

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated October 5, 2011

President Rheault – Good evening ladies and gentlemen. Welcome to the City Council meeting of Wednesday, October 5th.

Item 1. Citizen's Speak Time

President Rheault – We have a few citizens wishing to address the Council this evening, the first being Corinne Wingard. Corinne?

Corinne Wingard – Good evening. My name is Corinne Wingard. I live at 194 Elm Street in Agawam. I'm here tonight to ask you not to pass the Mayor's resolution for the senior property tax exemption as presented. This is the wrong plan at the wrong time and if passed it will be severely detrimental to the town. To give an additional \$500 to the two hundred people the Mayor has said could qualify and have been sent letters, would total \$100,000 in lost revenue for the town. In fact, the loss would be even greater than that. I spoke with the Massachusetts Department of Revenue and was told that when Agawam passed this law in 1986, the number of residents for whom the state will reimburse our town \$500, the maximum for the tax exemption, was set at 167 people. The town, if we pass this \$1,000 for 200 people, the town would be responsible for the full cost of \$1,000 each with the remaining 33 over 167 as well as the additional \$500 for the first 137, thus the actual cost to the town would be \$116,500 in lost revenue for the next fiscal year. Excuse me. We are experiencing the worst economic crisis in our country since the Great Depression. Consider the difficulty we've had with this year's budget and that next year is not likely to be a lot better, this is no time to give up \$116,500 in revenue. As a senior citizen myself, retired for eleven years and I live on a fixed income that goes less far each year, I appreciate how important is to help vulnerable seniors. An increase of 20% or \$100 bringing the exemption up to \$600 would help make up for seniors not getting Social Security increases for three years and be more appropriate to these tough economic times. The second problem with the Mayor's proposal is his plan to increase the income levels for exemptions. Before we do that we need to intensively analyze the 2010 census figures for Agawam residents aged 70 and over and the 2005 to 2009 American Community Survey of poverty percentages. We need to be sure that all residents who would be eligible under the current guidelines know about this senior property tax exemption have been given the opportunity to apply. This is a matter of fairness. I would be very interested to know how the Mayor came up with the 200 names to be sent letters, particularly since according to what the State Department told me, only 47 people in Agawam received the Senior Tax Exemption in 2010. If this was such a good idea, why didn't the Mayor propose it twelve years ago when he first became mayor and economic times were much better? If it was the right thing to do, our eligible seniors could have been receiving this increased benefit all along instead of it being offered now, at this particular election time. Don't forget if this is passed and we lose \$116,500 in revenue either services will have to be cut or senior citizens like myself who are not eligible for the exemption will be among those seeing

their property taxes increase. This is nothing but a political ploy by the Mayor to get senior votes. Excuse me. Political ploys are not unusual, surprising or unexpected in election years. The problem with this one is that it hurts the town. We simply cannot afford to give up \$116,500 in revenue in our next fiscal year. I would ask you to study this proposal closely and consider all its ramifications. The bottom line is that if you give 200 people \$1,000 tax exemption and the state only reimburses \$500 for 167 of them, then the town has to absorb the rest of the cost of the lost revenue, let me say one more time, \$116,500 and it doesn't matter how few people have applied for this in the past. Perhaps many people didn't know but it doesn't matter how few have applied in the past – don't use that to make a judgment –

Clerk – One minute, please.

Corinne Wingard – Because once you've past this law, you've passed it, you've opened the door for the full 200 people to apply and receive the benefit, you would have to give it to them if they qualify. So please act in the best interest of the Town of Agawam, do not approve this proposal as presented by the Mayor. Thank you very much.

President Rheault – Thank you. Billy Chester?

Billy Chester – Thank you. Billy Chester, 320 Barry Street, Feeding Hills. I'm here to support the exemption for the senior citizens. I think it's about time that the increased their exemption amount and I'm sure that they're in real need, in dire need for the money. My second issue is on the Corey Street. There's 50 acres of land up there at the School Street Park and if that 50 acres is not enough for the town or the CPA or the whoever to do what they want to, build, whatever, we do not need that Corey Street addition to that. There's water on there which could be a liability to the town and I believe it was mentioned also that all the lead from the ammunition is not completely out of the ground. I heard that mentioned but I don't know how true that is but I would hope that you would vote the ...taking of the Corey Street, turn that down. Thank you.

President Rheault – Thank you. Kevin Baldini?

