



AGENDA OF CITY COUNCIL

59 COURT STREET
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
OCTOBER 21, 2021 AT 7:00 PM

RECEIVED

By City Clerk's Office at 5:09 pm, 10/19/21

ROLL CALL

PLEDGE OF ALLEGIANCE

READING OF RECORD OF MEETING OF October 7, 2021

PUBLIC PARTICIPATION

COMMUNICATIONS FROM THE MAYOR

1. Requesting immediate consideration of a Grant in the amount of \$49,924.60 to the Police Department from the Executive Office of Public Safety and Security Office of Grants & Research for Westfield Police Department for law enforcement equipment and traffic enforcement.
2. Requesting immediate consideration on the appropriation of \$24,924.06 from Stabilization (8303-397000) to the following: \$13,924.06 to Plumbing Inspector, FT Hourly account #12430000-511100; \$3,000.00 to Building Department, Secure Property, account #12410000-52005; \$8,000.00 to Building Department, Purchase of Services, account #12410000-520000.
3. Appropriation of \$85,000.00 from Free Cash (1000-359000) to Stabilization (8303-392000) to return funds that were used for a feasibility study for the police station.
4. Appropriation of \$555.65 from Free Cash (#1000-359000) to FY21 Sanitary Landfill, Purchase of Services account #14390000-520000, for a prior year bill.
5. Appropriation of \$466.91 from Free Cash (#1000-359000) to FY21 Sanitary Landfill, Recycling Collections account #14390000-531004, for a prior year bill.
6. Appropriation of \$75.00 from Free Cash (#1000-359000) to FY21 Sanitary Landfill, Purchase of Services account #14390000-520000, for a prior year bill.
7. Submitting the reappointment of William Porter, 11 Lowell Avenue, as a member of the Community Preservation Committee, for a term to expire the first Monday of July, 2023.
8. Submitting the appointment of Jay Ducharme, 265 Western Avenue, as a member of the Cultural Council for a term to expire the first Monday of October 2024.

REPORTS OF CITY OFFICERS

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

9. PUBLIC HEARING on an application for a license for the storage of 26,000 gallons of gasoline (underground) and 30,000 gallons of diesel (underground) and 100

gallons of LP gas (aboveground) at 21-33 Southampton Road submitted by Mr. Robert Bolduc, Pride Limited Partnership, 246 Cottage Street, Springfield, MA

REPORTS OF COMMITTEES

Finance Committee

10. Agreement relative MGL Chapter 121A/6A submitted by Servistar Realities, construct 10 data center buildings totaling 2.74 million square feet on 155.49 acres at 0 Ampad Road (Parcels 56R-96, 97, 98); 0 Egleston Road (Parcels 56R-30, 47); 0 (Parcel 63R-3-2D) 10 & 15 Campanelli Drive; 85, 81, 91, 97, 103, 115 & 191 Servistar Industrial Way.
11. Accept the Planning Board's report relative to Servistar LLC pursuant MGL 121A Section 6A.

Legislative and Ordinance Committee

12. Resolution authorizing a tax increment financing (TIF) agreement for James Hardie Building Products, 70 Turnpike Industrial Road.

