



MINUTES OF CITY COUNCIL AD-HOC CHARTER COMMITTEE  
59 COURT ST, WESTFIELD, MA  
ROOM 315  
January 4, 2023 at 5:00 PM

The meeting was called to order by Councilor Flaherty at 5:00 PM.

The following committee members were in attendance: Councilor Dave Flaherty, Councilor Brent Bean and Councilor Ralph Figy.

Topic 1: Review and approve minutes.

Councilor Dave Flaherty stated the minutes are being worked on.

Topic 2. Discuss the following topics and make recommendations:

a. Clarify that job title is not necessarily a full-time job and that one person may have multiple roles.

Councilor Figy asked why this clarification would not be included in the original contract when an employee is hired. The job description should be known when the employee is hired. Councilor Flaherty stated the Charter lists department heads but there are some people that assume that the title of department head means that it is a specific individual with a full time job. Councilor Flaherty stated the City Council has the power to combine jobs such as the Treasurer and the Collector. He continued this is a role that is defined in the Charter and does not necessarily mean a unique full time job. Councilor Flaherty stated he would like to edit a sentence or two to make it clear that just because it says it is a role it doesn't necessarily make it a full time job. Councilor Figy asked if an ordinance change would be a better option than making a change to the Charter. Councilor Flaherty stated there is a whole list already listed in the Charter. Councilor Figy asked if this would be just adding a sentence or two that states none of these positions should be assumed to be full time jobs. Councilor Flaherty stated yes and that he is just trying to clarify that when people are reading the Charter that they don't automatically assume every job title is a specific person and a full time job. Councilor Bean stated this change would be for editing and clarification. Councilor Flaherty stated he will write up a sentence or two and submit it to Shana for her review and will bring it back to the next meeting.

b. Change language for appointments for terms of 'up to three years' not 'of three years'.

Councilor Flaherty stated this would give the appointing authority the ability to make the term shorter if needed. If the Mayor wanted to appoint someone for two years instead of three years that would be allowed. Councilor Flaherty stated this change in language would give flexibility if needed. Councilor Flaherty stated that he had a discussion with Councilor Onyski about this topic and Councilor Onyski asked him if people would be attracted to Westfield if there was no guarantee of a three year term. Councilor Flaherty stated that this is how the private sectors works and there is no guarantee of a job for three years. Councilor Figy stated he would like three year contracts for consistency within departments. He further stated if department heads get replaced every two years that could be problematic. Councilor Flaherty stated he will write up something for this change.

c. Establish regular expenses that shall be charged to enterprise (and similar) funds.

Councilor Flaherty stated there are some enterprise funds that don't get charged for overhead while others do. He further stated for example benefits get charged to the water and sewer group but the ambulance is not charged. He further added the expenses are not following the revenue. Councilor Flaherty continued anything that operates like an enterprise fund should have all the expenses in there necessary to run the enterprise fund. The capital expenses should be the same way. Councilor Bean and Councilor Figy both agreed that consistency is key. Councilor Figy asked if there were five or six enterprise funds. Councilor Flaherty responded that there are a couple enterprise funds and then there are a couple of other things that operate as enterprise funds. Councilor Flaherty will give direction to the Law Department on this item.

Topic 3: Old Business (review or create drafts, make recommendations for Council action):

- a. Procedure for filling vacancies on City Council.
- b. Procedure for filling vacancies on School Committee.
- c. Procedure for filling vacancies on the Municipal Light Board.

