



MINUTES OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

JULY 07, 2022 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 Onyski.

The Clerk called the roll. Councilors Figy, Matthews-Kane and Sullivan were absent.

The Pledge of Allegiance was led by the President.

Upon motion of Councilor Beltrandi, it was
VOTED: That the record of the meeting of June 16, 2022 be ACCEPTED.

PUBLIC PARTICIPATION - None

COMMUNICATIONS FROM THE MAYOR

Upon motion of Councilor Allie, it was
VOTED: That item 1. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE CITY PROPERTIES COMMITTEE.

The Clerk read from the Agenda as follows:

1. Requesting consideration for Transferring Care, Custody and Control of the Twiss Street Transfer Station from the Board of Health to the Board of Public Works.

REPORTS OF CITY OFFICERS

Upon motion of Councilor Flaherty, it was
VOTED: That item 2. 3. and 4. under "Communications from the Mayor" be read by the Clerk and be PLACED ON FILE.

The Clerk read from the Agenda as follows:

2. Assistant City Clerk Kaitlyn Bruce submitting the Early Voting dates, times and location for the September 6, 2022, State Primary Election.
3. Assistant City Clerk Kaitlyn Bruce submitting the Order designating the polling locations for the September 6th, 2022 and November 8th, 2022 State Elections.
4. Assistant City Clerk Kaitlyn Bruce submitting the Order calling the State Primary election to be held September 6, 2022.

5. Upon motion of Councilor Flaherty, it was
VOTED: That a Petition for a Zoning Amendment to Business A Zoning to allow maker shops by Special Permit from Planning Board be REFERRED TO ZONING, PLANNING and DEVELOPMENT and that a Public Hearing be scheduled for the next City Council meeting.

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

6. A PUBLIC HEARING was held on a petition for a zoning amendment at Section 4-20.3 to add provisions to allow for residential flag lots by special permit.

Councilor Flaherty informed the Council of the proposal to allow Flag Lots by Special Permit in Residential A or Rural Residential for lots with a minimum frontage of 40 feet and minimum lot acre of 5 acres. Only 1 flag lot would be allowed per parent parcel, for residential purposes only. The Planning Board may waive the requirement for vehicular lot access in order to allow for a shared driveway. The Special Permit would need to be filed with the Hampden County Registry of Deeds. No other provision in the ordinance should apply to or allow for the reduction of any stated area setbacks or other dimensional requirements for flag lots permitted under this section. Councilor Flaherty stated he believed this meant that all the existing setbacks of the primary zone would apply to the flag lot. Councilor Adams asked if there were any stipulations on building behind a house. Councilor Flaherty answered that a large lot could be divided into a flag lot. The new lot could be behind or in front of an existing house as long as there was 5 acres of land and 40' of frontage. Councilor Adams asked if they could have chickens. Councilor Flaherty replied that residents are required to follow the zoning regulations that are in place depending on the district they're in. Councilor Morganelli thanked Councilor Flaherty for his work on this and spoke in support of giving residents the ability to design their property. Councilor Beltrandi stated at some point he would like to make an amendment to reduce the minimum requirement of 5 acres to 3 acres. Councilor Flaherty informed the Council that the Committee started at 3 acres and increased the minimum due to a Councilor who has a Ward downtown but it could be revisited as they move forward. Councilor Burns asked for clarification of what could be built on a flag lot and if Easements would be looked at during this process. Councilor Flaherty stated that Easements will follow the same rules that everything else does. President Onyski opened up the Public Hearing to the audience. Richard Clark, 456 Russellville Road spoke in favor of the zoning amendment. He shared that he owns 13.5 acres of horse equine property and his daughter wants to take the farm over. The ability to create two separate parcels would be immensely helpful. Tam Brudzinski, 399 Russellville Road, spoke in favor of the amendment as a neighbor to Mr. Clark. No-one from the public spoke in opposition. Councilor Bean asked what other communities used for lot size requirements, noting that 5 acres seemed large. Councilor Flaherty informed the Council they looked at a variety of communities and they varied. Councilor Beltrandi added some have less than a 3 acre requirement. With no others to be heard and upon motion of Councilor Flaherty, it was VOTED: That the Public Hearing be CONTINUED to the August 18, 2022 meeting and the item REMAIN IN ZONING, PLANNING AND DEVELOPMENT.

