

MEETING OF CITY COUNCIL  
WESTFIELD, MASSACHUSETTS  
MARCH 7, 2019

The meeting was called to order in the City Council Chamber, Municipal Building, 59 Court Street, Westfield, MA at 7:00 PM by President Figy.

The City Clerk called the roll. Councilor Onyski was absent.

The Pledge of Allegiance was led by the President.

A "Moment of Silence" was held in honor of Municipal Light Board member Jane Wensley who passed away this past week.

President Figy asked if anyone, other than Channel 15 was recording the meeting and if so to state whether it is an audio or video recording and whether the recording is being live streamed. No one responded.

Upon motion of Councilor Bean, it was VOTED: That record of meeting of February 25, 2019 (rescheduled from February 21, 2019) be ACCEPTED.

Under "Public Participation" the Councilors were addressed by Mr. Robert Pearson, 53 McKinley Terrace. He requested that cars be required to park at the Senior Center during a snow storm and not park on McKinley Terrace because the plows cannot get by with the cars in the way.

Under "Public Participation" the Councilors were addressed by Ms. Nancy Stolpinski, 34 Crescent Circle. She thanked the many pickleball players/supporters that were in attendance at tonight's meeting. She spoke in support of appropriating money for the creation of pickleball courts at the Municipal Playground. She informed the Council that everyone that plays pickleball is enthusiastic about it and it's a home grown sport the Westfield people are playing. There have been increased numbers in those that are playing and she would like to see the sport not only be for retired people but for children and teens as well. She concluded by informing the Council that it's a community wide sport and requested that the Council not miss out on this opportunity.

Under "Public Participation" the Councilors were addressed by Mr. Jason Russell, 149 Hillcrest Circle. He expressed his concerns relative to illegal marijuana use occurring in and around the property of Westfield High School before, during and after school hours. He requested that the matter be made an agenda item and be referred to

the Public Health and Safety Committee to discuss, and invite the School Committee members, to discuss steps that can be taken to deal with this issue. Mr. Russell submitted further concerns on this matter to the Clerk. Councilor Morganelli submitted the drug related trainings and initiatives already in place from School Superintendent Stefan Czaporowki.

Upon motion of Councilor Flaherty, it was VOTED: That the rules of the City Council be SUSPENDED in order to take items out of order, as follows: Item A. under "Motions, Orders and Resolutions" and then item A. 1. & 2. Finance Committee report under "Reports of Committee" AND to act upon items received at this meeting.

Upon motion of Councilor Flaherty (Bean, Figy, Harris,), it was VOTED: Under immediate consideration, that a Resolution entitled "A RESOLUTION OF THE WESTFIELD CITY COUNCIL REQUESTING CONTINUED SUPPORT FOR THE ALL-ABILITY PLAYGROUND" be ADOPTED and REFERRED TO FINANCE COMMITTEE for the request for funding.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershay	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

Prior to the vote, Councilor Flaherty read the Resolution in its entirety.

Councilor Bean, for the Finance Committee, offered a motion, which was duly seconded, to appropriate \$115,000.00 from Free Cash to Engineering Department, Construction account #14110000-589200 for pickle ball courts. He spoke in favor of the appropriation as well as the next item on the Agenda for the reallocation of Bond Order #2455 for the creation of pickleball courts at the Municipal Playground. He informed the Council that pickleball brings adults and children outside to play and compete as families. He addressed the concern that there is a need for money for potholes, but that this is a great thing for the whole community and supported the appropriation. Councilor Babinski agreed with Councilor Bean's comments. She informed the Council that she received many emails for the support of pickleball and she supports it because

