



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
SEPTEMBER 15, 2022 at 5:30 PM

The meeting was called to order by Councilor Figy at 5:30 PM.

Councilor Figy called the Roll. The following committee members were in attendance: Chair, Ralph Figy and Councilor Michael Burns. Councilor Adams was absent. Also in attendance were Dispatch Administrator Nina Barszcz, Chief Egloff of the Fire Department, Jeff Gamelli from the Wastewater Department, DPW Director Fran Cain, Deputy of Public Works Casey Berube, Kevin Wong and Robert Pervere from Clean Technique and Interim City Clerk Kaitlyn Bruce.

Upon Motion of Councilor Figy, it was
VOTED: that the L & O Minutes of the September 1, 2022 meeting be accepted. Motion seconded by Councilor Burns. Approved by Roll Call 2-0.

Councilor Figy opened the meeting for public participation. There was no one present to speak.

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, 2023 with a POSITIVE RECCOMENDATION.

The vote on the foregoing was as follows:

James Adams	Absent
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy introduced Kevin Wong and Robert Pervere from Clean Technique. He informed the Committee that the City received their extension request on August 15th. It was sent forward to the Mayor's Office to send that request to the full Council for the August 18th meeting, however it did not make that agenda. The Council tried to vote on the Resolution under immediate consideration at the last meeting but it was one vote short. Due to issues beyond Clean Technique's control they weren't able to open on September 10, 2022 but feel strongly that if this is extended for one year, they will be able to open by September of 2023.

Kevin Wong of Clean Technique was present to represent the request. He informed them that they have hit some milestones since the last time they were before the Committee including getting their building plans done, securing the building permit and obtaining funding from a local Massachusetts Bank. The capital markets aren't that favorable to cannabis operations because of the risk involved. The

bank they are using understood their business model, liked the leadership team and really understood the supply chain within Massachusetts. He noted the supply chain is constantly shifting in cannabis, because of the daily increase in suppliers as well as demographic and consumption changes. They adapted their business model to ensure it was sustainable. He explained that two bookends of the supply chain, route and retail, are becoming super saturated especially with cultivation coming online. Grown flower is perishable, if cultivators have to move it may be at a huge loss, if they can even move it at all. He explained the different ways to consume cannabis products, noting many people are taking it for wellness purposes. This is really where they see the market heading and all the data supports that. It used to be viewed as purely recreational and it's moving more in the genre of wellness and medicinal therapeutics. Most people who are in those categories don't want to smoke it. They want to either consume it orally or in something that's a controlled dose. Clean Technique's business model addresses this market. He shared that although it was slower for them, the market dynamic for what they want to do is perfect. They can turn the oversupply of flower into something with a longer shelf life. They can also put it into form factors like drinks, capsules and tinctures where it opens up to a larger market where people are comfortable consuming it. Councilor Figy asked for confirmation that Clean Technique would not be a retailer and that they would be doing manufacturing only. Mr. Wong confirmed, stating Clean Technique was a manufacturing company of drinks, capsules etc. with one ingredient being cannabis oil. Councilor Burns asked for the location. Mr. Wong replied 32 Char Drive, across from Gulf Stream. Councilor Burns asked if they expect to be open next year. Mr. Wong stated as long as the Cannabis Control Commission (CCC) moves quickly. Councilor Burns asked if their business was unique. Kevin Wong replied that it is existing in every vertical industry. He added there are many grow and dispensary operations with a lack of support from the manufacturing aspect. Supportive data reinforces the idea that every industry is going to need supplemental manufacturing support. Massachusetts cultivators are coming online at an exponential rate, but the product is perishable. Clean Technique offers a lifeline to smaller local operators. Councilor Figy informed Mr. Wong, the Resolution would be brought out to the floor at the Council meeting.

Upon motion of Councilor Burns, it was
VOTED: to SUBMIT that the proper steps be taken to amend Chapter 11, Community Services, Article II, Public Parks relative to the Columbia Rail Trail to TAKEN OUT OF COMMITTEE WITH NO ACTION.

The vote on the foregoing was as follows:

James Adams	Absent
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy informed the Committee this motion has been in L&O since he initially submitted it in 2014.

Upon motion of Councilor Burns, it was
VOTED: to SUBMIT a motion for approval of an Ordinance Amendment to remove Chapter 7, Fire Prevention and Protection, Article IV Public Safety Communications Department, Section 7-50 through

7-52 and replacing it with Chapter 2, Administration, Article III, Officer's & Employees, Division 5 with a POSITIVE RECOMMENDATION.

