

MEETING OF CITY COUNCIL  
WESTFIELD, MASSACHUSETTS  
APRIL 22, 2019 (rescheduled from April 18, 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 April 4, 2019 be ACCEPTED.

Upon motion of Councilor Onyski, it was  
VOTED: To enter into Executive Session to discuss strategy with respect to litigation as an open meeting will have a detrimental effect on the litigating position of the City relative to the pending legal matter concerning an eminent domain and to then return to regular order.

The vote on the foregoing was as follows:

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

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

Under "Public Participation" the Councilors were addressed by Mr. Jim Plasse, 19 Hillary Lane. He requested Council support on the petition being submitted at tonight's meeting for acceptance of Hillary Lane as a public way.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He expressed his thanks to the Westfield Police Department for doing

a wellness check on him because he has not been seen walking his dog because his dog passed away recently.

Under "Public Participation" the Councilors were addressed by Ms. Joanne Barnes, 81 Paper Mill Road. She replied to a comment from the pulse line that a **resident wrote regarding his personal truck being 2 ½ tons therefore he will not be able** to drive it on Paper Mill Road from 6 PM to 7 AM due to the truck exclusion. She **explained that the 2 ½ ton refers to the amount a truck can haul, not the weight of the** truck. She requested Council to support the second reading and final passage of the Paper Mill Road truck exclusion that is on tonight's Agenda.

Upon motion of Councilor Onyski, it was  
VOTED: That the late communication from the Mayor submitted after the Agenda deadline be ACCEPTED.

Upon motion of Councilor Onyski, it was  
VOTED: That the late communication, as follows, be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.  
Appropriation of \$90,000.00 from Community Preservation Committee Undesignated (Balance) account #2410-340000 to CPA Columbia Greenway Project (Recreation) account #24101770-580400-5304.

Upon motion of Councilor Bean, it was  
VOTED: Under immediate consideration, that the sum of \$307,500.00 be appropriated from Free Cash #1000-359000 to Law Department, Judgment account #11510000-576000 for the purpose of a full settlement.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean informed the Council that this item was in executive session, therefore, there can be no discussion on the item. Councilor Flaherty informed the Council that he would not support the motion because he did not like using Free Cash as the source of funding.

Upon motion of Councilor Bean, it was  
VOTED: That items B., C., and 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. Submitting a request for Council approval, effective immediately to allow Mayor to transfer money between departments and within departments and also between personal services and expenses for the purpose of expediting transfers and eliminating the need to carryover payments into FY2020.
- C. Appropriation of \$145,000.00 from the following accounts to the CPA Landlord Fowler Tavern account #24101770-580200-5122:
  - o \$22,000.00 from Community Preservation Historic FY19 account #24101770-580200
  - o \$52,937.57 from Community Preservation Historic (Balance) account #2410-340200
  - o \$70,062.43 from Community Preservation Undesignated (Balance) account #2410-340000
- D. Transfer of \$125,454.56 to the following accounts within the Airport Department from Capital Project account #11990000-580000; transfers are amendments of funds requested at the April 4<sup>th</sup>, 2019 City Council meeting:
  - o \$101,464.56 to Capital Project Frost Heave Repair account #11990000-580000-4873
  - o \$24,000.00 to Design Aircraft Ramp account #11990000-580000-4872

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

- E. Submitting an Order of Appropriation in the amount of \$975.00 from Engineering, Construction account #14110000-589200 and an Order of Taking for a permanent easement of real estate for access to the City of Westfield drainage easement and sanitary sewer structures for William's Riding Way Flood Control Pump Station.
- F. Submitting an Order of Appropriation in the amount of \$90,000.00 from Community Preservation Undesignated (Balance) account #2410-240000 to CPA Columbia Greenway Project (Recreation) account #24101770-580400-5304 and an Order of Taking for a permanent easement and temporary (five year) easement of real estate to construct and provide public access to Columbia Greenway Rail Trail.
- G. Submitting a Resolution of the City Council of the City of Westfield authorizing a Special Tax Assessment (STA) for Toll Brothers Inc., 100 Apremont Way.
- H. Submitting a Resolution of the City Council of the City of Westfield accepting provisions of MGL Chapter 59 Section 5, Clause 22H, known as the BRAVE Act, allowing for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and Veterans who died as a proximate result of injury or disease suffered during active duty.

