

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated March 4, 2019

Meeting was called to order by Council President Johnson at 7:00pm in the Auditorium at the Agawam Junior High School, 1305 Springfield Street, Feeding Hills.

Item A. Roll Call

ROLL CALL – 10 PRESENT, 1 ABSENT

Roll Call was taken with the following councilors present: George Bitzas, Council Vice President Cecilia Calabrese, Paul Cavallo, Council President Christopher Johnson, Robert Magovern, Dino Mercadante, Joseph Mineo, Robert Rossi, Rosemary Sandlin and Anthony Suffriti. Councilor Gina Letellier was absent. With ten present, there was a quorum.

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

Council President Johnson asked for a moment of silence and the Pledge of Allegiance.

Item C. Citizen's Speak Time

Corinne Wingard spoke in support of the cable position ordinance.

Item D. Minutes

1. Regular Council Meeting – February 19, 2019

Motion to approve the minutes was moved by Councilor Cavallo and seconded by Councilors Rossi and Sandlin. Voice vote approved.

Item E. Declaration from Council President

None.

Item F. Presentation of Resolutions

1. TR-2019-16 - A Resolution to appropriate Five Hundred Twenty Thousand (\$520,000.00) Dollars from Water Enterprise Fund Retained Earnings to pay for the Morgan Sullivan Project water main replacement (Mayor Sapelli) (Referred to Finance Committee)

Motion to approve made by Councilor Rossi and seconded by Councilors Calabrese and Sandlin. As Vice Chair of the Finance Committee, Councilor Mineo provided a report stating that this is the time to repair and upgrade our water infrastructure while the road is dug up from the Morgan Sullivan Bridge Project. The Water Enterprise Fund has \$4.1 million in Retained Earnings. The committee sent a positive recommendation to the Full Council with a vote of 4 Yes, 0 No, 1 Absent (Councilor Letellier).

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

2. TR-2019-17 - A Resolution adopting Massachusetts General Laws Chapter 41 Section 110A (Mayor Sapelli) (Referred to Legislative Committee)

Motion to approve made by Councilor Cavallo and seconded by Councilor Rossi. As Chair of the Legislative Committee, Councilor Magovern provided a report stating that the City Clerk was in attendance and explained that this simply allows for the municipal offices to be closed on Saturdays and there is no overtime needed to remain open. The committee gave a positive recommendation to the Full Council by a vote of 5 Yes, 0 No.

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

Item G. Report of Council Committees

None.

Item H. Elections

None.

Item I. Public Hearings

None.

Item J. Old Business

1. TOR-2019-2 - An Ordinance to amend Chapter 49 of the Code of the Town of Agawam by creating a Cable Access TV Manager (1 of 2 Readings) (Mayor Sapelli) (Tabled 2/19/19) (Referred to Legislative Committee)

Motion to take the item off the table made by Councilor Sandlin and seconded by Councilors Rossi and Cavallo. Voice vote approved. Motion to approve made by Councilor Sandlin and seconded by Councilor Rossi. As Chair of the Legislative Committee, Councilor Magovern provided a report stating that Mayor Sapelli spoke in support of this ordinance as did Jeff Hulbert. This person in this position will report directly to Jeff Hulbert. Councilor Bitzas questioned using volunteers instead and Councilor Mercadante questioned the amount of the salary. Mayor Sapelli and Solicitor Buoniconti answered any and all questions noting he intended to expand transparency by having all meetings televised and expanding this position would help to accomplish that. Will Clark spoke about how he believed the cable money was intended to be spent and asked if this position could be sustained for a long time with these cable funds? Other questions included how other towns are doing this with their cable money. A Motion to send a positive recommendation to the Full Council was made by Council Vice President Calabrese and seconded by Councilor Rossi. The vote was 4 Yes, 0 No, 1 Abstention (Councilor Bitzas).

