

AGENDA OF CITY COUNCIL  
59 COURT STREET  
MUNICIPAL BUILDING  
CITY COUNCIL CHAMBERS  
WESTFIELD, MASSACHUSETTS  
JUNE 21, 2018  
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meeting of June 7, 2018

Public Participation

Communications from the Mayor

- A. Requesting immediate consideration of the acceptance of a gift donation in the amount of \$500.00 from Steve Andras in memory of his wife, Patti Andras to the Westfield Police Marine Patrol.
- B. Requesting immediate consideration of a gift donation in the amount of \$1,800.00 from Run Westfield LLC to the City of Westfield Auxiliary Police Unit.
- C. Requesting immediate consideration of a transfer of \$58,200.00 from Reserve for Unforeseen account #19500000-570900 to the Department of Public Works, Waste Collection-Refuse, Purchase of Services account #14330000-520000.
- D. Requesting immediate consideration of a transfer of \$35,000.00 from the Department of Public Works, Solid Waste Recycle Division, Purchase of Services account #14340000-520000 to the Public Works, Highway Division, Supply account #14210000-540000.
- E. Requesting immediate consideration of a transfer of \$27,500.00 within the Technology Center from the, Full-time Salary account #11550000-511000 to Purchase of Services account #11550000-520000.
- F. Requesting acceptance of a Grant in the amount of \$14,516.00 from the Commonwealth of Massachusetts, State 911 Department to the Westfield Public Safety Communication Center for the FY2019 training and EMD Regulatory Compliance Grant.
- G. Appropriation of \$250,000.00 from the Community Preservation Undesignated (FY19) account #24101770-580000 to the CPA Columbia Greenway Project-Recreation account #24101770-580400-5304.
- H. Submitting a Resolution of the City Council of the City of Westfield authorizing a Special Tax Assessment (STA) Agreement for Myers Information Systems, Inc. and Camia LLC.

- I. Submitting a Resolution of G.L. Disclosure for Donnell Kennedy, Assistant Baseball Coach in the School Department to serve as Summer Baseball Specialist in the DPW-Parks and Recreation Department.
- J. Submitting the reappointment of Mark Goodniss, 230 Old County Road as a member of the Flood Control Commission for a five year term to expire the first Monday of February, 2023.

#### Reports of City Officers

- A. Conservation Coordinator Karen Leigh requesting Council approval of a Conservation Restriction for 658 Montgomery Road, Brandon and Judith Osborne, owners.
- B. Councilor Figy, Liaison to the School Department submitting the Superintendent's Report.
- C. Councilor Burns, Liaison to the Police, submitting the report.

#### Petitions, Remonstrances and Other Papers

- A. PUBLIC HEARING on petition submitted by Verizon for a joint or identical pole location for Verizon New England Inc. and Westfield Gas & Electric Light to relocate one jointly owned pole numbered T.3 ½ / E.3-50 to a point on the westerly side of Birch Bluffs Drive approximately 529 feet northerly from the centerline of Shaker Road to accommodate a new development.
- B. PUBLIC HEARING on applications submitted by Jim and Sam's, 200 Southampton Road for a Junk Dealer and Junk Collector's license.
- C. PUBLIC HEARING on a petition amending zoning Section 4-90 Marijuana Establishments, delete Section 3-120.3(14) Business B Special Permit uses for Marijuana Dispensary and replace Section 3-130.2(23) Industrial A uses with the following: 23. Marijuana Shop, in accordance with Section 4-90.
- D. Petition for a Zone Change at 798 Airport Industrial Park Road from Business B to Industrial A submitted by Oleksak Revocable Trust, c/o John Oleksak.

