

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated July 5, 2011

President Rheault – Good evening ladies and gentlemen. Welcome to July 5th's City Council meeting.

Item 1. Citizen's Speak Time

President Rheault – We have two citizens wishing to address the Council this evening, the first being Laurel Placzek.

Laurel Placzek – Good evening. My name is Laurel Placzek. I'm the Town Treasurer/Collector. You have before you tonight two items that have been part of our Capital Improvement Plan for a number of years. The first item is the town wide voice over internet telephone system. This has been included in the Capital Improvement Plan since 2009. It was originally estimated at \$477,410.00. As a great deal of time and preparation has gone into planning for this system, the cost has decreased by \$127,000 to \$350,000. This is an item that the City Council has asked for for a number of years and we're now ready to move forward. I urge you to support the borrowing for the town wide telephone system. The second item is for the new roof for the Jr. High School. It has been part of our Capital Improvement Plan since 2010 when it was estimate to cost approximately \$1.6 million. That cost is included in this year's plan at \$1.75 million. We now have an opportunity to qualify for the MSBA funding of over a million dollars, bringing our cost down to \$740,000.00. I also urge you to support the funding for the design cost for the Jr. High roof so that we can submit our project to the MSBA and qualify for funding of 57.74%. Thank you for your attention.

President Rheault – Thank you. Patti Cavanaugh?

Patti Cavanaugh – Good evening ladies and gentlemen of the Council. I'm also here to talk to you tonight about the MSBA and the project that we've been working on and the time line and the dead lines that just keep moving. It's been very difficult communicating with MSBA. They've over-extended their own personnel with this Green Repair Project and they've hired outside consultants. These consultants have not been very clear in their communications with us in what order we should do things. In this fiscal, this past fiscal year that ended June 30th, we had the money already budgeted for the OPM so we were moving forward with the project as if we didn't need an additional appropriation and on April 14th we had a tele-conference with the MSBA that also included Mrs. Placzek and the Mayor and the City Solicitor asking why we needed to get additional funding appropriation when the original \$15,000.00 was already budgeted and they said because it is MSBA it needed the additional appropriation. So that telephone call happened on the 14th of April and immediately it made the April 26th and May 9th School Committee Agendas because it has to go through two reads on the School Committee before the City Council can act on it. Then it was on your Agendas on May 16th and June 6th so on June 8th it was communicated to me that it was passed and the

deadline for getting the schematic drawing in was June 24th for the July Board meeting. That wasn't gonna happen. We were too late. So I talked to Mr. Cabrera who is our liaison and he said that we would have to ask for an extension to the September board meeting. So I wrote a memo explaining to him why the process was taking so long with the money to appropriate because it had to go through two readings at School Committee, two readings for City Council also explaining that the project ran into our budget season. So we were a little overwhelmed with all the work that needed to be done. So they now have extended us to September board meeting but that's going to be it because they already wanted all these projects to be done by December so they're allowing a few school districts to extend their projects into the summer of 2012 – we're one of them but we have to have our materials in for September board meeting which means now we have to have everything done by August 15th. So when I spoke to Mr. Cabrera and I said okay I've got my OPM on board, what's our next step and he said well now you have to get your designer on board and get the money for that and I said Jake, I just told you it takes me eight weeks to get appropriations and it's summer, we don't have any meetings scheduled in the summer and he said well you signed an agreement to appropriate quickly and if you don't make the September meeting – so I spoke to the designer and he estimates that it shouldn't be more than \$60,000 and the reason it's so high is because the roof – he now feels it's not just a matter of getting drawings done, we need to have a structural assessment done on the roof because of the age, its extended beyond its warranty and that this past winter could have put an extra load on it. So now they want to do a structural assessment so that's why (a) the fee is up to \$60,000 and (b) why they want to proceed more quickly not only to make the September deadline but also to get the structural assessment done in time to get the schematics done for the September board meeting and if we don't make the September board meeting we may be out.

President Rheault – You finished? Okay. Thank you.

Patti Cavanaugh – Did you want me to hang around in case anybody had questions later?

President Rheault – Yes, please.

Item 2. Roll Call

President Rheault – Barbara, please call the roll?

ROLL CALL – 10 PRESENT, 1 ABSENT (Councilor Simpson)

President Rheault – Ten present, one absent. We have a quorum.

Item 3. Moment of Silence and the Pledge of Allegiance

President Rheault – Please rise for a moment of silence and Pledge of Allegiance.

Item 4. Minutes

(a) Regular Council Meeting – June 20, 2011

President Rheault – I would ask that that be tabled. They are not complete yet. I'll entertain a motion? Moved by Councilor Perry, seconded by Councilor Walsh. All those in favor? Opposed? Item is tabled.

Item 5. Declaration from Council President

None

Item 6. Presentation of Petitions, Memorials & Remonstrances

President Rheault – The next item, I'm going to turn the Chair over to Councilor Rossi. There is a possibility that I could be in conflict because of the phone system and that's part of my involvement on the outside of the Council and I will now turn the Chair over to Councilor Rossi.

Vice President Rossi – We'll take a second while Councilor Rheault excuses himself from the Chambers.

(a) Resolutions

1. **TR-2011-39 - A Resolution Authorizing a Loan Order for the Purchase and Installation of a new town wide Telephone System (Referred to Finance Committee) (Mayor)**

Vice President Rossi – Moved by Councilor Perry, seconded by Councilor Bitzas and Councilor Walsh. Finance Committee?

