

MINUTES OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

JUNE 15, 2023 AT 7:00 PM

The meeting was called to order in the City Council Chamber, Municipal Building, 59 Court Street, Westfield, MA at 7:00 PM by President Beltrandi.

The Clerk called the roll. All thirteen Councilors were present.

The Pledge of Allegiance was led by President Beltrandi.

Upon motion of Councilor Bean, it was

VOTED: That the reading of the record of the meeting of June 1, 2023 and special meeting of May 30, 2023 be ACCEPTED.

PUBLIC PARTICIPATION – None

COMMUNICATIONS FROM THE MAYOR

1. Upon motion of Councilor Matthews-Kane, it was

VOTED: Under immediate consideration that the sum of \$990,460.92 be transferred from Free Cash (1000-3590000) to the Snow and Ice Accounts as follows: \$787,105.55 to the Purchase of Service Account #14320000-520000 and \$203,355.37 to Supplies Account #14320000-540000.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

Prior to the vote Councilor Matthews-Kane informed the Council that this was an annual transfer. The State allows deficit spending for snow and ice removal.

2. Upon motion of Councilor Matthews-Kane, it was

VOTED: Under immediate consideration that a Grant in the amount of \$54,000.00 from the MassDOT Aeronautics Division to the Westfield-Barnes Regional Airport to fund engineering expenses related to the construction of the new Taxiway B5 be ACCEPTED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

Prior to the vote Councilor Matthews-Kane informed the Council that this was an end of year Grant and immediate consideration was being requested to meet the grant execution deadline of June 30th. The funding will be used for engineering services related to the upcoming construction of the new Taxiway B5. She stated there was no local share match for the grant or for any phase of the project.

Upon motion of Councilor Harris, it was

VOTED: That item 3. Under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE PERSONNEL ACTION COMMITTEE.

The Clerk read from the Agenda as follows:

3. Submitting the appointment of Erik Valdes, Esq. of 58 Fern Street, Florence, to the position of Assistant City Solicitor for a term of three years from the date of appointment.

Upon motion of Councilor Harris, it was

VOTED: That the rules of the City Council be SUSPENDED in order to act upon items received at tonight's meeting.

All in favor, voice vote.

Prior to the vote, Councilor Harris reminded Councilors that they only vote on the minor's names and private information is not divulged.

4. Upon motion of Councilor Harris, it was

VOTED: Under immediate consideration that the appointment of Jules Kubik as member of the Youth Commission for a term to expire in February, 2026 be CONFIRMED.

Upon motion of Councilor Bean, it was
VOTED: That the meeting return to regular order.

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

4. CONTINUED PUBLIC HEARING on an application for a Special Permit, Site Plan Approval and Stormwater Permit for a Truck Terminal with associated site improvements pursuant to Sections 3-130.3(1), 4-110 and 6-10 to be located at 70 Lockhouse Road, Westfield MA. Submitted by BEK REALTY, LLC c/o Mr. Muradbek Usmonov.

