

MINUTES OF CITY COUNCIL

59 COURT STREET
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
MAY 04, 2023 AT 7:00 PM

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

The Clerk called the roll. Councilor Sullivan was absent.

The Pledge of Allegiance was led by President Beltrandi.

Upon motion of Councilor Bean, it was
VOTED: That the reading of the record of the meeting April 20, 2023 be ACCEPTED.

PUBLIC PARTICIPATION

Under "Public Participation" the Councilors were addressed by Travis Lucia, 84 Bates Road, President of the Local 1111, representing the captains and firefighters of the Westfield Fire Department to speak on item #14. He stated that stakeholders didn't have opportunity to voice their opinions in January. He informed the Council that the initial hiring process and all promotions are done through Civil Service. The cost of study materials and tests are the expense of the individual who is seeking employment or promotion in Westfield. He stated he represents nine captains. Historically if there are no candidates amongst the pool of deputies, captains can go for the position. He stated that if the position was to be removed from Civil Service, it would have to be bargained out of their contract.

Under "Public Participation" the Councilors were addressed by Dan Call, 78 Granville Road to speak about the CPA funds for the Legion Post. He stated there was a specific need based on preserving, restoring and rehabilitating the 1870 American Legion Building. The funding is needed to save the building at 38 Broad Street for future years to come. He added this project would add to the historical value of South Broad Street.

COMMUNICATIONS FROM THE MAYOR

1. Upon motion of Councilor Matthews-Kane, it was
VOTED: Under immediate consideration that the Mayor be ALLOWED to transfer money between and within departments and between personal services and expenses for the purpose of expediting transfers and eliminating carryover payments into FY2024, effective May 1, 2023 - July 15, 2023 with a limit of \$10,000.00 per line item.

The vote on the foregoing was as follows:

Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes

Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	Yes

Councilor Flaherty requested that the Mayor be requested to provide a list of the transfers before the end of the fiscal year.

Upon motion of Councilor Matthews-Kane, it was VOTED: That items 2., 3., 4., 5., 6., 7., 8. and 9. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

2. Appropriation in the amount of \$356,771.00 from the Community Preservation Undesignated Reserve Account #2410-340000 and \$243,229.00 from the Community Preservation Undesignated FY23 Account #24101770-580000 to the CPA American Legion Building Account #24101770-580200-5211 to preserve, restore and rehabilitate the circa 1870 American Legion Building.
3. Appropriation in the amount of \$6,557.44 from the Community Preservation Historic FY23 Account #24101770-580200 and \$528.56 from the Community Preservation Historic Reserve Account #2410-340200 for a total sum of \$7,086.00 to the CPA Old Burying Ground Account #24101770-580200-5112 for repairs to the gates that were damaged in a hit-and-run accident.
4. Appropriation in the amount of \$65,957.44 from the Community Preservation Undesignated Reserve Account #2410-340000 and \$43,442.56 from the Community Preservation Historic FY23 Account #24101770-580200 for a sum totaling \$109,400.00 to the CPA Pine Hill Cemetery Account #24101770-580200-5210 for the preservation and restoration of the stone entry gates.
5. Appropriation in the amount of \$20,000.00 from Free Cash (1000-359000) to the Department of Public Works Supplies Account #14990000-540000 to upgrade fifteen (15) irrigation systems and controllers among the City's athletic fields, parks and greens.
6. Appropriation in the amount of \$108,000.00 From the Community Preservation Undesignated Reserve Account #2410-340000 to the Hampton Ponds Playground Account #24101770-580400-5315 for rehabilitation work at the playground.
7. Appropriation in the amount of \$19,050.00 from Free Cash (1000-3590000) to City Clerk's Office Purchase of Services Account #11610000-520000 to purchase 12 Electronic Poll Pads.

8. Appropriation in the amount of \$158.42 from the Airport Overtime FY23 Account #11990000-513000 to the Airport Overtime FY22 Account #11990000-513000 and \$850.00 from the Airport FT Hourly FY23 Account #11990000-511100 to the Airport FT Hourly FY22 Account #11990000-511100 for retroactive pay to cover a step raise awarded, but not paid to Airport Motor Equipment Operator Patrick Dillon.
9. Submitting a Resolution for the acceptance of a gift donation in the amount of \$1,308.00 from ProAmpac to the Westfield Animal Shelter to be used for improvements.