Councilor Walsh – We met this evening. We had our meeting at 6:15. Present at the meeting were Councilors Mineo, Perry, Rossi, myself and also Christopher Golba and Laurel Placzek and this is on the telephone system – TR-2011-39 – and during the discussion it was mentioned that this was previously put in a cost of \$500,000.00 and apparently new technology will allow us to use existing wiring that had been part of that cost of \$500,000 so now the project is slated to come in around \$350,000. We took a vote of the Finance Committee and we had four people in favor, one was absent. So we're recommending to the Council a positive vote to recommend to the Council to proceed on this matter.

Vice President Rossi – Thank you Councilor Walsh. Before I entertain a discussion I would like to make a motion to go into Committee as a Whole. I understand that there's a presentation that's offering so I'll entertain a motion to go into Committee as a Whole. Moved by Councilor Perry, seconded by Councilor Messick and Councilor Letellier. All in favor? For the record would you just give your name?

Mike Ebner – Good evening. My name is Mike Ebner. I'm the telecommunications consultant at Concept Telecom and I've been involved for several years in doing extensive research on the proper phone system for the town. I've put together some slides here to educate you on the process and where we are today and why we believe the phone system will benefit both the town and the school department. Just a quick introduction – the new phone system will replace all of the existing systems in all town and school buildings so this is for all town and all school buildings to replace their existing system. There is an immediate need for the phone system. I'll talk a little bit more about it in a future slide but we are doing a lot of patch work currently with several phone systems that are out there right now so we'll go through it but we did do a business, a location by location site survey. So the process is we completed a site survey in every town and school building and we went around, looked at the infrastructure, spoke to building departments, superintendents, anybody that really wanted to have some input in regards to the phone system, solicited their input in what was working and what was not. We indentified all the problems and the needs for each building department and then we created a Request for Proposal, sent it out to address all of our needs and resolutions and features that were necessary for all buildings. We formed a committee. We reviewed and evaluated all the proposals together and we also invited all the vendors in to demonstrate their proposed system to make sure it was actually meeting the requirements set forth in the RFP. Some of the primary technical concerns, consideration we had in schools and town offices are getting a lot of complaints about busy signals when calling their main number. It's a very common issue specifically in the school department that parents calling in were just getting constant busy signals and couldn't get through and it has a lot to do with the phone systems are at their capacity and there's a lot of patch work and phone system work itself that needs to be done. That was a major issue that we've had for years now. We have limited interconnections for voice between facilities. What we're gonna be able to do is utilize the Comcast fiber network which will allow all the buildings to talk to each other with four digit dial extensions which will also make it more efficient and save us money. Limited ability to intercom other extensions or buildings – this will be one large phone system so when we put a new system in each building, we'll be able to intercom back and forth as if we were one building together which will of course make things efficient for us. Verizon system has limited voice mail capabilities, right now we're on a Verizon Centrex system – mostly phone lines with Verizon voice mail and the features are just not gonna meet the requirements that we have as a town so the new phone system will certainly enhance what we have for voice mail capabilities including reducing costs. We'll talk a little bit about it in a future slide. Public safety – we did a lot of work with the police and fire department to see how we would work with ring down circuits, back up disaster recovery plans to increase the public safety for us including many different features that the phone system offers. We do need to develop a back up plan, a disaster back up plan, right now some phone systems when the power goes out, all the programming is lost and you have to literally re-build the programming within the system. When the phone systems go down, you can't dial 911. There's a lot of concerns that we have in that respect so the new phone system will address all of those issues. The city is currently using phone system equipment that is outdated and requires upgrade and replacement. We're on borrowed time for a lot of these phone systems. There's some very old systems out there

that require a lot of patchwork. The need to replace existing phone system equipment is becoming more frequent, costly and difficult to find. We're actually sometimes having to search the internet to find some parts for some of these phone systems. The town's done a great job. Roger's been amazing with what he's done with the phone system so far but there is a great need for some of the equipment that's out there from an aging perspective. Benefits of the new system – just some of the basic stuff, when we put in the new system, all of the phone numbers will stay the same – that's always a common concern when we're out there but all the phone systems for all the departments will be there. The city will have the ability to dial every employee by way of a four digit extension with the new system which will decrease the cost of phone calls between buildings and departments. Caller ID will now be a standard feature with the new system; certainly the police and fire department liked it for call tracing ability and would certainly enhance that but everybody would now have caller ID coming in and caller ID being sent out. So you could save money by reducing the number of phone lines, updating calling plans and leveraging the city's fiber network to place inter-building calls. We will save money with the amount of phone calls that we are now inter-connecting the phone system. They'll be less calls between buildings so we will save money for calls between each site. New phone system will reduce the cost of adding new numbers and phones. No more costly expenses for Verizon to install a new line. Basically today the way it is every time we add a new phone number, we're increasing the monthly recurring charge between \$20 and \$30 for every new line. The new technology allows that we're gonna buy a block of numbers and there's no fee for that so we'll have the ability to add phones and phone lines with no additional cost which is including fax lines so if you wanna add a fax machine within a department, you put in a new fax machine, we assign it a direct number and away you go. There's no additional incremental cost which will be a good savings and there's a lot of need out there based on our site surveys. The city can create emergency travel package basically what we talked about with police and fire and emergency team is if for some reason we wanted to we could create an emergency package if we had to go to another town, another building, we could literally pack up the phone system and move over to another building and operate as if we were there today so there is some capabilities of moving around an emergency deployment team. Phone system can have information mail boxes for many applications. You can call the main number, you have an auto attendant for directions press "1", for dates of upcoming town meetings, press "2", for leaf burning parameters, press "3" – you can put all this stuff in there where today we're managing these calls and we need staffing and people to answer those calls. The new phone system can do it for us, everything is automated so they'll be some – there's a lot of applications that were talked about for us which I think will be beneficial. Service level agreements will protect the city from an extended service outage. A service level agreement basically keeps the vendor accountable. If the phone system goes down, we will set up service level agreements that within a certain period of time the phone system needs to be completely functional again and that's been built into the Request for Proposal. We don't have that right now so basically vendors can tell us they'll get to us when they get to us. With the new phone system, we will build in service level agreements with not only the phone system but with the telecom providers to make sure the outages are minimized. The system will have a back up call processor in the event the main system is out of service. We've built this where there'll be a