Robert Levesque from R Levesque Associates (RLA) was present to represent the application. Mr. Levesque reviewed the plans before the Council. He stated that the Engineering Department hired Stephanie McDonald from McMahon Associates who coordinated with a PE from RLA and a letter stating the conditions have been met was on file. He informed the Council that they also coordinated with Westfield's Stormwater Coordinator. He stated that the questions submitted by City Clerk Kaitlyn Bruce had also been received and answered. Councilor Mello stated the stormwater calculations were made using Technical Paper 40 (TP40) opposed to Atlas 14 and NRCC. She asked for the difference in calculations between the two. Mr. Levesque stated the calculations using TP40 are based on the hundred year storm of six and half inches of rain in 24 hours. He stated that there have been stormwater groups and conferences where they have talked about the change in weather patterns and the other atlas may be a little more aggressive. Mr. Levesque stated that the City of Westfield and the Department of Environmental Protection regulations are based on TP40. Councilor Mello stated that during the last storm, lower Notre Dame was completely flooded. She voiced her concerns on putting impervious surface where the dams meet, stating that extra water dumped in the Powdermill Brook would end up at lower Notre Dame. Mr. Levesque stated that they had not studied Notre Dame but that is municipal infrastructure and that this project will not affect it. He informed the Council that not increasing peak discharge rates is a specific standard of the Wetlands Protection Act tied to the DEP Stormwater Design Manual from 2008. They are required to model the 100 year storm (6.5 inches of rain in 24 hours). They are not allowed to show an increase in the peak rate up to and including the 100 year storm. Councilor Mello shared that on Mass Mapper, it showed flooding would happen and noted it was near environmental justice communities. She requested the numbers using the Atlas 14. Mr. Levesque stated that it was possible to obtain those numbers but didn't believe it was required. He stated that the flood mapping was done on a FEMA flood study from 1978, with updates since. He stated there are two different general areas that are regulated: the Floodway which is the velocity zone of the flood and the flood plain. The site is in neither. He stated a portion of the site fell within the 200 foot riverfront area making it a highly regulated area, adding that everything had been peer reviewed. He noted that the Conservation Commission wanted the original proposal of gravel and set conditions when they approved the project. Councilor O'Connell asked Mr. Levesque what the benefits to Westfield would be. Mr. Levesque stated that there is currently an undeveloped site that at one point was completely

cleared. There is currently nuisance vegetation and invasive species on the property so it will improve the property. He added that in addition to putting the property on tax rolls, it will let a property owner use their property and generate less traffic than a manufacturing facility. He believed it was a minimally impactful use and met all of the performance standards. Councilor O'Connell asked how many cars would be on each truck and if they would be have gas in them. Mr. Levesque stated they would likely have some gas and fluids but they would be staying on the trucks until they go to the buyer. There would be a variety of trucks, hauling between three to nine cars each. Councilor Burns asked if there would be salvaged cars on the trucks. Mr. Muradbek Usmonov, owner, was present and responded that they do occasionally transport cars that have been hit. He stated they work with dealerships throughout New England, Texas, Ohio and Michigan such as Metro, Chrysler and Nissan. Councilor Burns followed up for confirmation that they are not leaking. Mr. Usmonov stated that those cars are not driven, they are taken off the truck. Councilor Burns asked if they were all registered in Massachusetts. Mr. Usmonov confirmed. Councilor Adams asked if he was the owner of the land, stating it said Boyalto, LLC online. Mr. Levesque stated that the deed was included in the application. Councilor Matthews-Kane asked if they would be required to obtain a new special permit if the usage were to change. Mr. Levesque stated that would depend how the special permit and conditions were written. Councilor Sullivan asked if the applicant was willing to accept a condition that he would have to apply for a transfer in order to sell the business. Mr. Usmonov confirmed. Councilor Mello stated that the business has two service types: car transport and hazmat. She questioned if the service could change from cars to hazardous materials. Mr. Levesque didn't believe that hazardous material hauling was allowed in the Industrial A, adding that it could be a restriction in the conditions. Councilor Mello questioned the total environmental risk of 42 trucks at maximum capacity in the event of a natural disaster and asked for the volume or weight of hazardous materials on the trucks. Mr. Levesque stated that would require a multi-variable analysis and didn't see how it would differ from a parking lot in Industrial A. He stated that they have to follow a stormwater management system based on the DEP regulations and reviewed how the treatment train worked. He stated it would be controlled and have a state-of-the art drainage system. He informed the Council that the Conservation Commission liked the idea of having a less impervious surface near or adjacent to resource areas. Councilor Mello didn't agree with using gravel over asphalt. She asked if the stormwater treatment system would remove metals. Mr. Levesque stated they would collect sediments and floatables, not specific to metals. Councilor Mello asked if there was an estimate to water quantity and temperature changes. Mr. Levesque stated there was not and that they believed it to be de minimis. Councilor Onyski stated that Special Permits can be granted from Planning Board or City Council with conditions. Councilor Adams voiced his concerns about them parking on gravel. Mr. Levesque stated that the Conservation Commission Public Hearing was closed and that the Order of Conditions, that included the gravel requirements were issued. Councilor Adams asked what would happen if oil spilled on that surface. Mr. Levesque believed most of it would be contained locally. He noted they would not be storing fuel trucks or have large quantities on site. Councilor Adams asked if the Council was to put a condition on the permit, could they park all of the current trucks on pavement. Mr. Levesque

