing funds on repairs to a privately owned residence based on state law; and

WHEREAS, state legislation must be amended that assists fixed income seniors and low income residents to be able to improve the living conditions of their private residences when they do not have the personal monies to do so; and

WHEREAS, the taxpayers of the Town of Agawam have been paying into the CPA fund for the last twenty years; and

WHEREAS, in this difficult economic crisis due to the Covid-19 pandemic, the low-income and seniors on a fixed income are experiencing extreme financial difficulties, are in danger of losing their homes and deserve financial access to the CPA funds.

NOW, THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to petition State Senator John Velis and State Representative Nicholas Boldyga to enact special legislation that permits Community Preservation Act Affordable Housing Funds to be appropriated for ~~fixed income seniors and low income residents in need of home maintenance and repairs.~~

Dated this 2nd day of August, 2021

PER ORDER OF THE AGAWAM CITY COUNCIL

[Signature]
Christopher C. Johnson, City Council President

APPROVED AS TO FORM AND LEGALITY

[Signature]
Stephen Diuniconti, City Solicitor

*orig: Clerk's office
cc: Council
cc: CPA
cc: Auditor
cc: Treasurer*

**no interest loans
and/or forgivable loans
to low income senior
citizens and low income
residents in need of
capital improvements
to their homes.*

Approved

TR-2021-46

A RESOLUTION TO PETITION OUR STATE LEGISLATORS TO OPPOSE ANY AMENDMENTS OF SPECIAL COVID-19 LEGISLATION THAT MAKE UNIVERSAL MAIL-IN VOTING A PERMANENT PROCESS

(Sponsored by Agawam City Councilor George Bitzas and Co-Sponsored by Councilors Cecilia Calabrese, Dino Mercadante, Anthony Suffriti and Mario Tedeschi)

WHEREAS, the State legislators enacted Special Legislation to allow for universal mail-in voting during the Covid-19 pandemic for the 2020 election year; and

WHEREAS, this Special Legislation was necessary and supported due to the high risk of contracting Covid-19 which could lead to severe illness and death; and

WHEREAS, this Special Legislation is set to expire by the end of June, 2021; and

WHEREAS, our country is now open and the risk of contracting Covid-19 in Massachusetts is extremely low. The Center for Disease Control has said it is safe for people to once again go to resume normal activities in person such as work, dining, shopping, attendance at sporting events and school, etc.; and

WHEREAS, prior to the pandemic, there were no previous problems with in person and/or absentee voting; and

WHEREAS, Massachusetts continues to have several additional weeks of early voting and there is no reason to have the United States Postal Service deliver ballots to every registered voter; and

WHEREAS, if registered voters are unable to vote in person for any reason, as always they can request an absentee ballot and vote by mail; and

WHEREAS, mail-in balloting is a costlier process than in person voting and cities and towns will be required to incur the costs of the unfunded mandate; and

WHEREAS, the Chair of the Election Laws Committee, Dan Ryan, is planning to file an amendment (#28) to the Budget Bill which will make the Covid-19 Special Legislation for universal voting permanent.

NOW, THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to petition Governor Charles Baker, State Senator John Velis and State Representative Nicholas Boldyga to oppose any amendment to the Massachusetts General Laws that permanently permits universal mail-in voting.

*orig: Clerk's office
cc: Council
cc: Auditor
cc: Law Dept.*