



Parks and Recreation Commission Meeting
Special Meeting
May 24, 2021
6:00 p.m.



Via Remote Participation

Commissioners Present: Jane DeBarbieri, Scott LaBombard Kenneth Magarian, Douglas Morash, Vincent Olinski, Michael Tirrell, Sara Unger and Robert Veronesi

City Council Liaison: Nicholas Morganelli

Staff: Francis Cain acting Director

The meeting was called to order at 6:01 p.m. via remote participation with Michael Tirrell, Chairperson presiding asking commissioners for a voice roll call by calling out a "Yes".

Sara Unger yes, Jane DeBarbieri yes, Vincent Olinski yes, Robert Veronesi yes, Scott Labombard, yes Michael Tirrell yes, Douglas Morash yes and Kenneth Magarian yes

Public Participation via zoom:

1. Dennis Aitkens, Chris Clark, Kathy Bradford and Kristen Mello and Bob Plasse

Business or Items for Discussion:

1. Michel Tirrell welcomed everyone regarding the proposed flag raising policy (emailed) he asked if anyone wanted to speak during public participation and said we will allow 3 minutes per person.
2. Chris Clark spoke up and read a statement from a doctor at Westfield State University in support of the raising the pride alliance flag and talked about the rights of gay citizens and LGBTQ and their struggles in life.
3. Michael Tirrell brought up the review of the flying a flag the past two weeks and has spoken to numerous folks, city staff, and officials, friends and relatives. Commissioners generally act on the city charter and local ordinance to enforce them with respect to the individual areas that have the city operations they oversee. In this case, there are no ordinances and this was brought forth to the Park and Recreation Commission pertaining directly to flying a flag and in speaking with the City Council, Nicholas Morganelli, Liaison, he has informed him that at the last month's meeting he has brought forth to City Council which has referred to City Properties Committee for review at the City Council level and this is really where it should be handled. It should not be handled in an individual commission. It should be addressed in the next month or so and obviously that's not timely enough concerning the flag raising request. He said in the interim the way of the policy is to go by regarding the flying of flags on city property, other than the official national and state and local municipalities' flags. With that said in recent years there have been some requests at City Hall which of course is city property at the discretion of the Mayor's office. He has spoken to Mayor Humason and he indicated that the guest flags are generally flown for a week or less and also mentioned our legal department was working in this area as well so he reached out to the law dept. The legal dept. put together a draft

policy at the commission level for us to use in the interim between now and the time that the City Council passes an ordinance. He went over the highlights of the flag raising policy and will attach to the official minutes so anybody watching can review it. He explained it should be understood the intention of this policy is to be used until there is an official city wide policy available and we revert or modify our own policy based on what City Council and the Mayor come up with in the coming weeks. At a high level he walked through some of the high points of the policy that he proposed. He would like us to vote on this policy tonight if commissioners don't feel comfortable and feel they had enough time to review it or we can table this policy. He said that this policy is not going to be timely enough based on the workflow of it specifically for the commission to address this item. He has spoken to the Mayor and he indicated that what he is going to ask from the group tonight is that when we get to this item that we make a revision that will allow it to be considered at the Mayoral level without the commission to having to reapprove it or if we go back through it because it is not going to help anyone here if it takes another two to three weeks to go through the process. The high level of the policy itself, it is not his belief as he said before that the commission should determine messaging and rules around what's displayed on city property. We should have clear guidelines as the Mayor's office has made these determinations around the raising of flying a flag to date. The first and foremost step in this process is that the Mayor is hoping to put in place up until we have an official ordinance is to set that approval form to the Mayor's office. They are the ones that need to be at this point in his mind making the determination of what gets flown and for how long at that point will get past with that approval of this commission and we will handle the scheduling and verification that it falls within the city ordinances. We will continue to handle the scheduling of resources to put it up and take it down. We will handle all the paperwork side of things to get that going. The application form asks for information just like our permit event form. We will ask for a four week notice. Obviously we're in a special situation here but generally asked before four weeks for scheduling purposes. The applicant will be required to pay security, custodial or other costs of city resource that deemed necessary at the city's sole discretion. He said there may be other applications' to apply early or another permit to apply for it and the applicant agrees to abide by the flag raising guidelines which are also attached. The flag raising policy is still a draft, it has been reviewed by the legal dept. but it has not necessarily been adopted by the Mayor's office so we are still in progress. Generally speaking we want to avoid any flags that are deemed to be inappropriate, offensive in nature, and those that are deemed as supporting discrimination, prejudice, religious or political movements that decisions is made by the relevant governing city authority at their discretion. The governance around the times of the raising is during business hours. The personnel that raise and lower the flags by staff or officials. All events must be open to the public and guests here in the City of Westfield. Policy is not to discriminate on the basis of sex, race, religion etc. The size of the flags can be no larger than a 5'x8.