stated that initially they could and if the operation were to grow, they could go to Conservation Commission through the amended order policy. President Beltrandi informed the Council that hard pack has asphalt product in it and once it is compacted and rolled, it is almost like asphalt. He stated it is used industry wide and is not something that is going to allow a lot to go through it. Councilor Sullivan asked if the collection system was under both the hard pack and the pavement. Mr. Levesque responded that it was a requirement that the entire park area be controlled. They collect stormwater on site from both the impervious surface and the somewhat impervious surface which would be the gravel or the hard pack. President Beltrandi informed the Council that within a couple years of putting in blacktop, it cracks in a number of areas and is no longer impervious. Councilor Burns asked about any conditions in place regarding snow maintenance. Mr. Levesque stated that there was an Operations of Maintenance Plan that is part of the stormwater report. Conservation has put conditions on specific de-icing materials that are allowed. They have a set of standard conditions as well as roughly 60 special conditions that they have incorporated into the Order of Conditions. President Beltrandi suggesting talking about the thickness of the hard pack during Zoning, Planning and Development subcommittee meetings.

President Beltrandi opened the Public Hearing for anyone wishing to ask a question of fact. There was no one. He opened the Public Hearing for anyone wishing to speak in favor. There was no one. He opened the Public Hearing for anyone wishing to speak in opposition. Melvin Levesque, 56 Lockhouse Road, spoke in opposition. He stated he has been a resident for over 30 years. He believed the trucks would run all night long and it would not be good for wildlife. Charlotte Oleksak, 136 Cabot Road, spoke in opposition. She voiced her concerns with traffic and pollution.

With no others to be heard and upon motion of Councilor Figy, it was VOTED: That the Public Hearing be CONTINUED until the July 6, 2023 meeting.

5. Upon motion of Councilor Onyski, it was VOTED: That the petition for a Street Acceptance for Camelot Lane be REFERRED TO THE PLANNING BOARD, THE BOARD OF PUBLIC WORKS, CITY ENGINEER AND THE LAW DEPARTMENT.

All in favor, voice vote.

REPORTS OF COMMITTEES

Finance Committee

7. Upon motion of Councilor Sullivan for the Finance Committee, it was VOTED: That a Grant in the amount of \$12,975.00 from the MassDOT to the Westfield-Barnes Regional Airport for Environmental Impact Report for Three Future Airport Projects covered under the FAA AIP program be ACCEPTED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

Prior to the vote, Councilor Sullivan informed the Council that there was a required match of \$12,975.00 from the State and the City. The City share has already been accounted for in the budget. He explained that the vote was to accept the State funds needed to do the MEPA report and conservation work for the three projects at the Airport.

8. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was VOTED: That the sum of \$373.18 be transferred from the Department of Public Works Highway Division FY2023 Purchase of Service Account #14210000-520000 to the FY2021 Purchase of Service Account #14210000-520000 to cover the balance of a retainer for sidewalk repair/installation completed on Taylor Avenue.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

Prior to the vote Councilor Matthews-Kane informed the Council that this was for work done on the corner of Main and Taylor for Dunkin Donuts. It was supposed to be paid out of a retainer fund and the fund was closed out before the bill was paid.

Legislative and Ordinance Committee

9. Upon motion of Councilor Onyski for the Legislative and Ordinance Committee, it was VOTED: That a Resolution entitled "A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN LAND IN THE CITY OF WESTFIELD AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY" (.53 acres of land known as 0

Westfield Industrial Park Road from Westfield Gas and Electric Light Department) be ACCEPTED.

All in favor, voice vote.