processor at the High School, a processor at Town Hall so if there was a failure in the main system, we'll operate as usual automatically over to the new system which is important for public safety and for the schools. It's a great application that we don't have today. Each location will have a back up phone line to make calls in the event that there is a problem with the fiber network so not only will we be backed up with the fiber, we will also be putting in some, a few phone lines at each one of the locations so we'll always have 911 capability which we don't have today. System is easy to upgrade features and software and less expensive to maintain – these are all just server based systems now, not the big clunky phone systems that hang on the wall so the maintenance, the cost to maintain, they are greener – they use up a lot less power which is gonna save us money as well. Voice mail system will allow a department manager to record one message and broadcast it to the entire department. That was a big request – we'll just leave one message and they can broadcast it to the entire team or into a department which is efficient as well. New phone system will allow the city to create emergency ring down circuits all over town. Anywhere the police and fire department feel where there's public safety interest, they can put a phone or an extension right out in front, they can hit a button and it would go right to the police or fire department as an emergency ring down which they felt would be really beneficial at a very low cost. Voice mail notification when an employee gets a voice mail, the phone system automatically can page or call your cell phone and that seemed to be a request out there as well so if somebody leaves you a voice mail, it can actually call your cell phone and tell you you have a voice mail message so it's not sitting there for hours and hours in the system itself. And one of the widest requested features that I came up with was voice mail. All employees of the town and schools will have voice mail and that's a virtual voice mail as well so if a city or a school employee don't have a physical phone or physical desk to work with, we give them a virtual voice mail box so they'll have a seven digit phone number and people can call them and leave a message and then you'll be notified so everybody whether you have a phone, a hard phone or not, will have voice mail in the system as well. That's it. I tried to get through that as quickly as I possibly could. I mean I would be happy to answer any questions that you may have.

Vice President Rossi – Thank you. Any questions from any members of the City Council? Councilor Letellier?

Councilor Letellier – Yes, thank you for the proposal. What do you anticipate a time line for the installation?

Mike Ebner – Well, we're pretty much, it takes about four to six weeks to get the equipment in so if we approved it today, we would be able to start deploying the system within six weeks. I think a realistic time frame for first deployment in the system would be eight weeks. We are proposing a phased in approach. We don't want to cut in every town and every school building at the same time so we will have phase one through six and that will all be department, building by building but based on the implementation time frame, we could have the entire phone system installed within three to four months.

Councilor Letellier – Great. Thanks very much.

Mike Ebner – Thank you.

Vice President Rossi – Councilor Bitzas?

Councilor Bitzas – Yes, when you make the decisions about to go to the A company – how many companies do you have? A, B and C companies to choose and I know you have a committee and I'm very impressed it's very good but now the committee they view all the companies is that correct?

Mike Ebner – Correct.

Councilor Bitzas – And I'm glad to see that for \$475,000.00 probably the cost will be now \$350,000.00?

Mike Ebner – Correct.

Councilor Bitzas – It's about \$127,000.00 savings. Did you compromise the quality for this cost or how you went that low?

Mike Ebner – That's a great question. No, we are not gonna compromise the quality of it at all. We, in the RFP we put in all the specific requirements that we had for the phone system and we had a lot of creative bids that had come back and there's a technology that we're able to utilize existing wiring, really that's the big difference in cost, is that when we originally looked at putting in a phone system, we were gonna have to do a major infrastructure upgrade with the category five wiring and all the switches that ran throughout all the buildings. The phone system will be able to utilize existing wiring and will still deliver the same features that we had requested in the RFP so the quality of the service is not compromised in any way, shape or form going from the prior request for the \$500,000 down to the \$350,000.

Councilor Bitzas – Thank you.

Vice President Rossi – Councilor Magovern?

Councilor Magovern – You mentioned that there were some cost savings involved in this new system? Have you figured out dollars and cents? What cost savings would be involved?

Mike Ebner – We will know that at the time of implementation. I mean we're looking at probably a 25% reduction in the telecom costs but based on how many back up phone lines we put in each one of the locations as a back up for disaster recovery, it's still up in the air but we'll save at least 25% on your telecom cost today because what we're doing is you have all these phone lines throughout the town and all the school buildings and what we're doing is we're gonna keep those numbers but we're gonna convert them into what's called a direct and redial number and it comes in a one T1 circuit. So you're

reducing a hundred phones lines down into this T1 which will save us money. The other part of the savings will be interconnecting calls so instead of everyone dialing seven digits and racking up the local usage calls, you're now gonna be able to do a four digit dial extension. So once we just prior to implementing the phone system, we'll have a hard number for the monthly recurring costs and then after the phone system's installed, we're, Concept Telecom, we're going to watch the costs for the next six months as well to see how much usage has been reduced and what we saved in the phone calls themselves to see how well that worked as well and there will be savings for that.

Councilor Magovern – Do you have any idea in dollars or cents or 25% of what? I mean what's the dollar and cents savings gonna be?