Upon motion of Councilor Onyski, it was

VOTED: That items 10. and 11. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE LEGISLATIVE ORDINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

10. Submitting a Resolution to allow the Mayor to negotiate and enter into a lease agreement with North Elm LLC for Administrative Office Space for the School Department.
11. Submitting an Ordinance amendment to Senior Citizen Property Tax Work-Off Program to remove Section 11-94 Requirements, etc. by deleting subsection h. (1) income guidelines.

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.

12. Upon motion of Councilor Harris, it was

VOTED: That the appointment of Anne Larkham, Personnel Director, to the position of City Official for the Commission for Citizens with Disabilities for a term concurrent with her employment be APPROVED.

The vote on the foregoing was as follows:

John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes

Prior to the vote, Councilor Harris informed the Council that the makeup of the Commission for Citizens with Disabilities includes one City official, traditionally the Personnel Director who is appointed by the Mayor and confirmed by the Council. She stated that Personnel Director Anne Larkham attends the Commission for Citizens with Disabilities meetings but is unable to vote because her paperwork had not been sent in and she has not been confirmed by the Council. Councilor Harris respectfully asked for immediate consideration.

Upon motion of Councilor Harris, it was
VOTED: That item 13. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE PERSONNEL ACTION COMMITTEE.

The Clerk read from the Agenda as follows:

13. Submitting the appointment of Lani Ching as a member of the Youth Commission for a term to expire February, 2026.

14. Councilor Flaherty stated that the Mayor submitted an objection to Resolution 3154, entitled "A Resolution setting forth a petition to the Senate and House of Representatives of the General Court of the Commonwealth of Massachusetts to revise and restate the Charter of the City of Westfield". The Mayor did not sign the Charter, he sent a letter back about Fire Chief and Civil Service.

Councilor Flaherty offered a motion that was duly seconded to change Section 32 of the proposed Charter of the City of Westfield in the Resolution entitled "A RESOLUTION SETTING FORTH A PETITION TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS TO REVISE AND RESTATE THE CHARTER OF THE CITY OF WESTFIELD" as follows:

Change the last phrase from "any individual appointed to serve as chief operating officer and day-to-day administrative head of a department including, but not limited to, superintendent of public works, superintendent of water resources, police chief, fire chief, director of parks and recreation, and director of health but excluding the school and gas and electric light departments. "

To "any individual appointed to serve as chief operating officer and day-to-day administrative head of a department including, but not limited to, superintendent of public works, superintendent of water resources, police chief, fire chief, director of parks and recreation, and director of health but excluding the fire, school, and gas and electric light departments. "

The vote on the foregoing was as follows:

John Beltrandi III	No
Michael Burns	No
Ralph Figy	No
Dave Flaherty	Yes
Cindy Harris	No
Bridget Matthews-Kane	Yes

Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	No
Richard Sullivan, Jr.	Absent
James Adams	No
Dan Allie	Yes
Brent Bean II	Yes

The president declared the motion FAILS.

Councilor Flaherty offered a motion to reconsider at the next meeting. Prior to a roll call vote, Councilor Flaherty withdrew the motion.

Upon motion of Councilor Figy it was VOTED: That the Mayor's objections to Resolution 3154, entitled "A Resolution setting forth a petition to the Senate and House of Representatives of the General Court of the Commonwealth of Massachusetts to revise and restate the Charter of the City of Westfield" be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. All in favor, voice vote.

Prior to the vote, Councilor Bean clarified that the objection letter was more procedural. Councilor Harris stated that she would not vote on submitting a petition unless it was approved by the Law Department and suggested sending it to Legislative and Ordinance Committee. Councilor Mello questioned if there was a time requirement. Councilor Flaherty responded no. He stated that the Law Department wasn't asked to approve every word. His motion was putting the language back the way it was in response to the Mayor's request, which was made under the advisement of the Law Department. Councilor Figy made a motion that was duly seconded to amend the original motion, and send Item 14. to Legislative and Ordinance and the Law Department. Councilor Bean requested further discussion on the original motion. He stated that the Law Department was involved in the process. He stated that this only takes the fire chief language out and sends the Resolution back to the Mayor. The Mayor would dictate on how it moves forward. Councilor Figy agreed that the Law Department was at several Ad-Hoc meetings and stated at that point they were not in favor of removing the Fire Chief from Civil Service. He noted that the Law Department had not seen the completed document that was before the Council for review. He suggested giving them the opportunity to potentially clean it up. In regards to the Civil Service piece, Councilor Flaherty stated under clause 53 of the Charter, any contract in place during or prior to the execution of the Charter will not be affected. He didn't think this needed to go back to the Law Department and stated that the Council could send the item to the Mayor and if a problem was detected, he would send it back.

