



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING  
59 COURT ST, WESTFIELD, MA  
CITY HALL - ROOM 201  
SEPTEMBER 1, 2021 at 5:30 PM



1. The meeting was called to order by Councilor Onyski at 5:30 PM.
2. Councilor Onyski called the Roll. The following committee members were present: Chair, William Onyski, James Adams and Michael Burns.
3. Councilor Onyski opened the meeting for public participation. There was no one present to speak.
4. Upon Motion of Councilor Adams, it was  
VOTED: That the L&O Minutes of June 29, 2021 meeting be accepted.  
Motion seconded by Councilor Burns.  
Approved by Roll Call 3-0
5. Upon motion of Councilor Burns, it was  
VOTED: to SUBMIT a Resolution to amend the Clean Technique Labs Host Community Agreement to extend their deadline one year to September 10, 2022 with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Abstain

Prior to the vote, Councilor Onyski informed the committee he would be excusing himself for this agenda item because he works with employees who have a HCA with Westfield and did not want to give an impression that there were any improprieties.

Motion made by Councilor Burns to nominate Councilor Adams as Chair Pro Tem, second by Councilor Onyski.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

At 5:32PM, Councilor Onyski exited the meeting.

Community Development Director, PJ Miller gave a brief introduction of Clean Technique Labs. They were approved for a Host Community Agreement (HCA) in Sept 2019. They are a manufacturing lab; they will be doing extraction of THC, processing and putting it into products for distribution to retailers. It's a 10,000 sq. foot facility on Char Drive near Gulfstream. They ran into issues with development due to Covid and have requested a 1 year extension. Kevin Wong, managing principal of Clean Technique, informed the committee that building completely stopped last year and financial market impacts and funding aspects took longer than anticipated. Aside from 2020, the business was on track to opening on time. Clean Technique has established a rapport with 30+ operators with a strong demand for their services. Cannabis is a challenging industry because it doesn't have access to financial capital that traditional small businesses do. Lots of companies are under capitalized, a lot of resources, especially manufacturing and production are outsourced to third parties. Clean Technique provides a third party co-packing, contract manufacturing service for companies looking to develop brands to put on the market but don't have manufacturing and regulatory knowledge.

Kevin and his business partner, Rob, come from life sciences and health industries. They have 40+ combined years of experience working in a highly regulated market. When they saw Cannabis on the horizon, they saw inconsistency and inequality with regulatory compliance which pose a safety hazard to the general public. They strongly believe when manufactured and regulated properly it can be a safe alternative whether for recreation, medicinal or general wellness purposes. Clean Technique wants to ensure safety and efficacy in the Cannabis industry. Mr. Miller gave a rundown of their timeline; the financing part of it is first, then an estimated 16 weeks for the build-out and then finalizing with the CCC. Although the request is a 1 year extension, there is a realistic potential for a spring time opening. Mr. Wong confirmed and noted their anticipation of being able to commence operations for the end of Q1 2022. Councilor Burns asked if they have been approved by the CCC. Mr. Wong confirmed they are already provisionally-licensed which is the toughest step in the application process. The build-out has to happen in between the provisional license and the final license for inspections and safety compliance checks. Councilor Burns confirmed that this would not be a retail store. Mr. Wong added this extension is not holding up a dispensary license for a business that could come in faster and generate revenue for the City. Councilor Burns asked if a year was sufficient. Mr. Miller and Mayor Humason confirmed that they met and discussed the extension and all parties agreed that a year was sufficient. Councilor Burns asked if they owned the property. Mr. Wong confirmed, adding that they are fully vested. Councilor Adams asked about the building. Mr. Wong said they are renovating the current building that is at the property. He thanked the City and all that have worked with them for being flexible, fair, professional and welcoming. He stated that he understands how this could permeate and affect children. Clean Technique wants to be able to control safety and make sure the products do what they say they do. Councilor Adams and Burns gave their appreciation.

At 5:44PM, Councilor Onyski returned to the meeting.

6. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Resolution to accept the American Rescue Plan Act (ARPA) funding in the estimated amount of \$17,302,571.00 for the City, as well as any potential additional funds distributed. Proper and allowable usage of funds fall into four main spending categories of Public Health and Economic Recovery, Revenue Replacement, Water/Sewer/Broadband and Premium Pay with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski stated that they were voting on a Resolution for the Council to accept the money and that the Mayor could spend it. City Solicitor, Shanna Reed explained to the committee that the American Rescue Plan Act money (hereinafter “ARPA”) is considered a grant. The rules of Massachusetts General Laws Chapter 44, section 53A apply, regarding acceptance of grants and is quoted in the first whereas clause on the Resolution. This money will go into a Special Revenue Account and no further appropriation requests are required. The guidance will be that we have to follow ARPA guidelines and the four main spending categories. Council is being asked to accept the potential of 17 million dollars. Councilor Onyski asked if the Mayor was to put in a request for a new trash truck, would the City Council have to approve it? Attorney Reed stated no, there are no further appropriations after the money is accepted. Similar to other grants, the money goes in and the Chief Executive of the municipality is tasked with following ARPA guidance and setting the priorities of what the community is going to use that money for. Onyski stated that typically when a grant comes before them, it's for something specific; for example redoing a runway at the airport. This is more broad but follows the same rules. Attorney Reed stated that the DOR bulletin specifically talks about accounting procedures, quoting, “CLFRF funds are a federal grant, not requiring appropriations by the legislative body” so there is no further appropriation required. She confirmed with the Auditor today that it goes into a Special Revenue Account titled ARPA Grant.

Mayor Humason stated that ARPA has never existed before so this is new to everyone. The City is being told they will receive a certain amount of money so he has created a team that has been meeting for several months, discussing how to allocate funds. Fortunately, the City of Westfield didn't suffer major economic loss during Covid. Any Covid-19 expenses were covered by the Cares Act. The working group met with the Mayor and decided on a number of infrastructure projects that pose issues to the City. It was important that the work would benefit the entire city and fit into the categories required by ARPA. For example, a possible project is the Culvert Bridge out on City View. The City has received 8.6 million dollars, deposited into a special account and it can't be spent until the Council approves the money as a grant. Mayor Humason said he would be sharing a list of projects for ARPA funding, with City Council when they're at the next phase. Purchasing Director Tammy Teft explained that money received through the Cares Act grant came from the State. Under this grant, Westfield is considered a Metropolitan City and a chunk of money comes directly from the Federal Government. The City

received 4.6 million dollars in May. We received an additional 4 million from County Sources two weeks ago. A year from now, the City should have the full 17 million that we're projected to receive. The City has been trying to see where we can meet the needs of the four main categories. Community Development Director, PJ Miller has been trying to see if any projects can be funded through the Covid requirements in sections 1 and 2: Negative Economic Impacts and Public Health. She stated in regards to the initial question about the trash truck, reporting with the Federal Government is very specific. Within categories, explanations of up to 200 words are required when reporting. For instance, within the Public Health Category, there are 12 subcategories we have to complete and they require details. Water and Sewer infrastructure projects are all tied back to SRF funding. If they're an improved project with SRF then they're an approved project with ARPA. No set projects have been decided and the group is still looking at additional projects that would be funded through this. The regulations are not final yet. The working group will know more when the final guidance is given. The approval of this money is the key step to move forward with purchase orders and proposals. Mayor Humason added that they are prioritizing using this money to build on other projects. He understands this is most likely a one time thing and doesn't want to count on the other half of the money until we receive it. Mrs. Tefft stated that Mr. Cressotti and Mr. Gameli have been trying to utilize SRF and other funding sources to cover or assist with this. City Engineer Mark Cressotti has a number of items on lists that the City hasn't been able to fund for years and they would be looking to supplement these projects with ARPA funds. Councilor Burns asked if the same City Procurement process would be followed. Mrs. Tefft confirmed. She stated in addition, Federal requirements would be followed, so when audited, the City could say they were in compliance with both state and federal government laws.

