

## MEETING OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

SEPTEMBER 16, 2021 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 Bean.

The Clerk called the roll. Councilor Sullivan and Morganelli were absent.

The Pledge of Allegiance was led by the President.

Upon motion of Councilor Beltrandi, it was

VOTED: That the record of the meeting of September 2<sup>nd</sup>, 2021 be ACCEPTED.

Under Public Participation, the Council was addressed by Ms. Tammatha Brudzinski, 399 Russellville Road. She spoke in opposition of the Mayor having free reign on the ARPA funds. She requested that ARPA funds be committed to the needs of the Flood Control Commission. She informed the Council that the on May 17, 2021 the Federal Register stated that the Treasury urges local governments to engage their constituents in developing plans for the ARPA money.

Under Public Participation, the Council was addressed by Ms. Kathleen Hillman, 179 Susan Drive. She requested that the Council table the vote on the Mullin Rule because not all meetings are recorded. She also requested funding for flood control in addition to the appropriation on tonight's agenda per items 15. and 16.

Under Public Participation, the Council was Councilor Figy submitted a letter from Ms. Sandra Gil, 20 Eastwood Drive relative to concerns she has relative to the right hand not knowing what the left hand is doing in the Water Department and requested improvements be made in the Water Department and upon motion of Councilor Figy, it was

VOTED: That the letter be REFERRED TO THE WATER COMMISSION.

1. Upon motion of Councilor Figy, it was

VOTED: Under immediate consideration, that a Resolution entitled "A RESOLUTION AMENDING LEASE BETWEEN THE CITY OF WESTFIELD ALONG WITH THE WESTFIELD SCHOOL COMMITTEE AND THE AMELIA PARK CHILDREN'S MUSEUM, INC" be ADOPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that the Resolution authorizes the Mayor to sign all documents to amend the Lease Agreement with Amelia Park due to an encroachment on their property. Councilor Figy thanked Mr. Bill Parks, Executive Director of the Westfield Boys and Girls Club for being present. The Resolution was read by title only.

2. Upon motion of Councilor Figy, it was

VOTED: Under immediate consideration, that a Resolution entitled "" A RESOLUTION AMENDING LEASE BETWEEN THE CITY OF WESTFIELD ALONG WITH THE WESTFIELD SCHOOL COMMITTEE AND THE BOYS AND GIRLS CLUB OF GREATER WESTFIELD" be ADOPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that the Resolution authorizes the Mayor to sign all documents to amend the Lease Agreement with Boys and Girls Club due to an encroachment on their property. Councilor Figy thanked Mr. Bill Parks, Executive

Director of the Westfield Boys and Girls Club for being present. The Resolution was read by title only.

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.

3. Upon motion of Councilor Figy, it was  
VOTED: Under immediate consideration, that a Grant in the amount of \$3,500.00 from the DART (Drug Addition Response Team) Program to the Police Department be ACCEPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that the grant will be used to work with individuals and their family members dealing with drug addiction.

4. Upon motion of Councilor Figy, it was  
VOTED: That a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTFIELD" authorizing the Mayor to sign an anticipated grant in the amount of \$20,000.00 from the Executive Office of Energy and Environmental Affairs for the Greening Downtown Westfield Project be ADOPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that the grant will be used for repairing, planting and stump grinding.

Upon motion of Councilor Figy, it was  
VOTED: To return to regular order.

Upon motion of Councilor Figy, it was  
VOTED: That item 5. under "Communications from the Mayor" be read by the Clerk and  
REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

5. Transfer of \$1,753.88 from FY22 Police, Supply account #12100000-540000 to FY21 Police, Supply account #12100000-540000.

Upon motion of Councilor Figy, it was  
VOTED: That item 6. under "Communications from the Mayor" be read by the Clerk and  
REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW  
DEPARTMENT.

The Clerk read from the Agenda as follows:

6. Resolution for Mayor to sign an agreement between Mass DOT and City of Westfield for the Columbia Greenway-Central Construction Project.

7. Upon motion of Councilor Flaherty, it was  
VOTED: That the Order entitled "AN ORDER DESIGNATING THE EARLY VOTING DATES,  
TIMES AND LOCATION" for the November 2, 2021 City Biennial Election be given first  
reading by title only.

The Order was given first reading by title only and upon motion of Councilor Flaherty,  
it was  
VOTED: That the Order be PASSED TO SECOND READING.

Prior to the vote, Councilor Flaherty questioned if Early Voting by mail, as well as Early Voting in person, would be an option. City Clerk Karen Fanion responded that Early Voting by mail and Early Voting in person are still options, per approval of the Council, for this election because some of the amendments made to the election laws due to COVID have been extended until December 15, 2021.

8. Upon motion of Councilor Flaherty, it was  
VOTED: That the Order entitled "AN ORDER CALLING THE CITY BIENNIAL ELECTION" for the November 2, 2021 be given first reading by title only.

The Order was given first reading by title only and upon motion of Councilor Flaherty, it was

VOTED: That the Order be PASSED TO SECOND READING.

