

# **REGULAR MEETING OF THE AGAWAM CITY COUNCIL**

## **Minutes dated April 21, 2020**

Meeting was called to order by Council President Johnson at 6:30pm 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**

There were no comments or questions submitted to the City Council Office.

### **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**

None.

### **Item F. Presentation of Resolutions**

None.

### **Item G. Elections**

None.

Item H. Public Hearings

**\*Please see New Business item TR-2020-33 for public hearing\***

**Any member of the public desiring to submit input or comments under the PUBLIC HEARING portion of this meeting may submit their comments in advance of the meeting or up to five (5) days after the Public Hearing to the Council Administrative Assistant, Barbara Bard, at [bbard@agawam.ma.us](mailto:bbard@agawam.ma.us) Please include your name and address with your input or comments and your input or comments will be read into the record of the meeting or if submitted after the Public Hearing, they will be submitted to the Director of Planning and Community Development . Please also note if you are speaking in support or in opposition of this item.**

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 (Two Readings Required) (Sponsored by Mayor Sapelli) (Tabled)**

Council President Johnson officially referred this to the Legislative Committee. There is no great urgency so he will leave it up to Councilor Suffriti to call the meeting as he deems appropriate.

Item J. New Business

1. **TR-2020-31 - An Emergency Preamble for TR-2020-32 and TR-2020-33 authorizing the posting of the warrant for a Special State Election and appropriating Community Development Block Grant Funds for the Business Operating Grant Program (Mayor William Sapelli and Council President Christopher Johnson)**

Motion to approve the Emergency Preamble made by Councilors Cavallo and Calabrese and seconded by Councilor Smith. There was no discussion on the item.

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

2. **TR-2020-32 - A Resolution authorizing the posting of the warrant for the Special State Election on May 19, 2020 (Mayor Sapelli)**

Motion to approve made by Councilors Bitzas and Cavallo and seconded by Councilor Letellier. Council President Johnson noted that the language allows that if the state moves the date of the election again, then we wouldn't need to redo this resolution and this also allows the Clerk to advertise the election two weeks before.

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

3. **TR-2020-33 - A Resolution appropriating Community Development Block Grant Funds for the Small Business Resiliency Grant Program (Mayor William Sapelli and Council President Christopher Johnson)**

Motion to approve made by Councilors Smith and Cavallo and seconded by Councilor Letellier. Council President Johnson mentioned that Mayor Sapelli, Solicitor Buoniconti and Community Development Director, Marc Strange were all in attendance and asked to go into Committee as a Whole to allow them to make a brief presentation. He then declared they were in Committee as a Whole.

Mayor Sapelli greeted everyone and wished them well. He explained about three weeks prior, the thought was to assist the struggling small businesses and believed they could use Stabilization Funds to do this but unfortunately DOR said that this was not legal. Council President Johnson, Solicitor Buoniconti and Mayor looked into what other

communities were doing and how they were using CDBG monies. Agawam is not an entitlement community so unlike those other entitlement communities who receive CDBG monies on an annual basis, Agawam does not. We have to apply for these funds every year. Two upcoming projects using our CDBG funds are the Brady Village roof and North Agawam infrastructure. This amounts to \$165,000. They wanted to get all their I's dotted and T's crossed before offering the assistance program again. Lt. Governor Polito put them in contact with the right people who assured us this was the way to make it work. Mayor noted that Solicitor Buoniconti did an outstanding job presenting this to the DOR and Marc Strange and PVPC's Christopher Dunphy did a great job setting up the parameters of the application. Solicitor Buoniconti explained that after the last Special Meeting they hit a snag and the DOR raised some concerns. In the mid-1800s there was an AntiAid Amendment that restricted certain monies to be used for private purposes. The DOR issued a ruling that it was an improper use. We discovered that we could only use CDBG monies however than means it also needs to be used by low to moderate income purposes. For this item this evening, we have a ruling that we can (1) use CDBG monies to assist small businesses and (2) repurpose CDBG monies for this purpose. We are on very solid legal ground to do what is proposed this evening. The goal is to release the money as soon as possible and there won't be a lot of red tape thanks to Marc Strange and Chris Dunphy. They anticipate that the money will be released within two to three weeks and if approved tonight, the application should be up online tomorrow. They have \$165,000 fully committed to this grant program. The PVPC will help administer the funds and there is \$24,000 set aside from old funds for this purpose. The first wave will be for lower to moderate income small businesses. The second wave will involve the funds that the federal government has approved through the CARES Act and this could be used for others or expand on what the first wave had done. Marc Strange spoke and thanked everyone for allowing him to speak. HUD and DHCD have a required time frame of a five day notice of Public Hearing and on the back side a five day public comment period. If comments are received, they might need to make some adjustments based on those comments and send them to DHCD. Hopefully this approval would be completed in two weeks – three at the very latest. In the meantime, we would accept applications and can continue to vet them until the final approval of CDBG monies. Once DHCD approves it, they send the funds to the town. We would deposit these funds into an account that Treasurer Placzek has set aside and then send the checks out. The total time from Monday would be 4 – 5 weeks. Council President Johnson stated at this point he would refer to the Mayor for closing comments before he opens the Public Hearing. Mayor Sapelli thanked Marc Strange and the Manager of DHCD for all of their help. He believes this is an absolutely appropriate use of CDBG monies. These are somewhat restricted to businesses of five or fewer employees. Unfortunately that doesn't help most of the restaurants which we had initially wanted to help and include. Moving forward with the second phase, Mayor stated he would like to tailor that money to those types of businesses. He also thanked Christopher Dunphy of PVPC stating that he was a huge help as well as again thanking Marc Strange, Stephen Buoniconti and Council President Johnson for all of their behind the scenes hard work.

