



MINUTES OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

MARCH 02, 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. Councilor Bean was absent.

The Pledge of Allegiance was led by President Beltrandi.

Upon motion of Councilor Harris, it was

VOTED: That the reading of the record of the meeting February 16, 2023 be accepted.

PUBLIC PARTICIPATION

Under "Public Participation" the Councilors were addressed by Donald Schumacher, 10 Shaker Road. He informed the Council that he has been working for years to get the berm on the corner of Shaker Road taken care of. He has also tried to be reimbursed for damages to his fence caused by a tree. He was told he needed to sue the City. He referenced the State Constitution, Article VI, strongly stating that he didn't feel it should cost him anything. He shared that he has argued this with State Senators, Councilors, and Mayors. He has discussed this with Judges and the Attorney General's Office. He stated he dropped off his bill (close to \$700.00) and would like his money back and the City to upkeep the berm.

Under "Public Participation" the Councilors were addressed by Christy Banish, from the New Haven and Northampton Canal Greenway Alliance (nhncg.org). She informed the Council that Friends of Columbia Greenway in Westfield is part of the alliance made up of nonprofit groups along the multi-use greenway in CT and MA. Starting in 2021 NHNCG began collecting letters of support from all the cities and towns, Westfield is one of two communities who have yet to submit a letter of support. She stated that she reached out to the Mayor for one and he let her know that the item (to add the additional umbrella name New Haven & Northampton Canal Greenway to the current name of the Columbia Greenway Rail Trail) was referred to the City Properties Committee. She stated she was before the Council requesting a letter of support so the New Haven and Northampton Canal Greenway Alliance could take it with the others to the Pioneer Valley Planning Commission who is in support of this and would take it to the State level. From there, it can be taken to the National level. She stated that Westfield would benefit greatly because the trail goes through the City's downtown.

Under "Public Participation" the Councilors were addressed by Carmel Steger, 60 Wood Road. As Chairwoman of the Friends of the Columbia Greenway Rail Trail she was endorsing Mrs. Banish's letter request. She informed the Council that it would not supersede the name of the trail but rather unify and join the New Haven Northampton Canal Greenway with what is

happening across the State. The Central Mass bike trail is working towards completion of a 103 mile trail that will exist from Cambridge to Northampton.

COMMUNICATIONS FROM THE MAYOR

Upon motion of Councilor Matthews-Kane, it was VOTED: That items 1., 2., 3., 4., 5. and 6. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE FINANCE COMMITTEE.

The Clerk read the Agenda as follows:

1. Requesting acceptance of two Grants in the amounts of \$12,717.38 and \$106,478.16 from the Federal Emergency Management Agency (FEMA) to the City of Westfield to cover costs incurred during the COVID pandemic.
2. Requesting acceptance of a Grant from the Commonwealth of Massachusetts Executive Office of Technology Services and Security (EOTSS) that will provide cybersecurity training to the City of Westfield and Westfield Public School Employees.
3. Transfer of \$46,672.42 within the Police Department from the Towing and Storage Account #24210714-585001 to the Equipment Vehicle Account #12100000-585001 to upgrade an upcoming vehicle purchase to the Hybrid model to save on fuel costs.
4. Transfer of \$1,905.00 from the City Clerk's FT Salary Account #11610000-511000 to the City Council Purchase of Service Account #11110000-520000 to cover costs associated with required legal advertisements.
5. Transfer of \$950.00 within the Department of Public Works Water Division from Workman's Comp FY23 Account #68004500-519200 to the Workman's Comp FY22 Account #68004500-519200 to cover previously incurred costs recently billed to the department by Personnel.
6. Submitting for approval, the recently signed American Federation of State County and Municipal Employees, Council 93, Local 1676 (Foreman Union) Successor Agreement for the period of July 1, 2022 through June 30, 2025. Additionally, requesting approval of a transfer in the amount of \$12,189.02 from the Reserve for Future Salary Increase from the General Fund Account # 1950000-519999 to fund the agreement as follows: \$4,010.18 to the Land and Natural Resources FT Salary Account #14990000-511000 and \$8,178.84 to the Highway FT Salary Account #14210000-511000.

