

1. TR-2021-64

**OLD BUSINESS**

- A Resolution confirming the reappointment of Corinne Wingard, 194 Elm Street, Agawam to the Agawam Housing Committee to a term expiring October 1, 2024 (Sponsored by Mayor Sapelli)

Documents:

[TR-2021-64 REAPPT OF WINGARD.PDF](#)

2. TR-2021-65

- A Resolution that the Agawam City Council petition the General Court again for the enactment of Special Municipal Legislation changing the term of the Office of the Mayor from two years to four years (Sponsored by Mayor Sapelli)

Documents:

[TR-2021-65 AMEND 2-4 YEAR TERM FOR MAYOR.PDF](#)

3. TOR-2021-4

**Public Hearings**

- An Ordinance to amend Site Plan Review requirements pursuant to Chapter 180 of the Code of the Town of Agawam (Sponsored by the Planning Board) (Two Readings Required) – Public Hearing set for November 15, 2021 (Referred to Legislative Committee) (Tabled 10/4/2021)

Documents:

[TOR-2021-04 SITE PLAN REVIEW AMEND.PDF](#)

4. TR-2021-66

**New Business**

- A Resolution adopting a Residential Factor of 0.0000 pursuant to Massachusetts General Laws, Chapter 40, Section 56 (Sponsored by Mayor Sapelli) – Suggest a Public Hearing Date of December 6, 2021

Documents:

[TR-2021-66 TAX FACTOR.PDF](#)

5. TR-2021-67

- A Resolution to redraft a Petition to the General Court to amend Chapter 80 of the Acts of 2002 relative to Special Police Officers in the Town of Agawam (Sponsored by Mayor Sapelli)

Documents:

[TR-2021-67 AMEND SPECIAL POLICE.PDF](#)

6. TO-2021-27

- A Budgetary Transfer of \$20,400.00 from Treasurer Collector - Regular Permanent (#11381-51010) to Mayor's Office – Regular Permanent (#11211-51010) (Sponsored by Mayor Sapelli)

Documents:

[TO-2021-27 BUDGETARY TRANSFER.PDF](#)

7. TO-2021-25 Through TO-2021-43

**New Business**

TO-2021-25 through TO-2021-43 license/permit renewals

TR-2021-64

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF  
CORINNE WINGARD, 194 ELM STREET, AGAWAM, MA  
TO THE AGAWAM HOUSING COMMITTEE TO A TERM EXPIRING  
OCTOBER 1, 2024**

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**WHEREAS, the appointment of Corinne Wingard, 194 Elm Street, Agawam, MA on the Agawam Housing Committee has expired; and**

**WHEREAS, the Mayor has reappointed Corinne Wingard, 194 Elm Street, Agawam, MA to the Agawam Housing Committee to a term expiring on October 1, 2024; and**

**NOW THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the reappointment of Corinne Wingard, 194 Elm Street, Agawam, MA to the Agawam Housing Committee to a term expiring October 1, 2024**

**DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

**PER ORDER OF THE AGAWAM CITY COUNCIL**

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**Christopher C. Johnson, President, Agawam City Council**

**APPROVED AS TO FORM AND LEGALITY**

  
\_\_\_\_\_  
**Stephen Buoniconti, City Solicitor**

## Nadine Porfilio

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**From:** Mayor William Sapelli  
**Sent:** Thursday, September 30, 2021 10:03 AM  
**To:** Nadine Porfilio  
**Subject:** FW: Re-appointment to Agawam Housing Committee

-----Original Message-----

**From:** Corinne Wingard [mailto:corinnemarie@comcast.net]  
**Sent:** Wednesday, September 29, 2021 3:52 PM  
**To:** Mayor William Sapelli  
**Cc:** Mario Tedeschi  
**Subject:** Re-appointment to Agawam Housing Committee

Dear Mayor Sapelli,

I am writing to ask you to please re-appoint me to the Agawam Housing Committee, as my term is up as of October 1, 2021. I helped to start the committee, have served on it from its inception and would like to continue.