Kevin Baldini – Kevin Baldini, 32 Park Avenue, South Hadley, MA, South Hadley. Good evening Councilors. I'm speaking tonight in favor of the three resolutions on the Agenda regarding senior citizens. Resolution #49 seeks to raise the 41C property tax exemption from \$500 to \$1,000. It also seeks to increase the income and asset limits currently in place for these exemption so more seniors in need of assistance can qualify. Resolution #50 adopts local option 41D which adjusts the income and asset limits for Clause 41C to annual CPI increases thereby keeping the set limits more in line with annual inflation. Resolution #51 seeks to tie the asset limit and property tax exemption for Clause 17D also to annual CPI increases. This would also allow the asset limit and the exemption amount to adjust automatically to inflation so you don't have to revisit the issue. It is important to note that the passage of these resolutions will have no effect on the tax rate of Agawam. As is required by the Massachusetts Department of Revenue, all cities and towns in the commonwealth must have a reserve account for abatements and

exemptions as part of its annual levy. This annual overlay account has sufficient funds for any anticipated increases due to these proposed changes. And I would like to say that the number of exemptions for the Clause 41C over the past three years, I went back 3 – 4 years, has averaged 40 over that time period and an average of about \$20,000 a year. As was said in the sub-committee meeting, we anticipate that if you go for the \$1,000, it would increase those 40 by another \$20,000 for the amount and if we anticipate another 20 people that would qualify under the new guidelines that would be another \$20,000, it's not \$116,000, it's not \$200,000, it's, right now it's been 40 for the past three years for an average. In closing, I would like to say these are hard times for many people in our country and senior citizens are especially hard hit. Many retirement accounts have dwindled over the past several years due to the drop in the stock market and interest income from CD's and savings is practically non-existent. Passage of these resolutions will help make the lives of those senior citizens qualify a little easier. I therefore hope the Council will pass these resolutions tonight. Thank you.

President Rheault – Thank you. Mayor Cohen?

Mayor Cohen – Good evening. I am Mayor Richard Cohen and I live at 47 Alexander Drive. Good evening Councilors. I am here this evening expressing my desire that you pass the resolutions before you this evening to help our senior residents in these difficult fiscal economic times as you did for our small businesses in Agawam by increasing their personal property tax exemption. Corinne said this was a political ploy. It just amazes me she wasn't here when the business' exemption went through and wasn't against that. It just surprises me. This is not a political ploy. This is doing the right thing at the right time for a group of people who need any help that we can give them. Seniors have not received a Social Security benefit increase, a Cost of Living Adjustment, in over two years and I believe the need to help our senior – greatest generation – is NOW. By passing resolutions TR-2011-49, -50 and -51, you will help those seniors eligible to gain relief by increasing their exemption amounts and asset limits by putting more money in their pocket, allowing them to stay in their homes and to have extra income. Please help our seniors by passing these resolutions this evening. I am extremely pleased and I thank the Council Finance Sub-Committee for passing it unanimously. As you are aware, as you pass the Town Budget every year, you approve the Overlay Account for abatements and exemptions which has sufficient funds to account for these increased exemptions. This is not a political ploy. It is our job as elected officials to help not only small businesses but to help the senior citizens and everybody else in between and I hope that you will pass this because it will not cripple or take away from any services that we provide otherwise we wouldn't be doing it. Thank you.

President Rheault – Thank you Mayor.

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, you have a quorum. Councilor Simpson phoned and is not feeling well and will not be in attendance this evening.

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 – September 19, 2011

President Rheault – Moved by Councilor Messick, seconded by Councilor Perry. Any corrections or additions? Councilor Perry? No? All those in favor of accepting? Opposed? Unanimous. I'm sorry? Councilor Letellier abstained.

Item 5. Declaration from Council President

None.

Item 6. Presentation of Petitions, Memorials & Remonstrances

(a) Resolutions

- 1. TR-2011-46 - A Resolution to Waive the Right of First Refusal for Land Classified under M.G.L. Chapter 61B located at 358 Corey Street, Agawam, MA. (Tabled 9/19/11) (Referred to Finance Committee) (Councilor Magovern)**

President Rheault – The item is on the table. I'll entertain a motion to take it off the table. Moved by Councilor Messick, seconded by Councilor Perry. All those in favor? Opposed? It's off the table. Just a foot note, after the last meeting I wrote to the Assessor who wrote to Boston and got the following reply because there was some questions that remained on the floor – and the Assessor in Boston confirms regarding 61B that status for fiscal 2008 and the 59 assessments were not made so the 61B section 9 does not apply and the town has no right to entertain into the agreement of the property. That being said and after all the lengthy discussion last time, Councilor Magovern?

