

AGENDA OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
AUGUST 16, 2018
7:00 PM



Roll Call

Pledge of Allegiance

Reading of record of meetings of May 22nd, 2018 Special, May 31st, 2018 Special, June 7th, 2018 Regular, June 20th, 2018 Special, June 21st, 2018 Regular, June 27th, 2018 Special, June 28th, 2018 Special and July 5th, 2018 Regular

Public Participation

Communications from the Mayor

- A. Requesting immediate consideration to accept an amended grant for additional monies awarded in the amount of \$6,764.29 from the Executive Office of Public Safety and Security/Office of Grants and Research/Highway Safety Division for Sustained Traffic Enforcement Program (STEP) grant award to the Westfield Police Department. This will amend the total amount of the grant to \$16,238.09.
- B. Requesting immediate consideration of an appropriation \$1,219.40 from the Personnel Department, Full Time Hourly account #11520000-511100 to Payroll, Full Time Hourly account #11540000-511100.
- C. Requesting immediate consideration of the acceptance of the following Grants from the FAA and State to the Airport Department:
 - Noise-Update/Noise Exposure Map
 - a. Federal Grant - \$35,192.66
 - b. State Grant - \$1,955.15
 - Improve Airfield Drainage-Design Phase
 - a. Federal Grant - \$162,720.0
 - b. State Grant - \$9,040.00

The local shares are in the Airport Department FY19 Budget.

- D. Transfer of \$600.00 within the Building Department from Full Time Salary account #12410000-511000 to Stipend Electrical account #12450000-516624.
- E. Submitting a Resolution approving the appropriation of monies in the amount of \$8,000.00 from the Commission for Citizens with Disabilities Handicap General Expense account #24554400-578000 for the creation of making an accessible playground in the City of Westfield.
- F. Submitting an Order to authorize the granting of two permanent easements to Eversource Energy in two separate locations over City-owned land (50

- Prospect Street) under the control of the Westfield Park and Recreation Commission and (57 Twiss Street) under the control of the Board of Health.
- G. Requesting approval of the Traffic Control Agreement with MassDOT to the Traffic Commission relative to the Western Avenue-Central Roadway Reconstruction Project (Ordinances to be established).
 - H. Submitting an amendment to the Code of Ordinances Chapter 14, Article II Section 14-23 relative to Towing and Storage of Motor Vehicles, Reserved receipt fund, deposit and expenditure.
 - I. Submitting a Resolution of the City Council of the City of Westfield to authorize a funding agreement with the Westfield Redevelopment Authority (WRA) to advance the Elm Street Urban Renewal Project.
 - J. Submitting the reappointment of Carissa Lisee, 78 Austin Street, Chicopee, Building Superintendent, as the appointed City Official for the Commission for Citizens with Disabilities for a term to expire the first Monday of June, 2021.
 - K. Submitting the reappointment of Andrea M. Pianka, 32 Yeoman Avenue, as a member of the Commission for Citizens with Disabilities for a term to expire the first Monday of June, 2021.
 - L. Submitting the reappointment of Madeline Nicoletti, 29 Radisson Lane, as a member of the Commission for Citizens with Disabilities for a term to expire the first Monday of March, 2021.
 - M. Submitting the reappointment of Barry H. Plumley, 31 Carol Circle (138 Root Road) as a member of the Flood Control Commission for a term to expire the first Monday of February, 2022.

Reports of City Officers

- A. City Clerk Karen Fanion submitting the Order Designating Polling Locations for the 2018 Elections.
- B. City Clerk Karen Fanion submitting the Order for the Call of the State Primary for September 4, 2018.
- C. City Clerk Karen Fanion submitting the resignation Ward 5 Municipal Light Board member Thomas Flaherty effective August 6, 2018.
- D. Assistant City Solicitor Shanna Reed submitting the following Ordinance amendments as requested by Chief Camerota, Chair of the Traffic Commission:
 - Crosswalk and signage Munger Hill Road at Harvest Moon Lane
 - Parking Prohibited North Road entire length both sides
 - Parking Prohibited Medeiros Way entire length both sides
 - Add to Section 17-8 Penalties, 01.B the following public ways located on the aquifer: Root Road, Medeiros Way, Servistar Road, North Road "No Parking" \$50.00

Petitions, Remonstrances and Other Papers

- A. PUBLIC HEARING on a petition of Oleksak Revocable Trust (owner) to amend the zoning map at 798 Airport Industrial Park Road (Parcel 72R-70) from Business B to Industrial A; also zoned Water Resource Protection.
- B. Special Permit application submitted by D.F. Chase Inc. for a Business B Truck Terminal pursuant to Zoning ordinance section 3-120.3(5) to be located at Medeiros Way (Assessors Map 70R, lots 23 & 24). A Public Hearing is required.

Reports of Committees

- A. Legislative and Ordinance Committee:
 1. A motion to create an ordinance regulating sidewalk cafés.
 2. A resolution to accept a local option excise tax on the retail sale of marijuana at the maximum allowed by statute of 3%.
 3. On 7-6-17, that the process by Chief Camerota, for the Traffic Commission, relative to the process for heavy exclusion on Paper Mill Road.
 4. On 11-2-17, a motion by Councilor Paul for the Finance Committee, that the draft ordinance adding a Chief Financial Officer position for the City of Westfield at Chapter 2, Article III, Division 5 of the code of ordinances.
 5. On 7-5-18, a resolution of the City Council of the City of Westfield approving appropriation of monies for the purchase of two (2) solar crosswalk flashing signals in the City of Westfield under the Commission for Citizens for the Citizens with Disabilities, Handicap General Expenses account #245544000.
- B. License Committee:
 1. Renewal Luxxe Limo Service – Limo License
 2. Application for Blue Umbrella Books, 2 Main Street for a Junk Collector’s license, Russell Atwood, owner
 3. Petition of a joint 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
- C. Zoning, Planning and Development
 1. Request from Police Chief Camerota to increase fines for inoperative and unregistered vehicles from \$25 to \$100
 2. Proposed zoning changes for retail sales of marijuana
 3. Resolution for local option excise tax for retail sales of recreational marijuana

Unfinished Business

- A. Second Reading and Final Passage of the following:
1. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Amending Article 3, Chapter 8 by adding Section 8-56 to 8-60 Unattended Donation Boxes)
 2. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, APPENDIX B-ZONING, ADOPTED SEPTEMBER 3, 1987" (Replace Article IV - Section 4-90, Medical Marijuana Uses, combines medical marijuana and recreational marijuana facilities and changes the location to only Industrial A thereby eliminates the special permit use allowance in Business B for medical marijuana)
 3. "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Replace Article VII (Controlled Substances and Medical Marijuana) of Chapter 8, Health & Environmental Regulations with a new Article VII - Marijuana Section 8 - 168-175)
- B. TABLED: Resolution to accept a local option excise tax on the retail sale of marijuana at the maximum allowed by statute of 3%
- 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

The following Motions were TABLED from the July 5th, 2018:

- A. 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.

- B. 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.

- C. 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.

D. 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.

E. 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.

F. 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.

G. 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."

H. 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.

I. 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.

- J. 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.
- K. Motion by Councilor Babinski to review and assess the need for a sidewalk extending from Southampton Road along Arch Road and Lockhouse to Twiss Street, Refer to Public Health and Safety.