



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
October 27, 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, Councilor Michael Burns and Councilor James Adams. Also in attendance were Consultant for RC Retail Stanley Rosenberg, Director of Community Development Peter Miller, Councilor Cindy Harris and Scribe of the Legislative and Ordinance Committee Karisa Zerbato.

Upon Motion of Councilor Burns, it was VOTED: that the L & O Minutes of the October 5, 2022 meeting be accepted. The motion was seconded by Councilor Adams. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

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

Upon Motion of Councilor Adams, it was VOTED: to APPROVE the extension of the "Failure to Locate" clause in the RC Retail Westfield LLC Host Community Agreement (HCA) for an additional two years. The motion was seconded by Councilor Burns.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote Stanley Rosenberg stated that a site did not have to be listed however a site was identified before Red Cardinal applied and was included in the HCA. Immediately the process to obtain a special permit was started due to a residential property being within 300 feet. Mr. Rosenberg further stated that even though the residence itself was well outside the 300 feet the rule states boundary to boundary. After a series of meetings with the Planning Board the special permit was withdrawn by Red Cardinal due to the lack of support. Mr. Rosenberg stated that Red Cardinal immediately began seeking an alternative site however it has been very challenging to find a new location. Mr. Rosenberg further stated if the site isn't economically viable it is neither in the City's or Red Cardinal's interest to locate in a place that it won't succeed. Mr. Rosenberg added that Red Cardinal is very committed to finding a location in the City and being an active good neighbor. The commitments that Red Cardinal made to community based organizations as the process began have been ongoing in spite of Red Cardinal not being open for business. Mr. Rosenberg further added that all obligations of the HCA have been met except that Red Cardinal will not be able to open to retail sales on November 9, 2022 which is why an extension is needed. Peter Miller added that from a City perspective Red Cardinal has been an excellent partner to work with and has demonstrated excellent operations in surrounding

locations. The management is something that the City continues to support locally. Mr. Miller further added that the reason the City has entertained the cannabis industry is because it has brought a new source of revenue for the City through the excise tax. The excise tax through retail is where the City benefits. Mr. Miller stated last year the City collected \$600,000.00 in excise tax from one facility. Currently there are two locations open with a third location under construction on the North side of town. Red Cardinal remains the fourth and final retail operation the City has a HCA with. Mr. Miller further stated that because Red Cardinal has been searching for a site and continues to be a good partner with the City he supports the extension to continue searching. Councilor Burns asked if the extension was until November 2024. Mr. Rosenthal confirmed. Councilor Burns asked if there was any location in the works. Mr. Rosenthal responded that every two months they are out driving around the city looking for signs in places that aren't advertised and are continually watching advertisements. Councilor Burns asked if Red Cardinal is already approved with the Cannabis Control Commission. Mr. Rosenthal responded that Red Cardinal has a provisional license and once they find a new site the license will be transferred over by the Cannabis Control Commission. Mr. Miller added this amendment is for failure to locate only. This is a request for an extension for Red Cardinal to continue the search for a new location. Red Cardinal will be back to seek an amendment to the HCA once a new location is secured.

Upon motion of Councilor Adams, it was

VOTED: to APPROVE a resolution authorizing an Intermunicipal Agreement with the Town of Southamptton for Animal Control Services. The motion was seconded by Councilor Burns.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, there was discussion among Councilor Figy and Councilor Burns as to whether the City already has an agreement with the Town of Southamptton for animal control services. Councilor Figy stated that if this is not a new agreement with the Town of Southamptton then it is an agreement to continue animal controls services with them.

Upon motion of Councilor Burns, it was

VOTED: That an Ordinance Amendment of Chapter 2, Article III, Division 4 Section 2-137 and 138: Office of the Treasurer/Collector for the City of Westfield REMOVE FROM COMMITTEE WITH NO ACTION.

The motion was seconded by Councilor Adams

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote Councilor Figy stated that the Mayor would like the Assistant Treasurer position to be appointed by the City Treasurer with the Mayor's approval instead of by the City Council. Councilor Figy added that the appointments for financial positions in the City are appointed by the City

Council and if this change is made and the Council doesn't make the approval for appointment then that part of the financial part of the house is being given up. Councilor Adams asked if the Treasurer appoints the Assistant Treasurer. Councilor Figy replied yes, and then added the City Council confirms the appointment. He explained that the two options before the Committee to comply with State law are to keep it the way it is currently written, which hasn't been a problem or change it to approval by the Mayor. The Councilor's agreed the Treasurer should be able to appoint the Assistant Treasurer. Councilor Burns reminded the Committee that the Council just approved an Ordinance change so job descriptions no longer have to be reviewed within 5 years, noting that was the hold up with the Assistant Treasurer's appointment. Councilor Figy agreed, adding that changing this Ordinance would remove the Council's involvement. The Councilor's reviewed the State Law and agreed that leaving the Assistant Treasurer appointment under the Council was best.

At 5:51 P.M. and upon motion of Councilor Adams, it was VOTED TO ADJOURN.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,

Karisa Zerbato, Scribe for the Legislative and Ordinance Subcommittee

Karisa Zerbato