REPORTS OF CITY OFFICERS

15. Upon motion of Councilor Bean, it was

VOTED: That the Westfield Gas & Electric 2023 Depreciation Appropriation for the Gas and Electric Department in the amount of \$6,725,166.00, submitted by General Manager Thomas Flaherty be ACCEPTED and PLACED ON FILE.

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

16. Upon motion of Councilor Bean it was,

VOTED: That the PUBLIC HEARING on applications for Junk Dealer and Junk Collector licenses for Camile Hannoush, Inc., 99 Springfield Road, Suite 2, Camile A. Hannoush (owner) be moved to the next scheduled Council Meeting.

There was no one present to represent the application.

17. Upon motion of Councilor Flaherty, it was

VOTED That a Public Hearing be scheduled at the earliest practicable date for the application submitted by A.J. Virgilio Construction, Inc. pursuant to zoning ordinance Sec.130.3(1) to allow the continued use of over the road trailer parking/storage on property at 0 Medeiros Way and that the item be REFERRED TO ZONING, PLANNING AND DEVELOPMENT.

18. Upon motion of Councilor Onyski, it was

VOTED: That Terry W. Beauregard, owner of 170 Loomis Street offering the City right of first refusal to convert part of the property out of the 61-A program be REFERRED TO LEGISLATIVE AND ORDINANCE and THE LAW DEPARTMENT.

REPORTS OF COMMITTEES

Finance Committee

19. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was

VOTED: That the Transfer of \$38,538.14 from the Reserve for Future Salary Increases Account #19500000-519999 to various accounts to fund the recently signed AFSCME 35-Hour Unit Successor Agreement for the period of July 1, 2022 through June 30, 2025 REMAIN IN COMMITTEE.

All in favor, voice vote.

Prior to the vote, Councilor Matthews-Kane stated that the Finance Committee voted 2-0 to hold the item in Committee. She stated that there were logistical problems with the copy that the Committee received and they would like to wait for final signed copy. Councilor Bean added that the process was changing on how the Council handled contracts and that was a part of why it was being held in committee. Councilor Figy questioned if the Reserve for Future Salary Increases that was in the FY23 budget was set up to handle situations like this. Councilor Matthews-Kane responded yes. She further added that normally City Council has approved the contract then approved the transfer.

20. Upon motion of Councilor Matthews-Kane for the Finance Committee, it was

VOTED: That the sum of \$15,000.00 be transferred within the Council on Aging Department

from the FT Hourly Account #15410000-51100 to the Purchase of Service Account #15410000-520000 to cover utility costs for the remainder of FY23.

The vote on the foregoing was as follows:

John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes

The Finance Committee recommended approval. Prior to the vote, Councilor Matthews-Kane informed the Council that Council on Aging Director Tina Gorman sent in a letter requesting approval of the transfer to cover rising utility costs. Mrs. Gorman has extra funds in her full time hourly account. Councilor Figy commended the Director of Council on Aging for finding money within her budget.

Legislative and Ordinance Committee

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

VOTED: That a Resolution entitled "A RESOLUTION DECLARING A PORTION OF 0 CHURCH STREET AS SURPLUS AND AUTHORIZING THE MAYOR TO ENTER INTO A LEASE" be ADOPTED. (Howie Realty Trust)

All in favor, voice vote.

The Legislative and Ordinance Committee recommended approval. Prior to the vote, Councilor Onyski informed the Council that the property is in front of Wings Over Westfield and they have been using it under a license agreement for the past several years. It will now be a formal agreement for \$143.00 per month. Councilor Figy for the City Properties Committee added that the Committee met and also recommend approval of the Resolution. Councilor Onyski read the Resolution by title only.

22. Upon motion of Councilor Figy for the Legislative and Ordinance Committee, it was VOTED: That a Resolution entitled "A RESOLUTION RECOGNIZING JUNE 2023 AS LGBTQIA+ PRIDE MONTH" be ADOPTED.