Mike Ebner – I don't have that number with me, I'm sorry. I can get that for you.

Councilor Magovern – Do you know what we're spending right now and then just take 25% of that?

Mike Ebner – The numbers we came up with originally was about \$600 a month in savings based off of what we're paying today so that was where we came up with the number – about \$600 a month.

Councilor Magovern – Thank you.

Mike Ebner – You're welcome.

Vice President Rossi – Any other questions? Seeing none, move to come out of Committee as a Whole? Moved by Councilor Letellier, seconded by Councilor Bitzas. We are out of Committee as a Whole. Thank you very much gentlemen. I'll entertain discussion? Seeing none let me remind the Council that this is a bonding item. It'll require two-thirds vote, Barbara, please call the roll.

ROLL CALL – 9 YES, 0 NO, 1 ABSTENTION (Councilor Rheault), 1 ABSENT (Councilor Simpson)

Vice President Rossi – Nine yes, one absent, and one abstention, the motion is passed. Thank you. I will now turn the Council back over to Council President Rheault.

2. TR-2011-40 - A Resolution Adopting Massachusetts General Law Chapter 32B, Section 18A (Referred to Finance Committee) (Mayor)

President Rheault – Thank you. Moved by Councilor Rossi, seconded by Councilor Walsh. A report from the Finance Committee?

Councilor Walsh – Yes, we also met this evening and Laurel Placzek basically gave us an overview of some of the information. This is the resolution adopting Mass General Law Chapter 32B, Section 18A and she gave us an overview and indicated that there is possible savings to the town on an annual basis of \$300,000.00 and we took a vote and it

was four votes in favor, we had one absent, to recommend to the Council to, a positive recommendation to the Council.

President Rheault – Thank you. Any further discussion? Councilor Rossi?

Councilor Rossi – Thank you. I must admit that I wrestled with this quite a bit over the last several weeks. I was not in favor of the original amendment – 32B § 18 because it imposed sanctions on the town. §18A is a much better system in that it allows us to implement this without any, any deficit to the people already in the system. It will only affect people in the future. I like the freedom of choice thing. I don't like to impose these kinds of things but in thinking about this I think that there is a greater benefit to the town and I think that's where I have to go with this. I think the benefit will be with the town over time, over time the town will save a considerable amount of money with this so I am in favor of this motion. Thank you.

President Rheault – Councilor Magovern?

Councilor Magovern – I was under the understanding earlier that I was not gonna be able to talk on this issue because I'm in conflict but then I was assured this evening by our Treasurer that because of my status even though I am a retired town employee and collecting on it, I am not in conflict and my only comment is that the savings would pay for our phone system number one but number two I believe from the people I've spoken to down in Boston that this is gonna be a state mandated program in two or three years anyway and why not the town get on board now and save \$350,000.00 a year rather than waiting until the state mandates the program?

President Rheault – Any one else? If not, Barbara, please call the roll.

ROLL CALL – 8 YES, 0 NO, 2 ABSTENTIONS (Councilors Bitzas and Letellier), 1 ABSENT (Councilor Simpson)

President Rheault – Eight yes, one absent, two abstentions, you have approved the resolution as printed.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

1. PH-2011-5 - (TOR-2011-3) An Ordinance Adopting the Outdoor Dining Amendment to the Code of the Town of Agawam (1/2) (Referred to Zoning Review and Ordinance Committees) (Tabled 6/20/11) (Councilor Bitzas)

President Rheault – That was one the table. We also received a note from the Planning Board that there public hearing had to be postponed because of a lack of a quorum so Mass General Law states that we cannot discuss this until the Planning Board holds their public hearing so I would ask that this remain on the table. Moved by Councilor Rossi, seconded by Councilor Magovern. Barbara, please call the roll to keep it on the table.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Simpson)

President Rheault – Ten yes, one absent, stays on the table.

- 2. ***PH-2011-4 - (TOR-2011-4) (ZC-2011-1) An Ordinance to Amend the Code of the Town of Agawam Article XIV, Chapter 180 §94 Entitled “Personal Wireless Services, Facilities and Towers” (Public Hearing Continued until September 6, 2011) (Referred to Zoning Review and Ordinance Committees) (Tabled 6/20/11) (City Council)***

President Rheault – That public hearing has been postponed until September 6th so it will not appear back until September 6th.

Item 10. Old Business

- 1. **TO-2011-17 - Transfer of \$125,337.91 (from several account listed below) to Waste Water Treatment (22542-56600) (Referred to Finance Committee)**

Regular Permanent	(22541-51010)	\$92,680.31
Regular Temporary	(22541-51020)	1,000.00
Overtime	(22541-51030)	3,000.00
Uniform Allowance	(22541-51070)	1,606.74
Fuel & Oil	(22543-52130)	5,711.04
Office Supplies	(22543-52230)	286.00
Other Supplies	(22543-52240)	640.24
Chemical & Lab Supplies	(22543-52310)	341.07
Materials & Equipment	(22543-52370)	4,988.01
Motor Veh. Parts & Accessories	(22543-52430)	7,696.15
Road Materials	(22543-52460)	1,905.56
Sewer System Materials	(22543-52480)	1,570.14
Eqpt-Repr, Maint & Replacement	(22549-52030)	3,912.65
	Total Transfer	<u>\$125,337.91</u>

President Rheault – I’ll entertain a motion? Moved by Councilor Perry, seconded by Councilor Messick. A report from the Finance Committee?