Thank you,

Corinne Wingard  
194 Elm St.  
Agawam, MA, 01001

cc: Mario Tedeschi, Agawam City Council, Chair Agawam Housing Committee

*Approved  
WPS 10/4/21*

**TR-2021-65**

**A RESOLUTION THAT THE AGAWAM CITY COUNCIL PETITION  
THE GENERAL COURT AGAIN FOR THE ENACTMENT OF SPECIAL  
MUNICIPAL LEGISLATION CHANGING THE TERM OF OFFICE OF THE  
MAYOR FROM TWO YEARS TO FOUR YEARS**

**(Sponsored by Mayor William P. Sapelli)**

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**WHEREAS**, Massachusetts state law provides for cities and towns to amend the organizational structure of local government by petitioning for enactment of special municipal legislation; and

**WHEREAS**, MGL c. 43B, section eight of the Home Rule Amendment allows communities to petition the State Legislature, to revise their charter, following approval by the communities legislative body; and

**WHEREAS**, **TR-2020-80** was adopted by the City Council and approved by the Mayor to petition the State Legislature to enact legislation that would place a question on the municipal election in 2021 whether voters approve of increasing the term of office for the Mayor from two years to four years; and

**WHEREAS**, said legislation was filed as S.1367, redrafted as S.2523, adopted by the State Senate, but failed to be adopted by the State House of Representatives no less than 35 days prior to the election pursuant to G.L. c. 54 Section 58A; and

**WHEREAS**, TR-2020-80 prohibits the State Legislature from amending the legislation except for clerical or editorial changes; and

**WHEREAS**, amendments to the special municipal legislation that would be subject to voter ratification on a different election (2022 state election) are beyond the scope of the original petition; and

**WHEREAS**, the City Council desires to place the same question on the state election ballot of 2022 and permit the State Legislature to amend S.2523 to reflect that petition.


**NOW THEREFORE**, the Agawam City Council resolves to petition the General Court once again to enact special municipal legislation as included in the attached Exhibit A. The General Court may make clerical or editorial changes of form only to the bill, unless the Agawam City Council approves amendments to the bill before enactment by the General Court. The City Council hereby authorizes the Mayor to approve amendments which shall be within the scope of the general public objectives of this petition.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PER ORDER OF THE AGAWAM CITY COUNCIL**

\_\_\_\_\_  
Christopher C. Johnson, President

**APPROVED AS TO FORM AND LEGALITY**

  
\_\_\_\_\_  
Stephen J. Buoniconti, City Solicitor

**TOR-2021-4**

**AN ORDINANCE TO AMEND SITE PLAN REVIEW REQUIREMENTS PURSUANT TO  
CHAPTER 180 OF THE CODE OF THE TOWN OF AGAWAM**

**(Sponsored by the Town of Agawam Planning Board)**

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**WHEREAS**, the Code of the Town of Agawam Chapter 180, section 13 details what is required upon submission of site plan review plan and procedures; and

**WHEREAS**, the City Council adopted TOR-2019-9 which amended Chapter 180 section 13 (C)(1) to require only 4 printed copies of plans be submitted for Site Plan Review rather than 10 and provided further that an electronic copy be submitted also; and

**WHEREAS**, inadvertently §180-13 (C) (2) was not included in the proposed ordinance to amend the number of printed copies transmitted by Inspection Services to the Planning Board; and

**WHEREAS**, the proposed amendment will render §180-13 (C) consistent in its entirety; and

**WHEREAS**, it is in the best interest of the Town of Agawam to amend the Code of the Town of Agawam regarding the policies and procedures of site plan review.

**NOW THEREFORE**, the Agawam City Council hereby resolves, ordains, amends and enacts Chapter 180, section 13(C)(2) of the Code of the Town of Agawam by deleting “10” and inserting in its place “4” and adding “and an electronic copy of the stormwater management plan” after “plan”.

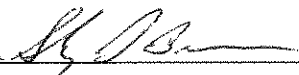
**DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**PER ORDER OF THE AGAWAM CITY COUNCIL**

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Christopher C. Johnson, President

**APPROVED AS TO FORM AND LEGALITY**

  
\_\_\_\_\_

Stephen J. Buoniconti, Solicitor

TR-2021-66

**A RESOLUTION ADOPTING A RESIDENTIAL FACTOR OF 0.00 PURSUANT TO  
MASSACHUSETTS GENERAL LAWS, CHAPTER 40, SECTION 56**

**(Sponsored by: Mayor William P. Sapelli)**

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**WHEREAS**, beginning in Fiscal Year 1989 the Agawam City Council began adopting residential factors of less than one (1) pursuant to Massachusetts General Laws, Chapter 40, Section 56; and

**WHEREAS**, it is in the best interest of the residential taxpayers of Agawam to adopt a residential factor of less than one (1); and

**WHEREAS**, it is in the best interests of the Town of Agawam to adopt a residential factor of 0.00;

**NOW THEREFORE**, THE AGAWAM CITY COUNCIL hereby resolves after conducting a public hearing to adopt a residential factor of 0.00 pursuant to Massachusetts General Laws, Chapter 40, Section 56; and

DATED THIS \_\_\_\_\_ OF \_\_\_\_\_, 2021.