Prior to the vote, Councilor Onyski informed the Council that the Westfield Gas and Electric (WGE) owns a half-acre of land behind the Hampton Inn and Cannabis Connection that connects to the Mass Pike. The Mayor would like to use part of it for a slip ramp onto the Mass Pike. The appraisal is roughly \$9,000.00 and WGE is willing to sell it to the City for \$10.00. If 10 years pass and the land remains undeveloped, the City will sell it back to WGE for same price. Councilor Onyski read the Resolution by title only.

Personnel Action Committee

10. Upon motion of Councilor Harris for the Personnel Action Committee it was VOTED: That the appointment of Zuzanna Hitchcock as a member of the Youth Commission for a term to expire in February, 2026 be CONFIRMED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

UNFINISHED BUSINESS

11. Upon motion of Councilor Figy, it was VOTED: SECOND READING and FINAL PASSAGE of an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, APPENDIX B-ZONING, ADOPTED SEPTEMBER 3, 1987" (Sec. 4-121 (1.c) to exempt certain fixtures from the exterior lighting standards.) be REMOVED FROM THE TABLE.

Upon motion of Councilor Figy, it was VOTED: That an Ordinance entitled ""AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, APPENDIX B-ZONING, ADOPTED SEPTEMBER 3, 1987" (Sec. 4-121 (1.c) to exempt certain fixtures from the exterior lighting standards.)" be

given second reading by title only.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	No
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	No
Kristen Mello	No
Nicholas Morganelli, Jr.	No
Mary O'Connell	Abstain
William Onyski	Yes
Richard Sullivan, Jr.	Yes

The President declared the motion LOST.

There was a discussion on whether or not Councilor O'Connell could vote as she was not a sitting Councilor at the time and had not completed a Mullin Rule Certification. She stated that she would have been a no vote.

12. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was VOTED: That an Order entitled "AN ORDER OF APPROPRIATING THE SUM OF FOURTY-NINE THOUSAND SEVEN HUNDRED AND SIXTY (\$39,760.00) DOLLARS FOR THE PURPOSE OF TAKING PERMANENT EASEMENTS, TEMPORARY (FIVE YEAR) EASEMENTS AND FEE TAKINGS BY RIGHT OF EMINENT DOMAIN FOR LEVEE AND MULTI-USE IMPROVEMENTS" be given second reading by title only.

The Order was given second reading by title and upon motion of Councilor Matthews-Kane, it was

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes

Richard Sullivan, Jr. Yes

13. Upon motion of Councilor Figy for the Legislative and Ordinance Committee, it was VOTED: That an Order entitled "AN ORDER OF TAKING BY RIGHT OF EMINENT DOMAIN" (Several parcels of land along the Westfield River Levee to acquire permanent easements, temporary (5-year) easements and fee takings in order to complete the Westfield River Levee Multi-Use Path project) be given second reading by title only.

The Order was given second reading by title and upon motion of Councilor Figy, it was VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes

14. Upon motion of Councilor Figy for the Legislative and Ordinance Committee, it was VOTED: That a Confirmatory Order of Taking entitled "A CONFIRMATORY ORDER OF TAKING OF REAL ESTATE BY RIGHT OF EMINENT DOMAIN" (Williams Riding Way for the purpose of constructing, installing, maintaining, replacing, and using a flood control levee and a multi-use trail.) be given second reading by title only.

The Order was given second reading by title and upon motion of Councilor Figy, it was VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
Mary O'Connell	Yes
William Onyski	Yes

Richard Sullivan, Jr. Yes

ANNOUCEMENTS

Councilor Morganelli informed everyone that the Wyben Parade would be held at 5:00 PM on the Fourth of July.

At 8:11 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:



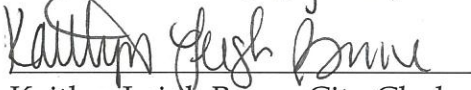
Kaitlyn Leigh Bruce
City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval July 10, 2023

July 10th 2023


Kaitlyn Leigh Bruce, City Clerk


Michael A. McCabe, Mayor