Council President thanked the Mayor and declared the Public Hearing open at 7:20pm. There were no comments submitted by email. He then declared the Public Hearing closed at 7:21pm. For the sake of fairness, he asked for councilor comments in reverse alphabetical order. Councilor Tedeschi stated he was excited about the program last time but not as excited this time. He declared he was a business owner and wouldn't be applying for any of these funds. He was concerned that this time this is a grant and not a loan. He is also concerned with whether or not the funds being taken out of CDBG for the North Agawam infrastructure improvements would be replenished in the future so the project could be completed. He is also asked if home businesses would be able to be included in this wave. He supports but it is a little different this time. Mayor answered him by saying that each application will be rated individually. They want to honor as many as we can and it depends on this number of applicants what amounts of money will be awarded. The town's infrastructure is of great importance to him and he is most interested in the North Agawam area and redoing that section. This situation trumps that project but one way or another he intends to complete that project. He would consider using Stabilization Funds for that project or try to find another funding source to get that done. Councilor Tedeschi applauded helping the lower income small business owner but wanted something for the other businesses as well. Mayor agreed but also noted that there was a school grant to pave that area and he intends to fix the infrastructure prior to paving that area. Mayor also noted that the CDBG monies in only for low income and because of state requirements, the town must honor that. Councilor Tedeschi also asked if this works and another round of money come in, would that have to come before the Council as well. Council President Johnson said yes it would. Councilor Tedeschi inquired if the Council would have the opportunity to know who receives these grants. Solicitor Buoniconti stated that all the information will be considered a public record so the City Council would be able to clearly see who gets awarded the grants. Councilor Suffriti asked if this will be a grant or a loan and will there still be a \$10,000 cap per business. Mayor Sapelli said indeed there was still a \$10,000 maximum however