#### Reports of Committees

- A. Finance Committee:
  1. Appropriation of \$60,000.00 from Free Cash to Police Department, Vehicle account #12100000-585001.
- B. Legislative and Ordinance Committee:
  1. On 6-7-18, a resolution of the City Council of the City of Westfield authorizing a three year inter-governmental agreement between the City of Westfield and the Westfield Gas and Electric Light Department for 15 1 gigabit wide area network connections to the Westfield Technology Center via the fiber optic ring.
  2. On 6-7-18, a resolution of the City Council of the City of Westfield authorizing a three year inter-governmental agreement between the City of Westfield and the Westfield Gas and Electric Light Department for a 10

gigabit Fiber Optic ring with twelve 1 gigabit wide area network connections to the Westfield Technology Center via the fiber ring for school sites

3. On 6-7-18, a resolution of the City Council of the City of Westfield authorizing a three year inter-governmental agreement between the City of Westfield and the Westfield Gas and Electric Light Department for 1 gigabit fiber optic internet connection for the City of Westfield.
  4. On 6-7-18, upon the closing of a public hearing, to amend the city ordinance concerning with open burning, Fire Prevention and Protection, Article 1 Section 21( Fire Pits)
  5. On 3-1-18, a motion by Councilors Bean and Figy to update or create an ordinance to deal with clothing drop boxes and newspaper vending machines.
  6. On 4-5-18, a motion by Councilors Bean, Figy and Surprise, to create an ordinance regulating sidewalk cafés.
  7. On 4-19-18, a motion by Councilor Flaherty, for an order, ordinance, or resolution that net proceeds from the water pollution lawsuits ( after legal fees) be dedicated to #1 paying off the balance of the associated outstanding bonds, #2 providing water bill credits to consumers for their payment of increased fees for water cleanup projects, #3 fund a special purposes stabilization fund to be used exclusively for future operating expenses of the water filtration systems and waterworks projects.
- C. Personnel Action Committee:
1. Appointment of Richard E. Clark, Jr. of 456 Russellville Road, to the Traffic Commission for a term to expire the first Monday of February, 2020.

#### Unfinished Business

- A. Second Reading and Final Passage of the following Ordinances amending Code of Ordinances at Section 17-115 Parking Prohibited at all times on certain streets as follows:
  1. By Amending: Root Road on both sides from North Road to Woodsong Road.
  2. By Deleting: Main Street (h) Northerly side, from a point 125 feet west of the westernmost corner of Free Street, for a distance of 50 feet westerly. This area to be designated as "No Parking Senior Center Passenger Drop-Off only.
  3. By Adding: Chapel Street, North side from the intersection of Elm Street and Chapel Street to a point 124 feet easterly to a point 160 feet easterly and from a point 324 feet easterly to a point 368 feet easterly, Parking to be prohibited.
- B. Second Reading and Final Passage of a Bond Order entitled "A BOND ORDER FOR WATER WELLS, CONNECTOR AND WATER TANK" (\$13,000,000.00 to be used for the filtration and improvements to wells 1 and

- 2, completion of filtration and improvements to wells 7 and 8, connection to Springfield water system and replacement of the water tank on East Mountain Road).
- C. TABLED: Resolution DEDICATING LOCAL OPTION MEALS TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND.
  - D. TABLED: Resolution DEDICATING LOCAL OPTION OCCUPANCY TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND.

#### Motions, Orders or Resolutions

- A. Motion of Councilor Figy to discontinue the paper Street known as Oak/Linden, refer to L&O and Legal.
- B. 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.

- C. 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.

- D. 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.

- E. 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.

F. 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.

G. 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.

H. 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."

- I. 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.

- J. 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.

- K. Motion of Councilor Surprise that the City of Westfield investigate procedures for joining the Municipal Open Checkbook System administered by the Commonwealth of Massachusetts. Refer to Finance Committee and Mayor.
- L. Motion of Councilor Surprise for the Finance Committee meet with Westfield Teachers Association representatives President Lori Lyncosky and Vice-President Matthew Wroth, at their request, to discuss the labor negotiation process and contracts. Refer to Finance Committee and WTA President

Lyncosky and Vice-President Wroth.

M. Motion of Councilor Surprise to permit ArtWorks of Westfield Inc. to erect a canopy tent on the Bump out at 2 Main St. - Blue Umbrella Books on June 23, 2018 between the hours of 9:00AM and 3:00PM for the Busker's Day Event.

Refer to Department of Public Works.

N. Motion of Councilor Surprise to permit Mr. Andy Gould to run an Open Mic, which is a community service event, projected start date July 10 through Sept. 11, 2018 from 6:30pm - 9:30 pm each Tuesday night. Refer to Parks and Recreation Board.