REPORTS OF COMMITTEES

Finance Committee

7. Upon motion of Councilor Bean, it was VOTED: that a gift of a bench and small flowering tree donation from the employees of the City Law Department to honor Solicitor Susan C. Phillips be ACCEPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean recognized Sue Phillips for her many years of dedicated service to the Commonwealth, especially Western Massachusetts. He commended the Law Department for spearheading the memorial. Councilor Harris emphasized Attorney Phillips' impact on the Law Department. She informed the Council that the small flowering tree and bench would be placed outside at City Hall.

Personnel Action Committee

8. Upon motion of Councilor Adams, for the Personnel Action Committee, it was VOTED: That the appointment of Donna Brown, 1618 East Mountain Road as a member of the Cultural Council for a three year term, be CONFIRMED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Adams shared Donna Brown's career highlights as Assistant Registrar of the Hampden County Registry of Deeds. He also noted she has been a Westfield resident for 23 years, having involvement with the Kiwanis Club, Boys and Girls Club, Little League and the Senior Center. Councilor Harris, long time liaison to the Cultural Council, shared that she spoke with Mrs. Brown and she is excited to put her energy into the

Commission. MaryAnn Scognamiglio, chair of the Cultural Council, has stated that Mrs. Brown will be a great addition to the Commission.

9 Upon motion of Councilor Bean, for the Personal Action Committee, it was VOTED that the screening and hiring process for the City Clerk position be ACCEPTED.

Prior to the vote, Councilor Bean informed the Council that the Personal Action Committee (PAC) met with Personnel Director Robert Bishop to review the process of the City Clerk selection committee. The application deadline has closed and there are six qualified applicants. The first process will be a resume screening committee composed of someone from the Law Department, Mr. Bishop and Councilor Figy. The second process is to hold interviews in Executive Session with the members of the Personnel Action Committee and Mr. Bishop. After interviews are conducted, PAC will vote to bring two qualified candidates before the Council on August 18th. Councilors were encouraged to email interview questions to Councilor Bean and Mr. Bishop for consideration. Councilor Morganelli asked the deadline date for questions. Councilor Bean recommended submitting them within a week. President Onyski asked when the application period ended. Councilor Bean stated that day.

UNFINISHED BUSINESS

10. Upon motion of Councilor Flaherty, it was VOTED: That an Ordinance for a Zone Change amendment for Lockhouse Development, LLC c/o Joseph Kelley, for 0 Lockhouse Road from current Business A (BA) & Residence C-1 (RC-1) to entirely Residence C (RC), be given second reading.

The Ordinance was given second reading and upon motion of Councilor Flaherty, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

MOTIONS, ORDERS OR RESOLUTIONS

11. Upon motion of Councilor Flaherty, it was VOTED: To request the Mayor to waive fees for Hometown Structures (due to Council's recent rejection of their proposed Zone Change amendment) should they file a special permit request

be REFERRED TO THE MAYOR'S OFFICE and LAW DEPARTMENT.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Flaherty informed the Council this was brought up after the Zone Change Petition was denied at the last Council meeting. He stated that although the Council couldn't waive fees, the Mayor could so he wanted to leave it up to his discretion. Councilor Harris stated that there were more positive than negative votes for the Zone Change Petition. It required 9 votes to pass and there were 5 negative votes, including Councilor Flaherty. They were short a couple votes due to absences. She spoke with the Law Department earlier that day and they weren't sure whether the Mayor could waive this fee. She requested referring to the Law Department as well. Councilor Morganelli asked to be added to the motion; he believed more Councilors on the motion would carry more weight.

Upon motion of Councilor Flaherty, it was
VOTED: To add Councilor Morganelli to the motion.