PER ORDER OF THE AGAWAM CITY COUNCIL

\_\_\_\_\_  
Christopher C. Johnson, President

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Stephen J. Buoniconti, Solicitor

**TR-2021-67**

**A RESOLUTION TO REDRAFT A PETITION TO THE GENERAL COURT TO  
AMEND CHAPTER 80 OF THE ACTS OF 2002 RELATIVE TO SPECIAL  
POLICE OFFICERS IN THE TOWN OF AGAWAM**

**(Sponsored by Mayor William P. Sapelli)**

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**WHEREAS**, the City Council adopted and the Mayor approved **TR-2020-73**, a home rule petition to amend Chapter 80 of the Acts 2002 (Agawam special police officers); and

**WHEREAS**, any amendment to Chapter 80 of the Acts 2002 must follow the home rule petition process whereby the City Council and Mayor adopt a resolution and the General Court enacts the petition; and

**WHEREAS**, the resolution was filed Senator John Velis and assigned bill number S.1369; and

**WHEREAS**, the Massachusetts Senate Counsel forwarded the original draft of S.1369 to the Public Employee Retirement Administration Commission (PERAC) for review; and

**WHEREAS**, PERAC has recommended an amendment to Section 4 of S.1369 to clarify that public employees who retire shall be only be eligible to serve as special police officers if the retirement was a result of a superannuation (meaning the retirement was not a result of a disability application); and

**WHEREAS**, while other minor amendments have been inserted, PERAC's recommended amendment may be deemed a material change to the original draft and TR-2020-73 did not permit the state legislature to amend the home rule petition in a substantial way; and

**WHEREAS**, in order for the state legislature to proceed towards enactment of S.1369, the City Council and Mayor must approve the amended draft of S.1369 attached as Exhibit A; and

**WHEREAS**, it remains in the best interests of the Town of Agawam to petition the General Court to amend Chapter 80 of the Acts 2002.


**NOW THEREFORE**, the Agawam City Council resolves to petition the General Court to enact special municipal legislation by amending Chapter 80 of the Acts 2002 as described in attached Exhibit A.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PER ORDER OF THE AGAWAM CITY COUNCIL**

\_\_\_\_\_  
Christopher C. Johnson, President

**APPROVED AS TO FORM AND LEGALITY**

  
\_\_\_\_\_  
Stephen J. Buoniconti, City Solicitor



## EXHIBIT A

An Act regulating special police officers in the city known as the town of Agawam.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 1 of chapter 80 of the acts of 2002 is hereby amended by adding  
2 the following 3 sentences:- No special police officer shall be appointed or continue to be  
3 employed as a special police officer after attaining the age of 70. A special police officer  
4 appointed under this act, upon initial appointment and every year after attaining the age of 65,  
5 shall pass an annual medical examination conducted by a physician or other certified  
6 professional chosen by the city to determine that the special police officer is capable of  
7 performing the essential duties of a special police officer, the costs of which shall be borne by  
8 the special police officer. Proof of payment shall be a pre-requisite of appointment.

9           SECTION 2. Section 2 of said chapter 80 is hereby amended by adding the following 2  
10 sentences:- Special police officers shall be subject to rules and regulations, policies and  
11 procedures and requirements as set by the chief of police, including, but not limited to,  
12 restrictions on the type of detail assignments, requirements regarding medical examinations to  
13 determine continuing capability to perform the duties of a special police officer, requirements for  
14 training, requirements for firearms licensing and qualifications and requirements regarding  
15 uniforms and equipment. The cost of all training, equipment and uniforms shall be borne by the  
16 special police officer.

17           SECTION 3. The second sentence of section 3 of said chapter 80 is hereby amended by  
18 inserting after the word "city" the following word:- clerk.

19           SECTION 4. Section 4 of said chapter 80 is hereby amended by inserting after the word  
20 “retired” the following words:- for superannuation.

21           SECTION 5. Section 5 of said chapter 80 is hereby amended by inserting after the word  
22 “Laws” the following words:- , sections 96B, 99A, 100 or 111F of chapter 41 of the General  
23 Laws or chapter 150E of the General Laws. Special police officers appointed pursuant to this act  
24 shall not be subject to sections 85H or 85H ½ of chapter 32 of the General Laws nor eligible for  
25 benefits pursuant to those sections.