Councilor Flaherty stated in regards to a holding a Special Election a time limit was placed stating if it was six months before the next Preliminary Election nothing would be done. If it was more than six months a Special Election would take place. Councilor Figy stated at least two months lead time is needed to organize and run a Special Election. If the process starts January 1 that only leaves four months and the vacancy doesn't need to be filled for only four months. If the process starts six months from the date of the Primary then the vacancy would be filled for 9-10 months which is a more appropriate timetable. Councilor Figy stated it could also be written up to state a Special Election wouldn't need a preliminary it would be the top vote getter of all candidates. Councilor Figy added this would make more sense than having a preliminary and then having another election in two months. Councilor Flaherty stated this is what is done with Recall Elections. Councilor Bean supports the Special Election process and is fine with 6, 9, or 12 months any way that minimizes the cost of the Election. Councilor Figy stated that with the City Council and the Municipal Light Board the election costs would be lower than with the School Committee and at large. Councilor Flaherty stated that in the draft for Special Election he didn't put in anything for location or dates because that is voted on separately with the Mayor and the City Council picking the dates per the Charter. Council Figy stated the trigger should be six months before the Primary. Councilor Flaherty stated the next highest vote getter is a complicated process and not really fair. Councilor Flaherty stated people voted for specific people to be in office and the runner up did not get elected. Councilor Bean added there is disconnect with people interchanging the word signature with votes. Councilor Bean stated to get on the ballot 50 signatures are needed, not 50 votes. He continued there is a process for a sticker campaign. Councilor Bean stated there has been some elections that have had 7 at large candidates. He asked what happens when you have 6 at large candidates. Councilor Flaherty stated it would be considered a vacancy and the position could be filled by Special Election. Councilor Figy thinks the Special Election is the fairest process. For people to truly speak they have to be given the opportunity at the voting booths. Councilor Figy stated that the current process with the Municipal Light Board and School Committee is not fair. Councilor Flaherty agreed and stated he doesn't think letting the City Council make the pick is best for everyone. Councilor Flaherty stated this process will give the power back to the people. Councilor Figy liked the idea of setting up a special account for Special Elections that carries over from year to year and can be used when needed. Councilor Bean stated this is a fair process and makes sense. Councilor Flaherty

...ed the cost will just need to be justified to people. He continued some ideas to look at include the cost of not having someone versus saving money on the salary or the cost of the election versus the downside of a vote going the wrong way. If there is a vote 6-6 with City Council and the item doesn't pass there could be a downside to the City. Councilor Flaherty added this is just as important with the School Committee and the Municipal Light Board. Councilor Flaherty will bring this report out to City Council. Councilor Bean asked if this would change the Mayor situation. He asked if the City Council President would still get the seat for a certain amount of time. Councilor Figy and Councilor Flaherty both confirmed. Councilor Figy stated the City can't afford to run without an acting Mayor. The City Council, the School Committee and the Municipal Light Board could operate without one member. Councilor Flaherty stated the intent of the Charter is an acting Mayor isn't necessarily a full time job. It is only to take care of things that can't be delayed. It is also doesn't mean a full time salary.

d. Change the term of Mayor to four years beginning January 2026.

Upon motion of Councilor Bean, it was  
VOTED: to change the term of Mayor to four years beginning January 2026 by placing a binding question on the ballot. The motion was seconded by Councilor Figy.

Councilor Flaherty stated this will get sent to L&O and the Law Department and be written up to go on the ballot.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Upon motion of Councilor Figy, it was  
VOTED: to fill vacancies on City Council, School Committee and Municipal Light Board by Special Election. The motion was seconded by Councilor Bean.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Upon motion of Councilor Bean, it was  
VOTED: to consider a recall provision on the ballot. The motion was seconded by Councilor Figy.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

e. Allow Mayor to appoint a chairman of School Committee if he/she desires not to serve directly.