it's a great repurposing of the Municipal Fields. Councilor Flaherty informed the Council that a year ago he never heard of pickleball and since he took advantage of the invitation to play last year he is hooked on it. It's a friendly, competitive sport that brings a wide range of people together and it is a justified expense. Councilor Morganelli informed the Council that he is advocate of outdoor recreational sports for adults and kids and supported the appropriation. He requested that he be allowed to ask the City Engineer, who was in attendance at the meeting, questions relative to irrigation and composting and if this was something the students at the Westfield Technical Academy could do. President Figy did not allow questions to be asked of the City Engineer and informed the Council that specific questions should have been asked during subcommittee. Councilor Morganelli again requested to be allowed to ask his questions in a public forum. President Figy informed him to keep the discussion on the motion relative to the appropriation. Councilor Surprise informed the Council that the appropriation is not his priority and he did not support the appropriation. He informed the Council that the money should be used for fixing potholes. Councilor Emmershly informed the Council that CPA funds should be used for the pickleball courts and that Westfield Technical Academy students and the DPW should be able to do some of the work instead of having it contracted out. President Figy informed the Council that students cannot do work that normally would be compensated work. Councilor Allie thanked the group of pickleball players present at the meeting for pursuing this matter and it's important to have these facilities that people use and it gets people into the parks.

Upon motion of Councilor Beltrandi, it was  
 VOTED: To move the question and end discussion.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershly	No
Ralph Figy	Yes
Dave Flaherty	No
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	No
William Onyski	Absent
Andrew Surprise	
Dan Allie	
Mary Ann Babinski	
Brent Bean II	
John Beltrandi III	

The motion needs 10 votes to pass, therefore the President suspended the voting because 10 votes could not be achieved.

Discussion continued. Councilor Morganelli questioned why the pickleball players could not raise some of the money by doing fundraisers. Councilor Bean informed the Council that in order to go out for bid and put contracts in place the

money has to be in place. Councilor Surprise forwarded an email from Agawam relative to how Agawam did their pickleball courts using their own City Engineer's designs and using DPW to do the prep work and their Park & Rec Director was the general contractor for the project. Councilor Surprise adamantly informed the Council that he is not in favor of using the reallocated bond and the only way he would vote for this would be if CPA money was being used and more work was being done in-house. Councilor Flaherty informed the Council that they can only vote on the appropriation as presented and he supports using Free Cash for a one time project rather than for a reoccurring expense. He reminded the Councilors that they cannot micromanage departments by insisting that the City Engineer and DPW do the work for this project. He also informed the Council that many of the pickleball players in attendance donate a lot to many nonprofit events in the City. Councilor Emmershly questioned if the lights at the Municipal Field work because there were no funds budgeted for lights.

Upon motion of Councilor Beltrandi, it was  
VOTED: To move the question and end discussion.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershly	Yes
Ralph Figy	Yes
Dave Flaherty	No
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

The President declared the motion PASSED.

Upon motion of Councilor Bean, for the Finance Committee, it was  
VOTED: That the sum of \$115,000.00 be appropriated from Free Cash to Engineering Department, Construction account #14110000-589200 (pickle ball courts).

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershly	No
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	No
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

The President declared the motion PASSED.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the Bond Order #2455 be reallocated for the creation of pickleball courts at the Municipal Playground.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershly	No
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	No
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

The President declared the motion PASSED.

Prior to the vote, Councilor Babinski agreed with prior comments that the pickleball players have been a value to the community and the pickleball courts are a benefit to the community. Councilor Surprise informed the Council that he could not look a taxpayer in the eye if he voted for money for pickleball courts. Councilor Beltrandi informed the Council that the pickleball players have lived in Westfield all their lives and that the DPW fixes roads, they do not build pickleball courts and that outsourcing is sometimes cheaper so that it is done correctly. Councilor Babinski agreed with Councilor Beltrandi that the courts need to be built correctly so as not to waste

money. Councilor Surprise informed the Council that if DPW can pave a road, they can pave a court.

At 8:05 PM, President Figy declared a recess.

At 8:07 PM, the meeting was again called to order.