The vote on the foregoing was as follows:

John Beltrandi III	Yes
Michael Burns	Yes

Ralph Figy	Yes
Dave Flaherty	No
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	No
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	No
Brent Bean II	Yes

The Legislative and Ordinance Committee recommended approval. Prior to the vote, Councilor Figy informed the Council that the Committee received approval from Chief Justice Greaney to use his name in the Resolution. Councilor Figy read the Resolution aloud in its entirety. Councilor Flaherty stated he would be a no vote because of the last sentence. He didn't believe any flag other than state or government flags should be flown on City Property. Councilor Morganelli questioned what vital contributions the LGBTQA+ Community had made to the City. Councilor Mello responded if a requirement was needed, that could have been brought to the Committee and that she would be happy to create a list. Councilor Allie agreed with Councilor Flaherty and stated that he had a list of 75+ organizations and diseases that affect lives of Americans. If they were all recognized, Resolutions wouldn't have as much meaning. Councilor Morganelli agreed with Councilors Flaherty and Allie. He spoke in opposition of the Resolution and stated he would be voting no on the Resolution because of the transgender part in addition to the flag flying on City property and not having a list of vital contributions from the LGBTQA+ Community. Councilor Figy echoed Councilor Mello that a list would have been provided if the Committee had been asked for one. He stated that Resolution doesn't require anyone to fly a flag, it just states if they want to, they can raise a flag on the flag pole that they have care and custody of. Councilor Mello stated that all people deserve to be treated fairly and equitably, with love and kindness, including trans kids. Councilor Matthews-Kane stated she would be a yes vote because the Resolution was about letting a historically oppressed group know that they are safe and protected in the City of Westfield. Councilor Morganelli agreed that everyone deserves to be treated equally and reiterated his beliefs. President Beltrandi moved the question.

23. Upon motion of Councilor Burns, for the Legislative and Ordinance Committee, it was

VOTED: That the petition for a zoning amendment submitted by Councilor Onyski to amend the zoning ordinance at Sec. 4-121 to exempt certain fixtures from the exterior lighting standards REMAIN IN COMMITTEE.

All in favor, voice vote.

Prior to the vote, Councilor Burns informed the Council that Legislative and Ordinance voted 3-0 to hold the item in committee. Councilor Matthews-Kane stated that there had previously been a sense of urgency and asked if the decision to hold in committee was an acknowledgement that the ordinance had a provision for temporary lighting. Councilor Onyski responded that it was left in committee because the Planning Board's recommendation was submitted less than 24 hours prior to the meeting.

Personnel Action Committee

24. Upon motion of Councilor Harris for the Personnel Action Committee, it was VOTED: That the appointment of Jim Prystowski, 52 Old Farm Road, as a member of the Conservation Commission for a term to expire February, 2025, replacing Tom Sharp be CONFIRMED.

The vote on the foregoing was as follows:

John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes

The Personnel Action Committee recommended approval. Prior to the vote, Councilor Harris informed the Council Mr. Prystowski has over 25 years of experience in business and is well-versed in interpreting mandated rules, regulations and parameters of law and applying that knowledge to current and practical situations. His experience with high level management has resulted in his expertise in problem-solving, managing expectations, excellent communications and leadership skills, as well as accountability for financial results. She stated that all of these skills would be an asset to the Conservation Commission when evaluating the laws, rules and regulations which apply to the specific situations presented to the Commissioners. He informed the Committee that if given the opportunity to serve on the Commission he would do everything to make the correct decisions for the City and Community. Councilor Bean stated that Mr. Prystowski's business acumen and demeanor will serve our City well.

