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MEETING OF CITY COUNCIL  
59 COURT STREET  
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS  
WESTFIELD, MASSACHUSETTS  
JUNE 02, 2022 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 Onyski.

The Clerk called the roll. All thirteen Councilors were present.

The Pledge of Allegiance was led by the President.

Upon motion of Councilor Beltrandi, it was  
VOTED: That the record of the meetings of May 19, 2022 Personnel Action Committee of the Whole and the regular May 19, 2022 meeting be ACCEPTED.

Under "Public Participation" the Councilors were addressed by John Plata, 47 Broad Street. He showed the Councilors pictures of a bus stop on Western Avenue that did not have a place to sit, no covering and was not ADA compliant. And, also when getting off the bus there was no sidewalk, passengers were left off in the street and there was no place for a wheelchair.

Under "Public Participation" the Councilors were addressed by Jessica Britton 36 Casimir Street. She questioned agenda item #8 - \$70,604.00 in funding from the Commonwealth of Massachusetts, Department of Public Health through the Massachusetts Health Officers Association to assist the Health Department in their efforts to enhance COVID-19. The allowable uses of the funding is for case investigation and contract tracing, vaccination efforts and testing efforts. She was curious as to what efforts and programs will be offered. She informed the Council that she has contacted Health Director Joe Rouse and he has not responded back to her. She concluded that she has come to many meetings with her concerns and feels like her concerns have fallen on deaf ears.

#### COMMUNICATIONS FROM THE MAYOR

1. Upon motion of Councilor Matthews-Kane, it was  
VOTED: Under immediate consideration, that the request from the Mayor to increase the proposed FY23 budget in the amount of \$460,000.00 for the Department of Public Works to fund increased costs for sludge hauling/disposal and chemicals be APPROVED.

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.	Yes
James Adams	Yes
Dan Allie	Yes

Upon motion of Councilor Matthews-Kane, it was  
VOTED: That items 2. and 3. 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. Requesting acceptance of gifts in support of the 2022 Fireworks for Freedom event to be held Sunday, June 26, 2022 at the Westfield Middle School field, as follows:  
Friends of the Westfield 350th \$3,500.00; Friends of the Westfield 350th \$5,000.00;  
Westfield Gas & Electric/Whip City Fiber \$2,500.00; Westfield Bank \$2,000.00.
3. Transfer of \$30,000.00 within the Department of Public Works, Highway  
Division from Full Time Hourly account #14210000-511100 to the Construction  
account #14210000-589200 to cover the cost of crack sealant application.

Upon motion of Councilor Bean, it was  
VOTED: That item 4. 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:

4. Submitting the reappointment of Peter Cowles as Media Specialist for term to expire  
December 31, 2023.

#### REPORTS OF CITY OFFICERS

5. Upon motion of Councilor Figy, it was  
VOTED: That the communication submitted by City Assessor Ashlie Brown requesting  
Council acceptance of MGL Chapter 59, Section 5 Clause 41C - Local options and Clause 41D  
relative to specific real estate tax exemptions for low income senior citizens be REFERRED TO  
LEGISLATIVE AND ORDINANCE COMMITTEE, LAW DEPARTMENT and ASSESSOR.

PETITIONS, REMONSTRANCES, AND OTHER PAPERS

6. Upon motion of Councilor Figy, it was VOTED: That the Open Meeting Law Complaint from Mark Dupuis, Richter Extracts Inc., Richter Cannabis Inc. against Westfield City Council be referred to the Law Department to answer the complaint on behalf of the City Council.

REPORTS OF COMMITTEES

Finance Committee

7. Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the 2022 Depreciation Appropriation for Gas and Electric Department in the amount of \$6,278,082.00 submitted by Westfield Gas & Electric General Manager Thomas Flaherty be ACCEPTED AND PLACED ON FILE.

8. Upon motion of Councilor Matthews-Kane, for the Finance Committee, it was VOTED: That the \$70,604.00 in funding from the Commonwealth of Massachusetts, Department of Public Health through the Massachusetts Health Officers Association to assist the Health Department in their efforts to enhance COVID-19 public health response be ACCEPTED.