Upon motion of Councilor Figy, it was  
VOTED: to allow the Mayor to appoint a chairman of School Committee if he/she desires not to serve directly to be TAKEN OUT OF COMMITTEE WITH NO ACTION. The motion was seconded by Councilor Bean.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Flaherty stated there are other communities that don't have the Mayor as the chairman of the School Committee. Councilor Flaherty stated it may not be in the best interest of the City if the Mayor is not into serving on the School Committee. The Mayor has many job duties and should be able to pick and choose what his/her priorities are. If the Mayor wanted to appoint an expert that could better influence things that makes sense for the City. Councilor Figy stated this would remove the Mayor from receiving any information regarding the School Department. Councilor Figy stated this involves over ½ of the City's budget and over ½ of the City's employees and the Mayor needs to sit on this committee so he/she knows what is going on. Councilor Flaherty stated the Mayor is supposed to be the chairman of the committee and should be setting the agenda. Councilor Flaherty stated this isn't happening as the person may not be as skilled and comfortable with the school systems. Councilor Flaherty stated this is an option and not mandatory. Councilor Figy stated he doesn't think this is a good idea and the Mayor needs to be involved in the schools as much as possible. Councilor Figy stated he has been the liaison for 9 years and has had questions on how the agendas are formed and has never gotten a satisfactory answer. He continued the bigger picture is the budget of the City and how it fits in. Councilor Bean stated a lot of the agenda items are presentations from classrooms.

f. Edits to gender specific pronouns.

Upon motion of Councilor Figy, it was  
VOTED: to accept edits for gender specific pronouns. The motion was seconded by Councilor Bean.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Flaherty stated this is to edit the words his/her and change it to the word their and to edit the word chairman and replace it with the word chairperson.

g. Procedure for future Special Act Charter Amendments.

Councilor Bean stated he would like to see more structure. Councilor Figy stated it should be super majority versus simple majority. It shouldn't be harder to pass a zoning amendment than it is a Charter change. Councilor Figy stated it will need two readings with 9 votes at both. Councilor Flaherty stated it would be one reading for the order and once it passes it would get consolidated and then a vote taken for the entire amendment. Councilor Flaherty asked if public hearings should continue. Councilor Figy and Councilor Bean were in agreement of having public hearings by topic. Councilor Flaherty asked about restricting what can be in one amendment. He asked if each amendment should be

on only things that are related in topic. Councilor Bean and Councilor Figy agreed on amendments by topic with discretion. Councilor Flaherty asked about the Mayor's signature and if the City Council has 9 votes that the Mayor can veto an item and the item can still pass. Councilor Figy and Councilor Bean were in agreement with this. Councilor Bean stated the Charter is a living document and should be edited and changed as needed. Councilor Flaherty stated this would only apply to the Special Act Process. Councilor Flaherty, Councilor Bean and Councilor Figy were in agreement for the Special Acts Process to need 9 votes twice. The first vote will be by topic, the second vote will be to approve and send. Councilor Flaherty, Councilor Bean and Councilor Figy were in agreement to hold public hearings by topic.

h. Review Civil Service list.

Upon motion of Councilor Figy, it was  
VOTED: to run by the Law Department and delete in entirety from the Charter if possible. The motion was seconded by Councilor Bean.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Upon motion of Councilor Figy, it was  
VOTED: to amend by removing Fire Chief and removing law from the last sentence.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Prior to the votes, Councilor Figy stated the last Civil Service list was frozen. Councilor Flaherty stated that Shana stated even if the Charter is changed it wouldn't affect what is going on in the City because it is in the labor contracts and would need to be negotiated out. Councilor Flaherty asked if the Civil Service list should be taken out of the Charter and just be in the labor contracts. Councilor Figy and Councilor Bean were in support of this.

i. City Council may create Annual Budget process by ordinance.

Upon motion of Councilor Bean, it was  
VOTED: to allow City Council to create the Annual Budget process by ordinance. The motion was seconded by Councilor Figy.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Flaherty stated this makes it clear that City Council has the power to create policies. Councilor Bean stated this has to be structured and uniformed. This will take discretion out. Councilor Flaherty stated this does not define the actual process, it just gives up the power in the future to create the ordinances.

- j. Ability of City Council, or duly authorized committee thereof, to investigate matters.