Councilor Walsh – Yes, again, we met tonight on this item and Christopher Golba was present to basically provide some information to us and these accounts are gonna be going from Waste Water Fund to Waste Water Treatment which are the Enterprise Funds and these are part of the carry-over accounts from the prior fiscal year. We had a discussion and we voted four votes in favor with one absent to send a positive recommendation to the Council on the transfers.

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President Rheault – Thank you. Any other discussion? If not, the total is \$125,337.91 as attached. Barbara, please call the roll.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Simpson)

President Rheault – Ten yes, one absent, you’ve approved the transfer as attached.

Item 11. New Business

- 1. TO-2011-18 - An Order Authorizing the MSBA Junior High School Roof Repair Project Emergency Preamble (Mayor)**

President Rheault – There is an Emergency Preamble attached to the Resolution which I will read into the record and then the Council will then make a declaration if they feel there is an emergency to pursue it.

WHEREAS, the Roof of the Agawam Junior High School is in need of repair; and

WHEREAS, the repairs are necessary to protect the health and safety of the people who use the Junior High School; and

Whereas, snow and ice of the winter of 2011 have placed additional stress on the roof and its membrane; and

Whereas, the warranty on the roof has been extended once and it is one year past the extended warranty; and

Whereas, the roof is seven years past its intended useful life; and

Whereas, the membrane can no longer be patched effectively;

WHEREAS, costs will be reimbursed at the certified reimbursement rate of 57.74% once the project is approved by MSBA; and

WHEREAS, the deadline to file for the funds from MSBA is August 15, 2011; and

WHEREAS, the Agawam School Committee voted on Tuesday, June 28, 2011 to submit the project for approval to the MSBA; and

WHEREAS, in order to promote and protect the health, safety, and welfare of the people who use the Junior High School the Town of Agawam, and its citizens the funds must be appropriated by the Town of Agawam before August 15, 2011;

WHEREAS, it is in the best interest of the Town of Agawam for the Agawam City Council to act on TO-2011-41 as its regular meeting of Tuesday, July 5, 2011.

NOW THEREFORE, the City Council of the City of Agawam hereby declares pursuant to Section 2-9(b) of the Agawam Home Rule Charter that an emergency exists and hereby approves this Emergency Preamble and;

President Rheault – Moved by Councilor Letellier, seconded by Councilor Magovern. Any discussion on the preamble? Councilor Letellier?

Councilor Letellier – I would urge my fellow councilors to pass this preamble, let us put the motion on the floor and let us get more information if we want to from Laurel Placzek and from Patti Cavanaugh. We can't say no to this kind of money in this economy so I would urge you not only to pass the preamble but to pass the item itself. Thank you.

President Rheault – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, I totally agree with Councilor Letellier. It is a win/win situation. We are going to save the tax payers one million dollars and this is about seven years already passed and we didn't fix it so I hope and I believe and I'm sure we will vote in favor. So thank you Mr. President.

President Rheault – Thank you. Any one else? Councilor Rossi?

Councilor Rossi – I understand where you're coming from on this but I don't get where this is really an emergency. I'm having some trouble with this. I read the write up over here. I've listened to the citizen's speak time, Ms. Cavanaugh, apparently somebody else's mismanagement is our emergency, I guess. From what I can read here I don't see an emergency here. We've had plenty of time to get this thing through according to what I see in front of me. Now, Mrs. Cavanaugh says that it's the state who's holding this thing up, the MSBA is adding other wrinkles in this thing that's creating this delay. Well if that's the case, why is it an emergency on our part, shouldn't there be an extension on this thing? I don't think it's any secret that we've needed a roof, we've needed a roof for a very long time. I remember attending a meeting back in November of 2010 talking about this meeting and talking about this MSBA reimbursement. That's going back to November and here we are in July in 2011 and now we've got an emergency that's been created. I don't think it's this Council that's created the emergency and I would like to hear more on that on why this is and who's determined it? Why is this an emergency? Why is this created? Maybe it's irrelevant, maybe we don't need to know but I certainly would like to have some answers.

President Rheault – I would entertain a motion to go into Committee as a Whole?

Councilor Letellier – Sure but I'd like to respond to Councilor Rossi at some point but if you want a motion to go into Committee as a Whole first, that's fine.

President Rheault – Well, I think we can ask Patti directly or do you have an answer?

Councilor Letellier – No, the point I was going to make to Councilor Rossi is regardless of who made the error, the deadline is August 15th. For us to sit here and try to place blame on something that Ms. Cavanaugh's not gonna know and Mrs. Placzek's not gonna know is spinning our wheels. The reality is this application needs to be submitted by August 15th. We have one meeting in the beginning of August. I doubt that will give them enough time to get all the paper work together. It is vacation season. I don't see how we are harming the town by declaring that this is an emergency when in fact the benefits far outweigh any blaming, any blame game here. We can play blame game but

they're not gonna know the answers and we don't want to punish our citizens if it's the state's mistake, fine, whoever made the mistake, the reality is the deadline is a month away. I think we need to respond but you certainly have the right to your vote. I'm not gonna tell you you can't vote that way, I just think we need to deal with what the current reality is and not who's fault it is.

Councilor Rossi – Well I'd just like to respond. I'm not blaming anybody, Councilor. What I would do is I would like to have an explanation on what's the emergency. I mean if we don't pass this thing, do we lose this reimbursement? Is that what the emergency is here? We can't reapply for this at all?

President Rheault – Councilor Walsh?

Councilor Walsh – I think Councilor Bitzas was ahead of me.

President Rheault – I think you already spoke first, right? Councilor Walsh.

Councilor Walsh – Yea, I was gonna say the state makes the rules and regardless of what happens they will pull the funding so I think it's our obligation if you will to the citizenry that we have to basically vote positively on this.

