

AGENDA OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
SEPTEMBER 20, 2018
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meeting of September 6, 2018

Public Participation

Communications from the Mayor

- A. Requesting immediate consideration on the appointment of Melissa Barnes, 17 Charles Johnson Road, Southwick as the Assistant Treasurer as submitted by City Treasurer Meghan Kane.
- B. Transfer of \$13.06 within the Building Department from FY19 Purchase of Services account #11920000-520000 to FY18 Purchase of Services account #11920000-520000.
- C. Submitting a Bond Order in the amount of \$1,000,000.00 for the rehabilitating and constructing of municipal outdoor recreational and athletic fields to include basketball courts, pickleball courts and an all-access playground.
- D. Submitting a Resolution reauthorizing the revolving funds for FY19, per MGL Chapter 44 Section 53E1/2.
- E. Submitting a communication from Director of Public Works Dave Billips relative to the Municipal Separate Storm Water System (MS4) General Permit and Managing Drainage Infrastructure to be referred to Legislative and Ordinance Committee.

Reports of City Officers

- A. Report from Community Development Director Relative to the Status of the All-Abilities Playground Project as requested at September 6, 2018 City Council meeting.

Petitions, Remonstrances and Other Papers

- A. R. Levesque Associates submitting an application for their client 415 North Road LLC for a Special Permit for a contractor's yard at 415 North Road. (A

Public Hearing is required.)

- B. R. Levesque Associates submitting an application for their client Mercer Island Realty Inc. for a Zone Change at 230 Southampton Road (Lot 2) Assessor's Map 251 Parcel 17 (proposed Lot 2) from Residence A of Lot 2 to Business A. (A Public Hearing is required.)

Reports of Committees

A. Finance Committee:

1. Requesting acceptance of a grant in the amount of \$65,170-Federal Share from the Department of Homeland Security to the Westfield Fire Department for Assistance to the Firefighters Grant to train EMS personnel for Active Shooter Hostile Event (ASHE) type incidents. The City Share is \$6,516.00 for a total project of \$71,686.00
2. Requesting acceptance of a grant in the amount of \$13,760.00 from the Massachusetts Management Agency (MEMA) to the Westfield Emergency Management Agency for the Emergency Management Performance Grant (EMPG) for emergency supplies, equipment, training, etc.
3. Motion of Councilor Surprise that the City of Westfield investigate procedures for joining the Municipal Open Checkbook System administered by the Commonwealth of Massachusetts.

B. Legislative and Ordinance Committee:

1. On 7-5-18, a motion by Councilor Figy that a resolution to accept a local option excise tax on the retail sale of Marijuana at the maximum allowed by statute of 3%.
2. On 8-16-2018, a resolution approving the appropriation of monies in the amount of \$8,000.00 from the Commission for Citizens with Disabilities Handicap General Expense account #2454400-578000 for the creation of making an accessible playground in the City of Westfield.
3. On 8-16-18, An order to authorize the granting of two permanent easements to Eversource Energy in two separate locations over City owned land (50 Prospect Street) under the control of the Westfield Park and Recreation Commission and (57 Twiss Street Under the control of the Board of Health.
4. On 8-16-18, Resolution for approval of the traffic control agreement with Mass DOT to the traffic Commission relative to the Western Avenue-Central Roadway Reconstruction Project and amendments to Ordinances.
5. On 8-16-18, an amendment to the Code of Ordinances Chapter 14, Article II, Section 14-23 relative to Towing and Storage of motor vehicles reserved receipt fund, deposit and expenditure.
6. On 8-16-18, a resolution of the City Council of the City of Westfield to authorize a funding agreement with the Westfield Redevelopment Authority (WRA) to advance the Elm Street Urban Renewal Project.
7. On 8-16-18, an ordinance amendment to create a crosswalk and signage at

Munger Hill Road and at Harvest Moon Lane.

8. On 8-16-18, an ordinance amendment at Section 17-115 - Parking Prohibited at all times, as follows:
 - o Deleting existing North Road and adding North Road entire length, both sides.
 - o Deleting Smith Avenue
 - o Adding Medeiros Way entire length both sides
 9. On 8-16-18, an ordinance amendment to add to Section 17-8 by adding Penalties, 01.B No Parking on public ways located on the Aquifer: Root Road, Medeiros Way, Servistar Road, North Road - Fine \$50.00.
 10. On 8-16-18, a motion by Councilor Flaherty for the ZPD Committee, to approve the request from Chief Camerota to increase fines for inoperative and unregistered vehicles from \$25.00 to \$100.00
 11. On 8-16-18, an ordinance amending the code of ordinances, City of Westfield, adopted June 17, 1993(replace Article VII Controlled Substances and Medical Marijuana) of Chapter 8, Health & Environmental Regulations with a new Article VII- Marijuana Section 8-168-175.
 12. On 6-21-18, on a motion by Councilor Figy, to discontinue the paper street known as Oak/Linden.
- C. Personnel Action Committee:
1. Submitting the reappointment of Bryan Forrette, 85 Mary Street, Chicopee as the Director of Facilities Management, for a term to expire May 31, 2021.
 2. Submitting the reappointment of Rene Laviolette. 7 Victoria Circle, as a Republican member of the Board of Registrars for a term to expire the first Monday of February, 2021.
- D. City Properties Committee:
1. Motion by former Councilor O'Connell to rename Highland Sanctuary (the land behind Highland School) in honor of former Councilor Barbara Swords.
- E. Zoning, Planning and Development Committee:
1. Special Permit/Site Plan/Stormwater Permit application for Truck Terminal, (Old Dominion Freight Line) on Medeiros Way