Prior to the vote, Councilor Figy introduced Dispatch Administrator Nina Barszcz. She informed the Committee that the public safety communications department is overseen by the Public Safety Communications Commission who is comprised of the Westfield Fire and Police chiefs, Technology Director Lenore Bernashe (chair) and two Westfield residents. This commission was put together in order to oversee the department when it first began. It has become a combined dispatch center for police and fire. Currently, the Commission has the ability to hire, fire and take disciplinary actions. The Commission is usually kept up to speed on budgetary items. With the movement of regionalization and bringing Southwick into the dispatch center it has been felt as though the committee no longer serves its purpose. As the Director, she stated she does a lot of the legwork for hiring and the issues with personnel. As a true department head, she should be able to oversee the department without a committee. Due to the regionalization, there is an executive board in place that is comprised of both Police and Fire Chiefs from Westfield, both Police and Fire Chiefs from Southwick, the Mayor of Westfield and Town Administrator of Southwick or their designee. They are only seen as an advisement board they don't oversee the department. Councilor Figy commented that this Commission has basically outlived its time. Mrs. Barszcz confirmed. Councilor Figy stated that the regionalization has brought it to the point that they need to look at how the Department is being managed. He asked Mrs. Barszcz if she will become the department head and report to the Mayor. Mrs. Barszcz informed the Committee she currently holds the title of a department head. Chief Egloff added that instead of using the Commission to hire and discipline it would be Mrs. Barszcz and the HR director's responsibility and that she would answer to the Mayor. Councilor Figy informed them this would have a first reading by title only at the Council meeting.

Upon motion of Councilor Burns, it was

VOTED: that the Ordinance Amendment, Article II of Chapter 18, Division of Wastewater, Section-18-65 REMAIN IN COMMITTEE.

The vote on the foregoing was as follows:

James Adams	Absent
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy introduced Jeff Gamelli from the Wastewater Department, DPW Director Fran Cain, Deputy of Public Works Casey Berube. He asked them why this changed in 2010. Casey Berube stated that previously they were entering homes but the law department put an end to that because injuries and damages could occur. Fran Cain added this is a frequent issue, happening on a monthly basis and touching the plumbing in the residence could cause additional problems as well. There was a problem on Day Avenue that required repaving of the street and cost the City thousands of dollars. When residents have Router Rooter or Mr. Plumber come out, sometimes they assume it is the City's responsibility but it may be the homeowner's. There are substantial costs for repairs along with liability which is why the City is looking to make it the homeowner's responsibility. Mr. Berube added when a resident calls with a sewer problem, there isn't a good way of figuring out if the problem is the City's responsibility. The way it's broken down is that the city is responsible up to the property line. With

no good means to assess the situation the homeowner is left in limbo as we go manhole to manhole to see if it's the City responsibility. The problem is often caused by tree roots, what is being flushed down the toilet or the system being grease loaded. In essence the resident is creating their own problem, but then it becomes the City's responsibility to fix it. Mr. Berube added in some locations there is old infrastructure dating back to the 1890s. Over time the pipe joints can become a little bit offset causing a clog point if something like paper towels or hygiene products are flushed. The City doesn't have legal right of entry, prohibiting them to get into the basement to investigate. This sometimes leaves the City and resident in limbo for days. Municipalities like Springfield and Holyoke have the homeowner own all the way out to the sewer main in the street. On Day Avenue, the resident had sewer insurance however they are still out of pocket \$1500.00 and the city is out of pocket \$10,000.00 even with the sewer insurance paying \$5000.00. Underneath the green space of the street of Day Avenue between the street and the curb there's an old Goshen stone built underground stream. The sewer pipe was going through that Goshen stone ball. It rotted out and probably has been problematic for years, but it was relieving itself into that underground stream. In the end we ended up paying them to get connected correctly. Mr. Cain stated most of the sewer connections are not put in by the city, essentially making it a private matter from the beginning. Mr. Berube gave an example from Lindbergh Boulevard where a resident had a sewer backup and called the City. The resident had in fact created their own backup in their basement by continuing to use the water even though the home sewer pipe wasn't functioning correctly. Mr. Cain added that there is a fair amount of people who want reimbursement from the city when their basement floods however it's usually not from the City's sewer main dumping in their home and creating the problem. It is usually the residents own sewage that is contained in the lateral that is causing the basement to flood. In addition Mr Berube stated when resident's end up with damages, they call the mayor's office, send photos and file claims. Often the residents create their own problem by continuing to use water and the sewer even though there is a problem. He added that the Department needs to be funded to be able to support additional cost. He gave an example of a residence that has a giant tree right in front of the home and in order to fix the problem, they would have had to take the tree out because it would have died when they dug through the root system to get to the roots that were infiltrating the pipes. Mr. Cain noted that once you start excavating on a resident's property, there is collateral damage that can arise. Councilor Burns asked if they DPW actually digs into front yards. Mr. Cain responded that the City owns what's in the right of way, up to the sewer main, per current Ordinance language. Councilor Burns asked if new sewers are tied right into the box. Mr. Cain responded that there could be a stub that's already there or they go to the street but a contractor would do that. Councilor Burns thought it should be uniform everywhere. Mr. Cain stated the homeowner would pay from the house to the main. The City wouldn't have anything to do with installing that. Mr. Berube informed the Committee that newer sewers have a stub so they're not touching anything in the road when they're put in. A line is put in and capped off at the property line. Councilor Burns asked for confirmation that they are looking for the side of the road into the house being the resident's responsibility. Mr. Cain replied it could be the middle of the road depending on how it's connected, noting the house on Day Avenue was on the easterly side and the sewer connection was across the road. Mr. Berube suggested the City could probably assist on a discretionary basis but reiterated that it is often a problem caused by the homeowner. Councilor Burns shared understanding that the City has an old infrastructure, adding the resident's typically have a belief if it's in the street, the City should take care of it. He brought up that when the roads have to be dug into, they also have to be patched.

