



MEETING OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

OCTOBER 07, 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 Morganelli was 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 16, 2021 and, Finance Budget meetings of June 10, 2021 (6:00 PM); June 10, 2021 (7:00 PM); June 14, 2021; June 15, 2021; June 16, 2021; June 17, 2021; June 21, 2021; June 24, 2021 and June 28, 2021 be ACCEPTED.

Under Public Participation, Councilor Mello read an email from Ms. Tammatha Brudzinski, 399 Russellville Road relative to the MGL 121A agreement with Servistar LLC for the data center. She requested that Servistar LLC provide specific financial contributions to the Westfield Vocational school, hire a percentage of Westfield employees to total employees, make financial contributions to low-income housing and any other opportunities Servistar would like to propose to show commitment to future children of Westfield otherwise she would like to be registered as being opposed to the project.

Upon motion of Councilor Beltrandi, it was

VOTED: That the rules of the City Council be SUSPENDED in order to take item 18. at this time.

18. A PUBLIC HEARING was held on an 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. Matthew Harris and Matthew Turgeon were both present to represent the application. They explained that they are requesting the licenses to be able to buy and sell used gold and jewelry. Councilor Harris informed the Council it would be the same kind of business that was previously there and all items that are purchased and sold would be recorded as recommended by the Police. And that the business is down the road from her and she is in support of it. Councilor Flaherty thanked them for choosing Westfield for their business. Councilor Mello asked if there are any chemicals to be used on the premises. Mr. Harris and Mr. Turgeon replied that ammonia and dish soap are the only things used to clean the jewelry.

With no others appearing to be heard and upon motion of Councilor Beltrandi, it was VOTED: That the Public Hearing be CLOSED and be REFERRED TO LICENSE COMMITTEE.

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

Councilor Morganelli arrived at the meeting and was recorded as being present.

1. Upon motion of Councilor Figy, it was
VOTED: That a Gift donation of a painting from Heka Inc. to the City be ACCEPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that during the recent ribbon cutting/open house a painting, which depicts the history of marijuana, was given to the Mayor on behalf of the City. Councilor Onyski informed the Council that he would be voting no on the acceptance because he felt a woman selling marijuana is inappropriate for the City. Councilor Matthews-Kane informed the Council that she a strong no vote on the acceptance due to it being problematic in other ways, not just the selling of marijuana. She explained that, as a woman she does not like how the woman are being presented compared to the men. Councilor Flaherty agreed with Councilor Matthews-Kane. Councilor Burns informed the Council that he is a no vote also. Councilor Morganelli agreed with all the comments and that it is not a gift for the City. Councilor Mello questioned if there has ever been discussion on the appropriateness of a gift to the City. She added that she did not know if an artist could change the history of how women have been treated throughout history if this was a historical portrayal and that there are other problematic issues with the painting and the City needs to be careful on what it accepts. Councilor Morganelli expressed his appreciation for the art of the painting but acknowledged that it is not appropriate for the City.

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

2. Upon motion of Councilor Figy, it was VOTED: Under immediate consideration, that the sum of \$85,000.00 be appropriated from Stabilization account #8303-397000 to the Police Department, Purchase of Services-Project Specific (feasibility study for new Police station) account #12100000-5200005410.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |
| James Adams | Yes |

Prior to the vote, Councilor Figy informed the Council that this appropriation is probably 20 years late and that the police station is inadequate and this needs to be moved the faster the better because the State department of public health is coming soon to evaluate the building. Councilor Mello questioned what the urgency is now. Councilor Figy replied that the State could condemn the building so by getting the money appropriated the study could start sooner. He explained that \$70,000 is for the feasibility study and \$15,000 is for reimbursement of expenses. Councilor Flaherty spoke in support of the appropriation and that this is long time coming and that there are other projects coming in the at the end of the month, including the new school project and it's worthy of the expense to see what is truly needed so when looking at the capital plan relative to the other massive projects. Councilor Allie questioned if the money is going to mitigate the problem or a study to fix the problem. Councilor Figy responded that this is in response from the State inspecting the property and it's a feasibility study to find a new location. Councilor Beltrandi agreed that the building is in need of repair. Councilor Morganelli agreed with Councilor Beltrandi. Councilor Morganelli questioned why, if there have been so many problems for so many years, why does the Council only have 10 minutes to make a decision and digest the information. He expressed his concern that there was lack of communication on the issue for a request to be passed on the night it was received. President Bean informed Councilor Morganelli that the Mayor is not the one requesting immediate consideration, it was Councilor Figy that made the motion for immediate consideration. Councilor Morganelli rescinded his comments relative to immediate consideration. Councilor Adams informed the Council that this is for a company to come up with three possible places for the police station. Councilor Figy informed the Council that since this was something that had to be done, he requested immediate consideration to get the ball rolling. Councilor Adams explained that the City's bonding capacity had to be evaluated and that had to wait until after the new school project expenses were all in to see if the City could handle both projects. He explained it will be tight doing both, but it can be done.