Unfinished Business

- A. CONTINUED PUBLIC HEARING on a Special Permit/Site Plan/Stormwater Permit application submitted by D.F. Chase Inc. for a Business B Truck Terminal (Old Dominion Freight Line) pursuant to Zoning ordinance section 3-120.3(5) to be located at Medeiros Way (Assessors Map 70R, lots 23 & 24).
- B. TABLED: Resolution to accept a local option excise tax on the retail sale of marijuana at the maximum allowed by statute of 3%
- C. TABLED: Resolution DEDICATING LOCAL OPTION MEALS TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION

FUND

D. TABLED: Resolution DEDICATING LOCAL OPTION OCCUPANCY TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND

Motions, Orders or Resolutions

The following Motions were TABLED from the September 6, 2018:

- A. Motion of Councilor Surprise to add the following municipal budget process regarding the Submission of the Annual Municipal Budget to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Submission of the Budget. The Mayor shall submit the annual City budget, recommending appropriations for the next fiscal year by organization/object code or order number, to the City Council no later than May 15. The City Auditor or appropriate authority, shall provide a copy of the Mayor's proposed budget to each member of the City Council and to each member of the Finance Committee or successor entity and shall also post copies of the Mayor's proposed budget in the City Clerk's office and in the public library for inspection by the public, and a digital copy shall be posted on the city website, and a link to the digital copy shall be posted on the Official Facebook page of the City of Westfield. The Mayor's budget recommendations shall include, for each appropriation, by organization/object code or order number, the specific source of funding for that appropriation and, if any single appropriation is to be funded by multiple sources, the proportion of the amount which is to be funded by each source. Sources of funding may include, but are not limited to, property tax revenues; fee revenues, specifying the type of fee collected; state aid, specifying the "cherry sheet" account; state grant revenues, specifying the particular grant program; state reimbursements, specifying the state program; federal grant revenues, specifying the federal program; and private gifts. The Finance Committee or successor entity shall consider the adequacy of the funding sources and shall recommend decreases in any appropriation if it finds that the listed funding source cannot adequately fund the appropriation. Commencing in fiscal year 2020, the proposed operating budget submitted by the Mayor shall be a zero-based budget for 1/3 of all the departments of the City. One-third of all departments shall be staggered every fiscal year thereafter. Said budget shall be subject to all of the requirements of the Westfield Home Rule Charter. For the purposes of definition, a zero-based budget shall start with no authorized funds and shall not be based on the previous year's appropriations. It shall not be an incremental budget. The goals and objectives for each department shall be clearly stated within the operating budget of each department. Each line item in each department's budget shall exist solely to accomplish the stated goals and objectives of the department, and the amounts provided for each department's budget must not exceed a reasonable amount necessary to accomplish such stated goals and objectives.

- B. Motion of Councilor Surprise to add the following municipal budget process regarding Annual Expense and Appropriation Estimates for all Municipal Departments, Boards, Officers, and Committees to the Westfield Home Rule

Charter. Refer to Charter and Rules Committee.

Explanation: Expenses and Appropriations of Departments, Boards, Officers, and Committees. The various City boards, officers, and committees charged with the expenditure of City money shall, not later than February 28 of each calendar year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices and a statement of the amount of the appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the office of the Mayor who shall at once transmit the same to the President of the City Council and to the Finance Committee or successor entity.

C. Motion of Councilor Surprise to add the following municipal budget process regarding the Responsibilities of the City Council Finance Committee to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Responsibilities of City Council Finance Committee. The City Council Finance Committee or successor entity shall duly consider the annual operating budget and may confer with said City boards, officers and committees and hold hearings if it deems it advisable. The Committee shall approve or disapprove the amount, in whole or in part, of the appropriation so requested. The Committee shall make a report of the matters so considered by it, with recommendations or suggestions relative thereto, and the same shall be posted in the City Clerk's office and public library and on the City's website at least seven days before the City Council's public hearing on the proposed City budget. Said Committee report shall state the total amount of the appropriations recommended by it in the entire budget and the approximate tax rate based upon said recommendations.