License Committee

25. Upon motion of Councilor Figy for the License Committee, it was

2023 RENEWAL LICENSES FOR APPROVAL

NAME	ADDRESS	TYPE	OWNERS
Game City	77 Elm Street	Junk Dealer/collector/pawnbroker	Truong Nguyen
Eastern Vehicle Recycling	88 Neck Road	Junk Dealer	Paul Ferretti
EcoATM, LLC	141 Springfield Road	Junk Dealer	EcoATM, LLC
New England Coins & Collectibles	7 Day Avenue	Junk Dealer	David Fisk
Trash Fish Junk Removal	33 Sunrise Terrace	Junk Collector	Evan Charter
Route 202 Antiques	869 North Road	Junk Dealer/collector	Sean Odabashian
Blended Vintage Market Place	48 Elm Street	Junk Dealer/collector	Andrea Bruno
Black Hole Guitars	2 Montgomery Street	Junk Dealer/collector	Michael J Flynn
Camelot Jewelers	55 Southwick	Junk Dealer/collector	Matthew Harris & Matthew Turgeon
Game Stop	423 East Main Street	Junk Dealer/collector	Game Stop, Inc.
Meadowbrook Antiques	658 Montgomery Road	Junk Dealer/collector	Susan & Timothy Crane
Patton Firearms	24 Old Holyoke Road	Junk Dealer/collector	Michael Patton
Whip City Music	126 Elm Street	Junk Dealer/collector	Douglas Cotton
Gold & Diamond Buyer	99 Springfield Road, #2	Junk Dealer/collector	7C Michaels
Jasmeine Moonsong	598 Granville road	Fortune telling	Brandy Latshaw
Brandy Mitchell	69 Southwick road	Fortune telling	Brandy Mitchell
THE FOLLOWING ARE UNDER NEW MANAGEMENT			
Richard's Fine Jewelers	461 East Main Street	Junk Collector	7C Michaels

VOTED: That the Annual Fortune Teller, Junk Dealer and Junk Collector License Renewals for 2023 be APPROVED.

The License Committee recommended approval. Prior to the vote, Councilor Figy informed the Council that City Clerk Kaitlyn Bruce attended the License Commission meeting and that all of the applications met the requirements to be renewed.

UNFINISHED BUSINESS

26. Upon motion of Councilor Bean for the Finance Committee, it was VOTED: That a Bond Order, entitled "A BOND ORDER FOR CONSTRUCTING A NEW OPERATIONS BUILDING AT THE WATER RECOVERY FACILITY" be given second reading by title only and be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	Yes
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Absent
James Adams	Yes
Dan Allie	Yes

27. Upon motion of Councilor Onyski for the Legislative and Ordinance Committee, it was VOTED: That a Confirmatory Order of Discontinuance for a portion of Union Street, so called, as a City Way be given second reading by title only and be PASSED TO BE ORDAINED. All in favor, voice vote.

MOTIONS, ORDERS OR RESOLUTIONS

28. Upon motion of Councilor Flaherty, it was VOTED: to amend the zoning by laws regarding "Temporary Use Limitations" regarding accessory structures, tents, boats, trailers, recreational vehicles, mobile or non permanent manufactured homes for dwelling purposes, (sleeping or cooking) or occupied by persons for business use. In compliance with all applicable health and building codes be REFERRED TO ZONING PLANNING AND DEVELOPMENT. All in favor, voice vote.

ANNOUNCEMENTS

President Beltrandi informed the Chamber that Council Flaherty put in his resignation from City Council, effective May 5, 2023 and commended him for his 13 years of service. He stated that he should be proud of what he has done and that he was happy to have worked with him. Councilor Morganelli stated that Councilor Flaherty was one of the most knowledgeable people. He wished him luck with future endeavors. Councilor Bean gave his appreciation for Councilor Flaherty. He stated that although they have been on opposite ends of some items, he has respect for the time and effort he has put into the Council and that he hopes to see him again. Councilor Flaherty stated that he will still be involved and plans to return. He has spoken to the replacement Councilor and plans to attend City Council, School and other meetings. He encouraged continued diversity and thought on the Council. He gave his appreciation for everyone's opinions, noting that they have had strong disagreements at times but highlighted that diversity is what makes Westfield a great place and it helps get to better decisions. He stated he has really appreciated this mix of Council. Councilor Figy echoed the importance of diversity and thanked him for having the courage to sometimes be the 1 on a 12-1 vote. Councilor Mello stated she would still be calling Councilor Flaherty with questions and thanked him for the opportunity to serve on a four female Council. Councilor Allie thanked Councilor Flaherty for his time and wide variety of expertise, adding that he would be missed. Councilor Matthews-Kane echoed her fellow Councilors and voiced her appreciation for Councilor Flaherty's calm and steadfast demeanor. Councilor Flaherty thanked all the Councilors for their kind words.

At 8:05 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:

Kaitlyn Leigh Bruce
City Clerk/Clerk of the Council

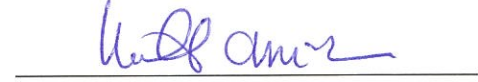
Presented to the Mayor

For approval May 25, 2023


Kaitlyn Leigh Bruce, City Clerk

Approved by the Mayor

5-26 2023


Michael A. McCabe, Mayor