Upon motion of Councilor Bean, it was VOTED: Under immediate consideration, that a Grant in the amount of \$1,400.00 from the Massachusetts Emergency Management Agency (MEMA) to the Westfield Emergency Management Department/Fire Department be ACCEPTED.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershay	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

Upon motion of Councilor Bean, it was VOTED: That items B., C. & D. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

- B. Requesting acceptance of a Grant in the amount of \$396,000.00 from the Dam and Seawall Repair or Removal Program of the Executive Office of Energy and Environmental Affairs to the Department of Public Works.
- C. Transfer of \$1,500.00 within the Police Department, Animal Control, Training account #12920000-51400 to Purchase of Services account #12920000-520000.
- D. Transfer of \$46,535.44 from the Airport, Capital Project account #11990000-580000 to Airport, PAPI Redesign account #11990000-580000-4870.

Upon motion of Councilor Burns, it was VOTED: That items E. and F. 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:

- E. Submitting an amendment to Westfield Code of Ordinances, Chapter 10, Section 10-23 RE: Consumption of alcoholic or malt beverages in public; open container.
- F. Submitting the following Orders relative to the 99 Springfield Road Traffic Signal Project:
  - 1. An Order of Taking of Easements of real estate for roadway, traffic and related improvements by right of eminent domain.
  - 2. An Order appropriating the sum of one hundred thirty-eight thousand five hundred dollars (\$138,500.00) for the purpose of taking land for roadway, traffic, parking and related improvements.

Upon motion of Councilor Harris, it was VOTED: Under immediate consideration, that the reappointment of Cynthia Bronson, 53 Jefferson Street, as a member of the Historical Commission for a term to expire the first Monday of February, 2021, be CONFIRMED.

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershay	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

Prior to the vote, Councilor Harris informed the Council that Ms. Bronson grew up in the downtown and was always fascinated with the history of Westfield. She has researched the Mechanic Street Cemetery, the background of the Pioneer Valley, General Shepard and Columbia Bikes. She has participated in the Ghost Tours, the Clean-Up Cemetery Event, Dickens Days, Lantern Parade and has spent hours working on the 350<sup>th</sup> Anniversary preparations. Cindy Gaylord, Chair of the Historical Commission highly recommends the reappointment.

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

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

The Clerk read from the Agenda as follows:

H. Requesting approval for permission to serve beer and wine and to waive the "open container" regulation on Elm Street, from Main Street to Franklin Street, on Saturday, May 18, 2019 from 12:00 PM to 6:00 PM for the Westfield 5K Kooldown Block Party.

Councilor Flaherty reminded the Councilors that this is a very important weekend for the 350<sup>th</sup> celebration and to mark it off on your calendars because there will be a lot of activities such as a road race, the block party, events for kids and the parade on Sunday. He informed the Council there is a complete list of events on the 350<sup>th</sup> webpage.

Upon motion of Councilor Burns, it was VOTED: That the following Ordinance amendments, as requested by Chief Camerota, Chair of the Traffic Commission and submitted by Assistant City Solicitor Shanna Reed be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

- Chapter 17-73 Stop Intersections designated, add the following:
  - Hampden Street for northbound operations at Jefferson Street;
  - Madison Street for southbound operators at Jefferson Street;
  - Westfield Industrial Park Road for southbound traffic at Westfield Industrial park Road.
- Chapter 17-115 Parking Prohibited:
  - Add Fowler Street west side of street from Meadow Street to a point 158' northerly;
  - Delete Sycamore Street both sides for a distance of 50' northerly from intersection of Meadow Street;
- Chapter 17-36 Markings:
  - Approval of crosswalk on Pleasant Street at intersection with Pearl Street;
- Chapter 17-82 Speed Limits:
  - Add business district 25 MPH:
    - North Elm Street starting at 911 memorial southerly to Elm Street;
    - Elm Street from Main Street northerly to Union Avenue ending at the 911 memorial;
    - Elm Street from North Elm Street southerly to Court Street and Broad Street;
    - Franklin Street from Elm Street westerly to Washington Street;
    - Franklin Street from Washington Street easterly to Elm Street;
    - Court Street from Washington Street easterly to Broad Street;



- Court Street from Elm Street westerly to Washington Street;
  - Main Street from State Street westerly to Elm Street;
  - Main Street from Broad Street easterly to State Street;
  - Broad Street from Elm Street southerly to East and West Silver Street;
  - Broad Street from East and West Silver Street northerly to Main Street.
- Add Long Pond Road - both directions 25 MPH
- Resolution to accept Massachusetts General Law Chapter 90 Section 17C, for the ability to establish a 25-miles-per-hour speed limit in thickly settled or business district.

Upon motion of Councilor Burns, it was VOTED: That the recommendation from the School Committee to have all coaches, referees and mentors be deemed Special Municipal Employees under the Conflict of Interest statute be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

City Engineer Mark Cressotti thanked the Council for the opportunity to allow the presentation on the Pavement Management Program. He introduced Conrad Leger of Beta Group Inc. to give the presentation on the Pavement Management program for the City of Westfield. Mr. Leger gave the powerpoint presentation that highlighted the roadway inventory and GIS Mapping, field inspection, existing road conditions summary, capital improvement planning and system maintenance. There are 188.09 accepted miles of roadway and 32.31 unaccepted miles of roadway. Major and minor rehabilitation costs and preventative and routine maintenance costs were identified with a total cost to be approximately \$75 million. He explained that each road had a road surface rating (RSR) based on existing distresses and were rated 0 to 100 (worst to best). He concluded by reviewing the CIP Development RSR Forecasting - 5 years standard model. Councilor Flaherty questioned if one of the goals is to catch the roads and do the repairs before they go into the next worst category. Mr. Leger agreed that is one of the goals. Councilor Surprise commented on the amount of money it would take every year for the next five years to do the road maintenance and informed the Council that the City is nowhere where it needs to be to meet that schedule. Councilor Beltrandi questioned if there was a list of all the actual road names with their RSR. City Engineer Mark Cressotti informed him he would get that information. Councilor Flaherty questioned if road surface rating could be done in-house or does it need to be contracted out. Mr. Leger informed the Council that it took six weeks for two full time trained inspectors to complete the road surface rating. Councilor Flaherty questioned if improvements to the stormwater system would improve the road. Councilor Emmershy questioned if the costs were based on contracting out the work and if the DPW had the equipment is that something they could do. DPW Director Dave Billips

informed the Council that the department could do more maintenance with the right equipment. Councilor Morganelli questioned if the life expectancy would improve if the City spent the \$5 million per year. Mr. Leger reminded him that the average RSR was at 68 so that would have to be factored in also. Councilor Surprise reviewed the formula for Chapter 90 money. Councilor Flaherty reminded the Council that when accepting a road to be public it may help with Chapter 90 money, but it will also increase the liability for the City and it will cost money to have all the improvements done to become acceptable. Councilor Beltrandi informed the Council that it costs to have the layout order. Councilor Bean informed the Council that the City should be doing all it can to get unaccepted roads accepted.

Upon motion of Councilor Beltrandi, it was  
VOTED: That the information and presentation be REFERRED TO FINANCE COMMITTEE.

Upon motion of Councilor Beltrandi, for the License Committee, it was  
VOTED: That the Taxi License for GG's United Transmission, 247 Elm Street be REMOVED FROM COMMITTEE. He explained that the license was not renewed last year because it had missing information that was never submitted, therefore, it's technically out of business and will have to reapply.

Upon motion of Councilor Morganelli, for the Zoning, Planning and Development Committee, it was  
VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, APPENDIX B-ZONING, ADOPTED SEPTEMBER 3, 1987" (Zone Change 14 Coleman Avenue from Business A to Industrial A) be given first reading by title only.

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

The vote on the foregoing was as follows:

Michael Burns	Yes
Matt Emmershay	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	No
John Beltrandi III	Yes

Prior to the vote, Councilor Morganelli informed the Council that it was a 2 to 1 vote from Committee for recommendation and the Planning Board gave a negative recommendation. Councilor Surprise informed the Council that he will support this zone change and that if a marijuana business goes into that location it would have to go to the Planning Board for a Special Permit. Councilor Babinski questioned the section of 14 Coleman Avenue to be rezoned. Councilor Morganelli explained that the section next door is Business A and it also abuts Industrial A which is the southern section. Councilor Flaherty reminded the Council that this is a zone change and there should be no talk about the use. Councilor Bean agreed with the negative recommendation from the Planning Board. President Figy relinquished the Chair to Councilor Bean in order that he be able to comment on the issue. Councilor Figy informed the Council that as the Ward 2 Councilor he is in favor of the zone change and if a marijuana shop applies to use that property it would have to go before the Planning Board for a Special Permit. Councilor Harris questioned why the Planning Board gave it a negative recommendation. Councilor Morganelli informed the Council that the Planning Board gave it a negative recommendation because of the potential use for a marijuana shop. Councilor Figy resumed the Chair. Councilor Allie informed the Council that he will support the zone change because there is other Industrial on the other piece and that will clean up the area.

Upon motion of Councilor Bean, it was  
VOTED: That the TABLED: Resolution of the City Council for the Mayor to sign a Host Community Agreement with HEKA, Inc at 89 Sgt Tim Dion Way be REMOVED FROM THE TABLE. Councilor Harris was opposed.

Councilor Surprise informed the Council that he met with City Advancement Officer Joe Mitchell on the matter and Mr. Mitchell informed him that 3% of the gross sales on the previous six months will be paid to the City and there will also be infrastructure fees paid to the City. He informed the Council that it's a legal activity because the people voted for it and the City needs the money. Councilor Emmershy informed the Council that the applicant has invested \$7 million for medicinal marijuana. Councilor Bean informed the Council that the applicant has two years to open per the agreement. Councilor Flaherty informed the Council that he agrees with the investment part of the business, but he opposes the recreational use of marijuana for his own personal reasons. Councilor Harris reminded the Council the people voted for recreational marijuana. Councilor Babinski informed the Council that marijuana was voted on and passed and if the Council wanted to do something about it there would have had to be a moratorium or a referendum passed. Councilor Morganelli agreed with the above comments and informed the Council that he is a father of four and is on the fence on the issue because it will take in a lot of tax revenue. Councilor Burns informed the Council that he voted no out of committee because the applicant did not do anything on it for four years. Councilor Allie informed the Council that the ballot question was 28 pages long and a lot of people did not know it included edibles. Councilor Surprise informed the Council that Holyoke has opened 5 establishments and

Westfield has none and Westfield is losing a lot of money, Councilor Emmershly informed the Council that there is no reason to hold up the passage of the host agreement because it would be sending a wrong message to the business community. Councilor Babinski reminded the Council that Westfield has four licenses to be given so if you say no on this one you will have to say yes on something else.

Upon motion of Councilor Bean, it was VOTED: That a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTFIELD" (for the Mayor to sign a Host Community Agreement with HEKA, Inc at 89 Sgt Tim Dion Way) be ADOPTED.

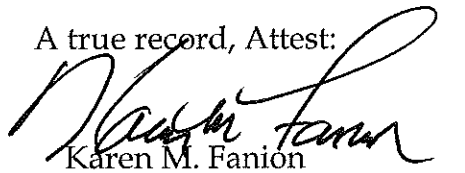
The vote on the foregoing was as follows:

Michael Burns	No
Matt Emmershly	Yes
Ralph Figy	Yes
Dave Flaherty	No
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	No
William Onyski	Absent
Andrew Surprise	Yes
Dan Allie	No
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes

The President declared the motion PASSED.

At 9:33 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:



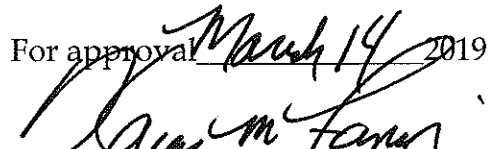
Karen M. Fanion

City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval March 14 2019

  
Karen M. Fanion, City Clerk

3-14 2019

  
Brian P. Sullivan, Mayor