President Rheault – Councilor Bitzas?

Councilor Bitzas – Yes, and the emergency, the definition of emergency, there's different degrees of emergency but this is legally and fits exactly what will happen if we don't fix the roof, the roof my collapse, it's very old and very dangerous for the kids because I don't think I'm going to vote a million dollars more because today's vote to wait for the next meeting and lose one million dollars. It doesn't make any sense and I don't think we break any law by not declaring this an emergency. I believe it's a technicality. The state can say no, absolutely, it is I think fits under the definition of emergency, it fits very, very well and I understand where Councilor Rossi comes from but I think, Councilor Rossi, I don't think it'll be any problem and I know you favor that but I hate to see not voting tonight and losing a million dollars for a technicality. Thank you.

President Rheault – Councilor Magovern?

Councilor Magovern – I feel that we have to move on because of the million dollar deadline and I'm not happy with the state. I think the state has thrown all kinds of road blocks in front of us again it goes back to what I've said before – state mandates this, state mandates that, but they don't give you the backup support when you try to get a hold of them to find out what they want and then they don't give you the money in most cases but what concerns me more than even the mandates is what I heard Pat saying earlier about all the added costs that could be involved because it doesn't sound like they really know what they're doing whether this is wrong or that's wrong and they're gonna bring in more engineers and more engineers means more money and more costs and I just

wanna make sure that these costs are born by the state and not by us. That we've got a set figure here that we're gonna be paying and not a lot more that the state comes back in and they call in engineers just for the whim of calling in engineers that are really in a lot of cases aren't necessary but it costs us again thousands of dollars more and I wanna make sure the town's not gonna be on the hook for these. But we have to do something because of the state mandates and I don't want to lose the state funding on this. Thank you.

President Rheault – Moved by Councilor Perry to go into Committee as a Whole, seconded by Councilor Walsh. All those in favor? Opposed? We're now in Committee. Councilor Perry?

Councilor Perry – Yes, thank you. Through the Chair to Patti, good evening and thank you for coming this evening, I appreciate it. As indicated and I wanted to make sure we put it on the record, if we do not declare this an emergency obviously we wouldn't go to the resolution and vote on it, and for the record, if we didn't do that, we would not be able to reapply for the state aid?

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Patti Cavanaugh – That's correct because this was a one time program called the Green Repair Program so there was a very small window and they did, this IS an extension. The due date was June 24th for the July board meeting so they've extended us the courtesy of making the September board meeting which means that all the schematics need to be in August 15th and they didn't know exactly when the deadline was gonna be and now the deadline has been set to August 12th and they're still gonna let us do the 15th because that's what they initially told us as an estimate. So now while they did set it as the 12th, they're allowing us to submit on the 15th so they're giving us an extra weekend to get it done. The other part that changed that makes it the emergency is we thought we were just gonna have to have a designer come in and do drawings but because of the state of the roof being past the warranty, the designer now feels that a structural assessment needs to be done which is the extra piece which makes this an emergency because we might be able to get the drawing done, but to get a structural assessment and the drawings done, we won't be able to do that. So that's what makes this an emergency because we didn't know we were gonna need the structural assessment but because of the age of the roof and the fact that we were extended a warranty period and the winter, the load of the snow and ice, the designer really feels that a structural assessment is now required.

Councilor Perry – Okay. In going back into your statement, so what you're telling me is we actually missed the first deadline.

Patti Cavanaugh – We did and –

Councilor Perry – And the reasoning behind that?

Patti Cavanaugh – Because it took us eight weeks to get the funding because it has to appear twice on the School Committee meeting calendars and twice on the Agendas of the City Council.

Councilor Perry – But dateline back, in November this Council approved I know we had meetings on it and -

Patti Cavanaugh – You approved us going forward.

Councilor Perry – going forward with it –

Patti Cavanaugh – And the problem was, we thought because we had the \$15,000 for the OPM already in our budget, that we didn't need any additional appropriation, we didn't need an additional appropriation but even though that money was in the budget they still wanted to appropriated that. They didn't tell us that until April 14th. So on April 14th we had to get the money for the OPM. At that time they also told us –

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Councilor Perry – But that was already appropriated in the budget by Council approval.

Patti Cavanaugh – They didn't care. They still wanted us to go through the steps again. They wanted it mailed. I mean Barbara, Alexis and I have been working very closely on this.

Councilor Perry – And that was the initial \$15,000 that we had appropriated in the budget?

Patti Cavanaugh – For the OPM, and they absolutely told us do not talk to a designer until you have your OPM on board so we couldn't talk to the designer until the OPM came on board which I got him on board June 8th.

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Councilor Perry – Okay.

Patti Cavanaugh – And the first thing he told me then was now you gotta get the money for the designer and I'm like, no, are you kidding?

Councilor Perry – I'm just trying to understand because when I look at it on paper, it's okay, you missed the first deadline, now it's become an emergency for the second deadline and I'm trying to get a reasoning as to why so the state wouldn't accept that the City Council had already approved the OPM \$15,000.00?

Patti Cavanaugh – No and we had that conversation, Mrs. Placzek was there, the Mayor was there, the City Solicitor was there.