Councilor Figy asked how much the insurance costs. Mr. Berube believed it wasn't that expensive but was unsure. Mr. Cain added it's not something that the City sells but there are other plans out there. He spoke with West Springfield, they did this and there were some people upset, however it ended up being beneficial to the City and encouraged more people to get the insurance. Mr. Gamelli stated the cameraing, jetting, roof cutting and the inspection of clearing the line is more than digging up and replacing the line. There is clearing the obstruction, getting it to flow, finding an issue and then seeing if it does need to be repaired. It often is on the resident's property because it's under a tree, has been driven on, is an old pipe, or a crack that broke at the foundation wall. Sometimes it is at the street. He could see where the Council was coming from if it was broken in the street and the owner has to fix it but unclogging the line is really more of the issue. Councilor Burns recalled this being an issue in 2010 when he was a Water Commissioner. Mr. Cain mentioned an example of when staff snaked right into a bathroom and destroyed the toilet. Councilor Burns agreed that he didn't believe City Employees should be in the house at all. Mr. Gamelli noted there was no way to access the building sewer lateral from the sewer line backwards. Mr. Cain stated companies like Rotar Rooter have authority to do that but the City doesn't have that advantage of being in the house and working backwards to see what is going on. Mr. Gamelli highlighted that is why there are those companies out there to do this type of private work. Councilor Mello shared she had used Fletcher before and they were able to tell me whether the problem was on my own property or the City's due to the use of a camera. Mr. Berube stated the City can ensure the main is flowing but as far as the private lateral where the defects are, we are blind to it and are relying on a third party informational source to figure out what is what. Councilor Burns suggested potentially looking into some type of permit, so in case of an emergency a company like Fletchers could give the disc to the City or to the homeowner. He ran into this twice in Ward 4 and property owners weren't given the discs. It also turned out it was on their property. He questioned whether digging in the road needs to be a budget item. Mr. Cain responded that the DPW is taking money out of the budget that would be used for other things to pay for these situations. \$10,000.00 spent on Day Avenue was \$10,000.00 that is no longer in the budget. Councilor Figy asked if the property owner is responsible to the main and the main is in the middle of the road, would the City be comfortable with a private contractor digging the road up. Mr. Cain stated they would still have to do a roadway obstruction permit and a trenching permit as well as abide by the City's rules. Anyone doing water line repairs and sewer line repairs you need to be vetted with the DPW. Councilor Burns asked for confirmation that this was run by the DPW and Water Commissions and they were in support of this. Mr. Cain confirmed. Councilor Burns noted this was a big problem and stated he was hesitant to tell people they would be charged for digging up the middle of the street. Councilor Figy stated the City wasn't going to dig it up. Mr. Cain informed the Committee that Springfield and West Springfield are run this way and suggested giving people a heads up of the change via email blast or with their utility bill as well as suggesting insurance. Mr. Gamelli stated that this doesn't happen unless there is a defective line. It's not the tree's fault that there is a defective line. The roots want to go to water and air. The line is an important part of the infrastructure and it should be inspected every once in a while. People do routine maintenance on septic systems and pump their tank once every three years. He suggested sewers should be inspected once every five years to look for root intrusion and defects. Mr. Cain stated that often times bathrooms in basements that are improperly installed well below the main which causes backups and basement floods. This is usually caused by the homeowner's own water. Councilor Burns suggested holding this in committee and coming back to it. He wants to make sure the public knows and isn't blindsided. Mr. Cain agreed to do some education and get back to the Councilors. Councilor Figy shared his understanding of the issue and the need to come up with a solution.

Upon motion of Councilor Figy, it was
VOTED: that a Gift Donation in the amount of \$5000.00 from the Estate of Richard L. Lebeau to the
Westfield Animal Shelter be ACCEPTED.

The vote on the foregoing was as follows:

James Adams	Absent
Michael Burns	Yes
Ralph Figy	Yes

At 6:24PM, and upon motion of Councilor Burns, it was
VOTED to ADJOURN.

The vote on the foregoing was as follows:

James Adams	Absent
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,
Karisa Zerbato, Scribe for the Legislative and Ordinance Subcommittee

Karisa Zerbato