4. Michael Tirrell said he spent time talking to Francis Cain, Acting Director these past couple of weeks and has been awesome and doing a lot of research and determining what the weight load is for the state flag pole, the pole we would require guests flags to be flown on until a time that there is a new guest flag pole installed. He went over the verbiage of the duration of the flags are flown. Generally they are based on a policy that we used as a baseline from the City of Boston and guest flags are flown 24 hours or less. The city has done up to a week in the past so that will be at the Mayor's discretion. Applicants may request one flag raising per calendar year and all guest flags will be reviewed by the Parks and Recreation Commission if the parks or areas fall under our department. It will be first come first serve basis so two people come to us and want to do a flag raising on the same day we will take the first one so we can move forward. The Parks and Recreation Commission is approving these requests in doing so by following the directive of the Mayor. As such the commission as designated them to the mayor to have the authority to revoke a permit with or without notice following its approval. That is basically the policy and guidelines that we're putting in place in the interim but between now and the time that an ordinance created by the City Council and city government. He then asked if anyone had a questions or concerns or to adopt this flag policy be acceptable here and we can discuss once we have a motion to adopt would be acceptable or any input.

5. Douglas Morash made a motion to accept the Flag raising policy presented. Motion seconded by Kenneth Magarian.
6. Scott LaBombard asked for clarification on this temporary policy until the Mayor adopts a permanent policy so in his understanding the commission is not able to obviously put any policy in place we are not the governing body is that true?
7. Michael Tirrell responded we within our rights, put in a policy around how we handle these types of requests and essentially what the policy is outlining what is required but we are not able to make a determination on it in terms of what flag is being flown. We are not the governing body. We are within our rights to put a policy in place around how we handle these types of requests and essentially what the policy is outlining it requires we are not able to make a determination of what flag is being flown. We're appealing to the Mayor in this case in the absence of an official ordinance. Once that ordinance is in place that specifically addresses flags we will abide by that ordinance like we abide by banners that get flown or raised at Park Square or any signage that goes up for readability or political events or unintended signs.
8. Kenneth Magarian had a question as to who can request an application as a non-profit organization, charitable organization or Westfield resident. Why list a Westfield resident is it significant because Boston has it in place? If a person requests to fly a flag goes to the Mayor's office first they get a yes or a no. Then they come to this commission right? Michael Tirrell responded yes if park land under us. Kenneth Magarian said if a single resident is not a significant and the Mayor's office gets busy that's the only thing that jumped out at him.
9. Michael Tirrell responded the draft guidelines are what the Mayor's office wants until a ordinance is in place as an example because this is a draft of what has been done in surrounding areas so he agrees that will be subject to review at the Mayor level or assuming that topic will eventually be part of the ordinance that goes through the Law dept.
10. Robert Veronesi responded we are not entitled to rule this particular situation why are we having this meeting?
11. Michael Tirrell responded that he thinks that this request probably should have gone through the Mayor's office to begin with, but again there is no policy in place. So that is why we are doing this and hopefully making it easier for the next group that comes along with a similar request. He asked for a motion to set the acceptance of the policy.
12. Kathy Bradford said there was a message about the content neutrality and based on the constitution she thought that all content neutrality had to be considered at all decisions but permission had to be based on that content neutrality her question flags, menorahs and trees are all content and therefore should be neutral. She is asking if that was considered as they wrote the policy.
13. Michel Tirrell responded he did not write the policy to be honest and that is a question that needs to go to City Council. He will reach out to Kristen Mello regarding the raising of the flag as asked for a roll call vote.

