

LEGISLATIVE SUB-COMMITTEE MINUTES

February 22, 2022

- Present:** Anthony Suffriti - Chair
Rosemary Sandlin – Vice Chair
George Bitzas
Anthony Russo
- Absent:** Gina Letellier
- Also Present:** Councilors Calabrese, Cavallo (remote), Mercadante, Rossi and Smith, Mayor Sapelli and Solicitor Buoniconti
- Called to Order:** Meeting was called to order by Chairman Suffriti at 6:00pm at the Teachers’ Conference Room at the Agawam Junior High School

AGENDA

1. Approval of Minutes dated February 22, 2022

Motion to approve the minutes was moved by Councilor Sandlin and seconded by Councilor Bitzas.

The vote was 4 Yes, 0 No, 1 Absent (Councilor Letellier) approving the minutes.

2. TOR-2022-4 - An Ordinance to amend Chapter 103 of the Code of the Town of Agawam (Sponsored by Mayor Sapelli)

The Solicitor explained the requirement of inspection costs to business and commercial solar only. The fee for reinspection of these solar projects is too low and costs the town money to perform. There were some questions about solar revenue and costs etc. Councilor Rossi reminded everyone that this was simply asking to increase the fees to cover inspections. The Solicitor did note that all funds received go into the General Fund as well as briefly explaining how the process worked along with the costs related to building and connection solar to the grid.

Motion to send a positive recommendation to the Full Council made by Councilor Bitzas and seconded by Councilor Sandlin. The vote was 4 Yes, 0 No, 1 Absent (Councilor Letellier)

3. TOR-2022-5 - An Ordinance regarding the grinding of tree stumps after the cutting and removal of trees on tree belts (Sponsored by Councilor Bitzas)

Councilor Bitzas explained why he was bringing this ordinance to the City Council. He believes the town should complete the process once a tree has been removed from a tree belt. Councilor Sandlin expressed concern that this may cause an overload of public demand to take trees down. Councilor Russo explained that the cost might be too much for the town arborist budget. Councilor Bitzas said it was for the safety of the people and we need to complete the job. Councilor Mercadante said the town is more than fair for hazardous trees. For the amount of trees that are taken down, we could manage to grind the stump and clean up the debris after the fact. There is cost to it for sure but there are a minimal amount of stumps that need to be dealt with. The town owns a stump grinder so it won't cost much. With the amount of the town's budget, he said we at least could do this for our taxpayers. Councilor Sandlin asked the Solicitor about this being an ordinance and if it is passed, then we are bound to do this for everyone in town. Councilor Suffriti also asked if there was currently any related ordinance in town. There is not an ordinance currently and if we create this ordinance, Councilor Suffriti asked if it wouldn't open up the town for liabilities when we don't take one down in a timely manner and it falls and does damage. He believes it should not be an ordinance. Continue doing what we are doing and complete the process but don't create the ordinance. Councilor Rossi reminded everyone this was just town property/tree belts. The Solicitor said there are a lot of claims involving trees. We have a contractor take down the trees and it costs a good deal of money. There is a state statute regarding dealing with public shade trees. There is a process we must follow. We have an arborist now who receives a stipend. He has been phenomenal inspecting trees and determines which trees are unhealthy and must come down.

This mirrors what is stated in the statute. All of that is discretionary as far as municipalities are concerned. Agawam chooses to remove the trees. In 2018, we purchased a stump grinder which at this point breaks down regularly. The Superintendent of DPW has pledged to stay on top of things as much as possible and use that stump grinder whenever possible. If you put it in an ordinance, you are putting a shotgun blast to our Code because now it is mandated by you, the City Council, to require us to do this immediately upon removal of any tree. Now it creates a tremendous liability if it was not done yet and someone trips over a tree stump or whatever it is, I now have no defense because it is inside our Code. It would be better to have a policy but I advise you to be very cautious once you start touching the Code. Councilor Bitzas was very disappointed that you are speaking against this and said a tree stump has been there for almost three years – wouldn't this create some sort of liability for the town. The Solicitor said no because it is not a requirement. Councilor Mercadante said it might be smarter to go the policy route. Councilor Bitzas got very passionate about the people who pay taxes. Councilor Rossi reminded Councilor Bitzas that he needs to understand the position of the Solicitor because he would have to represent the town if there was an issue and if you restrict him in doing that, it makes it more difficult in representing the town in the best manner possible. Councilor Rossi said if we had a policy that said we take down any tree on town property and grind the stump otherwise the property owner has to deal with it themselves. He believes we should not create an ordinance forcing this. Councilor Bitzas said we have so many ordinances and why are we afraid of liability and this is common sense. To not grind stumps for three years is ridiculous. Councilor Sandlin understands where Councilor Bitzas is coming from and agrees these stumps Councilor Bitzas is referring to should be ground however we shouldn't create an ordinance to require this. This would cost more money for other taxpayers in general. We raise the budget to allow for more tree removal and grinding. Councilor Mercadante said we should take it on a case by case basis. The Solicitor said the new DPW Superintendent has pledged to get these stumps. Councilor Rossi asked when a constituent calls the DPW to have the stump removed that the DPW employee not tell this person that "it is not our job and you'll have to do it yourself" – that would help this situation as well. Councilor Bitzas agreed. The Solicitor will have people regularly call and ask about removing the tree. It is a real process where we send the Tree Warden out to make a determination on the condition of the tree and location of tree. If it is diseased then there is a process where I draft a letter about removing the tree and grinding. There is a lot to do regarding stump grinding. Councilor Mercadante suggested people with the stump call the DPW and they create a work order to get done. Let the town handle it on a case by case basis. This is a new DPW Superintendent now.

Motion to send a positive recommendation made by Councilor Bitzas – there was no second.

Motion to send a negative recommendation to the Full Council made by Councilor Sandlin and seconded by Councilor Russo. The vote was 3 Yes, 1 No (Councilor Bitzas), 1 Absent (Councilor Letellier)

4. Any other business that may legally come before the Committee.

None.

5. Adjournment.

Motion to adjourn was moved by Councilor Sandlin and seconded by Councilor Russo. The meeting was adjourned at 6:30pm.

Respectfully submitted,

Councilor Anthony Suffriti, Chair
Legislative Committee