

AGENDA OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
APRIL 4, 2019
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meeting of March 21, 2019

Public Participation

Communications from the Mayor

- A. Requesting immediate consideration for the first reading of a Bond Order in the amount of \$10,250,000.00 for several large projects for the Airport Department.
- B. Requesting acceptance of a Grant from the Executive Office of Public Safety and Security, Department of Fire Services in the amount of \$5,454.00 to the Fire Department for the FY 19 Student S.A.F.E. program.
- C. Requesting acceptance of a Grant from the Executive Office of Public Safety and Security, Department of Fire Services in the amount of \$2,800.00 to the Fire Department for the FY 19 Senior S.A.F.E. program.
- D. Appropriation of \$48,000.00 from Free Cash #1000-359000 to Purchasing, Repair Maintenance account #1380000-524001.
- E. Appropriation of \$190,000.00 from Free Cash #1000-359000 to Public Works Department, Waste Collection Division, Vehicles account #14330000-585001.
- F. Amendment to Council vote of 1/3/19 relative to the acceptance of a Grant from MassDOT in the amount of \$83,500.00 for snowplow blades to be amended as follows: Amendment from Airport Capital account #11990000-580000 to Airport Capital-Airport Plow Blades account #11990000-580000-4871.
- G. Requesting that the remaining balance of \$272,000.00 from Bond Order No. 2692 to restore and preserve the building exterior of Hangar Two at Westfield-Barnes Regional Airport be rescinded as the project for which the bond order was passed has been completed and this amount remains unborrowed.
- H. Submitting the appointment of Jeffrey Siegel, 56 Wilson Avenue, as a member of the Fire Commission for a term to expire the first Monday of February, 2022, replacing Patrick Olearcek, resigned.

- I. Submitting the appointment of John Niedzielski, 28 Heritage Lane as a member of the Water Commission for a term to expire the first Monday of February, replacing Matt Barnes, resigned to become City Treasurer/Collector.
- J. Submitting the reappointment of William Gonet, 29 Cardinal Lane, as a member of the Airport Commission, for a term to expire the first Monday of February, 2021.

Reports of City Officers

- A. City Solicitor submitting, as requested, an opinion relative to appointment terms.
- B. City Clerk Karen Fanion submitting the 2019 City Council annual license renewals as follows:

NAME OF	ADDRESS OF	TYPE OF	OWNERS OF
Eastern Vehicle Recycling	88 Neck Road	Junk Dealer	Paul Ferretti
EcoATM	141 Springfield Road	Junk Dealer	EcoATM, LLC
Monty's Motorsports	518 Southampton Road	Junk Dealer/collector	William Monty Geer
Andrew Grant Diamond Center	55 Southwick Road	Junk Dealer/collector	Robert Grant
I buy Stuff	53 Pontoosic Road	Junk Dealer/collector	Bob & Sue Plummer
Jdog Removal & Hauling	30 Toledo Avenue	Junk Collector	Wade Rivest
Restore	301 East Main Street	Junk Dealer/collector	Greater Springfield Habitat for Humanity
Game City	77 Elm Street	Junk Dealer/collector	Truong Nguyen
Blended Vintage Market Place	48 Elm Street	Junk Dealer/collector	Andrea Bruno
Richard's Fine Jewelers	461 East Main Street	Junk Dealer/collector	Michael Rinaldi
T-Mobile	261 East Main Street	Junk Dealer	Mobile Store Operators LLC
Black Hole Guitars	1029 North Road Suite 11	Junk Dealer/collector	Michael J Flynn
Whip City Music	126 Elm Street	Junk Dealer/collector	Douglas Cotton
New England Coins & Collectibles	7 Day Avenue	Junk Dealer	David Fisk

Jim & Sams	200 Southampton Road	Junk Dealer/collector	James Duclos & Samuel Schroeter
Game Stop	423 East Main Street	Junk Dealer/collector	Game Stop, Inc.
Route 202 Antiques	869 North Road	Junk Dealer/collector	Sean Odabashian

Petitions, Remonstrances and Other Papers

- A. PUBLIC HEARING on a petition submitted by Verizon New England and Westfield Gas and Electric requesting permission to place one jointly owned pole on Westwood Drive.
- B. PUBLIC HEARING on a petition submitted by Verizon New England and Westfield Gas and Electric requesting permission to place six jointly owned poles on Western Avenue and to relocate six jointly owned poles at several locations on Western Avenue.
- C. Notification from the State Lottery Commission informing the City of its right to object, within in 21 days of notice, to the issuance of a "Keno-to-Go" monitor at Westfield Shell, 259 North Elm Street.