Councilor Magovern – I just want to re-state my motion to withdraw the item from Agenda.

President Rheault – Motion was made to withdraw, seconded by Councilor Mineo. Barbara, please call the roll.

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

President Rheault – Nine yes, one absent, one abstention, you’ve removed it from the Agenda.

2. TR-2011-49 - A Resolution Raising Exemption Amounts for Senior Citizens Pursuant to General Law Chapter 59, Section 5, Clause 41C (Referred to Finance Committee) (Mayor)

President Rheault – Motion on the floor. Moved by Councilor Bitzas, seconded by Councilor Perry. A report from the Finance Committee please?

Councilor Walsh – The Finance Committee met on September 26th, present were myself, Dennis Perry, Robert Rossi and Joseph Mineo, also in attendance Councilor George Bitzas, Treasurer Laurel Placzek, Assessor Kevin Baldini and William Chester. The meeting was called to order at 7:02. Item TR-2011-49, a resolution raising exemption amounts for senior citizens pursuant to General Law Chapter 59, Section 5, Clause 41C. The question was raised as to the cost to the town at present. At present, 40 taxpayers are receiving a total of \$20,000 exemptions. If the resolution is approved, the exemption would be expected to rise to \$40,000. It is not known how many additional taxpayers would qualify but the number should be minimal. The question was also raised as to how long the increased exemption had been available and the speculation was 2002. There was a motion by Robert Rossi, seconded by Joseph Mineo to recommend acceptance to the Full Council and the vote was 4-0 in favor.

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

Councilor Letellier - Yes, thank you. I have to say that I also am skeptical but willing to listen and the reason that I’m skeptical is right in the attachment we have for resolution TR-2011-49, it indicates that this has been available since almost 2002 and we’re getting it a week before primary and a month before election so that raises some red flags for me and I’m doing the math and I’m trying to compare Corinne’s numbers to Kevin’s numbers so I’m gonna do a motion to go into Committee as a Whole. I’d like it to be seconded so we can ask some more questions of Kevin if possible.

President Rheault – You move to go into Committee as a Whole?

Councilor Letellier – Yes.

President Rheault – Moved by Councilor Letellier, seconded by Councilor Messick. All those in favor? Opposed? We are now into Committee. Councilor Letellier?

Councilor Letellier – Thank you. Kevin, do you mind coming to the podium? Thanks. Corinne had handed out to us when we walked in her statement and so when I did the math, I came out to the same figures that she does so my first question is, this 167 cap – I don’t see that in any of the data that you provided to us, do you know where that comes from?

Kevin Baldini – I don't know where that number came from, the 167, I can't speak to it but I know that when it was first accepted, I think it was probably back in 1986, I didn't look, there's a certain number of exemptions that were given at that time and you get reimbursed for only that amount no matter what you do in the future. I don't know where the 167 came in, it doesn't seem to make sense with the number that we have now.

Councilor Letellier – Because Corinne said that she called the State Department of Revenue and she got that figure from the State Department of Revenue. Is that something that you could call and verify?

Kevin Baldini – I could and I could find out what the reimbursement amount is. We get that reimbursement amount every year and it stays the same. I can find out what that reimbursement amount is. We do get reimbursed – there's other exemptions too that we – veterans, blind exemptions – we get reimbursed for too. Again, it doesn't change the fact that there's still only 40 people that get this exemption and I don't anticipate it jumping to 200. The 200 number I don't know where that came from but there's not 200 people who qualify for this exemption and I don't think changing these limits will all of a sudden jump it up to that number.

Councilor Letellier – Corinne also said something about a letter that was sent to 200 people – are you aware about anything like that?

Kevin Baldini – No, there was a letter that was sent, I don't believe it was to 200 people. The Mayor sent the letter out to existing 41C's and existing 17D's and it's about I think 130 people. It was just the people, existing people who got this exemption – so I don't know where the 200 number came from.

Councilor Letellier – So there's currently 130 people who get that exemption?

Kevin Baldini – No. There's 85 people that get the 17D, that's the one that's for \$175, that's resolution -52? The last resolution, that's, that right now the asset limit on that is \$40,000 and it is \$175 pay out or exemption amount to the person. What that resolution will do, will raise that to the CPI every year so, for instance, if it goes up 3%, it will \$41,200 will be the, is that the correct math, yes, will be the asset limit and then you'll take the \$175 multiply it by 1.03 and you will come up with \$180. So that's not as, has as much of an impact for the senior unfortunately as does the Clause 41C which is the \$500 exemption going to \$1,000 but there's 40 people actually 38 people in 2011, 47 I believe in 2010 and there were 38 people in 2009 that qualified for the Clause 41C and then it varied, Clause 17D varied between 85 and 75 people. It varies, every year you have to qualify.