Upon motion of Councilor Onyski, it was VOTED: That item 7. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

The Clerk read the Agenda as follows:

7. Submitting a Resolution to amend the Pioneer Valley Trading Company, Inc. Host Community Agreement to allow for a change in the location of the retail portion of the business and to extend the time allowed to begin operations by 12 months.

Upon motion of Councilor Allie, it was
VOTED: That item 8. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE CITY PROPERTIES COMMITTEE AND PARKS & RECREATION COMMISSION.

8. Submitting an Order Transferring Care, Custody, Management and Control of the Skate Park property on 28 West Silver Street (behind Westfield Middle School) from the School Committee to the Parks and Recreation Commission.

Upon motion of Councilor Figy, it was
VOTED: That the rules of the City Council be SUSPENDED in order to act upon items received at tonight's meeting.

9. Upon motion of Councilor Figy, it was
VOTED: Under immediate consideration that the request for permission to serve beer and wine and to waive the "open container" regulation on Elm Street, from Main Street to Franklin Street, on Saturday, May 6, 2023 from 10:00 AM to 5:00 PM for the Run Westfield Flat Fast 5K be APPROVED.

Prior to the vote, Councilor Figy informed the Council that this request comes before the Council annually. He stated that Mr. Tierney does a great job running the Westfield Flat Fast 5k and there have never been any issues.

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

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

10. Upon motion of Councilor Figy, it was
VOTED: That a Public Hearing be scheduled at the earliest practicable date for the application submitted by MJ's Buy Sell Trade, 24 North Elm Street, Michael Ventrice and James Duclos (co-owners), applying for Junk Dealer and Junk Collector licenses.

The vote on the foregoing was as follows:

William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Absent
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes

Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes

REPORTS OF COMMITTEES

Finance Committee

11. Upon motion of Councilor Sullivan for the Finance Committee, it was VOTED: That the sum \$86,188.11 be appropriated from Free Cash (1000-359000) to the Stabilization Account #8303-34000 to replenish funds previously approved by Council for the initial payment of a John Deere 744 Loader for the Barnes-Westfield Airport.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Sullivan informed the Council that the City was already in possession of the John Deere 744 Loader. This was a commitment the Council made to move money back to the Stabilization Account once Free Cash was certified.

12. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was VOTED: That the sum of \$9,000.00 be transferred from the General Fund Reserve for Unforeseen Account #19500000-570900 to the Audit Purchase of Service Account #11350000-520000 to fund an increase in the Outside Audit Services Contract.

The vote on the foregoing was as follows:

William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Absent
John Beltrandi III	Yes
Michael Burns	Yes

Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes

Prior to the vote, Councilor Matthews-Kane informed the Council that City Purchaser Tammy Tefft realized that because Westfield received more Federal money in ARPA and ESSER Grants, the City fell under different auditing rules and was required to do a new RFP for outside audit firms per Federal audit guidelines. The contract came back with a higher cost than what had been submitted in the FY23 budget. She shared that it was the City Auditor's professional judgement that a transfer from the Reserve Account was a better choice than Free Cash, as this money is budgeted for just these types of purchases and this will be a reoccurring expense.

13. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was VOTED: That the sum of \$1,300.00 be transferred within the Auditing Department from FT Salary Account #11350000-511000 to Continuing Ed Account #11350000-570700 for the Auditor and Assistant Auditor to attend the Massachusetts Municipal Accountants and Auditors School in March.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Matthews-Kane informed the Council that City Auditor Vicki Moro originally budgeted for her and the previous assistant to attend the MMA Annual School this year. The previous assistant resigned and a new assistant was hired from a local town's Treasurer's Office. The Auditor used the money in the continuing education account to send the new assistant to classes to strengthen her skills. The Auditor feels the MMA Accountants and Auditors School in March will be beneficial to both of them. The new

assistant is still learning her job and the Auditor desires to learn more from DOR and DLS representatives on various topics that affect cities and towns.

14. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was VOTED: That a Gift donation in the amount of \$2,415.00 from Caitlin Costello to the Historical Commission to defer costs for the repair of the gate at the Old Burying Ground be ACCEPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Matthew-Kane informed the Council that the donation was raised by a teacher at Westfield Middle School in response to a hit and run in October of 2020. A car crashed into the Old Burying Ground on Mechanic Street destroying the gate that had been recently refurbished. Police were not able to apprehend the driver. They have found a historic ironsmith to do the work for \$9,800.00. The original gate will be repaired and as many pieces as possible will be reused. The Historic Commission can't use funds from the Ghost Tours as those are specifically earmarked for repairing tombstones. They will be applying for a CPA Grant and will use these donated funds as the matching component. Councilor Mello, as liaison to the Historical Commission spoke in support the Grant acceptance.

License Committee

15. Upon motion of Councilor Figy for the License Committee, it was VOTED: That an application submitted by 415 North Road, LLC for an amendment to their existing gas storage license at 415 North Road, Westfield MA be APPROVED. All in favor, voice vote. Councilor Mello was OPPOSED.

Prior to the vote, Councilor Figy informed the Council that the 10,000 gallon license was approved in 2005. When Mr. Geeleher had the tank inspected, an engineer calculated capacity at 10,025 gallons. He had the tank cleaned and a second engineer went inside the tank and calculated tank capacity was 10,016 gallons. Mr. Geeleher self-reported the discrepancies to the

local and State Fire Marshalls. After several months, the State Fire Marshall stated he should amend the license by 110%, which is where the 11,500 gallons came from. Mr. Gleeher is approximately \$8,000.00 out of pocket to date and has not been able to use the tank, causing his trucks to purchase fuel at local gas pumps at an increase of \$1.50 per gallon. He noted that once a tank holds over 10,000 gallons, the State Fire Marshall has oversight causing periodic and annual inspections in addition to being inspected by Westfield Fire Department personnel. Deputy Chief Ben Warren of Westfield Fire Department reported to the Legislative and Ordinance Committee that the above ground tank replaced an underground tank. It has no history of problems, is triple walled and shows no signs of deterioration. When the underground tank was removed, it was reported by former Chief Phelon that there was no contamination by the tank. Questions by Councilor Mello to Attorney Reed generated a response by Attorney Reed that a new special permit was not required. She also did not feel that if the tank would trigger a zoning change if granted amended license. Councilor Mello echoed that the applicant could have easily ignored the issue altogether. She stated that she could not vote to support the amendment, informing the Council that residents from this North Road neighborhood, spoke of the truck traffic to and from this address and how it affects them at the January Traffic Commission meeting. She added that she had seen R.E.G. Enterprise's public water supply PFAS test results which included a value of 12ppt for PFOS in May 2021. The EPA recently dropped their health advisory for PFOS from 70 parts per trillion to 20 parts per quadrillion, and while MassDEP's PFAS Maximum Contaminant Level is 20ppt for the PFAS6, they are revisiting those numbers this year and are expected to take the new EPA information into account. She noted on page 81 of the Council Share documents, a letter from the state fire marshal indicated that the foundation plan and geotechnical report were missing and questioned if they had been submitted. She acknowledged that the special permit was not the question before the Council and fully understood why many people would approve it. She believed a vote to approve the tank permit was a vote to condone the continued use of the site which she believed was hurting the community in ways that won't be stopped until the damage exceeds MassDEP regulatory thresholds. She questioned how many people and properties would be affected by then, and who would be responsible. She noted that the application and the public water supply are under R.E.G. Enterprises but the sign on the fence says Casella, a company she stated was familiar with PFAS contamination.

UNFINISHED BUSINESS

16. Upon motion of Councilor Sullivan for the Finance Committee, it was VOTED: That a Bond Order entitled "A BOND ORDER FOR DEWATERING EQUIPMENT UPGRADES AT THE WASTEWATER TREATMENT FACILITY." (in the amount of \$3,000,000.00 to Department of Public Works Wastewater Division) be given second reading and be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Absent
John Beltrandi III	Yes

Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes

MOTIONS, ORDERS OR RESOLUTIONS

17. Upon motion of Councilor Figy, it was

VOTED: That reducing the speed limit to 25 MPH on the following streets: South Meadow, Toledo, Lozier, Cleveland, Cycle and East Silver be REFERRED TO THE TRAFFIC COMMISSION.

All in favor, voice vote.