Upon motion of Councilor Harris, it was VOTED: That the rules be SUSPENDED in order to act upon items received at tonight's meeting. Councilor Harris explained that immediate consideration is necessary to keep the membership of the Board of Health up to date in order that the Board be able to deal with any issues related to the recent outbreak of the measles. She also explained that it is necessary to keep the membership of the Airport Commission up to date for important matters that are before the Commission.

Councilor Surprise was OPPOSED to immediate consideration. He explained that all appointments need to go to Personnel Action Committee.

President Figy declared the motion for immediate consideration LOST due to an opposition.

Upon motion of Councilor Harris , it was VOTED: That items I., J. and K. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE PERSONNEL ACTION COMMITTEE

- I. Submitting the appointment of Margaret Doody, 294 Granville Road, as a member of the Board of Health for a term to expire the first Monday of February, 2022, replacing Michael Paquette, resigned.
- J. Submitting the reappointment of Donald Nicoletti, 29 Radisson Lane as a member of the Airport Commission for a term to expire the first Monday of February, 2022.
- K. Submitting the reappointment of Carissa Lisee, 79 Austin Street, Chicopee as the Superintendent of Buildings for a term to expire the first Monday of May, 2022.

Upon motion of Councilor Flaherty, it was VOTED: That the list of Board and Commission members and the list of Department

Head with appointment dates, submitted by City Clerk Karen Fanion, as requested per motion of April 4, 2019 be ACCEPTED AND PLACED ON FILE. Councilor Flaherty requested that all Councilors read the documentation.

Upon motion of Councilor Beltrandi, it was VOTED: That the 2019 renewal for Meadowbrook Antiques, 658 Montgomery Road, Junk Dealer/Junk Collector license, as submitted by City Clerk Karen Fanion, be REFERRED TO LICENSE COMMITTEE.

A PUBLIC HEARING was held on a petition to add a new Zoning Ordinance Section 4-32 Short Term Residential Rentals. Councilor Burns represented the petition. He informed the Council that the Planning Board gave the petition a positive recommendation with two amendments He informed the Council that this matter came before the Council last February when an there was a disruptive Airbnb on Overlook Drive. He explained that the matter was referred to Zoning, Planning and Development and they worked with the law department in drafting an ordinance. In the meantime the Governor signed a bill relative to short term rentals. Councilor Surprise questioned what the amendments were from Planning Board. Councilor Burns informed the Council that the amendments are relative to the zoning permit be sought/renewed on a yearly basis and a limitation on the number of days per calendar year for a short term rental, but the Planning Board did not recommend a specific number of days. Councilor Figy questioned if there was delineation within the proposed ordinance relative to owner occupied vs non-owner occupied. Councilor Burns informed the Council that it was not included but that an amendment can be made to add it. Councilor Burns informed the Council that Mr. and Mrs. Jeff Collier, 30 Pearl Street have been successfully doing short term rentals and requested Council to vote for a positive recommendation to allow short term rentals. Councilor Flaherty spoke in favor of owner occupied or owner adjacent. He expressed his concern with the wording that if the owner is absent more than 30 days the dwelling may only be rented for 7 consecutive days and he explained that there may be a desire to rent a property for the weekend to attend a graduation or other function that would not require 7 days. He explained that Residential A already has a rooming house use by right already in it and that the ordinance does not have protections in it for the neighbors. Councilor Emmershy expressed his concern with the permits expiring 12 months from the date they were issued, he suggested that the permits should all run on a calendar or fiscal year in order that the Building Superintendent be able to review the entire list at once. He also expressed his concern with the language relative to having reasonable access for inspection that it is too vague and should have something spelled out to the amount of days prior for access. Councilor Surprise informed the Council that the ZPD had discussed from 7 days to maximum of 31 days. Mr. Richard Salois, 220 Russellville Road, a Planning Board member spoke in favor of the petition. He informed the Council that it may not be perfect but it is something for the protection and that it can be tweaked as needed. Mr. Frank Mills, 47 Overlook Drive spoke in opposition of the petition. He informed the Council that it does not protect the residents and it does not include language for owner occupied.