Motion made by Kenneth Magarian to send to the Mayor the commissions support of the flag raising policy as presented and refer to the office of the Mayor. Motion seconded by Sara Unger vote as follows:

Kenneth yes, Sara yes, Michael yes, Vincent yes, Robert, Douglas yes, Scott yes, Jane yes.

Motion passed

14. Scott LaBombard made a comment unfortunately the city has been around for a long time and here we have a group come before us to fly a flag it is causing a commotion and he feels it is terrible about it and hope that the Mayor puts support behind the policy.
15. Michel Tirrell said he also had a chat with Mary O'Connell referencing the proposed guidelines on the proposed flag policy that has been set forth by the city government. It is our policy until we have another one and appreciates her concerns.
16. Nicholas Morganelli made a comment regarding Scott LaBombard's statement because at the last meeting he looked up flag ordinance for Westfield and caught his attention there is not one. It is really lacking is more of an ordinance for putting up a sign either on your lawn, business or any park property such as Park Square or whatever, a sign, banner then flying a flag on city property or flag pole. He said this has nothing to do with a group of people or type of flag it has to do with the fact we have no policy and no ordinance for flying a flag which opens the door to anyone who wants to fly a flag on our city flagpoles. He said once the flag is flown you really can't say no to the next request. He said Councilor Flaherty sent a letter to commissioner's to that regard. He will be working on this with other city councilors. And he did speak to some citizens about it and people contacted him personally. They were all in support of a flag ordinance or something written in law for the City of Westfield with guidelines on state and federal and other municipalities. He personally thanked Michael Tirrell, Chairperson for the conversation and support it was very good. He did say the policy he understands the Mayor has the power to write the policy for the city and flag flying requests. He understands the commission is having the authority to vote on the policy and then send it back to the Mayor and not sure on all the protocols.. If he is fine with it really doesn't change the fact that there is going to be a ordinance eventually for the City of Westfield. Just like there are ordinances for banners and signs and a resident or business or anyone that wants to fly a flag on their own property or city property.
17. Michael Tirrell said he did have an extensive conversation with legal about this policy and it is a policy and not an ordinance so the Commission does have the ability to create a policy here. We can do one of two things in this case we can do what we are doing now and send it back to the Mayor for his decision or we can table it completely. In this case it's going to be the decision of the Mayor ultimately because there is no ordinance in place. He said he believes pushing this back to the Mayor letting him know regardless how he initially sent this to the Parks and Recreation Commission to look at it because it was located at Park Square. On governing guidelines so he spoke with the Mayor and he felt he was the person to make this call at least until this point.
18. Dennis Aitkens responded that there is no knowledge there and no flag policy in place and the Pride Alliance members really appreciate the support of the commission. He said he really appreciates what City Council and the Commission are doing and thanked them.
19. Michael Tirrell said he encourages Kristen Mello to reach out to Mayor Humason and work with him and we will coordinate the flag raising at Park Square.
20. Michael Tirrell said the vote to pass to the Mayor is allowing him to make the decision due to the particular case and timeline. He will contact the Mayor himself and does not think we need to schedule another meeting.
21. Sara Unger says we accept what the Mayor approves then. Michael Tirrell responded correct.

Michael Tirrell called for a motion to adjourn and roll call vote.

Motion made by Scott LaBombard to adjourn, motion seconded by Jane De Barbieri vote as follows: Kenneth yes, Sara yes, Michael yes, Vincent yes, Robert, Douglas yes, Scott yes, Jane yes.

Motion passed

Documents used:

Flag Raising Policy

Letterer of support regarding flags and banners David Flaherty, City Councilor

Reviewed by Douglas Morash, Secretary of Commission

Typed organized by zoom video: Peggy Goralczyk, Head Clerk