Zoning, Planning and Development Committee

13. Petition to amend the Zoning Ordinance to allow taprooms and similar accessory uses in Industrial A District.

UNFINISHED BUSINESS

MOTIONS, ORDERS OR RESOLUTIONS

14. Motion of Councilors Burns, Bean and Sullivan to rescind Sec. 16-154 Private property, in reference to: Ordinance number 1340. (11-21-02).
15. A motion by Councilor Figy, Adams, Bean, Beltrandi, Harris, Onyski, and Sullivan "To have the Mayor convene a meeting between the Police Chief and the Building Department to address the enforcement of the temporary sign ordinance".
16. Motions of Councilor Flaherty for the Servistar 121A agreement
 - Motion of Councilor Flaherty requesting that the City Assessor appear to answer questions about the appraisal process, valuations, and the levy ceiling.
 - Motion of Councilor Flaherty requesting that the G&E Manager appear to answer questions about the electric, gas, and fiber services to the project.
 - Motion of Councilor Flaherty requesting Assistant City Solicitor appear to answer legal questions about 121A process and specifics of the 6A agreement.
 - Motion of Councilor Flaherty requesting a written legal opinion of whether or not the project area is "Blighted open area".
 - Motion of Councilor Flaherty requesting a written legal opinion of whether or not residential health and environmental issues may be considered under 121A required finding #4.
 - Motion of Councilor Flaherty requesting a written legal opinion, with links to any case law, of the legal meaning of "public use" and "public benefit".
 - Motion of Councilor Flaherty requesting written legal opinion related to the applicant's requested pass-thru exemption of business personal property tax.

- Motion of Councilor Flaherty requesting an experienced consultant be hired by the City to review the 121A application, and a CPA or other similar financial expert be engaged by the City to evaluate the finances of the 6A agreement.
- Motion of Councilor Flaherty recommending modification of the 121A application to include some hard commitment from the applicant with regards to jobs, or to tie the tax discount to number of local Westfield jobs - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include hard commitment from the applicant with regards to minimum square foot built, or to tie tax discount to projected vs actual build - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include stepped property tax discounts based on performance related to employment, scale, amenities, and promises made in the 121A agreement - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include requirements related to Environmental Protections (1 acre open space preservation for every acre of trees cut down) - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to require \$200,000 per year for 10 years for a vocational education grant for Westfield Technical Academy for electrical, HVAC, construction, and IT trades - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to require an annual Community Development grant in the amount of \$1 per square foot per year.
- Motion of Councilor Flaherty recommending modification of the 121A application to require the applicant to pay a very significant non-refundable application fee that will be applied to some future obligation the applicant has with the city. This fee would be forfeited if the applicant walks away from the deal after it's approved - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to require that diesel generators be replaced by Natural Gas generators, or other generators that may be available at the time, that have a lower environmental impact than diesel generators, by year 4 - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the "6A Contract Payments" to remove the double discount discussed in 6A agreement paragraph 4b - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the "6A Contract Payments" to value the land at the fair market value after consolidation - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the "6A Contract Payments" to set the Mill rate to \$25 per \$1000 of value for the duration of the agreement. NOTE: this would require changing the calculation to ramp up the square foot value rather than the Mill rate. Councilor Flaherty would note that

the Mill rate proposed in the agreements is not possible under Prop 2 1/2, and that this may present legal or perception problems - as allowed under MGL 121A Section 6.

- Motion of Councilor Flaherty recommending modification of the 121A application to amend the "6A Contract Payments" to tax tenant-owned business personal property using a PILOT and a fixed accelerated depreciation schedule like they do in Loudoun County, VA. Councilor Flaherty would suggest \$25/\$1000 3 year accelerated (40%, 20%, 0%....) - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to require the payment of normal CPA assessments - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to exempt Stormwater Fees as long as applicant fully manages stormwater on-site - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to reduce the Building Inspection fees to a maximum of \$50,000 per building - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to specifically include a range of amenities the will benefit the City or its residents - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to amend the starting \$60 per square foot value to the fair market value per square foot less significant discounts due to the size of the project and the benefits offered to the community - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement to amend the term of the agreement to 15 year unless specific amenities are including in the agreement that justify an extension of 25 years - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to amend the 6A agreement that would allow the city to offer less of a discount if the density and power of computers change in a way that requires less square footage than currently proposed - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include set-asides for disadvantaged business including: minority-owned, women-owned, veteran-owned, and disability-owned - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include construction dollar set asides for local and regional companies - as allowed under MGL 121A Section 6.
- Motion of Councilor Flaherty recommending modification of the 121A application to include a significant measure of "certainty" from the City's perspective - as allowed under MGL 121A Section 6.