Prior to the vote, Councilor Figy stated that this was a follow up from a community meeting. There have been concerns with speeding in the neighborhood. With the proposal of self-storage units on the Columbia Manufacturing property, the residents fear the speeding will increase.

18. Upon motion of Councilor Figy, it was

VOTED: That researching the possibility of a 4 way stop at the corners of East Silver, Lozier and Noble Streets be REFERRED TO THE TRAFFIC COMMISSION.

All in favor, voice vote.

Prior to the vote, Councilor Figy stated that this was also a follow up from the community meeting and was suggested as a way to help with speeding and traffic control.

19. Upon motion of Councilor Figy, it was

VOTED: That investigating speed controlling measures on the following Streets: Cleveland, Cycle, Lozier, South Meadow, East Silver and Toledo be REFERRED TO THE TRAFFIC COMMISSION.

All in favor, voice vote.

Prior to the vote, Councilor Figy stated that this was another concern of the 45+ residents that attended the community meeting.

20. Upon motion of Councilors Flaherty, Figy, Bean, Morganelli, & Beltrandi it was

VOTED: That making PEG services an Enterprise Fund in FY24 be REFERRED TO LONG RANGE FINANCE.

All in favor, voice vote. Councilor Harris was OPPOSED.

Prior to the vote, Councilor Flaherty stated that for items 20 through 24, his goal is to make these self-sufficient, some of which already are. He stated it would help alleviate money coming out of the City's General Fund and make them responsible in a way that shows their revenues and expenses that are appropriate for each of these activities. Councilor Harris asked Councilor Flaherty if he had spoken with the Auditor or the Mayor. Councilor Flaherty responded that he had not but they were all on his list to invite to the committee meeting for discussion. He stated that he knew the third motion would require a vote. He stated that the Committee is made up of people who specialize in Finance and believes it should go to committee for discussion.

21. Upon motion of Councilors Flaherty, Figy, Bean, Morganelli, & Beltrandi it was VOTED: That making Ambulance services an Enterprise Fund in FY24 be REFERRED TO LONG RANGE FINANCE.

All in favor, voice vote. Councilor Harris OPPOSED.

22. Upon motion of Councilors Flaherty, Figy, Bean, Morganelli, & Beltrandi it was VOTED: That transitioning Trash & Recycling services into an Enterprise Fund beginning in FY24 BE REFERRED TO LONG RANGE FINANCE.

All in favor, voice vote. Councilor Harris OPPOSED.

23. Upon motion of Councilors Flaherty, Figy, Morganelli, & Beltrandi it was VOTED: That transitioning the Airport into an Enterprise Fund beginning in FY24 be REFERRED TO LONG RANGE FINANCE.

All in favor, voice vote. Councilor Harris OPPOSED.

24. Upon motion of Councilor Matthews-Kane, it was VOTED: That investigating a raised crosswalk or pedestrian activated crosswalk lights for the Franklin Street crosswalk near Spring and Maple Street be REFERRED TO THE TRAFFIC COMMISSION.

All in favor, voice vote.

Prior to the vote, Councilor Matthews-Kane stated that she had previously pulled traffic accident reports for the last 20 years and there have been a lot of pedestrian crashes at this crosswalk. In addition, on Friday, she attended a ribbon cutting for the Brain Injury Clubhouse at 31 Franklin Street, next to the crosswalk. It serves a lot of people who have debilitating brain injuries.

ANNOUNCEMENTS:

Councilor Matthews-Kane announced that Ward 2 was this year's winner of the ongoing competition between Wards 2 and 3 for who can plant the most trees through the State's Greening the Gateway Cities program. She shared that the loser of the competition has to buy the Council treats from their Ward and showcased tree cookies from Chrissy G's Bakery. Ward

3 won the competition last year, so next year will be the tie breaker. Councilor Figy thanked all the residents of Ward 2 who took on planting trees.

Councilor Flaherty stated that regardless of the weather on Saturday, the Boy Scouts would be collecting cans at the Dunkin Donuts in the Little River Plaza.

At 7:38PM, 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

For approval March 17 2023

Kaitlyn Leigh Bruce
Kaitlyn Leigh Bruce, City Clerk

Approved by the Mayor

3-17 2023

Michael A. McCabe
Michael A. McCabe, Mayor