Councilor Morganelli questioned what happened with the talks about having a safety complex and that issue was not on the agenda and needs to be talked about. Councilor Burns replied that it is not recommended to put police and fire together in case of a catastrophic event. Councilor Figy read the letter from Chief Valliere that is on the share file for all Councilors to read that gives the details for the request for the appropriation. Councilor Flaherty informed the Council that the new school project came out much higher than budgeted and was not part of the capital plan and it was because of that the police station project got delayed. Councilor Mello informed the Council that the police station has poor air quality and needs to be addressed soon. Councilor Onyski agreed that many areas of the police station are falling apart and this needs to be done now.

Upon motion of Councilor Figy, it was

VOTED: That items 3., 4., 5., 6., 7., 8., 9., 10., 11. and 12. under "Communications from the Mayor" be REFERRED TO THE FINANCE COMMITTEE.

3. Transfer of \$3,955.51 from FY22 Public Works Department, Highway Division, Supply account #14210000-540000 to FY21 Public Works Department, Highway Division, Supply account #14210000-540000 for a prior year bill.
4. Transfer of \$3,678.58 from FY22 Public Works Department, Sewerage Waste Water Treatment Division, Purchase of Services account #67004400-520000 to FY21 Public Works Department, Sewerage Waste Water Treatment Division, Purchase of Services account #67004400-520000 for a prior year bill.
5. Transfer of \$1,317.58 from FY22 Public Works Department, Water Division, Purchase of Services account #68004500-520000 to FY21 Public Works Department, Water Division, Purchase of Services account #68004500-520000 for a prior year bill.
6. Transfer of \$416.00 from FY22 Public Works Department, Highway Division, Purchase of Services account #14210000-520000 to FY21 Public Works Department, Highway Division, Purchase of Services account #14210000-520000 for a prior year bill.
7. Transfer of \$72.00 from FY22 Sewerage Waste Water Treatment, Out-of-Grade account #67004400-514200 to FY21 Sewerage Waste Water Treatment, Out-of-Grade account #67004400-514200 for a prior year bill.
8. Transfer of \$23.00 from FY22 Public Works Department, Highway Division, In-State Travel account #14210000-5710000 to FY21 Public Works Department, Highway Division, In-State Travel account #14210000-5710000 for a prior year bill.
9. Transfer of \$28.40 from FY22 Public Works Department, Sewer Division, In-State Travel account #67004490-571000 to FY21 Public Works Department, Sewer Division, In-State Travel account #67004490-571000 for a prior year bill.
10. Transfer of \$26.45 from FY22 Public Works Department, Sewerage Waste Water Treatment Division, In-State Travel account #67004400-571000 to FY21 Public Works Department, Sewerage Waste Water Treatment Division, In-State Travel account #67004400-571000 for a prior year bill.

11. Transfer of \$109.05 from FY22 Public Works Department, Water Division, In-State Travel account #68004500-571000 to FY21 Public Works Department, Water Division, In-State Travel account #68004500-571000 for a prior year bill.
12. Transfer of \$139.55 from FY22 Public Works Department, Waste Collection Division, In-State Travel account #14330000-571000 to FY21 Public Works Department, Waste Collection Division, In-State Travel account #14330000-571000 for a prior year bill.

Upon motion of Councilor Onyski, it was

VOTED: That item 13. under "Communications from the Mayor" be REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

13. Submitting a Resolution authorizing a tax increment financing (TIF) agreement for James Hardie Building Products, 70 Turnpike Industrial Road.

Upon motion of Councilor Onyski, it was

VOTED: That item 14. under "Communications from the Mayor" be REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT. Councilor Morganelli was opposed.

14. Submitting a Resolution authorizing approval for the Mayor to sign a Host Community Agreement (HCA) with Richter Extracts, 69 Neck Road for an adult-use marijuana product production facility.