Councilor Perry – And it was after the fact that you found out you had to have an additional \$60,000.00 for the structural –

Patti Cavanaugh – They told us don't start talking about designer fees until you get your OPM on board so on April 14th we found out we had to come back to both the City Council and School Committee for the \$15,000 and don't talk to the designer til you get

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that done. So we get that done on June 6th you voted it, I was notified on June 8th. The first thing the OPM tells me is now you gotta get money for your designer and so when I went back to MSBA, he said to me well why didn't you get the money for the designer when you went for the OPM and I said because you told me NOT to, you told me get the OPM and then the designer and we had that documented in a memo that I wrote based on the phone conversation, we had actually the steps that they told us to take and I think, I think what the problem is is that they've, MSBA has overextended themselves with the Green Repair and everything else that they've had so they've hired these consultants so we're working like through a conduit so every time we have a question we ask Mr. Cabrera. Mr. Cabrera has to go back and ask MSBA. MSBA then tells Mr. Cabrera who tells me so it's like playing telephone, it's like the message isn't getting through.

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Councilor Perry – Okay, I just wanted to get more clear on it.

Patti Cavanaugh – It's been a frustrating process but it will be well worth it when we get 57% reimbursement so-

Councilor Perry – There's no question but I understand where Councilor Rossi is coming from because a lot of times we've all felt that it comes to us last minute and we've got to make a decision like that and this is taking it one step further to an emergency preamble so I just needed reason as to why we're declaring it and moving forward. Thank you.

Patti Cavanaugh – I understand.

President Rheault – Councilor Mineo?

Councilor Mineo – Yes, so exactly we're voting on \$80,000 tonight?

President Rheault – No.

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Patti Cavanaugh – Not to exceed \$60,000.

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Councilor Mineo - Not to exceed \$60,000?

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President Rheault – You're not voting on it yet. You're voting on an Emergency Preamble.

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Councilor Mineo – Well – okay all right. I guess I'll wait to talk about that.

President Rheault – Moved by Councilor Bitzas to come out of Committee, seconded by Councilors Letellier and Walsh. All those in favor? We're now out of Committee. All right. That preamble puts the item so we can vote if you believe that there's an emergency otherwise it would be under New Business and we would not be able to vote on it and that also applies to TR-2011-41 so then we would have to put in conjunction those two items under the Emergency Preamble to be able to vote on one or both of those.

So the motion would be to declare an emergency on items TO-2011-18 and TR-2011-41. Moved by Councilor Bitzas, seconded by Councilor Cichetti. Any further discussion? If not, Barbara, please call the roll? A two-thirds vote is needed.

ROLL CALL - 10 YES, 0 NO, 1 ABSENT (Councilor Simpson)

President Rheault – Ten yes, one absent, you have approved the emergency. Back to TO-2011-18 is the order as attached, moved by Councilor Perry, seconded by Councilor Letellier. Any further discussion? If not, Barbara, please call the roll?

ROLL CALL - 10 YES, 0 NO, 1 ABSENT (Councilor Simpson)

President Rheault – Ten yes, one absent, you have approved the Order,

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2. **TR-2011-41 - A Resolution to Authorize Stabilization Fund Appropriation for Designer Fees for the MSBA Junior High School Roof Repair Project (Mayor)**

President Rheault – Moved by Councilor Letellier, seconded by Councilor Walsh. Councilor Rossi?

Councilor Rossi – I have some questions but should we maybe go into Committee as a Whole? I'll entertain a motion? Moved to go into Committee as a Whole by Councilor Rossi, seconded by Councilor Cichetti. All those in favor? Opposed? We're now in Committee.

Councilor Rossi – My question is for Laurel if you would be so kind.

President Rheault – Laurel, you may step up to the golden microphone.

Councilor Rossi – I guess the first question is, it's coming out of the Stabilization Fund and why?

Laurel Placzek – It's coming out of the Stabilization Fund because our Free Cash expired on June 30th so the only other thing that you would have is a Reserve Fund transfer. Your Reserve Fund is already done to \$250,000.00. I didn't think it would be a good idea spend \$60,000 the first week of the new fiscal year. So that left us only with the Stabilization Fund.

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Councilor Rossi – And I assume the reason being is that this one has to be paid up front? Is that the reason?

Laurel Placzek – Well we have to have a mechanism to appropriate. You can't appropriate from Free Cash since officially there isn't any until it's re-certified and you have to appropriate from somewhere and you only have those three options – the Stabilization Fund, Free Cash or Reserve Fund. Two of those are precluded just because of the date.

Councilor Rossi – Yea, the \$15,000 has already been appropriated. That’s in place.

Laurel Placzek – That’s all set.

Councilor Rossi – Okay, the \$60,000 is the only question. Now that \$60,000 is that reimbursable by 57%?

Laurel Placzek – It is.

Councilor Rossi – It is.

Laurel Placzek – Even, Ms. Cavanaugh said, even if we do not go forward with the project, it is reimburseable.

Councilor Rossi – Okay, I guess that answers my question on that. I guess my other question is who is the Project Manager? The Owner Project Manager, the OPM?

Patti Cavanaugh – The OPM is Municipal Building Consultants and I’ve been working with the principal there. His name is Patrick Saida.

Councilor Rossi – And he works for the state MSBA?

Patti Cavanaugh – No, no, he is the person the committee chose for our Owners Project Manager. Our liaison with MSBA is Jake Cabrera from Kelvar Associates.

Councilor Rossi – Uh huh, and these people choose the designer? Is that it?

Patti Cavanaugh – They gave us three or four options and we had a selection committee that Mr. Bitzas, myself, Mr. Albro and Mr. Bonavite served on and we had options for the OPM and the designer and we reviewed their specifications. We checked their references and Municipal Building Consultants and CSS Design were the ones that came out on top on the ratings.

Councilor Rossi – Thank you and thank you for your presentation.

President Rheault – Councilor Mineo?

Councilor Mineo – Yea, I have another question for maybe Patti, when will this be complete?