Councilor Letellier – Right.

Kevin Baldini – So financial things change within, for people.

Councilor Letellier – So do we have any idea how much of a percent of that number would increase, 10%? 20%?

Kevin Baldini – I'm just, I estimated a 50% increase. I estimated 20 more people.

Councilor Letellier – Okay.

Kevin Baldini – I don't, that is the mystery, that is the part of it that is unknown for sure but I don't think it's gonna skyrocket because we're not changing the criteria that much.

Councilor Letellier – Right but I think we're letting the public, maybe probably more people will know about it now.

Kevin Baldini – True, and I hope more people do.

Councilor Letellier – You know? And so the state has passed ordinance statutes so that local cities and towns can increase the exemption but they haven't passed anything that says they're gonna increase their reimbursement?

Kevin Baldini – That reimbursement, again as far as I understand the law, that reimbursement was done back at one point in time in 1986, I can look it up, 1986, 1987, and that's fixed for as long as you have these exemptions.

Councilor Letellier – I meant the amount like from the \$500 to – in other words they're saying –

Kevin Baldini – No, you don't –

Councilor Letellier – They're saying we can move from \$500 to \$1,000 but they're only gonna give the \$500.

Kevin Baldini – You don't get any more money back. That's right. That's right.

Councilor Letellier – Okay. All right. And how much is in the Overlay Account now?

Kevin Baldini – For fiscal 2011, the Overlay was, I don't have the amount that's left in the Overlay but it was \$864,000 was –

Councilor Letellier – And how much was left after we paid Tennessee Gas and everybody else their annual amount?

Kevin Baldini – I don't know that number.

Councilor Letellier – Over \$500,000, less than \$500,000?

Kevin Baldini – Again, that's just the 2011. It wasn't all taken out of 2011 and I don't

know. That would probably be a question for the Collector. I don't know that number.

Councilor Letellier – So if we doubled, sorry I'm just trying to figure this out, because when I did the numbers based on Corinne's numbers, they were the same so if we, I'm sorry I'm looking for my calculator on my phone, I apologize, so if, you're saying that we have 40 –

Kevin Baldini – 40 right now would be \$20,000

Councilor Letellier – Okay.

Kevin Baldini – If we double, just double their amount, that would be another \$20,000.

Councilor Letellier – Mhmmm, so \$60,000.

Kevin Baldini – \$60,000 total on a 40 increase.

Councilor Letellier – Right.

Kevin Baldini – A \$40,000 increase. The way Corinne was explaining it was we're already giving out \$100,000 and we're gonna give out another \$100,000 and that's not right.

Councilor Letellier – Yeah and we don't foresee that as being as four or five times the number of people that are doing it and once we pass it we pass it forever.

Kevin Baldini – You can rescind it.

Councilor Letellier – I'm just, I'm just wondering where this 167 number came from, I don't think she's not telling the truth.

Kevin Baldini – Oh, no I'm not saying that.

Councilor Letellier – I've known her long enough.

Kevin Baldini – I'm not saying that but without knowing, I can call and find out, the number to me doesn't make sense, that could be the total number of exemptions that we gave out in that year, I don't know, like I said there's line exemptions, there's exemptions for veterans and those are reimbursable too.

Councilor Letellier – Mhmmm.

Kevin Baldini – So maybe that's the total number of reimbursable exemptions in total. It might not be the number of reimbursable exemptions for Clause 41C, I don't know.

Councilor Letellier – And what would the cost be annually for all three of these new

exemptions?

Kevin Baldini – There are only two, there's the 41C and 41D – basically that's the same exemption but the 41D ties into a Cost of Living –

Councilor Letellier – Oh, it caps the income?

Kevin Baldini – No, it adjusts it every year to a COLA, to a CPI.

Councilor Letellier – Oh, the COLA, okay, okay.

Kevin Baldini – So that's basically one exemption and I can give you the number, okay, back in 2011 the 17D was \$12,600 was what we gave out in exemptions and \$19,000 for the 41C so that's \$31,600.

Councilor Letellier – So we think the \$19,000 is gonna jump to \$60,000, what do we think the \$12,600 will jump to?