An Act ~~regulating~~ amending chapter 80 of the acts of 2002 relative to special police officers in the city known as the town of Agawam.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1        SECTION 1. Section 1 of chapter 80 of the acts of 2002; is hereby amended by adding Formatted: Indent: First line: 0.5"  
2 ~~inserting after the word "city" in the first sentence the following 34 sentences~~ words:-

3                ———No special police officer shall be appointed or continue to be employed as a Formatted: Indent: First line: 0.5"  
4 special police officer after attaining the age of 70. A special police officer appointed pursuant  
5 ~~to~~under this act, upon initial appointment and every year after attaining the age of 65, shall pass  
6 an annual medical examination conducted by a physician or other certified professional chosen  
7 by the Town~~city~~ to determine ~~whether~~that the special police officer is capable of performing the  
8 essential duties of a special police officer. ~~The costs of the medical examination~~which shall be  
9 borne by the special police officer. Proof of payment shall be a pre-requisite of appointment.

10        SECTION 2. Section 2 of ~~said~~ chapter 80 ~~of the acts of 2002~~; is hereby amended by Formatted: Indent: First line: 0.5"  
11 ~~adding~~ ~~inserting after the word "officers" in the first sentence the following 2 sentences~~ words:-

12                ———Special police officers shall be subject to rules and regulations, policies and Formatted: Indent: First line: 0.5"  
13 procedures and requirements as set by the chief of police, including, but not limited to,  
14 restrictions on the type of detail assignments, requirements regarding medical examinations to  
15 determine continuing capability to perform the duties of a special police officer, requirements for  
16 training, requirements for firearms licensing and qualifications and requirements regarding  
17 uniforms and equipment. The cost of all training, equipment and uniforms shall be borne by the  
18 special police officer.

19        SECTION 3. ~~The second sentence of Section 3 of said chapter 80 of the acts of 2002,~~  
20 is hereby amended by inserting after the word "city" ~~in the second sentence,~~ the following word:-

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21        Clerk.

Comment [M(1)]: John, PERAC has recommended the addition of this section as the agency prefers for the member to be retired for superannuation so that it is clear that disability retirees are not eligible for appointment as special police.

22        SECTION 4. Section 4 of said chapter 80 is hereby amended by inserting after the word  
23 "retired" the following words:- for superannuation.

24        SECTION 5. Section 5 of ~~said chapter 80 of the acts of 2002,~~ is hereby amended by  
25 inserting after the word "Laws" ~~in the first sentence~~ the following words:-

26        ~~Special police officers shall not be subject to sections 96B, 99A, section 100 or section~~  
27 ~~111F of Chapter 41 of the General Laws or Special police officers shall not be subject to~~  
28 ~~chapter 150E of the General Laws. Special police officers appointed pursuant to this act shall not~~  
29 ~~be subject to sections 85H or 85H ½ of chapter 32 of the General Laws nor be eligible for~~  
30 ~~benefits pursuant to those sections. Special police officers shall not be subject to section 96B of~~  
31 ~~chapter 41 of the General Laws.~~

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BUDGETARY TRANSFER FORM

Department: Treasurer- Collector to Mayor's Office

Amount: \$ 20,400 Date: October 22, 2021

From  
Treasurer Collector -Regular Permanent 11381-51010 \$20,400.00  
 Title of Account Account Number

To: Mayor's Office -Regular Permanent 11211-51010 \$20,400.00  
 Title of Account Account Number

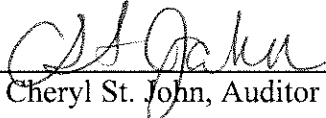
Reason for Transfer:

Fund off steps salary increases for Personnel staff  
 and Mayor's Administrative Assistant

  
 Department Head

I hereby certify that funds are available to make the above-stated transfer.

Date: 10/26/21

  
 Cheryl St. John, Auditor


I hereby approve placement of the above-stated transfer on the Council agenda.

Date: 10/26/21

  
 William P. Sapelli, Mayor

Approved as to form and legality.

Date: 10/26/21

  
 Stephen Buoniconti, Solicitor

PER ORDER OF THE AGAWAM TOWN COUNCIL – APPROVED ON \_\_\_\_\_, 2021

Date: \_\_\_\_\_

\_\_\_\_\_  
 Christopher C. Johnson, President

APPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby approve the Council passage of the above-stated transfer.

Date: \_\_\_\_\_

\_\_\_\_\_  
 William P. Sapelli, Mayor

DISAPPROVAL OF LEGISLATION: Pursuant to Section 3-6 of the Agawam Home Rule Charter, I hereby disapprove the Council passage of the above-stated transfer.

Date: \_\_\_\_\_

\_\_\_\_\_  
 William P. Sapelli, Mayor