

AGENDA OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
APRIL 22, 2019 (rescheduled from April 18, 2019)
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meeting of April 4, 2019

Executive Session : to discuss strategy with respect to litigation as an open meeting will have a detrimental effect on the litigating position of the City relative to the pending legal matter concerning an eminent domain. (Need motion to go into Executive Session)

Public Participation

Communications from the Mayor

- A. Requesting immediate consideration of an Order of Appropriation for the purpose of a settlement in the amount of \$307,500.00 from Free Cash #1000-359000 to Law Department, Judgment account #11510000-576000.
- B. Submitting a request for Council approval, effective immediately to allow Mayor to transfer money between departments and within departments and also between personal services and expenses for the purpose of expediting transfers and eliminating the need to carryover payments into FY2020.
- C. Appropriation of \$145,000.00 from the following accounts to the CPA Landlord Fowler Tavern account #24101770-580200-5122:
 - o \$22,000.00 from Community Preservation Historic FY19 account #24101770-580200
 - o \$52,937.57 from Community Preservation Historic (Balance) account #2410-340200
 - o \$70,062.43 from Community Preservation Undesignated (Balance) account #2410-340000
- D. Transfer of \$125,454.56 to the following accounts within the Airport Department from Capital Project account #11990000-580000; transfers are amendments of funds requested at the April 4th, 2019 City Council meeting:
 - o \$101,464.56 to Capital Project Frost Heave Repair account #11990000-580000-4873
 - o \$24,000.00 to Design Aircraft Ramp account #11990000-580000-4872

- E. Submitting an Order of Appropriation in the amount of \$975.00 from Engineering, Construction account #14110000-589200 and an Order of Taking for a permanent easement of real estate for access to the City of Westfield drainage easement and sanitary sewer structures for William's Riding Way Flood Control Pump Station.
- F. Submitting an Order of Appropriation in the amount of \$90,000.00 from Community Preservation Undesignated (Balance) account #2410-240000 to CPA Columbia Greenway Project (Recreation) account #24101770-580400-5304 and an Order of Taking for a permanent easement and temporary (five year) easement of real estate to construct and provide public access to Columbia Greenway Rail Trail.
- G. Submitting a Resolution of the City Council of the City of Westfield authorizing a Special Tax Assessment (STA) for Toll Brothers Inc., 100 Apremont Way.
- H. Submitting a Resolution of the City Council of the City of Westfield accepting provisions of MGL Chapter 59 Section 5, Clause 22H, known as the BRAVE Act, allowing for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and Veterans who died as a proximate result of injury or disease suffered during active duty.
- I. Submitting the appointment of Margaret Doody, 294 Granville Road, as a member of the Board of Health for a term to expire the first Monday of February, 2022, replacing Michael Paquette, resigned.
- J. Submitting the reappointment of Donald Nicoletti, 29 Radisson Lane as a member of the Airport Commission for a term to expire the first Monday of February, 2022.
- K. Submitting the reappointment of Carissa Lisee, 79 Austin Street, Chicopee as the Superintendent of Buildings for a term to expire the first Monday of May, 2022.

Reports of City Officers

- A. City Clerk Karen Fanion submitting list of Board and Commission members and Department Head lists with appointment dates as requested per motion of April 4, 2019.
- B. City Clerk Karen Fanion submitting a 2019 Renewal for the following: Meadowbrook Antiques, 658 Montgomery Road, Junk Dealer/Junk Collector license.

Petitions, Remonstrances and Other Papers

- A. PUBLIC HEARING on a petition to add a new Zoning Ordinance Section 4-32 Short Term Residential Rentals.
- B. Councilor Onyski submitting Petitions for Street Acceptance for the

following: Devon Terrace, Gloria Drive, Hillary Lane, Nancy Circle, Frank Circle, Rachel Terrace, Hillcrest Circle.

