



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
MAY 16 2022 at 5:30 PM

The meeting was called to order by Councilor Figy at 5:30 PM.

Councilor Figy called the Roll. The following committee members were present: Chair, Ralph Figy, James Adams and Michael Burns. Also in attendance was Kaitlyn Bruce, Councilors Harris, City Engineer Mark Cressotti, City Clerk Karen Fanion, City Purchaser Tammy Tefft, First Assistant City Solicitor Shanna Reed, Mary O'Connell, Tom Flaherty, Brian Roy and Brian Richards.

Upon Motion of Councilor Adams, it was
VOTED: That the L&O Minutes of the May 2nd, 2022 meeting be accepted.
Motion seconded by Councilor Burns.
Approved by Roll Call 3-0

Councilor Figy opened the meeting for public participation. There was none.

5. Upon motion of Councilor Adams, it was
VOTED: that the Ordinance change to allow for two additional Handicap Parking Spots on the northeast corner of Holland Ave REMAIN IN COMMITTEE.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy informed the committee that this was being kept in committee due to a report from the Traffic Commission. Councilor Figy read an email from Sergeant Juanita Mejias of the Westfield Traffic Commission (APPENDIX A).

6. Upon motion of Councilor Adams, it was
VOTED: to SUBMIT a Resolution of the City Council of the City of Westfield that the Mayor be authorized to sign all documents to enter into a project funding agreement with Massachusetts School Building Authority (MSBA) for the Franklin Avenue School Project with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, City Purchaser Tammy Tefft informed the committee that a caveat should have been added to the original Resolution that stated 'Any and all documents as it pertains to the project'. This allows the Mayor to sign the Project Funding Agreement (PFA) which will allow the City to begin receiving reimbursements. First Assistant City Solicitor, Shanna Reed echoed Mrs. Tefft. Councilor Figy informed everyone this will be on Thursday night's Council agenda.

7. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Resolution to grant an easement over a portion of the Right of Way known as Old County Road to authorize Holyoke Gas and Electric to maintain infrastructure in the right of way with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy introduced Brian Roy, Gas Engineer of Holyoke Gas & Electric (HGE) and Thomas Flaherty, General Manager of Westfield Gas & Electric (WGE). Mr. Roy informed the committee that they have had an interconnect that has been in service between HGE and WGE since the 1980s. The benefit of the interconnect is to serve each other Natural Gas in the event of emergencies; backing each other's systems. The existing station is near its end of life. Holyoke Gas & Electric is going to be installing, owning, and operating the new structure. The easement will allow HGE access to the infrastructure and to continue operating the existing interconnect at this location. Mr. Flaherty added that it's joint property on the town lines on Holyoke and Westfield. Councilor Figy noted that it is mutually beneficial to keep this well maintained. Councilor Adams asked if there are any changes from the first time. Mr. Flaherty informed the committee that Westfield has a vault location with valves where the connections go to the two cities. The location will remain the same on County Road but the footprint is going to be larger. Councilor Adams asked who owns the property. Attorney Reed stated It's a City right-of-way. Councilor Figy confirmed it would remain that way, this easement only allows them to access the property and do future maintenance. He informed the Gas and Electric Companies this would be on Thursday's night's Council agenda.

8. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Confirmatory Order of Taking of real estate to provide public access and safety to the Westfield River Levee now and formerly known as Town Dike by right of eminent

domain for the purpose of Columbia Greenway Rail Trail with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Figy introduced City Engineer Mark Cressotti. Mr. Cressotti informed the committee the City took the property back in 1880. This is just confirming property the City already owns. A title search for the parcels in question show the City owns the property but MASSDOT would be looking for more definitive documentation. Councilor Figy stated that this attaches specific coordinates on the filing with the Registry of Deeds rather than the descriptive language that they used in the 1800s, such as "7 paces from the pine tree". Councilor Adams asked if the City owns the house on Shepard Street. Mr. Cressotti stated the City doesn't own the first house but the second house is boarded and will be taken down. The second house was built half on City property, half on private. Councilor Burns asked if there was going to be a ramp on Ellsworth St. Mr. Cressotti informed the committee there is a proposed plan for one. All plans are online. During this funding cycle, which is less than what would be required for the full project, the plan will end on Shepard Street. Councilor Burns asked if there was a timeline set for that. Mr. Cressotti stated by the end of August next year, Williams Riding Way to Shepard Street would be completed. Councilor Figy stated this would have a First Reading at Thursday's Council meeting.

10. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a change to the job description for the Department of Public Works Director with a NEGATIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote Councilor Figy read the changes to the job description out loud (Appendix B). He informed the committee that he requested commissioners from the Board of Public Works and Water Commission to join them. BPW Commissioner Brian Richards, recently appointed in February of 2022 was present to discuss the changes. He stated this position has been vacant for 18 months and there haven't been any bites on the job. Mr. Richards read the changes (Appendix B), noting the DPW staff suggested most of these changes. This is a hire that has to happen between both the Water and Board of Public Works Commission. He is unaware of what has happened prior to joining the Commission. He noted

that Acting Superintendent Fran Cain has been working in this position for 18 months. Councilor Figy thanked Commissioner Richards for coming in. He informed him that this job description was developed when the Water and Department of Public Work Department Head jobs were combined. The Council spent a lot of time on this job description. There is no issue with adjusting the working conditions and if the PE requirement is a stumbling block, it could be adjusted. He is concerned about taking out the educational component. Councilor Adams echoed Councilor Figy's concerns with removing the education requirement for a Department Head that's responsible for several important Departments within the City. He questioned if maybe they're trying to make the job description fit for a certain candidate. He would consider dropping it to a Master's Degree but will not support a change from requiring a PE to not even requiring a Bachelor's Degree; too much of a jump for someone with this caliber of a job. Commissioner Richards looked for clarification on if they would like education added back in and asked if this was a stumbling block in the beginning. He questioned what stopped candidates from applying. Councilor Burns informed Commissioner Richards that they had plenty of candidates and even raised the annual salary. The stumbling block was that they couldn't get a quorum between two commissions. Councilor Adams added that he isn't saying that Fran hasn't done a good job but believes the person who takes on this caliber of a job needs to have an education and a framework for infrastructure and water. Mr. Richards asked if changing the job description matters if the commissions couldn't get a quorum. Councilor Figy stated this is the last bite of the apple before he makes a motion suggesting separating the departments. They are having trouble finding a qualified candidate and it seems like a logical next step. Mr. Richards said someone from the Water Commission has suggested that but his concern was they would be doubling a salary. Attorney Reed informed the committee that the original Job Description required a Bachelor's. The addition of the PE was what the Council wanted to see. Mr. Burns stated that the prior Superintendent was a Chemical Engineer. Mr. Richards noted that he understands education is important for the Council. Councilor Figy confirmed. Councilor Adams added that the last two department heads were both Engineers and the Council is accustomed to that. Councilor Burns shared a quick history of how the Departments were combined in 2015 but he believed the two departments should have stayed separate. They said it was going to save money but he hasn't seen it. He is a liaison to the Water Department and they had 3 finalists but couldn't get a quorum after that. Recently, 4 members showed up to a zoom meeting and the Personnel Director recommended this. Mr. Richards stated it was three Water Commissioners and one Board of Public Works Member. He believes this position should be required to have a Master's Degree. All five Deputy Superintendents have a degree. He will vote to not support this. Councilor Figy noted that looking back on previous DPW Directors, those without Education have not always done well. Councilor Adams asked what the next step would be if it does not pass. Attorney Reed stated that if L & O submits a negative recommendation to the full Council and they agree with it, it would go back to the appointing authority (joint committee) and it would be up to them to craft a job description. Councilor Burns stated this is very important and all 6 members need to show up. All Councilors are looking to work with everyone to get this completed.

10. Upon motion of Councilor Adams, it was VOTED: to SUBMIT the proposed job description for the Westfield City Clerk position with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Adams asked if Karen Fanion, current City Clerk, had looked it over. Mrs. Fanion was present and stated she helped write the job description to make sure it was updated to encompass all aspects of the position. Attorney Reed informed the Committee that the Council is the appointing authority so they are able to make changes to the job description. All Councilors agreed that the job description looked good. Councilor Figy made a recommendation to have the Personnel Action Committee handle the screening process and conduct the interviews. He asked if this job description required Ordinance Change. Attorney Reed stated the Ordinance is basic and will not need to be adjusted.

At 6:04PM, and upon motion of Councilor Burns, it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee

Holland Ave**Juanita Mejias** <j.mejias@cityofwestfield.org>

Mon 5/9/2022 8:27 AM

To: Ralph Figy <r.figy@cityofwestfield.org>

Cc: Lawrence Valliere <l.valliere@cityofwestfield.org>

Councilor Figy,

In response to your phone call this past week about the ordinance letter for the two additional handicap spots on Holland Avenue . I looked into the traffic agenda minutes for the last meeting at which I was unable to attend in order to refresh to see at what stage we were at. After a review of the minutes this topic was brought up during open participation at which time the commission stated that since there was already one spot allotted to this area they did not believe there would be any issue with an additional two spots, but did request a sketch of the area.

I received a call and spoke with Jeff Gosselin the evening before their last meeting and advised him the same, not yet officially voted, but believed the traffic commission would not be voting against the two additional spots.

With that said, this will be on the agenda for "old business" on June 15th meeting. Once the official vote is done I will write up and send the ordinance change document to the law department.

Respectfully,

Westfield Police Department**Traffic Bureau*****Sergeant Juanita Mejias***

(413) 642-9378 desk

(413) 572-6551 fax

j.mejias@cityofwestfield.org



City of Westfield
OFFICE OF THE MAYOR



59 Court Street Suite 200
Westfield, MA 01085
413-572-6201
Mayor Michael A. McCabe

May 5, 2022

City Council
Westfield, MA 01085
Attn: Karen Fanion
City Clerk

Councillors:

This letter is a request for your consideration and approval to change the job description of the Director Department of Public Works with the recommendations from the Personnel department as follows:

- Removing verbiage in regard to the candidate possessing a Professional Engineer (PE) License;
- Change the Bachelor's Degree verbiage from *required* to *preferred*;
- Under the working conditions heading, remove mention of putrid odors and replace with *the ability to work in adverse conditions*.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. McCabe".

Michael A. McCabe
Mayor