With no other appearing to be heard and upon motion of Councilor Beltrandi, it was

VOTED: That the Public Hearing be CLOSED and the petition be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Upon motion of Councilor Onyski, it was VOTED: That the Petitions for Street Acceptance for the following: Devon Terrace, Gloria Drive, Hillary Lane, Nancy Circle, Frank Circle, Rachel Terrace, Hillcrest Circle be REFERRED TO DEPARTMENT OF PUBLIC WORKS FOR A RESPONSE WITHIN 30 DAYS, ENGINEERING DEPARTMENT FOR A RESPONSE WITHIN 30 DAYS, ASSESSORS DEPARTMENT FOR A RESPONSE WITHIN ONE WEEK and LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT. Councilor Onyski disclosed that he lives on Hillcrest Circle. He explained that these streets will be used as a test of the process and then other streets will be added if the process is successful. Councilor Flaherty informed the Council that these streets are in perfect condition and should be accepted and he questioned if these streets were on the list of streets to be accepted that were sent to the State last year. Councilor Figy informed the Council that even though the streets were on the list that went to the State legislature, this process still has to be followed. He reminded the Council that the Law Department did not want to send those to the State legislature because the process of getting the lay out orders still has to happen. Councilor Surprise questioned if the above streets were on that list that went to the State. Councilor Onyski informed the Council that they were on the list and because the boundaries are already done on these streets they were chosen because that is the hardest part. Councilor Onyski reviewed the process as follows: Fifty-one percent of the owners of the frontage have to sign the petition and the Assessor will certify that, then the DPW and Engineer have to give their opinion whether or not the street should be accepted based on the condition of the street and if it needs work how much that work will cost, the Law Department has to do the paperwork relative to the property owner signing over deed because the deed goes to the center of the street and then the City Council has to approve each street individually. Councilor Bean informed the Council that one of the biggest mistakes made by the Council years ago was to ask the process on how to accept street and now this process is in place whereas before that the City Council used to get a list of streets, accept them and they would be accepted and this process gives the City an excuse not to fix the roads and adding new streets does not add more road money.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the information received from the Law Department relative to the request of regarding the Fire Commission's accounting of all outside Counsel expenditures incurred since 1/1/2018 and what is to be reasonably expected in the future be ACCEPTED AND PLACED ON FILE.

Councilor Emmershy informed the Council that the total amount spent was \$47,000.00 which was for an outside investigator who interviewed 91 people and submitted a 30 page report to the City and there are not any more expenditures expected. Councilor Flaherty expressed his disagreement and concern that the \$47,000.00 was paid last year from several different accounts during the last couple of months of the fiscal year when the Mayor had the authority to transfer money from and between accounts. He expressed his concern that this amount should have come before the Council and that the Council should have been made aware of the situation

as it happened, instead of learning of it 10 months later.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That 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 be ACCEPTED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean informed the Council that the grant will be used to remove the Tekoa Reservoir Dam.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$1,500.00 be transferred within the Police Department, Animal Control, Training account #12920000-51400 to Purchase of Services account #12920000-520000.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a Grant in the amount of \$7,811.84 from the Commonwealth of Massachusetts, Office of Grants and Research Highway Traffic Safety Division to the Westfield Police Department for the FFY 2019 Pedestrian and Bicyclist Safety Grant Program be ACCEPTED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a sum of \$200.00 be appropriated from Reserve for Unforeseen account #19500000-570900 to Engineering Department, Construction account #14110000-589200 for a prior year bill.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean informed the Council that the appropriation is for expenses to a sprinkler system that was broken during the Route 187-Little River Road Roadway Reconstruction project. Councilor Flaherty expressed his concern that the invoice was from June of 2017.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a sum of \$16,666.66 be transferred within the Police Department from Police Settlement account #12100000-485400 to the Special Revenue 111F Police Insurance Reimbursement account #24002101-485200.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a sum of \$778.91 be transferred from Department of Public Works, as follows, in order to pay for a prior year FY18 employee payroll retroactive payments due to a contractual step increase:

- \$587.98 from DPW, Sewer Division, Full Time Hourly FY19 account #67004490-511100 to DPW, Sewer Division, Full Time Hourly FY18 account #67004490-511100
- \$150.94 from DPW, Sewer Division, Overtime FY19 account

#67004490-513000 to DPW, Sewer Division, Overtime FY18 account #67004490-513000

- \$39.99 from DPW Highway Division, Overtime FY19 account #14210000-513000 to DPW Highway Division, Overtime FY18 account #14210000-513000

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean informed the Council that the transfer is necessary for prior year FY18 employee contract step increase that was missed.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a sum of \$48,000.00 be appropriated from Free Cash #1000-359000 to Purchasing, Repair Maintenance account #11380000-524001.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Bean informed the Council that the appropriation is for an OSHA audit of City buildings as the City is now required to be OSHA compliant within City buildings.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That a sum of \$190,000.00 be appropriated from Free Cash #1000-359000 to Public Works Department, Waste Collection Division, Vehicles account #14330000-585001.

The vote on the foregoing was as follows:

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

President Figy declared the motion PASSED

Prior to the vote, Councilor Bean informed the Council that the appropriation is for the purchase of a Rear Loading 2020 Freightliner Trash Truck and this is the first step in purchasing trash trucks instead of renting them because renting them costs more than purchasing them. Councilor Allie informed the Council that the truck is rear loading and can be used in tight spots. Councilor Emmershly informed the Council that at budget time last year this item should have been discussed and budgeted and that the money for a vehicle should not come out of Free Cash. Councilor Flaherty informed the Council that this item should be put in the upcoming budget which will take place in the next two months. He expressed his concern as to what the \$85.00 per household for the trash fee is used for because the buying of barrels is complete and that now it should be used to buy trucks. He explained that the \$85.00 originated years ago relative to the Cabot Road purchase of property for a proposed dump and now he is questioning what it is being used for. Councilor Surprise expressed his concern on how much Free Cash has been spent at tonight's meeting. Councilor Morganelli agreed with Councilors Flaherty and Surprise. He informed the Council that he had requested information relative to trash routes in hopes to save some money and the response back from the department was only how many barrels are out there.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the request that the remaining balance of \$272,000.00 from Bond Order No. 2692 to restore and preserve the building exterior of Hangar Two at Westfield-Barnes Regional Airport be rescinded as the project for which the bond order was passed has been completed and this amount remains unborrowed be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. Councilor Bean informed the Council that it should not have been referred to Finance, it should have been referred to Legislative and Ordinance Committee.

Upon motion of Councilor Onyski, for the Legislative and Ordinance Committee, it was VOTED: That the Bond Order entitled "A BOND ORDER TO PAY COSTS OF VARIOUS AIRPORT CAPITAL IMPROVEMENTS" (\$10,250,000.00) be given a favorable recommendation for second reading and final passage which will take place

later in the meeting.

Councilor Onyski informed the Council that due to timing, the first reading was done at the last meeting and the bond is for frost heave repair sound insulation design. Councilor Flaherty questioned what item D., under Communications from the Mayor, the transfer \$125,454.56 within the Airport for capital projects for frost heaves and ramp design was to be used for if there is a bond to cover those costs. Councilor Onyski informed the Council that it's to get closer to the City's share of \$516,500.00 and that each project is reimbursable.