Councilor Bean spoke in favor of the motion, acknowledging that the Council doesn't want to burden anyone financially. Councilor Burns agreed with Councilors Bean and Harris. He also cautioned the Council on setting a precedent. He stated that without input from the Law Department he didn't think the fee should be waived. Councilor Flaherty informed the Council that they had a fee waiver request years ago and they were told the Mayor had the authority. Councilor Morganelli spoke in support of the motion and supporting small businesses. Councilor Allie spoke in support of the motion, stating it was unfortunate how the vote went last time; he thinks the concerns with this piece of property could have been applied to most businesses on that road.

12. Upon motion of Councilor Flaherty it was
VOTED: To request the Legal Department to review "Committee of the Whole" meetings. Goals would be to determine: (1) Where in Charter or Rules "Committees of the Whole" are allowed? (2) Who has the authority to create Committees of the Whole? (3) Who is the chairperson of Committees of the Whole? (4) How are items referred to Committees of the

Whole vs standing committees? (5) Is the chairperson of a Committee allowed to expand his/her Committee to a Committee of the Whole whenever they desire for whatever topic they desire? How does this jibe with the powers of the Presidency laid out in Rule #3? (6) If an item is referred to a standing committee, should that committee refer it back to the full City Council with a recommendation that it be forwarded to a Committee of the Whole? (7) Who can participate in the creation of the agenda for Committee of the Whole meetings? (8) Who votes during Committee of the Whole meetings? (9) How are items referred from Committee of the Whole back to the City Council and processed by the full City Council? (10) When should the City Council use Committee of the Whole meetings instead of Special Council meetings, and what are the differences between the two types of meetings? Request response by the first City Council meeting in September. REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Prior to the vote, Councilor Flaherty informed the Council that there are two documents attached to their City Council Share file that explain what he is requesting. He has already spoken to the Law Department and offered to attend Legislative and Ordinance Committee meetings to help the process.

13. Upon motion of Councilor Flaherty it was VOTED: To request the Legal Department to review "Rule #9 - Motions to be read by presiding officer; withdrawal". Goal would be to clarify that a motion SHALL be deemed in the possession of the council or committee after being STATED and that there is no City Council rule that allows the President or Committee chairperson to "recognize" or "not recognize" any motion. Request response by the first City Council meeting in September. REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Councilor Harris was opposed. Prior to the vote, she stated that she spoke with the Law Department earlier that day and they didn't know what this item was about.

14. Upon motion of Councilor Flaherty it was VOTED: That an Amendment to Code of Ordinances Sec 2-36 and 2-37 to clarify that Special Meetings and Committee of the Whole meetings shall begin no earlier than 7:00PM be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

The vote on the foregoing was as follows:

Bridget Matthews-Kane	Absent
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	No
Richard Sullivan, Jr.	Absent
James Adams	No
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	No

Prior to the vote, President Onyski stated that special meetings are special meetings and the Charter is clear that they can be held at any time. Councilor Flaherty acknowledged that and stated he is requesting an amendment to make it clear that they all start at the same time.

15. Upon motion of Councilor Flaherty, it was VOTED: To request that a section entitled "Amending the Charter" be added to our City of Westfield, MA Charter be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Prior to the vote, Councilor Flaherty informed the Council, when filling a Council vacancy was being discussed, it was determined that there was no "Amending the Charter" section in Westfield's current City Charter. This is a common paragraph in Charters. He created an outline and there is a multi-page document available on the City Council Share. He spoke with Attorney Reed and she agreed that what they were told in 2012 might not be accurate. The Council might only need one vote with a 7 person majority to pass. Given the impact a Charter change can have, he'd like to make it stricter to make changes.

ANNOUNCEMENTS

President Onyski reminded everyone the Council was in summer recess and the next scheduled Council meeting was Thursday, August 18th.

Councilor Morganelli thanked the residents of Wyben for an incredible 4th of July parade.

At 7:36PM and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:

Kaitlyn Leigh Bruce
Interim City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval August 8 2022



Kaitlyn Leigh Bruce, Interim City Clerk

_____ 2022



Michael A. McCabe, Mayor