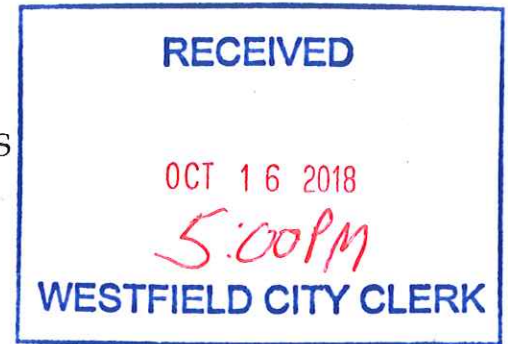


AGENDA OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
OCTOBER 18, 2018
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meeting of October 4, 2018

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 on an Order of Appropriation in the amount of \$400,000.00 from the Water Department-Receipt Reserved for Sale of Conservation Rights account #1000-330174 to the Law Department-Judgment account #11510000-576000.
- B. Transfer of \$226.19 within the Westfield Public Schools, Business Office, FY19 General Travel Expenses account #50077244-578000 to FY18 General Travel Expenses account #50077244-578000.
- C. Transfer of \$1,316.42 within the Westfield Public Schools, Business Office, FY19 Maintenance of Building Contracted Services account #55482422-520000 to FY18 Maintenance of Building Contracted Services account #55482422-520000.
- D. Transfer of \$68.00 within the Westfield Public Schools, Business Office, FY19 Special Education Contracted Services account #56523230-531000 to FY18 Special Education Contracted Services account #56523230-531000.
- E. Transfer of \$280.00 within the Westfield Public Schools, Business Office, FY19 Superintendent Dues/Memberships account #53478121-573000 to FY18 Superintendent Dues/Memberships account #53478121-573000.
- F. Transfer of \$390.00 within the Westfield Public Schools, Business Office, FY19 Security-Contracted Services account #50083412-520000 to FY18 Security-Contracted Services account #50083412-520000.
- G. Transfer of \$2,060.00 within the Department of Public Works, Waste

- Collection Division, FY19 Purchase of Services account #14330000-520000 to FY18 Purchase of Services account #14330000-520000.
- H. Appropriation of \$28,000.00 from Community Preservation Committee-FY19 Community Preservation Historic account #24101770-580200 to the CPA Landlord Fowler Tavern account #24101770-580200-5122.
 - I. Appropriation of \$10,000.00 from Reserve for Unforeseen account #19500000-570900 to Department of Public Works, Solid Waste Recycling Division, Purchase of Services account #14340000-520000.
 - J. Submitting an Order transferring, care custody and management and control of a parcel of land in the City of Westfield as part of the parcel included on the deed of 70 Turnpike Industrial Road, a small triangular shaped parcel of Map 49R, Parcel 3.

Reports of City Officers

- A. Report from Councilor on Aging Director Tina Gorman per Councilor Ralph Figy, Liaison to the Council on Aging.
- B. Report from Superintendent Czaporowski per Councilor Figy, Liaison to the School Department
- C. Report from Councilor Morganelli, Park and Rec Commission liaison.

Petitions, Remonstrances and Other Papers

- A. Old Dominion Freight Line submitting a letter of withdrawal, without prejudice, for truck terminal on Medeiros Way.
- B. PUBLIC HEARING on an application submitted by R. Levesque Associates 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.)
- C. PUBLIC HEARING on an application submitted by R. Levesque Associates 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:
 - Submitting the following prior year bills for the Department of Public Works:
 1. \$1,194.00 from LNR Division, Fiscal Year 2019 Purchase of Services account #14990000-520000 to LNR Division, Fiscal Year 2018 Purchase of Services account #14990000-520000.
 2. \$236.88 from LNR Division, Fiscal Year 2019 Supplies account #14990000-540000 to LNR Division, Fiscal Year 2018 Supplies account #14990000-540000.
 3. \$135.00 from LNR Division, Fiscal Year 2019 General Expense account