Councilor Onyski, for the Legislative and Ordinance Committee, offered a motion which was duly seconded, to recommend the Stormwater Utility fee to be as follows: present \$20/year; FY20 \$30/year; FY21 \$40/year; FY22 \$50/year. Councilor Beltrandi informed the Council that he is not in favor of any increase to the stormwater fee until he has a report as to how the current stormwater money is being spent. He suggested that this be referred to the Auditor to get the report and to table the matter until after the report is received. Councilor Flaherty informed the Council that he has asked for this information in the past.

Upon motion of Councilor Flaherty, it was VOTED; That the City Auditor provide a report to the Council, within 30 days, as how the money from the stormwater fee has been spent for the past five years and that the motion to increase the stormwater fees be TABLED until the report is received.

The vote on the foregoing was as follows:

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

President Figy declared the motion PASSED.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That the appointment of Jeffrey Siegel, 56 Wilson Avenue, as a member of the Fire Commission for a term to expire the first Monday of February, 2022, replacing Patrick Olearcek, resigned, be CONFIRMED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Harris informed the Council that Attorney Siegel is the Vice President - Legal Affairs for United Bank. He is the Attorney for \$6 Billion Bank with branches in MA, CT and RI and offices in all of New England and the Mid-Atlantic. He has over 30 years' experience in Security, Compliance and Legal Matters. In addition he is or has been an adjunct faculty and lecturer for Clark University, Westfield State University, AIC, University of Phoenix, University of Hartford, Yale and others. He is admitted to the MA and CT Bar and admitted to practice before the US Tax Court and US Supreme Court. He has authored many law articles. He is the co-founder and member of the Board of Directors of the Northampton Jazz Festival, on the Board of Directors for the Greater Hartford Festival of Jazz (where he was also president) and was on the Editorial Board for years of the Western Mass Law Tribune. And he wants to be involved in community service.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That the appointment of John Niedzielski, 28 Heritage Lane as a member of the Water Commission for a term to expire the first Monday of February, replacing Matt Barnes, resigned to become City Treasurer/Collector be CONFIRMED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Harris informed the Council that Mr. Niedzielski has approximately 30 years of Environmental project related experience including work plan development and implementation of site investigations, Brownfields project management, selecting appropriate remedial technologies, pilot testing technologies, remedial action projects, negotiating with regulatory, agency representatives, waste management, technical support and evaluation. He has an M.S. in Environmental Technology and a B.S. in Biology/Biotechnology from Worcester Polytechnic Institute. He is a licensed Site Professional, Drinking Water Supply Operator and Solid Waste Third Party Inspector. He has specialized training in OSHA Regulations and is a member of MA Rural Water Assoc., MA Licensed Site Professionals Organization and Environmental Professionals Organization. He is employed by ACT, as a Senior Project manager and has had extensive experiences in Drinking Water Operations, Knowledge of Collection of water samples, system maintenance to maintain water quality, meter readings, reviewing of system components, backflow device testing as required by DEP and involved in a meter installation project. Lastly he has authored many articles on bacteria in regards to water, heavy metal removal from wastewater, and other technical articles specific to this field.

Councilor Beltrandi informed the Council the Mr. Niedzielski as well as the above appointment of Mr. Siegel are well-qualified and they will add a lot to their respective Commissions. Councilors Burns, Surprise and Figy echoed the comments of Councilor Beltrandi.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That the reappointment of William Gonet, 29 Cardinal Lane, as a member of the Airport Commission, for a term to expire the first Monday of February, 2021 be CONFIRMED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Harris informed the Council that Mr. Gonet is the Vice President, Sales and Marketing, Barnes Aerospace. He has over 30 years in the aircraft industry in various capacities from technical support to negotiating major agreements with General Electric, Rolls Royce and International Airlines. He has extensive knowledge and passion for the Aerospace Industry. Barnes Group, Inc. has 11 facilities in the U.S. and Singapore. At his time of appointment (April 2016), Bob Paul, then Councilor, highly recommended Mr. Gonet. Lastly, Mr. Gonet is on the Board of Directors for New England Air Museum in Windsor Locks, CT since 2006. Committee member Councilor Onyski agreed he was top notch and a great reappointment.