with using the CDBG money it is clearly a grant not loan. Councilor Suffriti thought it said it would be a grant OR loan program. Solicitor Buoniconti stated they went back and forth about this but the DHCD says the money is administered under federal rules and advised us not to mix and match loans and grants. Small businesses with five employees or less are determined by the business owner's low income. He stated they decided against doing grants and loans because the grants have already been accepted and approved under their purview and would be a faster approval process. Councilor Suffriti asked how this would be monitored once the business was approved for the grant. Solicitor Buoniconti stated that the goal was to determine how they will be tracked or how they will use their money within the application process. We are not designed to do monitor this and the goal is that the funds are to be used in certain ways. If the funds were misappropriated by a business, we have avenues we can pursue. Councilor Smith stated that obviously the Mayor, Solicitor, Council President and Marc Strange have done a tremendous amount of work and he accepts it as is and said it was an excellent document. Councilor Sandlin said it was a great program and the grant process is a helping hand to many small businesses. She thanked all involved. She also asked if there was someone who could assist in the application process if some applicants had difficulty maneuvering the online process. Marc Strange offered to help anyone and stated if it was beyond his knowledge he would direct them to Chris Dunphy. Councilor Sandlin asked if having to have a principle business address – would this preclude retired painters or plumber etc that don't have an actual business address. Mayor stated they would take *each* application under consideration and it also depends on what we get for the number of applications. Councilor Sandlin asked that small salons and barbershops would be eligible for this program – Mayor confirmed. Councilor Rossi was in favor and believes it is incumbent on the town to do whatever we can to help our businesses. He agrees that it should be a grant and not a loan. Regarding the North Agawam infrastructure project, he would like monies redirected from the Stabilization Fund to put back in to complete this project. Councilor Mercadante wondered if we do use CDBG money, if there was any chance of using the Stabilization Fund to also do the Brady Village project and North Agawam project. Mayor stated that they discussed one of their biggest concerns is the loss of revenue with our loss of taxes. He would rather wait and hold off on the use of Stabilization Fund, just in case. He prefers to go slow right now until we see how the economy goes. Councilor Mercadante said Councilor Tedeschi made a good point about businesses we grant money to and how we would follow up with these businesses use this money and if it is an appropriate use. He also asked if we knew how many businesses would be able to be considered and wanted to ensure the applicant had a viable business. Mayor stated that the Health Agent and Building Inspector have a good handle on the businesses in town. He noted that like anything else, this is a risk and we may get burned but we are doing the best we can and will select the businesses the best that we can. Councilor Letellier said it is unfortunate that we didn't know ahead of time about the last program but that can be talked about internally at a later date. She thanked everyone for their hard work. She also agreed that North Agawam project should be done. Councilor Cavallo believed that there would be some accountability right in the application. He noted that the application asks for a narrative and how the business plans to persevere. He believes this provides enough accountability. He also applauded everyone for their hard work. Council Vice President Calabrese gave kudos to everyone involved and also for the thorough line of questioning prior to her. She was concerned with the Brady Village roof, what the timing would be to complete this and if it was critical. The Mayor said it would be done this summer/fall. It is not leaking but just in need of repair and is not the entire complex. Council Vice President Calabrese was looking forward to helping to save our businesses and help them thrive. Councilor Bitzas said all of his questions were answered and was very supportive of this program. He believed there would be more applicants with this program. He hopes the application process will be fair and if we have 40-50 applications, then everyone would get a piece of the pie. He would like to see the Mayor's Office advertise this program and educate the people. Council President Johnson stepped from the Chair and thanked the Mayor, the Solicitor and the Community Development Director for all of their hard work noting the tremendous amount of work behind the scenes that went in to this.

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

**4. 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)**

Council President Johnson referred this item and the following items to the next Agenda noting he will try to have our regularly scheduled May 4<sup>th</sup> meeting to try to keep regular business going.

5. **TR-2020-35 - A Resolution adopting the Fiscal Year 2021-2025 Capital Improvement Program (Mayor Sapelli) – Public Hearing date to be determined**

Next Agenda.

6. **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 (City Council)**

Next Agenda.

7. **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)**

Next Agenda.

8. **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)**

Next Agenda.

9. **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)**

Next Agenda.

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

Councilor Bitzas wished health and safety to everyone. Council Vice President Calabrese told everyone to watch for an email from the MMA for a seminar for councilors. Councilor Cavallo commended our leaders and praised the Mayor for the excellent interview with the Health Agent. Councilor Letellier thanked the Mayor, Marc Strange, Council President Johnson and Steve Buoniconti for doing this. She wished health, wellness, smartness and a belief in science to all. Councilor Mercadante agreed we have great leaders in town and are doing a great job. He wished everyone safety and asked everyone to use their heads to stay healthy. Councilor Rossi said stay healthy, stay strong. Councilor Sandlin asked Councilor Cavallo if the School Budget Finance Committee was still on for April 27<sup>th</sup>. Councilor Cavallo didn't have that information. Barbara interjected that the April 27<sup>th</sup> meeting is the School Committee's Public Hearing and would get additional information from Alexis. Councilor Sandlin thanked her and added stay home and stay healthy. Councilor Smith mentioned that they were organizing a drive by celebration of Mrs. Kibbe's 93<sup>rd</sup> birthday on Forest Ridge Road off of Main Street at 9:50am. Councilor Suffriti said he would contact Barbara about setting up the Legislative Committee meeting conference call and told everyone to stay safe. Councilor Letellier also asked for updated School Budget sheets for the schools since they have not been using their supplies etc since quarantining. Council President Johnson said we could ask the Auditor for updated year-to-date pages. Councilor Letellier said she has asked Cheryl that before and she said they don't usually like to share that information. Council President Johnson said he would ask the Mayor to speak with the Superintendent. Councilor Tedeschi echoed all of the thanks to all involved and hoped everyone would continue to support small businesses. He said good job on the birthday drive by and was glad those words now have a new meaning. Council President Johnson wished everyone to be safe.