Patti Cavanaugh – Pardon?

Councilor Mineo – When will this be complete?

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Patti Cavanaugh – The schematic design phase?

Councilor Mineo – Mhmm.

Patti Cavanaugh – Well that would be done August 15th. It would go to the September board meeting and then they'll approve us in September then they'll come back with the project for the town and the School Committee to approved as a whole and then hopefully we will do construction next summer.

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Councilor Mineo – So at this point we have no idea what the cost is.

Patti Cavanaugh – No.

Councilor Mineo – Okay.

Patti Cavanaugh – That's what they're gonna decide when they do the schematics. They'll get an idea. That's what the MSBA will authorize the project parameters with cost and then they'll come back to us and say here's what we think and do you want to go forward.

Councilor Mineo – And that's also, we'll receive 57.4% on that also?

Patti Cavanaugh – 57.74%, correct and I think, I talked to the Mayor, we may even be able to get some, you know we can talk to them about we'll get the breakdown of the calculation and we might be able to wiggle a point or two higher. I know other communities have done that, they've sort of said we don't think you gave a fair approximation on this part or this part so it could go higher. It won't go any lower than 57.74% but I think we can try to say we need a couple more points.

Councilor Mineo – Okay, thank you.

Patti Cavanaugh – You're welcome.

President Rheault – Councilor Walsh?

Councilor Walsh – Yes, for Laurel? Would there be any plans to reimburse the Stabilization Fund once certified, Free Cash is certified?

Laurel Placzek – Once Free Cash is certified, we could come to the Council and you could appropriate from Free Cash to the Stabilization Fund and that again would take another two-thirds vote.

Councilor Walsh – Thank you.

Laurel Placzek – You're welcome.

President Rheault – Moved by Councilor Letellier to come out of Committee, seconded by Councilors Rossi and Bitzas. All those in favor? Opposed? We're now out of Committee and TR-2011-42, no we didn't take a vote on that, TR-2011-41, deadlines you know? Any further discussion? No? Barbara, please call the roll.

ROLL CALL – 10 YES, 0 NO, 1 ABSENT (Councilor Simpson)

President Rheault – Ten yes, one absent, you have approved the resolution.

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3. **TR-2011-42 - A Resolution Adopting a Fiscal Year 2012 Supplemental Budget of \$250,000 for the Town of Agawam (Mayor)**

President Rheault – That goes to the next Agenda and to the Finance Committee.

Item 12. Any other matter that may legally come before the City Council.

President Rheault – To my furthest right, Councilor Bitzas.

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Councilor Bitzas – Nothing this evening.

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President Rheault – Nothing? Thank you. Councilor Magovern?

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Councilor Magovern – The only thing I'd like to mention and this is really common to the School Board as well and that is with the \$250,000.00 going back to the School Committee, if you could look at possibly some of the student fees. I think the great thing about going to the graduation exercises is watching our honor students come up that have made National Honors and I was talking to somebody this week and I find out that our National Honor Society people have to pay (\$60) a year to belong to the National Honor Society and I think that to get accepted into the National Honor Society is a phenomenal honor for a student for the repayment for their studies and I really feel that we should look at some of these student fees. The whole cost of the student fee program where like for the Key Club they have to pay (\$124) a year to belong to the key club and if you've seen the Key Club members around town doing their work, I feel that's another very, very worthy project. The whole cost that is reimbursed to the School Department for student fees is \$19,000 and again looking at the overall budget of the School Board I'd really like to see students somehow get away from some of these student fees. Thank you and I hope everybody had a very, very good Fourth of July.

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President Rheault – You all done? Councilor Mineo?

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Councilor Mineo – Yea, I'd actually like to piggyback on something Bob had mentioned. I'd like to know exactly with this \$250,000.00, I'd like to know exactly what they're saving. Are we putting three teachers back in to Granger School? Are we saving five para-professionals? I just don't know what, I know we put \$250,000.00 back in or we asked the Mayor to do that to save some lay-offs, I'd just like to know what is it exactly we are saving. What are the positions we are saving?

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Councilor Perry – Point of privilege, Council President? It’s under New Business for the Supplemental Budget, it lists everything for the School Committee’s already approved so –

Councilor Mineo – It is? Okay, I didn’t have my glasses so, okay, thank you.

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President Rheault – Councilor Rossi?

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Councilor Rossi – Nothing thank you.

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President Rheault – Councilor Walsh?

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Councilor Walsh – Nothing.

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President Rheault – Councilor Cichetti?

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Councilor Cichetti – Nothing.

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President Rheault – Councilor Messick?

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Councilor Messick – Nothing tonight, thank you.

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President Rheault – Thank you. Councilor Letellier?

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Councilor Letellier – Nothing original however, when I had to sit down to abstain, I’m not sure if you want your name, a citizen came up to me and said listen if we’re buying parts over the internet, why can’t we sell our phone system over the internet once we’re done with it? So I guess I would ask Barbara to send a memo to Jeff saying and finding out whether if in fact we could sell our outdated system for parts or whatever. Like Eric said, there’s a market for the parts so there must be a market for us to sell it as well. Otherwise I have nothing, but thank you Eric.

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President Rheault – Good point. Enjoy your vacation.

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Councilor Letellier – I’m home taking care of a child with hand, foot and mouth – it’s not a vacation!

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President Rheault – Councilor Perry?

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Councilor Perry – Nothing this evening.

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President Rheault – I have nothing. I’ll entertain a motion to adjourn. All those in favor? Opposed? Moved by the Council, seconded by the Council, we are now adjourned. Thank you and good evening.

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Adjournment.