Reports of Committees

- A. Finance Committee: no report
- B. Legislative and Ordinance Committee:
 1. To increase the limit of the additional compensation by \$6,000.00 to \$10,000.00 for the City Clerk serving as Clerk of the Council, (MGL 41 Section 19F) per Home Rule petition, (stipend has remained the same since 1998) (1/19/17)
 2. Heavy Truck Exclusion Ordinance for Paper Mill Road from the hours of 6:00 PM to 7:00 AM (7/6/17)
 3. Allowing the Board of Public Works to set the sewer rates for the City of Westfield(1/18/18)
 4. Order DEDICATING LOCAL OPTION OCCUPANCY TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND (3/1/18)
 5. Ordinance regarding road repair (5/17/18)
- C. Personnel Action Committee:
 1. Submitting the reappointment of Attorney Jeffrey R. Krok, 195 Falmouth Road, West Springfield as City Labor Counsel for a term of three years.
 2. Submitting the reappointment of Attorney Meghan Bristol, 5 Marcel Street, South Hadley as Assistant City Solicitor for a term of three years.
 3. Submitting the reappointment of Attorney Shanna Reed, 44 Miller Avenue, Southampton as First Assistant City Solicitor for a term of three years.

D. Natural Resources Committee:

1. Motion that a planting program be developed for the planting of street trees. (6/16/08) Working with Engineer (5/16/13)
2. Motion to Review the Tree Ordinance #1340. (6/19/2008) working on it (5/16/13)
3. Councilor Sullivan, for the Natural Resources Committee, reported that the Committee has met with Cynthia Hartdegen, City Engineer Mark Cressotti and Public Works Superintendent Jim Mulvenna on the downtown tree plantings. He informed the Council that a meeting will be scheduled with the contractor of the downtown plantings to address the issues of the plantings of the downtown trees. (8/30/12)
4. Upon motion of Councilors Sweeney and Callahan, it was VOTED; That condition of trees and bushes on The Green, also known as Park Square be evaluated and that any unhealthy and dead trees and bushes be replaced(10/3/13)
5. Upon motion of Councilor O'Connell, for the Natural Resources Committee, it was VOTED: That the City Engineer Mark Cressotti, Water Superintendent Dave Billips and Casey Berube from Public Works give a report relative to the condition of trees and bushes on The Green, also known as Park Square. (9/18/14)
6. Motion to review the environmental and health related impacts of "crumb-rubber" use in the Water Resource Protection District and indoor facilities and that the Health Director and Board of Health be requested to give an update regarding the crumb rubber material currently being used over the Water Resource Protection District (5/4/17) (3/16/17)
7. Councilor Babinski, for the Natural Resources Committee, offered a motion which was duly seconded that a moratorium be considered on the use of crumb rubber material including (but not limited to) recycled products such as mulch and decorative pavers, tiles and chemically created products (5/4/17)
8. That the report, as requested, from Health Director Joe Rouse relative to crumb rubber be referred to natural resources. Councilor O'Connell read the following excerpt from the report "A comprehensive list of precaution will be drafted by the Westfield Health Department and reviewed at the next regularly scheduled meeting of the Board of Health." (5/18/17)
9. That Article III, Section3-170 - The Water Resources Protection District. Specific be reviewed with attention to but not limited to Section 3-170.3, 3-170.5 and Section 3-170.6 (10/6/16)

E. Zoning, Planning and Development Committee:

1. Motion of Councilor Beltrandi that the zoning bylaws be amended to allow for the creation of "Flag Lots" that presently do not meet frontage requirements under zoning ordinance.
2. Motion of Councilor Emmershy that a Comprehensive review of all City

zoning laws and regulations by reviewing all zones, by right and special permit uses, enforcement, and permitting process (including checklists and overlay maps).