- #14990000-578000 to LNR Division, Fiscal Year 2018 General Expense account #14990000-578000.
4. \$137.81 from Highway Division, Fiscal Year 2019 Supplies account #14210000-540000 to Highway Division, Fiscal Year 2018 Supplies account #14210000-540000.
 5. \$1,240.00 from Highway Division, Fiscal Year 2019 Purchase of Services account #14210000-520000 to Highway Division, Fiscal Year 2018 Purchase of Services account #14210000-520000.
 6. \$996.50 from Water Division, Fiscal Year 2019 Purchase of Services account #68004500-520000 to Water Division, Fiscal Year 2018 Purchase of Services account #68004500-520000.
 7. \$3,252.50 from Water Division, Fiscal Year 2019 Purchase of Services account #68004500-520000 to Water Division, Fiscal Year 2018 Purchase of Services account #68004500-520000.
 8. \$402.55 from Water Division, Fiscal Year 2019 Purchase of Services account #68004500-520000 to Water Division, Fiscal Year 2018 Purchase of Services account #68004500-520000.
 9. \$61.38 from Wastewater Treatment Division, Fiscal Year 2019 General Expense account #67004400-578000 to Wastewater Treatment Division, Fiscal Year 2018 General Expense account #67004400-578000.
 10. \$177.35 from the Department of Public Works, Water Division, FY19 Supply account number (68004500-540000) to the Department of Public Works, Water Division, FY18 Purchase of Service account number (68004500-540000).
 11. Transfer of \$1,320.60 within Westfield Police Department, FY19 Full- Time Hourly account #12100000-5111000 to FY18 Traffic Supervisors, Part-Time Hourly account #12930000-511110.
 12. Transfer of \$50.00 within the Fire Department from Ambulance, Fiscal Year 2019 Purchase of Services account #21002310-520000 to Ambulance, Fiscal Year 2018 Purchase of Services account #21002310-520000.
 13. Transfer of \$25,000.00 within the Department of Public Works, Highway Division, Full Time Hourly account #14210000-5111100 to Public Works, Highway Division, Judgments account #14210000-576000.
- B. Legislative and Ordinance Committee:
1. Revise the code of ordinances in several places to change the term of appointed department heads from a "period of three years" to a "period not to exceed three years" (2-1-18)
 2. Resolution reauthorizing the revolving funds for FY 19 per MGL Chapter 44 Section 53 E1/2 (9/20/18)
 3. From Long Range Financial Overview Committee, that the matter of the Mayor's compensation be reviewed (9-20-18)
 4. Communication from the Director of the DPW, Dave Billips, relative to the Municipal Separate Water Systems CMS4 general permit and managing

drainage infrastructure (9-20-18)

- C. Governmental Relations Committee:
 - 1. Matter of recording and broadcasting of Committee meetings (1/8/18)
 - 2. Matter of closed captioning of the broadcasts of the City Council meetings on Channel 15 (3/2/17)
 - 3. Investigation of making the western-most sidewalk on the Great River Bridges (aka "green bridges") a dedicated bike lane, while leaving the other three sidewalks across the bridge as pedestrian only (9/15/16)
 - 4. That internal data be reviewed and collected on how resources (money and space) are allocated by departments broken out by sports (male & female) and organizations (parks and rec. and schools) (9/18/14)
- D. Ad hoc Business Development Committee:
 - 1. That the City zoning ordinances be reviewed as they relate to special permit granting authority

Unfinished Business

- A. TABLED: Application for Special Permit, Site Plan Approval and Stormwater Permit for Old Dominion Truck Terminal on Medeiros Way.

Motions, Orders or Resolutions

The following Motions were TABLED from the October 4, 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.

- J. A motion of Councilor Figy that a review of no parking except for taxis be reviewed by the Traffic Commission.
- K. Motion of Allie, Babinski, Bean, Beltrandi, Burns, Emmershy, Figy, Flaherty, Harris, Morganelli, Onyski, Paul and Surprise to request the Westfield Gas & Electric Municipal Light Board to start broadcasting their monthly meetings on Westfield's community access channel and archive with Vimeo (or similar platform) playback. The Municipal Light Board meetings are held at 7 p.m. on the first Wednesday of each month and at other times as needed.
- L. Motion of Councilors Paul and Burns that an analysis of the present Storm Water Fee is initiated with the DPW Director to identify the FEE gap and work required to be compliant with Federal and State EPA.
- M. Motion of Councilors Morganelli, Beltrandi, Flaherty and Figy that the Ashley St. school and adjacent properties under the school department's control be transferred to the Park and Rec commission. REFER to City Properties and School Committee.