Councilor Beltrandi informed the Council that Mr. Gonet is another well-qualified appointee, same as the others appointed at tonight's meeting.

The CONTINUED PUBLIC HEARING was held on a petition submitted by Verizon New England and Westfield Gas and Electric requesting permission to place one jointly owned pole on Westwood Drive. Mr. Paul Davis was present to represent Verizon. He informed the Council that this is for a new pole at the corner of Westwood Drive and Western Avenue and the reason is to accommodate the Massachusetts Highway Department road construction project on Western Avenue. Mr. Mark Cressotti, 12 Furrow Street spoke in favor of the petition and that it's necessary for the improvements for Western Avenue. With no others appearing to be heard and upon motion of Councilor Beltrandi, it was

VOTED: That the Public Hearing be CLOSED and the petition be REFERRED TO THE LICENSE COMMITTEE.

The CONTINUED PUBLIC HEARING was held on a petition submitted by Verizon New England and Westfield Gas and Electric requesting permission to place six jointly owned poles on Western Avenue and to relocate six jointly owned poles at several locations on Western Avenue. Mr. Paul Davis was present to represent Verizon. He informed the Council that there are three poles to be relocated on Western Avenue and three new poles for Western Avenue and the reason is to accommodate the Massachusetts Highway Department road construction project on Western Avenue. Mr. Mark Cressotti, 12 Furrow Street spoke in favor of the petition and that it's necessary for the improvements for Western Avenue. With no others appearing to be heard and upon motion of Councilor Beltrandi, it was

VOTED: That the Public Hearing be CLOSED and the petition be REFERRED TO THE

LICENSE COMMITTEE.

Upon motion of Councilor Onyski, it was VOTED: That a Bond Order entitled " A BOND ORDER TO PAY COSTS OF VARIOUS AIRPORT CAPITAL IMPROVEMENTS" (\$10,250,000.00) be given second reading by title only.

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

VOTED: That the Bond Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Onyski, it was VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17, Article IV Sec, 17-89 Heavy Trucks Restricted Paper Mill Road, entire length, from the hours of 6:00 PM to 7:00 AM) be given second reading by title only.

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

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Flaherty, it was  
VOTED: That RECONSIDERATION be given to an Order Establishing a Special Purpose Stabilization Fund Account Titled “Road And Sidewalk Repair and Maintenance Fund”.

Councilor Babinski informed the Council that this is part two of the original vote (accepting MGL Chapter 40 Section 5B) and that the a dedicated account for the meals sales tax was previously voted not to include. Councilor Surprise agreed with Councilor Babinski. Councilor Bean reminded everyone that this is just to create the account and the Council cannot put money into the account, it has to be put in by the Mayor. Councilor Emmershly informed the Council that a Resolution was voted at the last meeting requesting the Mayor to appropriate money for roads and this would be an account where that money could go. Councilor Morganelli agreed that this fund would be a place for money for the roads to go and the condition of the roads is a pressing issue of the City. Councilor Flaherty agreed and informed the Council to get money out of the account would take nine votes. Councilor Harris informed the Council that a special account is not needed to spend money on the roads and that the Mayor can spend money on the roads every year and that its misleading that if there is no account, the Mayor cannot spend money on the roads which is not the case. Councilor Flaherty informed the Council that a stabilization account goes from year to year whereas at the end of every fiscal year the accounts end and it’s a very clear way to see how money is spent on roads. He informed the Council that there will be a report from Audit to see how much money was spent on roads from the meals and occupancy tax. Councilor Emmershly informed the Council that establishing the fund shows the Council is serious about putting money towards the roads. Councilor Burns informed the Council he will vote for the fund because there needs to be money for the roads.

Upon motion of Councilor Flaherty, it was  
VOTED: An Order entitled “AN ORDER ESTABLISHING A SPECIAL PURPOSE STABILIZATION FUND ACCOUNT TITLED “ROAD AND SIDEWALK REPAIR AND MAINTENANCE FUND” be given second reading by title only.