**Item L. Adjournment**

Motion to adjourn moved and seconded all around. Meeting was adjourned at 8:04pm.

**\*Please note that this meeting will be audio 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](http://www.agawam.ma.us))\***

TR-2020-31

*approved*

AN EMERGENCY PREAMBLE FOR TR-2020-32 AND TR-2020-33 AUTHORIZING THE POSTING OF THE WARRANT FOR A SPECIAL STATE ELECTION AND APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE SMALL BUSINESS RESILIENCY GRANT PROGRAM

(Sponsored by Mayor William P. Sapelli and Council President Christopher C. Johnson)

WHEREAS, the nation and the Commonwealth of Massachusetts continue to cope with the COVID-19 pandemic and operate under a State of Emergency; and

WHEREAS, the warrant for the scheduled State Election on May 19, 2020 (TR-2020-32) must be posted no later than May 5, 2020;

WHEREAS, it is in the best interests of the Town of Agawam to assist its local businesses during this national emergency dealing with the COVID-19 pandemic; and

WHEREAS, TR-2020-33 will provide much needed assistance to small businesses in the Town of Agawam to help them retain employees during the COVID-19 pandemic.

NOW THEREFORE, the Agawam City Council hereby declares pursuant to Section 2-9(b) of the Agawam Home Rule Charter that an emergency exists and hereby approves this Emergency Preamble for TR-2020-32 and TR-2020-33 allowing the Agawam City Council to act on these agenda items at its April 21, 2020 Meeting.

DATED THIS 21<sup>ST</sup> DAY OF APRIL, 2020.

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

*Org - Tn CLK  
cc - Council  
cc - Law  
cc - Planning  
cc - Auditor  
cc - Treasurer*

TR-2020-32

*approved*

A RESOLUTION AUTHORIZING THE POSTING OF THE WARRANT FOR THE SPECIAL STATE ELECTION ON MAY 19, 2020

(Sponsored by Mayor William P. Sapelli)

WHEREAS, approval has been requested by the City Clerk for posting of the warrant for the Special State Election on May 19, 2020; and

WHEREAS, the Special State Election that was scheduled for March 31, 2020 was postponed by order of the Massachusetts State Senate as a result of the current COVID-19 situation; and

WHEREAS, it is in the best interest of the Town of Agawam to properly post said warrant election for said elections;

NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves that authorization is given for posting of the Warrant for the Special State Election on May 19, 2020 and further resolves that no additional authorization shall be required to post the warrant for the Special State Election should further postponement occur.

DATED THIS 21<sup>ST</sup> OF APRIL, 2020.

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, Solicitor

*Org - Tn CLK  
cc - Council*

TR-2020-33

*approved*

A RESOLUTION APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE SMALL BUSINESS RESILIENCY GRANT PROGRAM

(Sponsored by Mayor William P. Sapelli and Council President Christopher C. Johnson)

WHEREAS, the nation and the Commonwealth of Massachusetts is coping with the COVID-19 pandemic; and

WHEREAS, due to social distancing requirements, the COVID-19 pandemic has forced the closure of many small local businesses; and

WHEREAS, many of these small local businesses which have been forced to close are without sufficient resources to keep their workforce employed during the COVID-19 pandemic; and

WHEREAS, the Town of Agawam values its small local businesses and desires to offer grants to help prevent the loss of jobs and businesses in Agawam; and

WHEREAS, the City Council has previously accepted \$165,000 in Community Development Block Grant ("CDBG") Funds for an infrastructure planning study of the North Agawam section of the Town (TR-2018-106); and

WHEREAS, the Department of Housing and Community Development has informed the Town that the project for North Agawam has not been bid yet and the funds can be repurposed for a small business operating grant program; and

WHEREAS, it is in the best interests of the Town of Agawam to assist its local businesses during this national emergency dealing with the COVID-19 pandemic by repurposing the CDBG funds.

NOW THEREFORE, BE IT RESOLVED that the Agawam City Council hereby appropriates the sum of One Hundred and Sixty Five Thousand (\$165,000.00) Dollars from the Community Development Block Grant Award for the Infrastructure Planning Study of the North Agawam section of the Town to fund the Town of Agawam Small Business Resiliency Grant Program.

Dated this 21<sup>ST</sup> day of April, 2020.

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

*Org - Tn CLK  
cc - Council  
cc - Law Dept  
cc - Planning  
cc - Auditor  
cc - Treasurer*