9. Upon motion of Councilor Flaherty, it was  
VOTED: That the Order entitled "AN ORDER DESIGNATING THE POLLING LOCATIONS FOR THE CITY BIENNIAL ELECTION" for the November 2, 2021 be given first reading by title only.

The Order was given first reading by title only and upon motion of Councilor Flaherty, it was

VOTED: That the Order be PASSED TO SECOND READING.

10. A PUBLIC HEARING was held to amend the Zoning Ordinance to allow taprooms and similar accessory uses in Industrial A District. Ward 2 City Councilor Ralph Figy was present to represent the application. He informed the Council that taprooms are not a by-right use in Industrial A, however restaurants are and the petition is to request that taprooms be a by-right use in Industrial A. He informed the Council that he was approached by Kismet Brewing on South Broad Street to bring in this change. He explained that a taproom is an area in a brewery to consume the products that are brewed on site. Allowing a taproom would allow tastings prior to buying the product. Even with the by-right use, the applicant would still need to apply to the Alcoholic Beverage Control Commission (ABCC) for a farm brewing pouring permit as well as a permit from the Building Department. The Planning Board, after their public hearing, submitted a positive recommendation on the petition. He informed the Council that during the Public Hearing with the Planning Board, a resident recommended that taprooms in Industrial A be by Special Permit, not by-right use. There was a concern at the Public Hearing with Planning that this would be spot zoning. He informed the Council that it would not be spot zoning, it would be allowing another by-right use in Industrial A thereby putting all breweries on the same playing field. Councilor Mello questioned if this would allow cannabis facilities to sell their products on site. Councilor Figy replied it is just for taprooms which means alcohol, not marijuana. Councilor Mello read the definition in the Industrial A zoning ordinance which refers to the retail selling of products manufactured by the principal permitted use. Councilor Flaherty replied that the petition will go to Zoning,

Planning and Development Committee and it will be looked at at that time and be edited if needed. Councilor Mello questioned if the petition is only for the brewery on South Broad Street. President Bean informed the Council that it is for all Industrial A. Councilor Burns questioned if taprooms could have food trucks. Councilor Figy responded that it would have to be determined by the Building Department. Mary Ann Babinski, 114 Roger Avenue informed the Council that she spoke at the Public Hearing with the Planning Board and she recommends that taprooms should be by Special Permit, not a by-right use. Councilor Figy reiterated that restaurants are a by-right use in Industrial A. Councilor Flaherty informed the Council that taprooms are a new entity and have not been addressed in the past. Councilor Allie agreed that taprooms should be allowed in Industrial A because breweries should be able to have customers sample the product. Councilor Matthews-Kane questioned if taprooms are limited to tastings. Councilor Figy replied it could be more. Councilor Matthews-Kane questioned if bars are allowed in Industrial A. Councilor Figy replied only restaurants. Councilor Onyski question if the hours would be 24 hours because many uses in Industrial A are 24 hours. Councilor Figy informed the Council that hours would have to be addressed. At 7:23 PM Councilor Morganelli arrived at the meeting and was recorded as being present. Councilor Morganelli asked, per a question from a resident in Ward 1, if residential areas would be impacted by this change. Councilor Figy replied that yes some residential areas could be impacted. Councilor Morganelli informed the Council that the resident of 156 Root Road was opposed to the petition. Mr. Robert DeSousa, the owner of Kismet Brewing on South Broad Street spoke in favor of the application. He explained that his business is a family operation and not a bar. Mary Ann Babinski, 114 Rogers Avenue spoke in opposition of the petition, but not in opposition of Kismet Brewing. She reiterated that it should be by Special Permit, not by-right to allow residents that may impacted to have a voice. She referenced the zone change to Industrial A for a portion of Cabot Road in which residents were opposed, but it passed anyway and now residents could be impacted again and would not have a say with a by-right use. Councilor Mello informed the Council that a lot of Industrial A property is an environmental justice area and have special protections and if it was by-right would that infringe upon their rights and she requested that it be checked with Law.

Upon motion of Councilor Flaherty, it was

VOTED: That the Public Hearing be CLOSED and be REFERRED TO ZONING, PLANNING AND DEVELOPMENT.

11. Upon motion of Councilor Beltrandi, it was

VOTED: That the application for a Junk Dealer and Junk Collector's license for Camelot Jewelers LLC at 55 Southwick Road, submitted by Matthew Harris and Matthew Turgeon be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled for the October 7<sup>th</sup>, 2021 meeting.

Prior to the vote, President Bean announced that Councilor Harris is not related to the applicant Matthew Harris.

12. Upon motion of Councilor Beltrandi, it was VOTED: That the application for a license for the storage of 26,000 gallons of gasoline (underground) and 30,000 gallons of diesel (underground) and 100 gallons of LP gas (aboveground) at 21-33 Southampton Road submitted by Mr. Robert Bolduc, Pride Limited Partnership, 246 Cottage Street, Springfield, MA be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled for October 21<sup>st</sup>, 2021.