Upon motion of Councilor Figy, it was  
VOTED: to separate Section 26 of the Charter and clarify. The motion was seconded by Councilor Bean.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Flaherty stated this comes up in Section 26 of the Charter. The first paragraph talks about City Council requesting specific information on municipal matters from the Mayor and requesting the presence of the Mayor to answer the questions. The second paragraph states that the City Council or any committee authorized by the City Council may investigate a financial transaction of any office or department of the City government. Councilor Flaherty stated this is a separate power. He also states this applies to utility and enterprise funds as well as the School Department. Councilor Bean asked what the difference is in requesting the information from the Freedom of Information Act. Councilor Flaherty stated it doesn't say Freedom of Information, it states the information can be asked for directly. Councilor Bean stated he does have some concern with Councilor's inundating department heads for information as department heads have a day to day job to do also. Councilor Flaherty stated the City Council would have to vote on the matter or give authorization to a committee to investigate.

4. Discuss potential of removing from committee without action:

- a. Recurring review of Charter based on calendar year (every ten years for years ending in '2')

Upon motion of Councilor Figy, it was

VOTED: TO REMOVE WITHOUT ACTION the recurring review of the Charter based on calendar year (every ten years for years ending in '2'). The motion was seconded by Councilor Figy.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

b. Local elections to allow early voting and vote by mail following the same procedures as State and Federal elections.

Upon motion of Councilor Figy, it was

VOTED: TO REMOVE WITHOUT ACTION for local elections to allow early voting and vote by mail following the same procedures as State and Federal elections. The motion was seconded by Councilor Figy.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
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Brent Bean	Yes
Ralph Figy	Yes

Upon motion of Councilor Figy at 5:47 PM, it was

VOTED: to recess until 6:00 PM for public participation. The motion was seconded by Councilor Figy.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Brent Bean	Yes
Ralph Figy	Yes

Councilor Flaherty opened the public hearing for participation at 6:00 PM.

Kathleen Hillman, 179 Susan Drive:

Kathleen Hillman, School Committee member stated she had a question about the School Committee vacancies. She asked how a four year term would affect the changes. Councilor Figy stated it wouldn't because how much time is left in the term is what will determine whether a Special Election will take place or not.

Councilor Figy made a motion to close the public hearing at 6:00 PM. The motion was seconded by Councilor Flaherty.

The vote on the foregoing was as follows:

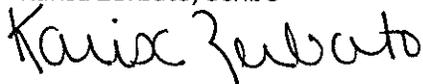
Dave Flaherty	Yes
Ralph Figy	Yes

Councilor Figy made a motion to adjourn at 6:05. The motion was seconded by Councilor Flaherty.

The vote on the foregoing was as follows:

Dave Flaherty	Yes
Ralph Figy	Yes

Respectfully submitted,  
Karisa Zerbato, Scribe





# CITY OF WESTFIELD

IN CITY COUNCIL, \_\_\_\_\_, 2022

## TITLE: FILLING VACANCIES

**A RESOLUTION AMENDING THE PROPOSED 2023 VERSION OF THE CHARTER OF THE CITY OF WESTFIELD.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD, AS FOLLOWS:**

- (a) Remove the paragraph in Section 33 related to City Council Vacancies;
- (b) Remove Section 44 related to School Committee Vacancies, and reserve the Section number for future use; and,
- (c) Remove the following text from Section 9 paragraph 6:

“A vacancy of a member elected to the municipal light board by ward shall be filled by the municipal light board and the city council in the same manner that a vacancy on the school committee is filled in accordance with this Charter. A member of the municipal light board so elected shall serve until the members of the board elected as a result of the next city election are sworn into office. A vacancy of the member appointed by the mayor shall be filled as provided in section 10. ”
- (d) Add a new Section entitled “Vacancies on the City Council, School Committee, or Municipal Light Board.” As follows:

**Section #####. Vacancies on the City Council, School Committee, or Municipal Light Board.**

- (a) **Notification:** If at any time during a term, a vacancy occurs on the City Council, School Committee, or Municipal Light Board from any cause, and if the balance of the unexpired term is 137 days or more, the City Clerk shall, within 15 days after receiving notification of the vacancy, determine the name(s) of the person/people who received the next highest number of votes for the vacant seat at the most recent regular municipal election at which representatives were elected for the term and office in which the vacancy occurs, who is/are eligible



and willing to serve for the balance of the unexpired term; and then notify the City Council President (the “notification date”) of the vacancy and the list of those next highest vote getters who are eligible and willing to serve. Such notification may be by any method of communication commonly used between the City Clerk and the City Council President, and does not have to be delivered during a City Council meeting.