Councilor Burns asked about taking care of City View Road. Purchaser Tammy Tefft stated they may only be able to stabilize it. Attorney Reed stated guidance from the Treasury is interim guidance and they will be coming up with final guidance. If they come back with additional requirements, we will be prepared. Councilor Burns asked if there will be a presentation at City Council. Councilor Onyski stated that it's irrelevant what the Mayor does with the money, the Resolution is just accepting it. Mayor Humason stated the projects are scattered around the city and if Council has questions on projects, he can come before the Council and/or subcommittees but essentially the Council is just voting a grant up or down. Councilor Adams asked what the role of the Council is. He knows they accept the grant but that constituents are going to come to them with questions, including Police/Fire Departments. Mayor Humason stated he would talk to the team again. One of the qualifying categories is Premium Pay and if there is revenue from ARPA, he is willing to talk to them. Councilor Adams clarified that the Council has no say in how the money is spent and asked if there is anything that legally says you can't accept the grant and put it in the stabilization account. Mayor Humason confirmed, citing Federal guidance. Attorney Reed informed the committee that they not only have 4 categories where you can spend the money, but they also have things you can not do. Mrs. Tefft stated that Mayor Humason was not opposed to listening to other projects and receiving other lists. Mayor Humason confirmed he had a team who made well thought decisions and that they would spend as wisely as they could. Councilor Burns stated there was no bad way to spend the money. He did hear from the Unions, as chair of Public Health and Safety, that they did meet with the City regarding Premium Pay and the money was spent on

projects with price tags. Mayor Humason said all of the projects do have ballpark figures but nothing has been spent. Tammy echoed the Mayor and added that there are requirements to spend all funds by 2026.

Councilor Onyski asked for the names of the members of the group. They were listed: Mayor Humason, Purchasing Director Tammy Tefft, Interim DPW Director Fran Cain, Treasurer/Collector Matthew Barnes, Assistant City Engineer Jeremy Cigal, Deputy Superintendent Jeff Gamelli, Assistant DPW Director Casey Berube, and Stormwater Coordinator Joe Kietner. Mayor Humason informed the committee that Representative Kelly Pease contacted Westfield, asking for a list of projects so he could inform the Weights and Means Committee on the State level. Councilor Onyski asked if this could be used as replacement money. Mayor Humason explained that Westfield didn't lose money and any expenses already paid for, can't be reimbursed. Mrs. Tefft explained that The FEMA Assistance Grants the City received will balance any Covid Related Expenses. All of the Cares Act money has been spent and additional money will be spent with firefighter covid rooms in the schools and contact tracing. They were allowed to start spending ARPA in March 2021 and the only category the City can retro-pay is Premium Pay. Councilor Onyski asked if there will be any public hearings regarding the ARPA grant to give people a voice on how to spend the money. Attorney Reed stated that there are no legal requirements for that. Mayor Humason stated that they would hold any required Public Hearings necessary for specific projects but he doesn't believe they're doing a public hearing as a group. Councilor Onyski asked how the City received the money if the City Council didn't accept the grant. Mrs. Tefft explained a brief application was required prior to the deadline for when the City could receive the money. The funds have been deposited in an interest bearing account and the interest stays with the city. They can begin spending once it is approved by the Council. Councilor Onyski asked for a copy of the Treasury's guidance. Attorney Reed said she would get that to him. Councilor Adams asked for a brief explanation on how ARPA funds will be spent and the process to be posted on the website. Mayor Humason mentioned that Councilor Figy attended MMA meetings before ARPA had been received and had a helpful brochure. Mrs. Tefft had some helpful links people could use as resources and shared that the category requirements were great guidance. Mrs. Tefft and Mayor Humason would put something together. Councilor Burns asked if this was time-sensitive and what would happen if City Council doesn't approve the money. Mrs. Tefft answered that if it's not accepted, the City has until 2026. There are reporting periods each year and she will have to report that no money has been spent.

7. Upon motion of Councilor Burns, it was VOTED: for the Street acceptance petitions for Angelica Drive (Ward 4) and Day Lily Lane (Ward 1) submitted by City Planner Jay Vinskey to REMAIN IN COMMITTEE.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Attorney Reed informed the committee that she sent out an email in June that both Angelica and Day Lily developers will have to file updated annual reports with the Secretary of State's office to be in good standing to convey property to the City. Angelica Estate has to file back to 2017 and Day Lily for 2021 only. Once that is done, the City will have to vote on the Resolution to accept the deeds because the developers retain the interest of the right of way. Once the Deeds are recorded, then the Layout Order can be accepted and that is already prepared. Councilor Burns requested that City Planner Jay Vinskey follow up with the developers. Attorney Reed clarified that the HOA will maintain all other responsibilities and this is strictly for street acceptance. Councilor Burns asked if there would be a Public Hearing. Councilor Onyski confirmed that they would need a Public Hearing for the Layout Order. He asked for confirmation that the City Engineer determined that both streets met City standards and presented Engineering costs to the Board of Public Works and Planning Board. City Engineer Mark Cressotti confirmed but would follow up on it.