The Order was given second reading by title 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:

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

Councilor Allie (and Councilors Flaherty, Emmershly and Surprise) offered a motion, which was duly seconded to request a monthly report from DPW Director of daily logs of Wells 1 and 2 showing amount of water being filtered from each well and be referred to the Department of Public Works. Councilor Surprise requested that the motion be also referred to Public Health and Safety Committee. Councilor Burns suggested that the liaison get the report from the Public Works department and the liaison can bring back the information to the full Council. Councilor Bean expressed his opinion that the motion is a nuisance and that the Councilor just talk to the people in the department and get the information. Councilor Babinski informed the Council that the DPW already gives a report at its monthly board meetings and that report can be given to the Council and then read at a Council meeting because then the public can hear it because the Council meetings are videotaped. Councilor Emmershly informed the Council that this is a more detailed report that is being requested and that the Council has in the past asked for reports and have never received them. Councilor Flaherty agreed that there was an old request for information that was never received. Councilor Morganelli suggested putting the above request to be part of the monthly DPW Water report and if it doesn't happen then follow up with the above motion. Councilor Onyski agreed with Councilor Morganelli.

Upon motion of Councilor Onyski, it was  
VOTED: That the motion to request a monthly report from DPW Director of daily logs of Wells 1 and 2 showing amount of water being filtered from each well and be referred to the Department of Public Works be TABLED to the 2<sup>nd</sup> meeting in May (May 16, 2019).

Upon motion of Councilor Allie, it was  
VOTED: That a resolution that the City Council at the beginning of every year be voted to send to the Mayor a request to transfer a percentage of the available free cash balance, to be determined by the Mayor as of June 15th each fiscal year, to be appropriated to fund the City's OPEB liability.

President Figy declared the motion LOST per voice vote.

Prior to the vote, Councilor Allie read the Resolution. Councilor Surprise informed the Council that if there is a source of funding there will be a percentage off the interest rate. Councilor Bean expressed his appreciation for the motion and agreed that the debt should be paid, but questioned the Councilor's priority for money is for the roads. Councilor Allie informed the Council that there are several ways to pay for this one being a have percentage paid by each department. Councilor Beltrandi questioned where this is being sent. Councilor Allie informed the Council that it's a Resolution and will be sent to the Mayor. Councilor Flaherty agreed OPEB liability is a big problem and there should be a plan.

Upon motion of Councilor Surprise, it was  
VOTED: That a review of existing regulations pertaining to Sober Living homes, and to research and provide recommendations for local regulations for Sober Living homes in the City of Westfield be REFERRED TO ZONING, PLANNING AND DEVELOPMENT, CITY PLANNER and LAW DEPARTMENT.

Councilor Onyski informed the Council that there was a similar group home in his Ward and he had a meeting with the neighbors and it was a successful meeting without

a bunch of legal work. Councilor Surprise informed the Council that he would like something codified.

Councilor Flaherty announced the Pancake Breakfast in celebration of the City's 350<sup>th</sup> on Saturday, May 18, 2019 is in need of volunteers during the breakfast and to make donations to raise enough money for each child under 18 to get a ticket for the breakfast.

Councilor Morganelli announced that the St. Mary's auction will be this Saturday, April 27<sup>th</sup>, 2019.

Councilor Babinski announced that the Westfield Horseshoe league will be again starting up and if anyone is interested in playing to call the President of the league.

Councilor Surprise reminded everyone of the MMA meeting this Saturday at MGM Springfield.

Councilor Figy announced that the Sled Hockey Tournament is this weekend at Amelia Park.

Councilor Flaherty announced that they are looking for volunteers for the dunk tank at during the 350<sup>th</sup> celebration on the weekend of May 17<sup>th</sup> to May 19<sup>th</sup>, 2019.

At 10:16 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 \_\_\_\_\_ 2019  
\_\_\_\_\_ 2019

\_\_\_\_\_  
\_\_\_\_\_  
Karen M. Fanion, City Clerk

Brian P. Sullivan, Mayor