- (b) **Method of Determination:** The City Clerk shall use the current registered voter database to determine if a person is eligible, and may communicate with the person by any means of communication to determine their “willingness” to serve. If a person is unreachable, the City Clerk shall send a certified letter, with instructions and a deadline of no less than 5 days for response, to the person at the mailing address contained in the registered voter database. If the vacancy is in a position that was elected by ward, and if the ward boundaries have changed since the election, and if the person still resides within the boundaries of the ward at the time of the election, the person shall be deemed eligible to represent the ward for the balance of the unexpired term.
  
- (c) **Convention and delegates:** If there is no individual eligible next highest vote getter, a convention, where delegates convene to fill the vacancy, may be required. For a City Council vacancy, the remaining members of the City Council shall be the delegates for the convention. For a School Committee vacancy, the members of the City Council and the remaining members of the School Committee shall be the delegates for the convention. For a Municipal Light Board vacancy, the members of the City Council and the elected members of the Municipal Light Board shall be the delegates for the convention.
  
- (d) **Not filling a vacancy:** The vacancy shall not be filled unless action is taken under paragraphs (e), (f), or (g) below.
  
- (e) **One individual next highest vote getter:** If there is an individual eligible next highest vote getter, and if the balance of the unexpired term is 4 months or more from the notification date described in paragraph (a) above, the City Council shall appoint that individual to fill the vacancy within 15 days.
  
- (f) **Multiple next highest vote getters:** If there are multiple people who received the same next highest number of votes and who are eligible and willing to serve for the balance of the unexpired term, and if the balance of the unexpired term is 5 months or more from the notification date described in paragraph (a) above, the City Clerk shall declare them as “candidates” and the City Council President shall schedule a convention to take place between 15 and 30 days after this



declaration.

- (g) **No next highest vote getters:** If there are no next highest vote getters who are eligible and willing to serve, and if the balance of the unexpired term is 6 months or more from the notification date described in paragraph (a) above, the City Council President shall schedule a convention to take place between 30 and 45 days after the notification date described in paragraph (a) above, and the City Clerk shall provide public notice of the vacancy and the process for a registered voter to be considered to fill the vacancy. The City Clerk shall define the process and may change the process at any time to comply with State Law. The City Clerk shall collect statements of declaration of candidacy from eligible registered voters for a period of 20 days. At the conclusion of the 20 day period, the City Clerk shall declare all of those who filed a declaration of candidacy, and who are eligible, as “candidates”.
- (h) **Notifications to candidates and voters:** If a convention is scheduled under paragraphs (f) or (g) above, the City Clerk shall notify the candidates that they are being considered to fill the vacancy and provide them notice of the date and time of the convention when the election will be held, and the City Clerk shall create a public notice that lists the candidates for the office and the method(s) for the voters to communicate with the delegates. The candidates may submit letters or other information to all of the delegates through the City Clerk, may communicate directly with the delegates before the convention, and shall each be given 5 minutes to present at the convention prior to the delegates deliberating and voting.
- (i) **Convention:** If a convention is scheduled under paragraphs (f) or (g) above, the City Council President shall preside at the convention. The agenda of the convention shall be as follows: taking of attendance; Pledge of Allegiance; introduction by the City Council President; determination of order of presentations; candidate presentations; deliberation amongst delegates; voting; vote for reconsideration for unanimous consent (if motioned by a delegate); declaration of a winner; and, adjournment. The order of the candidate presentations shall be determined by the City Clerk using any public random method of the City Clerk’s choosing. The City Clerk shall keep a detailed record of the convention. All voting at the convention shall be by ballot. Prior to the convention, the City Clerk shall create paper ballots with a spot for the name of the delegate (which the delegate shall complete before submitting the ballot to the City Clerk when voting), and a checkbox list of all of the candidates. Delegates may only vote for one of the candidates listed by checking the appropriate box, and may not add new names to the candidate list. All delegates present shall vote unless there is a conflict of interest that requires abstention. The City Clerk shall read aloud and record the ballots, and report the total number of votes each candidate receives. If there are two or more candidates