Reports of Committees

A. Finance Committee:

1. That the Fire Commission and Legal Department provide the Council with an accounting of all outside Counsel expenditures incurred since 1/1/2018 and what is to be reasonably expected in the future
2. Requesting acceptance of a Grant in the amount of \$396,000.00 from the Dam and Seawall Repair or Removal Program of the Executive Office of Energy and Environmental Affairs to the Department of Public Works.
3. Transfer of \$1,500.00 within the Police Department, Animal Control, Training account #12920000-51400 to Purchase of Services account #12920000-520000.
4. Requesting acceptance of a Grant in the amount of \$7,811.84 from the Commonwealth of Massachusetts, Office of Grants and Research Highway Traffic Safety Division to the Westfield Police Department for the FFY 2019 Pedestrian and Bicyclist Safety Grant Program.
5. Appropriation of \$200.00 from Reserve for Unforeseen account #19500000-570900 to Engineering Department, Construction account #14110000-589200.
6. Transfer of \$16,666.66 within the Police Department from Police Settlement account #12100000-485400 to the Special Revenue 111F Police Insurance Reimbursement account #24002101-485200.
7. Transfer of \$778.91 from Department of Public Works, as follows, in order to pay for a prior year FY18 employee payroll retroactive payments due to a contractual step increase:
 - \$587.98 from DPW, Sewer Division, Full Time Hourly FY19 account #67004490-511100 to DPW, Sewer Division, Full Time Hourly FY18 account #67004490-511100
 - \$150.94 from DPW, Sewer Division, Overtime FY19 account #67004490-513000 to DPW, Sewer Division, Overtime FY18 account #67004490-513000
 - \$39.99 from DPW Highway Division, Overtime FY19 account #14210000-513000 to DPW Highway Division, Overtime FY18 account #14210000-513000
8. Appropriation of \$48,000.00 from Free Cash #1000-359000 to Purchasing, Repair Maintenance account #11380000-524001.
9. Appropriation of \$190,000.00 from Free Cash #1000-359000 to Public Works Department, Waste Collection Division, Vehicles account #14330000-585001.
10. 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.

B. Legislative and Ordinance Committee:

1. Bond Order entitled "A BOND ORDER TO PAY COSTS OF VARIOUS AIRPORT CAPITAL IMPROVEMENTS" (\$10,250,000.00) (4-4-19)
2. Analysis of the present Storm Water Fee be initiated with the DPW Director to identify the fee gap and work required to be compliant with Federal and State EPA.

C. Personnel Action Committee:

1. 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.
2. 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.
3. 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.

Unfinished Business

- A. CONTINUED 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. CONTINUED 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. Second Reading and Final Passage
 1. A BOND ORDER TO PAY COSTS OF VARIOUS AIRPORT CAPITAL IMPROVEMENTS" (\$10,250,000.00)
 2. AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993 (Chapter 17, Article IV Sec, 17-89 Heavy Trucks Restricted Paper Mill Road, entire length, from the hours of 6:00 PM to 7:00 AM
- D. RECONSIDERATION AN ORDER ESTABLISHING A SPECIAL PURPOSE STABILIZATION FUND ACCOUNT TITLED "ROAD AND SIDEWALK REPAIR AND MAINTENANCE FUND

Motions, Orders or Resolutions

- A. Motion of Councilors Allie, Flaherty, Emmershy and Surprise requesting

monthly report from DPW Director of daily logs of Wells 1 and 2 showing amount of water being filtered from each well.

- B. Motion by Councilor Allie for a resolution that the City Council at the beginning of every year vote to send to the Mayor a request to transfer a percentage of the available free cash balance, to be determined by the Mayor as of June 15th each fiscal year, to be appropriated to fund the City's OPEB liability.
- C. Motion of Councilor Surprise for review of existing regulations pertaining to Sober Living homes, and to research and provide recommendations for local regulations for Sober Living homes in the City of Westfield. Refer to ZPD and City Planner.