Council Vice President Calabrese said our cable access channel is severely lacking and this position will be very beneficial. Councilor Mercadante is in favor however is troubled with the financial aspect of this and wants to ensure that the salary and benefits will be covered entirely by the cable access fees that the town receives. He was assured this was indeed the case and that the taxpayers would not be affected. He noted that as was mentioned earlier, the West of the River Chamber has mentor programs with the schools and this could be useful with this position. Councilor Cavallo said all committees should have full access to videos and this position should help with that. Councilor Bitzas had abstained from the vote at the sub-committee because he needed additional information. He met with the Mayor, the Treasurer and the IT Director and got his questions answered. He doesn't believe however that it should be a full time position but he is willing to give it a try. Councilor Bitzas wanted to make an amendment to reduce the salary as he had some issues with the salary however Council President Johnson explained that he salary scale to him which answered his questions for the most part noting that the Mayor was proposing hiring someone at the lowest tier on the Tier 5 scale. Councilor Mineo respectfully disagreed with Councilor Bitzas about the salary as to get a qualified employee, we need to offer a competitive salary for this to work. Councilor Rossi gave the Mayor credit for putting this all together and having it funded strictly from the cable funds and this is desperately needed. Council President Johnson made a Motion to amend striking the word "current" from the second line of the last paragraph which was seconded by Councilor Sandlin. The vote was 10 Yes, 0 No, 1 Absent (Councilor Letellier)

approving the amendment. Councilor Bitzas wanted it clarified to Councilor Rossi that this was never discussed prior to this and agreed we need this in town and also agreed with Councilor Mineo that this will benefit the community. Councilor Cavallo noted it was common to have salary ranges. Councilor Rossi disagreed with Councilor Bitzas saying that the previous administration never wanted to do anything with this and commended the Mayor for taking the initiative to bring this forward. Councilor Magovern agreed with Councilor Rossi noting it was a plus for the town and will bring us in line with other communities. He would like to see a portable camera used for all the boards and committee meetings.

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

2. TO-2019-18 - Voucher List for MMA Reimbursements (\$1,103.96)

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

The vote was **9 YES, 0 NO, 1 ABSENT** (Councilor Letellier), **1 ABSTENTION** (Councilor Calabrese) approving the item.

Item K. New Business

1. TR-2019-18 - A Resolution to appropriate Nineteen Thousand, Six Hundred and Five Dollars (\$19,605.00) from Water Enterprise Fund Retained Earnings to pay the Water Fund Share of the rooftop HVAC system at the Department of Public Works Building (Mayor Sapelli)

Referred to Finance Committee, next Agenda.

2. TR-2019-19 - A Resolution to appropriate Twenty Four Thousand, Six Hundred, Thirty Dollars (\$19,605.00) from Wastewater Enterprise Fund Retained Earnings to pay the Wastewater Enterprise Fund share of the rooftop HVAC system at the Department of Public Works Building (Mayor Sapelli)

Referred to Finance Committee, next Agenda.

3. TR-2019-20 - A Resolution to appropriate Twenty Six Thousand, One Hundred and Forty Dollars (\$26,140.00) from Free Cash for unforeseen building improvement needs for replacement of the DPW air conditioner (Mayor Sapelli)

Referred to Finance Committee, next Agenda.

4. TO-2019-19 - An Order granting a modification on current PERMIT for Weekly Amusement for The Main Street Still, Inc. d/b/a The Still currently located at 858 Suffield Street, Agawam, MA (Clerk)

Referred to Administrative Committee, next Agenda.

5. TO-2019-20 - An Order granting a modification on current LICENSE for Automatic Amusement Device for The Main Street Still, Inc. d/b/a The Still currently located at 858 Suffield Street, Agawam, MA (Clerk)

Referred to Administrative Committee, next Agenda.

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

Councilor Sandlin commended the City Clerk on being “spot on” and proactive by placing an opportunity to sign up to work at polls on the bottom of the town census. Councilor Suffriti thanked the community leaders (state reps, mayors, etc) as it seems we are finally going to get CSX signs to alert the residents of an incoming train. This will be well respected and used. He also wished everyone a Happy St. Patrick’s Day. Council Vice President Calabrese also

commended Mayor Sapelli and Mayor Reichelt on their WRC presentation. She noted that our towns are very similar and cherished the relationship of working together with West Springfield. She is mentioned that both mayors are working closely with MassDOT to try to get the bridge project down sooner than expected. Councilor Cavallo mentioned that the School Budget Finance Committee would be meeting the next evening to go over the FY20 School Budget and invited the Council School Budget Committee to attend. Councilor Rossi was happy to hear about the signs regarding the trains however he added that we should try to get them to alter their time schedules for times when the traffic is lessened. Councilor Bitzas complained about there not being any lights on the microphones and if you move your head that your voice does not get picked up on the video. Councilor Magovern also wished everyone a Happy St. Patrick's Day. He was excited to hear about the train signs and also wanted the Mayor to try to get the time frame of the Morgan Sullivan Bridge Project whittled down as it was exorbitant. Maybe it would make sense to get a letter to Lt. Governor Polito regarding this.