Upon motion of Councilor Onyski, it was

VOTED: That item 15. under "Communications from the Mayor" be REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT. Councilor Morganelli was opposed.

15. Submitting a Resolution authorizing approval for the Mayor to sign a Host Community Agreement (HCA) with Richter Cannabis, 69 Neck Road for an adult-use marijuana cultivation facility.

16. Upon motion of Councilor Sullivan, it was

VOTED: That the Data Release Packet submitted by City Clerk Karen Fanion to complete the redistricting/precincting process with final approval due by October 30th, 2021 be REFERRED TO GOVERNMENTAL RELATIONS COMMITTEE.

17. Councilor Figy offered a motion, which was duly seconded, that the Planning Board's report submitted by City Planner Jay Vinskey for Servistar Realities, LLC (Data Center Project) pursuant to M.G.L. Chapter 121A, Section 6 be referred to the Finance Committee. Councilor Mello offered a motion, which was duly seconded, to amend the above motion so that the report also be referred to Natural Resources Committee in order to discuss the emissions from the diesel generators. Councilor Flaherty informed the Council that the report is about zoning findings, nothing financial and should be in Zoning, Planning and Development Committee. Councilor Allie informed the Council that the report regarding MGL 121A Section 6 is

financial and was sent to the whole Council and the whole Council should be involved. Councilor Flaherty informed the Council that the 6A agreement is the financial part and the report from Planning is about zoning, stormwater and site plan and that this report is one of many. There will be water and air reports coming soon that should go to Natural Resources. President Bean questioned if this could be done as a Committee of the Whole and that he will ask legal to weigh in on it if it can be separated. Councilor Mello asked if there can be a legal opinion relative to what kind of information can be gathered relative to the public hearing being closed. Councilor Flaherty informed the Council he did not mind a joint effort and that he did not want to talk about zoning issues in Finance Committee and that 121A is complex and each committee has a different role. Councilor Burns asked if it can be left on the table until a ruling from Law. Councilor Beltrandi informed the Council that the Planning and Conservation have their parts and Council has their part which is the financial part and Council should not be micromanaging other Commissions. Councilor Mello expressed her concern with the diesel generators that will be run every six months to empty out the fuel and what that affect will be on the air quality and that needs to be discussed. Councilor Flaherty explained that 121A is confusing and that the Council needs to write a report and that Planning's report is an advisory report. President Bean informed the Council that he is trying to keep the matter moving and that the legal opinion is important especially about the public hearing being closed. President Bean restated the motion to be to refer it to ZPD, Natural Resources, Finance and to Law. Councilor Sullivan asked, if the pleasure of the Chair, to have it as a Committee of the Whole because it involves so many Councilors at this point. Councilors Flaherty and Mello rescinded their motions and have a Committee of the Whole.

Upon motion of Councilor Figy, it was

VOTED: That the Planning Board report be REFERRED TO THE COMMITTEE OF THE WHOLE and LAW DEPARTMENT.

The vote on the foregoing was as follows:

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

Councilor Figy informed the Council that he has already scheduled a Finance Committee meeting for October 18, 2021 at 5:30 PM and he extended that as the Committee of the Whole. Councilor Sullivan requested that the posting reflect the Committee of the Whole.

Councilor Figy replied that he has not sent the agenda in yet and that he will make sure it reflects the Committee of the Whole.

19. Upon motion of Councilor Figy, for the Finance Committee of the Whole, it was VOTED: That the sum of \$1,753.88 be transferred from FY22 Police, Supply account #12100000-540000 to FY21 Police, Supply account #12100000-540000.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that since this was the only item in Finance Committee, he did not have a Finance Committee meeting therefore is bringing it out as a Committee of the Whole. He informed the Council that the invoices from WB Mason were received after June 30th and that is why they are being carried over. Councilor Flaherty informed the Council that he hates prior year bills and asked if the purchase contracts could say that if the bill is not received by June 30th they do not get paid.

20. Upon motion of Councilor Adams, for the Legislative and Ordinance Committee, it was VOTED: That a Resolution entitled "A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WESTFIELD AND MASSACHUSETTS DEPARTMENT OF TRANSPORTATION" (relative to the non-participating costs for Columbia Greenway-Central Construction Project) be ADOPTED.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |
| James Adams | Yes |

Prior to the vote, Councilor Adams informed the Councilors that this agreement is needed for the vendor to get paid.