Unfinished Business

- A. CONTINUED OPEN Public Hearing a petition for Zoning Amendment at Section 4-90, submitted by the Planning Board, to strengthen regulation of marijuana establishments by prohibiting them within 500 feet of any park.
- B. Second Reading and Final Passage of the following:
 1. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, APPENDIX B-ZONING, ADOPTED SEPTEMBER 3, 1987" (Zone Change 14 Coleman Avenue from Business A to Industrial A)
 2. "AN ORDER ESTABLISHING A SPECIAL PURPOSE STABILIZATION FUND ACCOUNT TITLED "ROAD AND SIDEWALK REPAIR AND MAINTENANCE FUND"
 3. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 10, Section 10-23 RE: Consumption of alcoholic or malt beverages in public; open container)
 4. "AN ORDER APPROPRIATING THE SUM OF ONE HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$138,400.00) FOR THE PURPOSE OF TAKING LAND FOR ROADWAY, TRAFFIC, PARKING AND RELATED IMPROVEMENTS" (99 Springfield Road traffic signal project)
 5. "AN ORDER OF TAKING IN FEE AS WELL AS PERMANENT AN TEMPORARY EASEMENTS OF REAL ESTATE FOR ROADWAY, TRAFFIC AND RELATED IMPROVEMENTS BY RIGHT OF EMINENT DOMAIN" (99 Springfield Road traffic signal project)
 6. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-73 Stop Intersections designated, add the following: Hampden Street for northbound operations at Jefferson Street; Madison Street for southbound operators at Jefferson Street; Westfield Industrial Park Road for southbound traffic at Westfield Industrial park Road)
 7. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-115 Parking Prohibited: Add Fowler Street west side of street from Meadow Street to a point 158' northerly; Delete Sycamore Street both sides for a distance of 50' northerly from intersection of Meadow Street)
 8. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-82 Speed Limits: Add business district 25 MPH and add the following: North Elm Street starting at 911 memorial southerly to Elm Street; Elm Street from Main

Street northerly to Union Avenue ending at the 911 memorial; Elm Street from North Elm Street southerly to Court Street and Broad Street; Franklin Street from Elm Street westerly to Washington Street; Franklin Street from Washington Street easterly to Elm Street; Court Street from Washington Street easterly to Broad Street; Court Street from Elm Street westerly to Washington Street; Main Street from State Street westerly to Elm Street; Main Street from Broad Street easterly to State Street; Broad Street from Elm Street southerly to East and West Silver Street; Broad Street from East and West Silver Street northerly to Main Street. Add Long Pond Road - both directions 25 MPH)

Motions, Orders or Resolutions

- A. Motion of Councilors Bean and Flaherty for immediate consideration seeking resolution to Mayor requesting that \$1.5 Million from current year Free Cash be appropriated to FY19 or FY20 DPW road construction accounts.
- B. Motion of Councilor Flaherty requesting list of current term expiration dates of all boards and commissions; and, renewal dates of all department heads (not including School Department) by April 19th. Refer to Personnel Department, City Clerk, and Long Range Financial Overview Committee.
- C. Motion of Councilor Flaherty requesting that the City website pages for all boards and commissions include a paragraph detailing annual compensation, member requirements, and appointment procedures. Refer to Mayor's Office.
- D. Motion of Councilor Flaherty requesting that employees of Westfield businesses - not just owners - be allowed to serve on boards and commissions (excluding Fire Commission, Police Commission, Planning Board, and Zoning Board of Appeals) upon nomination of the Mayor and confirmation from the City Council. Refer to L&O.
- E. Motion of Councilor Flaherty requesting Retirement Board or Retirement Administrator to provide, by April 30th, an annual financial impact statement related to the recently proposed Cost of Living Adjustment, and an updated PERAC schedule showing annual expected city budget appropriations and target date for reaching zero UAL. Refer to Retirement Board and Long Range Financial Overview Committee.
- F. Motion of Councilor Flaherty requesting City Auditor to provide, by April 30th: [1] end of third-quarter year-to-date revenue and expenses (actual spend) report compared to estimated revenues (based on numbers used at tax setting time) and approved appropriations (based on line-items approved at budget time and in subsequent special appropriations); [2] estimated receipts and expenses based on best current knowledge for the 4th quarter; [3] estimated new Free Cash as a result of FY19 operations. Refer to City Auditor and Long Range Financial Overview Committee.
- G. Motion of Councilor Flaherty requesting City Auditor to provide, by April

30th, a report detailing significant road and sidewalk improvement projects (not individual potholes nor minor maintenance) for FY18 and FY19 and their individual costs and source of funds. Refer to DPW, City Auditor, and Long Range Financial Overview Committee.

- H. Motion of Councilor Figy to change the June 6, 2019 Council meeting to Monday June 10, 2019 at 7 PM in Council Chambers.