Item M. Adjournment.

The Motion to adjourn was moved and seconded around the house. Meeting was adjourned at 7:42pm.

TR-2019-16

approved

A RESOLUTION TO APPROPRIATE FIVE HUNDRED TWENTY THOUSAND DOLLARS (\$520,000.00) FROM WATER ENTERPRISE FUND RETAINED EARNINGS TO PAY FOR THE MORGAN SULLIVAN PROJECT WATER MAIN REPLACEMENT.

-1-

(Sponsored by Mayor William P. Sapelli)

WHEREAS, the Town of Agawam Water Enterprise Fund Retained Earnings as of June 30, 2018 has been certified in the amount of four million, one hundred ninety three thousand, three hundred fifty two dollars (\$4,193,352.00); and

WHEREAS, MassDOT proposes to perform Bridge Replacement at Route 147 over the Westfield River, (Morgan Sullivan Bridge) and reconstruct and improve intersection and signal improvements (herein referred to as the "Project"), in the Municipality of Agawam, in said Commonwealth; and

WHEREAS, the Town of Agawam desires MassDOT, in conjunction with the Project, to make certain roadway improvements. The contract items to install said improvements are attached and hereinafter called NON-PARTICIPATING WORK; and

WHEREAS, NON-PARTICIPATING WORK is defined as work or item that has been added to the project at the request of the Town of Agawam but is not eligible to be paid for by State or Federal funding. Work and/or items that are not necessitated by the highway project (i.e. water main or other utility upgrades, debris removal and disposal from the stormwater system, and associated work, etc.); and

WHEREAS, the plans and specifications for the said Project and the NON-PARTICIPATING WORK desired by the Municipality, meets the approval of the Municipality and are on file in records of MassDOT; and

WHEREAS, the NON-PARTICIPATING WORK consists of the replacement of 1,700 feet of 8 inch ductile iron water pipe and appurtenances; and

WHEREAS, the Water Enterprise Fund's share of this cost is five hundred twenty thousand dollars (\$520,000.00).

NOW THEREFORE, BE IT RESOLVED BY THE AGAWAM CITY COUNCIL, that five hundred twenty thousand dollars (\$520,000.00) shall be appropriated from Water Enterprise Fund Retained Earnings to Morgan Sullivan Project Water Main 60144-58936.

Dated this 4th day of March, 2019

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

*DA - TR CLK
cc - Council
cc - Auditor
cc - Treasurer
cc - DPW*

TR-2019-17

approved

A RESOLUTION ADOPTING M.G.L. C. 41 SECTION 110A

(Sponsored by Mayor William P. Sapelli)

WHEREAS, Massachusetts General Laws Chapter 41 Section 110A permits the closure of a municipality's public offices on any all Saturdays subject to the provisions of the Charter; and

WHEREAS, Commonwealth statutes require a municipality's clerk's office to be open to receive petitions for re-counts, drawing of ballot positions or candidate acceptance, of which there are certain statutory deadlines; and

WHEREAS, Commonwealth statutory deadlines would require the Town's Clerk's Office to be open a certain Saturday this fall of 2019 and incur additional budgetary expenses of two staff members working overtime along with the custodial support; and

WHEREAS, if Massachusetts General Laws Chapter 41 Section 110A is adopted, the deadline would be moved to 5:00 p.m. of the Friday preceding the anticipated Saturday in question; and

WHEREAS, Article 7 Section 5 of the Charter of the Town of Agawam states that "all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular, and special elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results"; and

WHEREAS, it is in the best interests of the Town of Agawam to adopt Massachusetts General Laws Chapter 41 Section 110A.

NOW THEREFORE, the Agawam City Council resolves to adopt Massachusetts General Laws Chapter 41 Section 110A and permit the closure of Town Offices on any Saturday to the same extent as if such Saturday were a legal holiday.

Dated this 4th day of March, 2019.

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

*DA - TR CLK
cc - Council
cc - Law*