Councilor Onyski asked if the Board of Public Works has given their recommendation. Councilor Burns confirmed that the Board of Public Works and Planning Board both gave approval and he will compile documentation for the Public Hearing. Councilor Onyski and Attorney Reed went over the timeline. First the developers need to update their standing with the Secretary of State's office so the City can pass a Resolution to accept the property. Then a Public Hearing will be held on the Layout Order. Councilor Onyski thanked everyone for their work on this and coming together to follow up. Councilor Adams questioned the process and asked if there was a quicker way to get this done. Attorney Reed said this is the fastest way. Developers have to wait for 2 cycles to go to ensure the road is not going to cave in before the City can accept it. Councilor Adams asked if we could hold a developer's bond in order to ensure they follow through with the street acceptance process. City Planner Jay Vinskey stated that it is not part of subdivision control law. There is no requirement to make it a public way. He reaches out to developers to initiate the process. Attorney Reed echoed Mr. Vinskey, stating Subdivision control has it's on statutory authority and they could keep it a private way. Mr. Vinskey stated that they are looking to make it part of the process but specifically a requirement. All the Councilors expressed their opinion that the process should be easier. Attorney Reed informed the committee that Subdivision control regulations have changed and the developer retains ownership of the right of way, making it easier now than it's been in the past.

8. Upon motion of Councilor Burns, it was VOTED: to SUBMIT an Order of Appropriation in the amount of \$118,581.50 from the Flood Control Commission, Capital Outlay account #12990000-589000 for the taking of real estate by right of eminent domain for a flood control levee AND an Order of Taking of real estate by right of eminent domain for a flood control levee with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski said that this is two separate things - An Order of Appropriation and an Order of Taking. City Engineer Mark Cressotti stated the money was already in the Flood Control Budget and gave a quick overview of the project. In the 1930s in response to flooding events, the Army Corps built the Little River Levee, putting it on the City to acquire the real estate, which they did not do. In the 1980s, flooding occurred, causing a 500 foot section breach. They came back and repaired as well as established a formal protocol for what they repaired but didn't put into inspections/reporting the remainder of the Levee. We've had it surveyed, appraised and contacted property owners to acquire the property. This would give us legal authority to improve the Levee. Attorney Reed explained that for an outright purchase and sale, people would have to convey the property to us which would require updated records with the Secretary of State's Office. Since that would cost some of them a lot of money to sell property to us, Mark has worked on a friendly taking. The incentive for property owners is that they will bring this up to compliance. Councilor Onyski asked if the City could do an Order of Taking without the property owners being updated with the State. Attorney Reed confirmed. Mr. Cressotti added that they own this property and therefore pay taxes on it but can't use it due to it being on the Levee so it removes the property from their tax obligations. Councilor Onyski confirmed we were not taking full property, just parcels that were on the Levee. Councilor Burns asked for the total acreage the City would be taking. Attorney Reed referred to the backup documentation, the acreage was listed under parcel descriptions and online it was easier to view by zooming in. Attorney Reed notified the committee that at least one of the property owners owed back taxes. State statute requires a statement from the Treasurer/Collector, informing them that they intend to collect those back taxes from the pro-tonto payment before Council votes on it, which is a requirement of Chapter 79. Councilor Onyski asked if the City Council should wait for the second reading. Attorney Reed said yes and explained that they don't need to agree to it. Councilor Burns asked for a breakdown of how much was paid for each parcel. They confirmed it was in the supporting documents. Councilor Adams brought up the differences between Eminent Domain and Friendly Takings for the property owner. Attorney Reed confirmed that property owners do have the authority to challenge us if they want to get an appraisal to say it's worth more than the City is paying. Councilor Burns asked if this was enough property. Mr. Cressotti stated that the Army Corps has certain recommendations; they want you to have 14' beyond the Levee. Councilor Onyski informed the committee that these could be voted on as one tonight but would be separated tomorrow night at City Council with the Order of Appropriation first. Councilor Adams asked Mr. Cressotti if we had a cost of what it will take to fix the Levee. Mr. Cressotti said we have an old, rough number of 1.5 million dollars. The Chair of the Flood Commission has thrown out a significantly larger number.

At 6:50 PM, and upon motion of Councilor Adams, it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

James Adams	Yes
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Michael Burns	Yes
William Onyski	Yes

Respectfully submitted,  
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee