

MEETING OF CITY COUNCIL  
WESTFIELD, MASSACHUSETTS  
JANUARY 17, 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. All thirteen Councilors were present.

The Pledge of Allegiance was led by the President.

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 January 3, 2019 be ACCEPTED.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He informed the Council that he is working on a remembrance day for POW's of Massachusetts and he is working with Representative Velis and Senator Humason on this project.

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

The Clerk read from the Agenda as follows:

- A. Appropriation of \$442,850.00 from the Department of Public Works, Water Division, Undesignated Funds account #6800-359000 to the following DPW Water Division accounts:
- \$327,850.00 to Purchase of Services account #68004500-520000
  - \$100,000.00 to Health Insurance Benefits account #68004500-519400
  - \$10,000.00 to Supplies account #68004500-540000
  - \$5,000.00 to Gasoline account #68004500-548001
- B. Appropriation of \$130,000.00 from the Department of Public Works, Stormwater Division, Undesignated Funds account #6850-359000 to the DPW Stormwater Division Construction account #68504450-589200.
- C. Transfer of \$75.00 within Airport Department from current FY19 Personal Services Part-time Hourly account #11990000-511110 to prior year FY18 Personal Services Board/Committee members account #11990000-512300.

Upon motion of Councilor Onyski, it was  
VOTED: That items D., E., F., G. and I. under "Communications from the Mayor" be read by the Clerk and REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

The Clerk read from the Agenda as follows:

- D. Submitting an Ordinance amending Code of Ordinances, City of Westfield at Chapter 11, Section 11-68 by Deleting Section 11-68 – Consumption, possession of alcoholic beverages and Adding: Section 11-68 Consumption, possession of alcoholic beverages.
- E. Submitting a Resolution of the City Council of the City of Westfield authorizing the Mayor to enter into a lease for a certain parcel of real estate, parcel 68-26, a portion known as Billy Bullens Field, which is under the control of the Parks and Recreation Commission, to be leased to Starfires Baseball LLC to operate a Futures Collegiate Baseball League.
- F. Submitting two Resolutions to accept a local option and establish a special fund for injury leave indemnity fund for Westfield Firefighters and one for Westfield Police Officers pursuant to MGL Chapter 41, Section 111F.
- G. Submitting a Resolution authorizing the Mayor to execute a Preservation Restriction for Pilgrim Realty Union Trust (located at 16 Union Street also known as Bismark Place).
- I. Submitting a Resolution of the City Council of the City of Westfield authorizing the Mayor to sign lease (5 years) of equipment for Public Works for a 2018 John Deere 331G.

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

The Clerk read from the Agenda as follows:

- H. Submitting a Resolution of the City Council of the City of Westfield authorizing approval for Mayor to sign Host Community Agreement with Heka, Inc. located at 89 Sgt. TM Dion Way.

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

Upon motion of Councilor Harris, it was  
VOTED: That the G.L. Disclosure for Tyler Wingate, School Employee, for a Basketball Referee with the Parks and Recreation Department be APPROVED.

The vote on the foregoing was as follows:

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

Councilor Harris offered a motion, which was duly seconded, while under suspension, for the reappointment of Mark Cressotti as City Engineer for a term to expire for February 2022. Councilor Harris informed the Council that Mr. Cressotti was fully vetted three years ago and was unanimously confirmed at his last reappointment by the same Councilors with the exception of Councilors Burns, Emmershly and Morganelli and the newly appointed Councilor LeFebvre.

Councilor Flaherty was OPPOSED to suspension of the rules for immediate consideration. President Figy announced that due to the opposition the suspension of the rules fails.

Upon motion of Councilor Harris, it was VOTED: That the reappointment of Mark Cressotti as City Engineer for a term to expire for February 2022 be REFERRED TO PERSONNEL ACTION COMMITTEE.

Upon motion of Councilor Onyski, it was VOTED: That the information submitted by Assistant City Solicitor Shanna Reed from the Traffic Commission relative to the Papermill Road heavy commercial vehicle exclusion be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

A Public Hearing was held on an application for a Special Permit for motor vehicle sales pursuant to Section 3-130.3(5) for a wholesale car dealership at 66F South Broad Street submitted by Farzaan Mufeed, 25 Margerie Street, apt. 1, Westfield, MA. Mr. Mufeed was present to represent the application. He informed the Council that is requesting the special permit so that he can store vehicles on the property that he purchases from auctions and he will sell them to dealerships or export them foreign countries. He informed the Council that he is from Sri Lanka and has family here and those family members will work with him. Councilor Beltrandi questioned if he would

be having a display lot of the cars and that if this was a wholesale business. Mr. Mufeed informed the Council that it's a wholesale business and he will not be selling to individuals only to dealerships or he will export the cars and will not have a display area on the property. Councilor Allie questioned the location of the property and how many cars will be on the property. Mr. Mufeed informed the Council that the property is located behind the Big Y on East Silver Street, next to the Department of Public Works garage. There is garage space inside the building to park seven to eight cars, there is an office and bathroom in the building. Councilor Burns questioned if he will be doing any mechanical or body work on the vehicles at that location. Mr. Mufeed informed the Council that he will use local mechanics and body shops to do that work and no mechanical or body work will be done at the location. Councilor Onyski questioned what will happen at that location if there will be no mechanical or body work done at that location. Mr. Mufeed informed the Council that he will store the cars there until he sells them to a dealership or until he ships them off to another country. Councilor Onyski questioned if there is a site plan available for the Council to see what's on the property and its surroundings. Councilor Beltrandi clarified that the applicant is looking for a license to buy cars at the auction and then sell them to dealerships and there will be no display of cars on the premises, nor any mechanical work or body work done. Councilor Onyski asked what the special permit is for. President Figy informed the Council that he drove past the building and it's in between the DPW garage and a landscaping business and there are no residents in the area. Councilor Emmershy informed the Council that this is essentially a storage facility with car haulers going in and out. Councilor Onyski informed the Council that he understands that the license will go to the License Commission and questioned if the special permit is going to the License Commission. Councilor Beltrandi and Councilor Flaherty informed the Council that the special permit is issued by the City Council. Mr. Joe Mitchell, City Advancement Officer spoke in favor of the application and that it is in Industrial A and he's seeking a special permit because according to the zoning ordinance the motor vehicle sales requires a special permit and that once the special permit is issued he will then deal with the license part with the License Commission. Mr. Mitchell informed the Council that this is one of the special permits that were assigned to the City Council in 2004. He informed the Council it is an appropriate business for the location and will help other businesses in Westfield for mechanical and body work. With no others appearing to be heard and upon motion of Councilor Beltrandi, it was VOTED: That the Public Hearing be CLOSED.

Upon motion of Councilor Beltrandi, it was VOTED: That the application be REFERRED TO LICENSE COMMITTEE.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the transfer of \$19,500.00 within the Airport Department from FT Salary account #11990000-511000 to Equipment Vehicles #11990000-585001 4/20/17 REMAIN IN COMMITTEE; 5/4/17 REMAIN IN COMMITTEE be REMOVED FROM COMMITTEE.

Councilor Bean informed the Council that the item is no longer relevant.  
The vote on the foregoing was as follows:

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

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the motion of Councilor Dondley and President Bean, That per a request from the Retirement Board, that the Council to approve the unanimous vote of the Retirement Board to raise the cost-of-living allowance (COLA) base for city pensioners by \$1,000 from \$13,000 to \$14,000 in accordance with MGL Chapter 32, section 103, paragraph (j) (8/24/17) be REMOVED FROM COMMITTEE.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the motion of Councilor Surprise, that the "Communication from the Mayor" requesting acceptance of the in-lieu-of-taxes contribution from the Westfield Gas and Electric in the amount of \$559,497.00 for FY19. Payments are to be made monthly in the amount of \$46,625.00 commencing on or after July 1, 2018 (5/31/18) REMAIN IN COMMITTEE.

Councilor Allie, for the Finance Committee, offered a motion, which was duly seconded that the motion of Councilor Paul, and Councilor Burns that an analysis of the present Storm Water Fee be initiated with the DPW Director to identify the fee gap and work required to be compliant with Federal and State EPA and that the matter be (10/18/18) be favorably referred to Legislative and Ordinance Committee. Councilor Allie informed the Council that a lot of work has gone into this matter and there is an updated document of the proposed fee increases on the Council share file. Councilor Harris informed the Council she is opposed to a huge increase on residents and that the oil companies should absorb the extra cost needed for the projects. Councilor Surprise informed the Council that the dams and levy need work and if not done the City may lose its certification for flood insurance. Councilor Flaherty informed the Council that he is not in favor of sending the item to Legislative and Ordinance Committee because its half cooked and it should stay in Finance until it's ready because L & O is not in the

job of analyzing financial matters. Councilor Babinski agreed with Councilor Flaherty. She agreed something needs to be done with stormwater runoff and there is still room for those numbers on the commercial side to be changed. Councilor Emmershy informed the Council that in order for the DPW to receive grants for the dam projects there needs to be a funding source in place. He informed the Council that flood control issues are not funded in the budget and that he would like to see the job descriptions of the employees that will be doing the street sweeping and cleaning of the storm drains. Councilor Onyski agreed with Councilor Flaherty that there needs to be one number coming from L & O before it goes to Finance, not a choice of numbers. Councilor Burns informed the Council that it's his assumption that the document submitted is the final chart and Councilor Allie did everything he can do on it. He informed the Council that his ward, Ward 4, has a lot of issues relative to stormwater and something needs to be done. Councilor Beltrandi informed the Council that if the Chair of L & O does not want to take the item as is then it should stay in Finance. Councilor Beltrandi offered a motion, which was duly seconded, that the item remain in Finance Committee. Councilor Bean informed the Council that Finance has done all it can on the matter. He informed the Council that in the past Free Cash has been given back as a political move and now there is a project that has to be done and now has to be funded with a fee. Councilor Bean informed the Council that the chart can be voted on now and doesn't even have to go to L & O and asked if Councilors were prepared to vote on the matter tonight. He informed the Council that this matter is about a fee increase, not personnel and job descriptions and that if the Council wants to leave it in Committee that is fine and then the inevitable will be voted on at the next Council meeting and that it doesn't matter to him because he will still be voting no on the matter. Councilor Allie informed the Council that Finance met with Mr. Billips on a weekly basis during the holidays and that the task was to identify the fee gap and identify projects that needed to be done. He informed the Council that 14 projects were identified and they were able to stabilize the commercial rates with the smaller businesses having a decrease in the rate. Councilor Flaherty informed the Council that if the table as presented on page three is set in stone then that could be voted on, but there is a lot of other language within the document that is not set in stone and needs to be worked out before going to L & O. He also addressed the matter relative to job descriptions and informed the Council that the job descriptions need to be only associated with stormwater, no other departments because in the past stormwater money was spent on other things and now it's been locked down and stormwater money can only be spent on stormwater matters. He informed the Council that this fee will be used to fund a bond and that Free Cash cannot be used to fund a bond because Free Cash amounts are never known until the end of the fiscal year. He informed the Council that commercial businesses like Wal-Mart pay a lot of money to have stormwater infrastructures in place so they are not getting anything for free and it's not fair to whack them again with a huge fee. Councilor Allie informed the Council that money from Undesignated Stormwater was used and there may be some grants that will be used in the future. Councilor Surprise informed the Council that his ward, Ward 3, sits on the flood plain and that it's

important to address these issues and that he does not want to raise a fee but it's needed for public safety. Councilor Emmershy informed the Council that with all the projects on dams there is no way to fund the projects from Free Cash and that is why the fee is needed and there needs to be three employees dedicated for stormwater projects. Councilor Onyski questioned why the matter has to go to L & O because it's up to the Council to vote on the stormwater fee either to go up or down and that it shouldn't need to go to L & O because there isn't an ordinance change. Councilor Allie expressed his concern why it was even originally sent to L & O. Councilor Bean informed the Council that the stormwater fee is tied to an ordinance and that's why it was originally sent to L & O. Councilor Flaherty read from the Code of Ordinances Section 18-105 as follows "The initial rates, and any later modifications, shall be based upon recommendation of the board of public works and shall be set by the adoption of a written resolution by vote of the city council." Councilor Harris informed the Council that she did not have the final schedule when she first spoke and now that she has reviewed it she is happier with the resident's fee, but would like a slight adjustment and agreed that the projects need to be done. Councilor Harris offered a motion, which was duly seconded, for the resident rate to be \$30, \$30, \$30. President Figy reminded the Council that the issue at hand is whether or not to send the item to L & O, not the merits of fee, and thanked the Finance Committee on the hard work they have done on the matter. Councilor Surprise informed the Council that it needs to go to L & O because there needs to be a Resolution and may need a Resolution for the hiring of the employees. Councilor Flaherty again read Code of Ordinance Section 18-105 and reiterated that the recommendation has to come from the Board of Public Works. Councilor Allie informed the Council that the Board of Public Works did give a recommendation and that the Finance Committee didn't like that recommendation so they changed it to what is being presented tonight on the amended document, page 3. Councilor Beltrandi informed the Council that when the fees were first presented by DPW Director Billips the fees were considerably different and he thanked the Finance Committee for working with Mr. Billips to get the proposed fees. Councilor Babinski questioned what is the recommendation from Finance and will L & O be changing those recommendations. Councilor Flaherty requested a point of order and went back to the legal ordinance that says it shall be based on the recommendation of Board of Public Works, not that the Council can change it. Councilor Allie informed the Council that the chart came from Director Billips. President Figy informed the Council they are getting away from the focus of the motion which is to refer it to L & O and then if there's a legal question Law can review it. Councilor Surprise questioned if Councilor Harris' motion of \$30 \$30 \$30 can be sent to L & O and be amended there or can does it have to stay in Finance and be amended in Finance. Councilor Flaherty again read the ordinance that states that the fee has to be a recommendation from the Board of Public Works. Councilor Surprise offered a motion, which was duly seconded, that the matter be referred to Board of Public Works. Councilor Beltrandi withdrew his motion to refer it back to Finance Committee. Councilor Surprise withdrew his motion to refer it Board of Public Works. Councilor Onyski informed the Council that he would take the matter

as written on the top of page three and ask for a legal opinion as to the validity of the process of increasing the rates. Councilor Morganelli informed the Council that the rate has been given and it should not have to go to L & O. President Figy informed the Council that per his personal opinion he believes things can change in L & O. Councilor Allie informed the Council that all the amendments have been submitted to Finance from Director Billips. Councilor Allie acknowledged Councilor Harris' proposed amendment of \$30 \$30 \$30 and that can be amended in L & O and written into the Resolution.

Upon motion of Councilor Beltrandi, it was  
VOTED: That the matter of the proposed fee increase be FAVORABLY REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Upon motion of Councilor Bean, for the Finance Committee, it was  
VOTED: That the Grant awarded from the Executive Office of Elder Affairs for the FY19 Earmark Grant in the amount of \$5,500.00 to the Westfield Council on Aging for the food program in partnership with the Horticulture Department at Westfield Technical Academy be ACCEPTED.

Councilor Surprise thanked Senator Humason for getting the grant for the district.

Upon motion of Councilor Bean, for the Finance Committee, it was  
VOTED: That the motion of Councilor Emmershy that the Legal Department and Audit provide the Council with an accounting of all outside Counsel expenditures incurred since 1/1/2018 and what is to be reasonably expected in the future REMAIN IN COMMITTEE and SEND ANOTHER REQUEST TO LAW DEPARTMENT.

Upon motion of Councilor Burns, for the Legislative and Ordinance Committee, it was  
VOTED: That special legislation for a Home Rule petition be drafted for the limit of additional compensation for the City Clerk serving as Clerk of the Council (per MGL 41 Section 19F) be increased by \$6,000.00 to \$10,000.00 REMAIN IN COMMITTEE and be REFERRED TO LAW DEPARTMENT.

Upon motion of Councilor Morganelli, for the Legislative and Ordinance Committee, it was  
VOTED: That a motion for a "definition of family" be developed to be added to the Westfield Code of Ordinances (5/6/13) be REMOVED FROM COMMITTEE.

Upon motion of Councilor Morganelli, for the Legislative and Ordinance Committee, it was  
VOTED: That an Ordinance or an amendment to an ordinance be established regarding litter within the city boundaries with a fine schedule to support it (abandoned shopping carts) be REMOVED FROM COMMITTEE.



Upon motion of Councilor Onyski, for the Legislative and Ordinance Committee, it was

VOTED: That a Resolution entitled "A resolution authorizing a Grant from the Executive Office of Housing and Economic Development" (in the amount of \$1,926,745.00 to the Engineering Department awarded from the MassWorks Infrastructure Program for the Springfield Road Traffic Signal Project) be ADOPTED. Councilor Onyski read the Resolution in its entirety.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Onyski informed the Council that it's for the traffic light known as the Shortstop light and also for future projects. He informed the Council that \$400,000.00 has been allocated for the project and \$200,000.00 has been spent and with the grant money there may not be a need to spend the rest of the allocated money.

Upon motion of Councilor Bean, it was

VOTED: That the Police department come in and discuss the plan for school resource officers at the schools for the rest of the academic year and that the matter be REFERRED TO PUBLIC HEALTH AND SAFETY COMMITTEE. Councilors Morganelli and Flaherty were OPPOSED.

Councilor Bean informed the Council that he has conflicting stories relative to resource Officers and would like them to come into the committee and give an update. He informed the Council that he understands that the Police Department is short on manpower but it is inexcusable not to have resource Officers in the schools. Councilor Morganelli informed the Council that he went to the Police Department last year to discuss items and that Councilor Bean could find out the answer by going to the Police Department instead of wasting time or he could have asked Councilor Burns, the liaison to the Police to find out the answer instead of having them come into a committee meeting. Councilor Burns informed the Council that he spoke with Capt. McCabe and he did agree to come to the Committee meeting. Councilor Emmershly informed the Council that the Police Commission has discussed it at their meetings and they do not

want to do it but are out of options because they do not have the manpower. Councilor Bean informed the Council that he has talked to individuals at the Police Department and it is not a waste of time. He informed the Council that the Police Department was just given an appropriation of \$100,000.00 for overtime so money is not the problem and that the resource Officers are utilized to help students, teachers and parents. Councilor Flaherty agreed that the resource Officers are valuable but that the Council cannot tell the schools what to pay for and if the schools want the resource officers they should put it in their budget

Upon motion of Councilor Figy, it was  
VOTED: That the February 21, 2019 City Council meeting be changed to February 25, 2019 and the April 18, 2019 Council meeting be changed to April 22, 2019.

Councilor Figy informed the Council that the reason for changing the meeting dates is because those are school vacation weeks and a lot of Councilors will be away with their families on those vacation weeks.

Councilor Babinski announced that enrollment to the Green Street Solar Power has been extended to the end of February and that anyone that has already signed up will get an email confirmation and if you did not to check your spam mailbox.

Councilor Beltrandi welcomed Councilor LeFebvre, who replaced retired Councilor Paul, to his first meeting.

Councilor Morganelli announced the Penguin Plunge will take place at Hampton Ponds on January 26<sup>th</sup>, 2019. He also announced there will be a significant snowstorm this weekend.

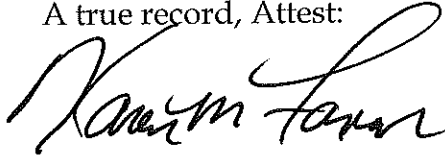
Councilor Surprise announced that the Massachusetts Municipal Association meeting is this weekend and that the Board members will be voted on at the meeting.

Councilor Figy announced that there everyone is invited for a tour of the Westfield Technical Academy and to RSVP to Kelly Liptak.

Councilor Flaherty announced that there are a few spots available on the St. Mary's ski trip during February school vacation and requested that everyone support the Penguin Plunge.

At 8:43 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

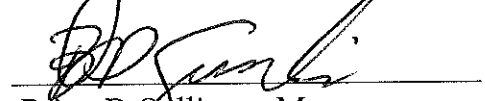
Presented to the Mayor

Approved by the Mayor

For approval Jan 24 2019

  
Karen M. Fanion, City Clerk

Jan 25 2019

  
Brian P. Sullivan, Mayor