with the same highest number of votes (a "tie"), those candidates who are not part of the tie shall be removed from the list of candidates on the ballots, and additional rounds of voting shall take place until a winner is determined. A candidate only needs a plurality of votes to be declared the winner of the election at this convention. If after 5 rounds of voting there is still a tie, the City Council President shall determine the winner by choosing one of the candidates remaining on the ballot.

- (j) **Failure to elect, or death or resignation before taking office:** If, at a regular municipal election, there is a failure to elect a member of the City Council, School Committee, or Municipal Light Board, or if a person elected at such election dies or resigns before taking office, the City Clerk shall notify the city council of such event as soon as convenient after the remaining City Councilors-Elect take office. The process to fill the vacancy will be as defined in paragraphs (a) through (i) above.

Presented to the Mayor

Approved by the Mayor

For approval \_\_\_\_\_, 2022

\_\_\_\_\_, 2022

\_\_\_\_\_  
Kaitlyn Bruce, Interim City Clerk

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Michael A. McCabe., Mayor



## CITY OF WESTFIELD

IN CITY COUNCIL, \_\_\_\_\_, 2022

### TITLE: MAYOR ON SCHOOL COMMITTEE

**A RESOLUTION AMENDING THE PROPOSED 2023 VERSION OF THE CHARTER OF THE CITY OF WESTFIELD.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD, AS FOLLOWS:**

(a) Replace:

“Section 37. Composition of school committee.

The school committee shall consist of the mayor, who shall be the chairman, and 6 members who shall be elected at-large.”

With:

“Section 37. Composition of School Committee.

The School Committee shall consist of the Mayor or the Mayor’s appointee, who shall be the chairperson, and 6 members who shall be elected at-large.”

(b) Remove the following sentence from Section 39:

“The mayor shall be allowed to hold both positions of mayor and school committee chairman and the mayor shall be paid for his service as mayor.”

(c) Add:

“Section #####. Mayor may choose not to serve on the School Committee.

The Mayor may choose not to serve as Chairperson of the School Committee and may appoint a qualified person to serve in the Mayor’s stead for the duration of the Mayor’s term. This appointment shall not be subject to approval by the City Council. If the Mayor serves on the School Committee, the Mayor’s compensation that is specified by ordinance shall be increased by the amount of compensation paid to elected members of the School Committee. The Mayoral appointee shall earn the same compensation as elected members of the School Committee. “



Presented to the Mayor

Approved by the Mayor

For approval \_\_\_\_\_, 2022

\_\_\_\_\_, 2022

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Kaitlyn Bruce, Interim City Clerk

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Michael A. McCabe., Mayor



**CITY OF WESTFIELD**

IN CITY COUNCIL, \_\_\_\_\_, 2022

**TITLE: GENDER NEUTRAL WORDS IN CHARTER**

**A RESOLUTION AMENDING THE PROPOSED 2023 VERSION OF THE CHARTER OF THE CITY OF WESTFIELD.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD, AS FOLLOWS:**

- (a) Amend Sections 21, 33, 35, and 39 by replacing the word "his" with "their"; and,
- (b) Amend Sections 9, 37, and 39 by replacing the word "chairman" with "chairperson".

Presented to the Mayor

Approved by the Mayor

For approval \_\_\_\_\_, 2022

\_\_\_\_\_, 2022

\_\_\_\_\_  
Kaitlyn Bruce, Interim City Clerk

\_\_\_\_\_  
Michael A. McCabe., Mayor