Kevin Baldini – Well, if the same number of people will qualify, multiply it by 3% because, I'm assuming that CPI goes up by 3%, I just threw a number out there of 3%.

Councilor Letellier – Right. I'm just, and so –

Kevin Baldini – And that's not, excuse me I'm sorry, that's not gonna adjust much and if more people qualify over time because that \$40,000 starts to increase and more people fit under that umbrella then that number will start to go up a little bit but that's not gonna, I don't think that's gonna change that much. If I can just give you an example, last year it was \$12,600; the year before it was \$13,900; and the year before it was \$16,625 so it's actually gone down over the years.

Councilor Letellier – Yea, and 3% of \$12,600 is \$378, it's not a lot of money.

Kevin Baldini – Right, so even if that, whatever happened, that doubled, it's not gonna happen because you're not changing that criteria very much, and you would have another \$12,000, that's not gonna happen.

Councilor Letellier – All right. I was just trying to figure out the math because there's such a huge difference in the two figures.

Kevin Baldini – The 200 figure is wrong. That, I don't know where that came from but the number of letters that was sent out was about 135. I don't know where, I can't speak to where the 200 number came from but that's not the number of exemptions that are currently in place for the 41C and that's not what I anticipate it rising to.

Councilor Letellier – Okay, thank you.

Kevin Baldini – I mean the earth could, I don't know but I don't see that happening.

Councilor Letellier – Sure, sure, you don't foresee a fivefold increase.

Kevin Baldini – No. I'd be shocked.

Councilor Letellier – Okay, thank you Kevin.

President Rheault – Councilor Messick?

Councilor Messick – I just have a question. The information that we received said that the reimbursements for cities and towns operating under Clauses 41B and C are capped at the number of exemptions granted the last year Clause 41 was used, so –

Kevin Baldini – The first –

Councilor Messick – So, right now –

Kevin Baldini – I don't know when that happened, when it went from 41 to 41C. 41C is a local option.

Councilor Messick – Right.

Kevin Baldini – So at some point, probably that's what I'm saying back in 1986, I'm thinking right around that time period, the town voted to go to 41C and so whatever the exemption amounts were for 41, that's what you're locked in, when you made that change.

Councilor Messick – Do we know how much that is?

Kevin Baldini – That number of exemptions?

Councilor Messick – Yeah.

Kevin Baldini – I can find out. It's, again, it's –

Councilor Messick – But we're not gonna be getting more exemptions, I mean more reimbursements than we currently are.

Kevin Baldini – No, and that's been the case since then, since 1986, you haven't gotten anymore reimbursements. So if you go to the \$1,000, you're not gonna get that \$500, you're not gonna get anymore back, no.

Councilor Messick – Right. Right. Okay.

Kevin Baldini – But the lion’s share, the veterans and the blind are the lion’s share of the exemption amounts. So and a lot of those are reimbursable. I don’t know the exact number of the reimbursement.

Councilor Messick – Thank you.

President Rheault – Councilor Bitzas?

Councilor Bitzas – Yes, Kevin, to clarify for the people that are watching us –

Kevin Baldini – Mhmm?

Councilor Bitzas – First of all, I’m in favor giving a helping hand to the elderly in these economic times everybody losing homes, in their golden years, they need some help those that really need help so the law is very clear and I hope the Council support that but the question is came before the citizen who spoke, is that gonna affect the rate for the other people to pay more taxes, can you clarify that? I believe we have a special account-

Kevin Baldini – That’s the Reserve Fund, that’s the Overlay Fund.

Councilor Bitzas – So we’re all set then, it’s not gonna affect the taxes.

Kevin Baldini – That’s the, that’s what I said, the \$864,000 is reserved for abatement and exemptions, that will not, this is not gonna affect that because there’s a cushion built in there and it won’t affect it.

Councilor Bitzas – Thank you. That’s very clear.

Kevin Baldini – It’s not gonna change, it’s not gonna change the tax rate.

Councilor Bitzas – That’s I’d like to know, the people to know that they’re not gonna have their tax to go higher because of that so, thank you, that’s a good point.

Kevin Baldini – Right.

President Rheault – Any further questions? No? I’ll entertain a motion to come out of Committee?

Councilor Letellier – Move to come out of Committee as a Whole?

President Rheault – I’m sorry?

Councilor Letellier – I said move to come out of Committee as a Whole.

President Rheault – Councilor Letellier moves to come out, seconded by Councilor Rossi. All those in favor? Opposed? We're now out of Committee. What's the Council's pleasure? Move the resolution as attached –

Councilor Letellier – We're not gonna have any discussion?