13. Upon motion of Councilor Onyski, for the Legislative and Ordinance Committee, it was VOTED: That a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTFIELD" to accept MGL Chapter 39 Section 23D known as the Mullin Rule be ADOPTED. Councilor Onyski read the Resolution in its entirety.

The vote on the foregoing was as follows:

Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	No
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	No
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski informed the Council that acceptance of MGL 39 Section 23D known as the Mullin Rule will allow a member of the Council, Planning Board, School Committee as well as any member of a Board/Commission that is absent from one session of an adjudicatory hearing to be allowed to vote as long as the requirements of watching the video or reading the transcript are met and an affidavit signed by the member attesting to watching of the video or reading the transcript. A member of a board/commission may choose to use the Mullin Rule, it is not a requirement. Councilor Flaherty spoke in support of the Mullin Rule. Councilor Matthews-Kane questioned if there is a transcript of the minutes. Councilor Onyski replied that the City does not have transcripts of meetings, only minutes which are not verbatim, therefore, to meet the requirements to use the Mullin Rule a member would have to watch the video. Councilor Allie questioned how the Mullin Rule can be adopted if the City does not have transcripts. Councilor Onyski replied that a video is available. Councilor Adams spoke in support of the Mullin Rule and that it will be most helpful especially for the Planning Board. Councilor Morganelli agreed with Councilor Adams. Councilor Figy informed the Council that the Mullin Rule can only be used once per application. Councilor Bean questioned if the Mullin Rule would be retroactive because he was

absent for one of the public hearings for the fuel storage license for Old Dominion. Councilor Onyski replied that the statute is silent on that. Councilor Mello agreed with the theory but was concerned that not all meetings are recorded, there is no closed caption and no transcripts, therefore feels the City is not ready at this time to adopt the Mullin Rule. Councilor Flaherty informed the Council that having the Mullin Rule may be a catalyst for the City to have all meetings recorded. Councilor Harris informed the Council that Councilors should be present at a public hearing and should continue to be encouraged to be present even with the adoption of the Mullin Rule. Councilor Morganelli agreed with Councilor Harris and that Councilors need accountability. Councilor Matthews-Kane questioned if the Mullin Rule is adopted and becomes problematic can it be rescinded. President Bean replied yes.

14. Upon motion of Councilor Burns, for the Legislative and Ordinance Committee, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (amending Chapter 17 Section 17-73 by adding a Stop Sign at Breighly Way eastbound at Birch Bluffs) be given first reading by title only.

The Ordinance was given first reading by title and upon motion of Councilor Burns, it was

VOTED: That the Ordinance be PASSED TO SECOND READING.

15. Upon motion of Councilor Adams, it was

VOTED: That an Order entitled "AN ORDER APPROPRIATING THE SUM OF ONE HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED EIGHTY-ONE DOLLARS AND FIFTY CENTS (\$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 THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, REPLACING, REMOVING AND USING A FLOOD CONTROL LEVEE" (Land Acquisition Plan, Ponders Hollow Road, Little River Levee) be given second reading by title only.

The Order was given second reading by title only and upon motion of Councilor Adams, it was

VOTED: That the Order be PASSED TO BE ORDAINED.



The vote on the foregoing was as follows:

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

16. Upon motion of Councilor Adams, it was

VOTED: That an Order entitled "AN ORDER OF TAKING OF REAL ESTATE BY RIGHT OF EMINENT DOMAIN FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, REPLACING, REMOVING AND USING A FLOOD CONTROL LEVEE" (Land Acquisition Plan, Ponders Hollow Road, Little River Levee) be given second reading by title only.

The Order was given second reading by title only and upon motion of Councilor Adams, it was

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

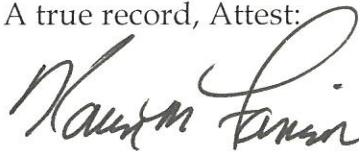
ANNOUNCEMENTS

Councilor Morganelli questioned if there will be a Westfield Day parade at the Big E this year. President Bean replied that he did not know.

Councilor Mello announced that there was an email mix up with the invitation to the Westfield Woman's Club, 28 Court Street, ribbon cutting ceremony to celebrate the new accessible entrance and lift and grand re-opening of the Clubhouse on Saturday, September 18, 2021 at 4:00 PM and that the email invitation was resent and all Councilors are invited.

At 8:22 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

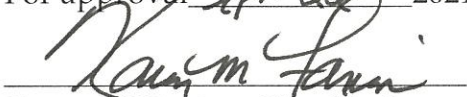
A true record, Attest:



Karen M. Fanion  
City Clerk/Clerk of the Council

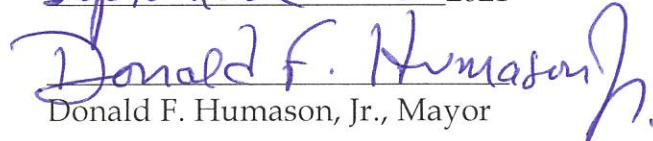
Presented to the Mayor

For approval Sept. 22 2021

  
Karen M. Fanion, City Clerk

Approved by the Mayor

September 23 2021

  
Donald F. Humason, Jr., Mayor