D. Motion of Councilor Surprise to add the following municipal budget process regarding the Monthly Statements of Appropriations and Expenses to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Monthly Statements. The Auditor or appropriate authority shall monthly print and distribute to the City Council and members of the Finance Committee or successor entity statements in tabulated form showing the amounts appropriated and the amounts expended from each organization/object code or order number during the preceding year and the estimates for the current year. Copies of said monthly statements shall be posted in the City Clerk's office and in the public library for inspection by the public, and a digital copy shall be posted on the city website, and a link to the digital copy shall be posted on the Official Facebook page of the City of Westfield.

E. Motion of Councilor Surprise to add the following municipal budget process regarding Applications for Federal or State Grants to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Applications for Federal or State Grants. Any application for federal or state funds which is submitted to the City Council shall be accompanied by a document fully describing the project for which the funding is being sought. The document shall be prepared by the department, board or commission which intends to submit said application for federal or state funding. The document shall contain a projection of any operating, staffing, or maintenance costs of the project or any facility or service provided for in said application; said projection shall be for a maximum of 60 months or for the life of the project, whichever is less. For any project exceeding 60 months, a new projection shall be prepared after each sixty-month segment of the project. The document shall also include a summary of any conditions under which the City may have to return or reimburse the funds. The document shall also include a statement describing the funding process, and if any funds are to be expended by the City in anticipation of later reimbursement, the document shall also specify the account into which such reimbursed funds will be deposited.

F. Motion of Councilor Surprise to add the following municipal budget process regarding the Filing of Grant Applications to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Filing of Grant Applications. Any application for a grant in excess of \$5,000 filed with any other government agency or its subdivisions, private entity, not-for-profit entity, trust or individual submitted by or on behalf of the City, by any and all appointed and elected officials and employees of the City and all boards, commissions and authorities operating within and on behalf of the City and which requires a match by the City, shall simultaneously with said application also be filed by the person or body submitting said application with the City Clerk as a public record. For the purpose of this section, a grant shall be any request for funds, goods, services, information services or analysis and/or anything of value. Within three business days of receiving such an application, the City Clerk shall inform each City Councilor of the existence of the filing. This communication shall include, but not be limited to, the entity with which the application is filed, the person or body making the application on behalf of the City and a brief description of the nature of the application and any requirements of a match.

G. Motion of Councilor Surprise to add the following municipal budget process regarding Order for Appropriation to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Appropriation Orders. All measures appropriating moneys shall be filed as an order and appropriately titled, e.g., "An Appropriation Order." Except as otherwise permitted by law, all amounts appropriated by the City Council shall be expended only for the purposes specified. All measures appropriating moneys shall include the following provision or equivalent language: "Any moneys remaining in this appropriation which are not expended for the purposes specified shall be returned to the general fund, enterprise fund or otherwise originating fund and shall not be expended without further appropriation."

H. Motion of Councilor Surprise to add the following municipal budget process regarding the Transfer of Funds to the Westfield Home Rule Charter. Refer to

Charter and Rules Committee.

Explanation: Transfer of Funds. All measures transferring funds shall include for each transfer the specific source of funding for that transfer, organization/object code or order number, and the specific organization/object code or order number where the funds are to be transferred to. Transfer requests shall include the specific purpose of the transfer. Transfer requests shall include all the necessary statutory authorizations when submitted to the City Council.

- I. Motion of Councilor Surprise to add the following municipal budget process regarding the Creation and Submission of an Annual Capital Improvement Projects Report to the Westfield Home Rule Charter. Refer to Charter and Rules Committee.

Explanation: Capital Improvement Projects Report. Annual Capital Improvement Project Plans shall be submitted to the City Auditor no later than May 8 of each calendar year. The City Auditor shall incorporate all proposed Capital Improvement Projects into a Report for submission to the City Council no later than May 20 of each calendar year. The project plans shall be prepared by the department, board or commission which shall oversee the Capital Improvement project. The document shall contain projections of any operating, staffing, or maintenance costs of the project or any facility or service required for the project; said projection shall be for a maximum of 60 months or for the life of the project, whichever is less. The Capital Improvement Project Report shall include detailed information about all capital projects which the Mayor proposes to initiate during the upcoming fiscal year. The City Auditor shall provide a copy of the Capital Improvement Project Report to each member of the City Council or successor entity no later than May 15 of each calendar year and also shall post copies of the capital improvement projects report in the City Clerk's office and in the public library for inspection by the public, and a digital copy shall be posted on the city website, and a link to the digital copy shall be posted on the Official Facebook page of the City of Westfield.