President Rheault – Oh, I'm sorry.

Councilor Letellier – Was it already moved, I'm sorry. Was it already moved?

President Rheault – No, well it was moved but that's all right. Do you want further discussion on it?

Councilor Letellier – Yes, I am going to vote for this because we do have the Overlay system and because the amount annually is not as great as I was first thinking but that doesn't change my statement that this happened in 2002 and it's before us a week before the primary and a month before general election. That's all I'm gonna say but I am gonna vote for it because the math makes sense and it is a fair thing to do.

President Rheault – Councilor Magovern?

Councilor Magovern – I just want to say I'm gonna vote for it also. I think that we have a problem in this town with a lot of seniors with their golden years have turned into Fool's Gold and any way that we can possibly help some of these seniors, they're very, very proud and they're not gonna ask for any kind of assistance and this really isn't assistance, this is something that's allowed for by law, many other towns do it and I'm very, very glad that it is before us this evening and I hope that it's passed. Thank you very much.

President Rheault – Barbara, please call the roll? I'm sorry, Councilor Rossi?

Councilor Rossi – Yes, thank you. I voted for this in committee and I asked the questions and I got the answers that I needed in committee and I want to thank Kevin for that. I thought he did a nice job but the sad part of this thing for me is the fact that this exemption is excuse me, for those over 70 and as I said the sad part of it is there's a lot of people under 70 that probably would qualify for this and that that's where my problem lies, that there are just so many people right now that are facing these kinds of problems, that are living at the poverty level, that are living week to week, day to day, who are forced on one income and now they don't have any incomes and find it difficult to pay these taxes, and as I look at, I believe it's gonna go to \$40,000, there are some people that are under 70, you know 60, 65, that are living at those levels right now and won't qualify for this exemption until they're 70 and I think that's the sad part but I guess that's where we're at. It's unfortunate but I won't sacrifice those at 70 for that purpose but I think if there's a way that we could probably look at that. I don't know if we can. I don't know if the law permits us to do that, to lower the age a little bit and take some kind of a survey

to see exactly where we stand on something like that, if in fact it would be a burden on our tax structure, you know those kinds of things –

Councilor Perry – Point of privilege?

President Rheault – What’s your point, councilor?

Councilor Perry – If we accept this I believe it goes down to 65, Bobby, from 70 to 65.

Councilor Rossi – It does go to 65?

Councilor Messick – We have to vote it to 65.

President Rheault – That’s not this motion.

Councilor Rossi – That’s okay, as long as there’s something built in, we can take a look at it later. All right. Thank you.

President Rheault – Councilor Messick?

Councilor Messick – Um, I too think this is a strange coincidence that this is coming before us before a pretty tough election and the numbers right now are fairly low, certainly we can cover it with the Overlay Account and maybe reduce the age to 65 but if we did get the maximum number of people applying for it that we can, that is kind of taking a big chunk out of the budget and if we’re passing this now, in the future we just don’t know how many people are gonna qualify, that’s where I have some qualms. I mean thank you very much Kevin for explaining how this all works but at the same time, we’re guessing as far as how many more people could qualify and we’re not getting reimbursed for any new people who do qualify, now or in the future. That bothers me and the other thing is I kind of feel like councilors here are also looking to get reelected so you’re kind of between a rock and a hard place. I’ve heard a lot of talk about the tough budget and cutting costs and raising more tax revenue and how difficult it’s gonna be next year but if you vote against this, you look like you don’t support the seniors, that’s where the votes come from so yeah, I’m not gonna vote for this. I don’t think that, I don’t think that we have enough information about it and I’m not really willing to have a discussion next year or listen to a discussion next year about the tax rate if we are missing \$116,000.00 out of our budget. Thank you.

President Rheault – Anyone else? That water pitcher is blocking your light, no, no on that side.

Councilor Bitzas – Thank you Mr. President.

President Rheault – Thank you. Councilor Bitzas?

Councilor Bitzas – Yes, I’m going to speak in favor of this resolution and I said before if I have this front of me 2008, if I have this front to me 2010, or now, still, will not change my mind, vote in favor. Better late than never especial this time they come out you can call political or not political or I think it is a human, before it is political, let’s not play politics with the lives of those in need. If came down now, so be it. So this is great thing and I concur with Councilor Rossi, if that goes 65 and 55, 50, somebody’s 50 and lost his job and is need, they should be able to do it and we look into to amend the law or just lobby the state legislation because this time we have, we have the worst economic times, the market’s down, the world’s such difficult position and this is a time those people they need our help and I hope the Council, majority of the Council, vote in favor of it. Thank you so much.