21. Councilor Beltrandi, for the License Committee, offered a motion which was duly seconded, to approve the application of Old Dominion Freight Line, Inc. for a license for the storage of 15,000 gallons diesel at 74 Medeiros Way. He informed the Council that the Committee discussed the different aspects of the application and included in the discussion were the concerns that Councilor Mello sent over relative to the environment. Councilor Allie informed the Council that having a fueling station at the site is the safest, most economical way to fuel vehicles and that Old Dominion uses a gold standard system to fuel vehicles. And it is safer to fuel vehicles on site rather than fueling at a local gas station. Councilor Matthews-Kane informed the Council that this is a difficult decision because even though the site is not over the aquifer, it is next to it which makes her uncomfortable and that the diesel fueling was not part of the original application. Councilor Burns informed the Council that it was a difficult decision for him also, but that he will support it because having the trucks go to local gas stations would be harmful to the air quality, especially in the vicinity of the schools in the area. Councilor Beltrandi clarified that even if it was on the original plan, they would still have to come before the Council for the fuel storage license. Councilor Figy informed the Council that every City Council member is committed in keeping truck traffic to a minimum and that Councilors insinuating that it was a conspiracy theory that it was kept off the original application is a dangerous slope and that it is not over the aquifer, it is next to it, and there are no ordinances that pertain to close to the aquifer and it is very dangerous for a truck to pull over on Southampton Road, leave it's trailer and then fuel at a local gas station. Councilor Flaherty informed the Council that the process is to have the public hearing and then deliberate on it and the Council can add conditions to the license and he offered two conditions that the unit be dismantled once they give up the location and that a tertiary containment be mandatory to handle the load if the tank failed. Councilor Adams expressed his concern that conditions should have been brought up at the License Committee meeting.

Councilor Mello informed the Council that it is the Council's responsibility to protect this environmentally burdened area and that it is a secondary recharge area and should be protected. Councilor Onyski informed the Council that a condition for tertiary containment may not fit on the site as planned.

Upon motion of Councilor Flaherty, it was

VOTED: That an amendment be made by the adding the following conditions to the license: that the unit be dismantled once they give up the location and that a tertiary containment be mandatory to handle the load if the tank failed.

The vote on the foregoing was as follows:

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

The President declared the motion LOST.

Upon motion of Councilor Beltrandi, for the License Committee, it was

VOTED: That the application of Old Dominion Freight Line, Inc. for a license for the storage of 15,000 gallons diesel at 74 Medeiros Way be APPROVED.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED. Councilors Bean and Figy submitted Mullin Rule certifications.

22. Upon motion of Councilor Burns, 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 second reading by title only.

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

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |
| James Adams | Yes |

23. 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 second reading by title only.

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

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |

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

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

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |

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

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

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|--------------------------|-----|
| 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 |
| Richard Sullivan, Jr. | Yes |

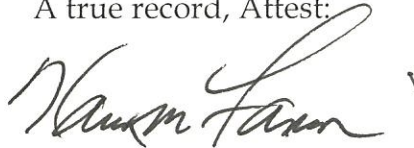
ANNOUNCEMENTS

Councilor Figy reminded everyone of the fireworks this Saturday, October 9, 2021 to be held behind the Boys and Girls club at 7:45 PM, with gates opening at 6:00 PM.

Councilor Flaherty reminded everyone of the Pumpkin Fest to be held Saturday, October 16th, 2021 from 11:00 AM to 5:00 PM at Amelia Park.

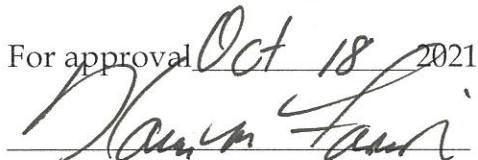
At 8:24 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:

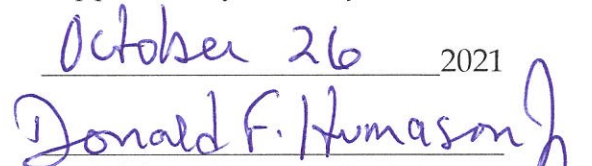


Karen M. Fanion
City Clerk/Clerk of the Council

Presented to the Mayor

For approval Oct 18 2021

Karen M. Fanion, City Clerk

Approved by the Mayor

October 26 2021

Donald F. Humason, Jr., Mayor