President Rheault – No further discussion? Barbara, please call the role to support the resolution as attached?

ROLL CALL – 9 YES, 1 NO (Councilor Messick), 1 ABSENT (Councilor Simpson)

President Rheault – Nine yes, one no, one absent, you have approved the resolution as attached.

3. TR-2011-50 - A Resolution Adopting Massachusetts General Law Chapter 59, Section 5, Clause 41D (Referred to Finance Committee) (Mayor)

President Rheault – Moved by Councilor Rossi, seconded by Councilor Perry. A report? Well, we already had it, did you give the report for the entire - ?

Councilor Walsh – Well like I said most of the discussion that we had centered around TR-2011-49 and we had virtually no further discussion on -50 or -51 but the vote was 4-0 in favor of recommending acceptance to the Full Council for TR-2011-50.

President Rheault – You didn’t hear that? Oh, he didn’t have his light on, I’m sorry.

Councilor Walsh – Oh, I’ll repeat it again just in case. Yeah, I said most of our discussion centered around TR-2011-49 and when we got to 2011-50 there was virtually no discussion so we took a vote and motion by Dennis Perry, seconded by Robert Rossi to recommend to acceptance to the Full Council. The vote was 4-0 in favor.

President Rheault – All right, got it, for the second time. Thank you. Any further discussion? If not, Barbara, please call the roll on the motion as attached.

ROLL CALL – 9 YES, 1 NO (Councilor Messick), 1 ABSENT (Councilor Simpson)

President Rheault – Nine yes, one no, one absent, you’ve approved the resolution as attached.

4. **TR-2011-51 - A Resolution to Attach Exemption and Asset Limit Amounts for Senior Citizens, Surviving Spouses and Surviving Minors to the Cost of Living Adjustment (Referred to Finance Committee) (Mayor)**

President Rheault – Council? Moved by Councilor Walsh, seconded by Councilor Rossi. Barbara please call the roll for the resolution as attached.

ROLL CALL – 9 YES, 1 NO (Councilor Messick), 1 ABSENT (Councilor Simpson)

President Rheault – Nine yes, one no, one absent, you’ve approved the resolution as attached.

Item 7. Report of Council Committees

None.

Item 8. Elections

None.

Item 9. Public Hearings

None.

Item 10. Old Business

None.

Item 11. New Business

1. **TO-2011-20 - An Order Granting or Renewing a LICENSE for a Class II Dealer(s) – Falcor Auto Sales, Inc., 373 Springfield Street, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

2. **TO-2011-21 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Agawam Auto Mall, Inc., 825 Springfield Street, Feeding Hills, MA. 01030 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

3. **TO-2011-22 - An Order Granting or Renewing a LICENSE for a CLASS I Dealer(s) – Sarat Ford Sales, Inc., 250 Springfield Street, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

4. **TO-2011-23 - An Order Granting or Renewing a LICENSE for a CLASS I Dealer(s) – Sarat Ford Sales, Inc., 243-249 Springfield Street, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

5. **TO-2011-24 - An Order Granting or Renewing a LICENSE for a Class II Dealer(s) – Joseph J. Polys d/b/a Joe’s Truck Repair, 97 Ramah Circle, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

6. **TO-2011-25 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Zielinski Brothers, II, 218 Shoemaker Lane, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

7. **TO-2011-26 - An Order Granting or Renewing a LICENSE for a CLASS II Dealer (s) – Langonet, Inc., 61 Ramah Circle, Agawam, MA. 01001 (Clerk)**

President Rheault – Next Agenda. The license is up and will be sent over to the License Committee for review.

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

President Rheault – We’ll start my furthest left, Dennis? Councilor Perry?

Councilor Perry – Yes, thank you, Mr. President, I’ll be brief. It just goes back to the first item of Agenda on our meeting this evening in regards to 61B on the Corey Street property. You know last week when we tabled that we were pretty much, the people who voted to table that, were chastised in regards to stalling, wasting two more weeks, we didn’t have all the information that we needed. We finally got it in writing and we did the right thing but we were also accused of delaying it two more weeks and I took offense to that because I feel I do my homework up here and I know the councilors that tabled it did their homework. If the sponsor of the resolution that was put on our Agenda *did* his

homework and got this information, this would have never appeared on here and this would have never been delayed. So I just wanted to make that clear this evening.

President Rheault – Thank you. Councilor Messick?

Councilor Messick – Yes, in reference to the same topic, I want to thank Kevin who just left, for obtaining the information from, directly from the DOR, from the horse's mouth so to speak, that certainly cleared up any doubt as far as whether that property was under 61B or not. You can have any number of opinions from attorneys but getting the information directly from the DOR was what we should have done in the first place and then there would have been no discussion. Thank you.

President Rheault – Councilor Letellier?

Councilor Letellier – Nothing except to thank Kevin for coming tonight to answer our questions but he's already gone.

President Rheault – Has he left? Kevin? Can you hear us? Councilor Cichetti?

Councilor Cichetti – I just wanted to second that and just thank Kevin for spending the time tonight and he also answered all my questions earlier this week. I spend quite some time with him. Thank you.

President Rheault – Thank you. Councilor Walsh?

Councilor Walsh – Just want to promote the Harvest Fair and Family Fun Day that the Rotary Club will be putting on on October 22nd which is a Saturday, good weather hopefully and it should be quite an event down on the School Street area and just wanted to mention it. It's gonna be a great place to come, lots of entertainment and good time to be had by all.

President Rheault – Councilor Rossi?

Councilor Rossi – Yes, thank you. I have to concur with Councilors Perry and Messick on their stance that there were questions that needed to be answered on that Corey Street property and I really feel that there are still questions that need to be answered. That property was under 61A as you all remember for some time and then through different procedural process, it was removed and the rollback taxes were paid but this Council took some action back in 2005, I believe it was 2005, to change the zoning on that property and I think the question that still stands out there loud and clear for me is the fact that I think there were some procedural errors done and that property should have never been converted from agricultural to A-3 zoning. As I understand 61, a sale under 61 cannot be contingent on any zone changes and you can't make any changes until after the property has been sold and we did that. We put the cart before the horse and changed that zoning to A-3 while it was enjoying the exemptions under 61 and I think it would be in the best interest of this Council to get some legal opinions and a ruling from the Department of

Revenue as to whether or not the action that was taken by this Council back at that time was legal and if not, I think steps should be taken to reverse that and revert that property back to agricultural and I'd like ask the Council President to take whatever action he deems appropriate to have that done.

President Rheault – All right. I'd be happy to. Councilor Mineo?

Councilor Mineo – Nothing tonight.

President Rheault – Councilor Magovern?

Councilor Magovern – I was gonna let the whole matter lie because I thought that we had settled it earlier but in your packets last week you were given information. I read the letters from the Seller's Attorney. I read the letters from the Town Attorney. I read the letters from our Town Treasurer and I read the letters from our Assessor – all stating that the 61B was cancelled in 2008. I read all those letters and I was very offended that people would question everybody that I read the letters from that this was not a 61B piece of property and I felt that it should have been taken off the Agenda. I'm sorry if you were offended Councilor Perry. I did not mean to offend anybody but I was very upset that it was not taken off because it was a time waster and it really, the information was there. Kevin had already spoken to the DOR. He put that in writing here and I wish that we would take the advice of our people that we have in the offices, our Assessor works very hard, and I felt that he had that information in the memos that were in your packets last week. Thank you.

President Rheault – Councilor Bitzas?

Councilor Bitzas – Yes, we have good news. I hope you read the letter we came from Massachusetts School Building Authority. If you remember last year, September 2010, Councilor Walsh and myself, we have resolution to ask the state to give us money for the roof of the Junior High School, under the Green program, the roof and the windows and the doors, we're getting \$1,678,000 so that's a good news. We have this project was \$1.3 million was into the Capital Improvement Program Improvement Budget last year so that's a good news. So hopefully we have that guarantee this amount and the taxpayers will save a lot of money. I think the letter, I mean the letter from the MCBA came last week, a couple days ago, and you have in your package, actually it was today in front of you probably just for the information. And the other thing is, the last thing, Councilor Walsh mentioned the October 22nd leave it on the calendar, the school, Phelps School, we have a great event as he said and you will be in for a nice surprise. Thank you.

President Rheault – Thank you. Well I would like to on behalf of the Council congratulate a youth in Agawam named Zack Sabadosa who during the, was honored for stepping to the plate to help out Cathedral in the extended damage they had and he was awarded and won a \$20,000 grant for his activities so on behalf of the Council, our hats go out to you Zack and congratulations. In lieu of that positive note, let's, I'll entertain a

motion to adjourn. Moved by the Council to adjourn, seconded by the Council, all those in favor? We are now adjourned. Thank you and good evening.

Adjournment.