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.	No
William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	No

Prior to the vote, Councilor Matthews-Kane informed the Council that per a communication from Health Director Joe Rouse, this is not a grant, it is a disbursement from the Commonwealth. It can only be spent on contract tracing, vaccination efforts and testing efforts and has to be expended by June 30, 2022. Mr. Rouse will use the funding for the purchase of home test kits and contract tracing. Vaccination clinics are challenging because it is difficult to motivate the population that is under vaccinated, therefore he will use the money mainly for home test kits. Councilor Morganelli questioned if the money can be used for reimbursements of money already spent on COVID issues. Councilor Matthews-Kane replied that it is not for reimbursements of previous expenses. It is a check in hand that has to be spent by June 30, 2022 on the allowable expenditures. The current plan to purchase the home kits and stock pile them as people are still using them. Councilor Flaherty informed the

Council that COVID is not over and people can use these kits and it is a good use of the money.

9. Upon motion of Councilor Sullivan, for the Finance Committee, it was VOTED: That the sum of \$37,000.00 be appropriated from Free Cash account #1000-359000 to the Purchasing Repair and Maintenance account #11380000-524001 for the removal of three underground fuel/gas storage tanks per the order of Mass DEP.

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.	Yes
James Adams	Yes
Dan Allie	Yes

Prior to the vote, Councilor Sullivan informed the Council that the appropriation will be used to purchase engineering services for the removal of three underground fuel/storage tanks located at 129 Southampton Road, 34 Broad Street and 15 Washington Street as being required by the Massachusetts Department of Environmental Protection. Tighe and Bond will prepare the bid documents and there will be a future cost for the tank removal.

10. Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the request from the Mayor to increase to the proposed FY23 Budget in the amount of \$57,000.00 for supervisory training be APPROVED.

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.	Yes
James Adams	Yes

Dan Allie Yes

Prior to the vote, Councilor Bean informed the Council that the increase is to hire a firm for training for supervisors. Councilor Flaherty agreed that this is an important training to have for the enhancement for supervisors. Councilor Morganelli questioned if this training is being required by the State. Councilor Bean replied it is not required, it's an enhancement training as some employees have been thrown into a supervisory position and have not had proper training to be a supervisor. Councilor Sullivan spoke in support of the increase to the budget and commended the Mayor for putting it the budget. It will be put into the Personnel budget and at the time the Personnel budget is reviewed specific questions can be asked at that time. Councilor Morganelli questioned how many people it's for. Councilor Matthews-Kane reiterated that the motion is to include this in the budget, not to vote on the item at this time. Councilor Allie agreed that this is a good idea. Councilor Mello informed the Council that she does not mind adding it to the budget to discuss but would have also like to have had increases to include summer meals. Councilor Flaherty gave kudos to the Mayor for adding this because it's something that department heads want and its good commonsense.

#### Personnel Action Committee

Councilor Bean, for the Personnel Action Committee, informed the Council that all questions and discussions were held at a previous meeting of the Council of the Whole, therefore, he will just be bringing the recommendation forward without discussion.

11. Upon motion of Councilor Bean, for the Personnel Action Committee, it was VOTED: That the reappointment of Attorney Meghan R. Bristol to the position of Assistant City Solicitor for a three-year term to expire May 15, 2025 be CONFIRMED.

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.	Yes
James Adams	Yes
Dan Allie	Yes

12. Upon motion of Councilor Bean, for the Personnel Action Committee, it was VOTED: That the reappointment of Attorney Shanna Reed as First Assistant City Solicitor for a three-year term to expire May 1, 2025 be CONFIRMED.

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.	Yes
James Adams	Yes
Dan Allie	Yes

13. Upon motion of Councilor Bean, for the Personnel Action Committee, it was VOTED: That the reappointment of Carissa Lisee as Superintendent of Buildings for a three-year term to expire the first Monday of May, 2025 be CONFIRMED.

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	No
Kristen Mello	Yes
Nicholas Morganelli, Jr.	No
William Onyski	Yes
Richard Sullivan, Jr.	Abstained
James Adams	Yes
Dan Allie	Yes

Councilor Sullivan abstained due to a personal conflict.

#### UNFINISHED BUSINESS

14. Councilor Figy, offered a motion, which was duly seconded, for second reading and final passage of 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. Councilor Figy informed the Council that there is a map on the share file as requested at the last meeting. It clarifies that there is no taking of any streets. Councilor Matthews-Kane informed the Council that she

has more questions since she has seen the map because it shows the taking of Congress Street and shows many encroachments of taking of yards, sheds, fences and a corner of a garage. She also informed the Council that she has questions relative to the stability of the levy and would like those questions answered before voting. Councilor Figy replied that he had the same kind of questions in his ward about encroachments on Gold Street. He reiterated that the City already owns the property, this is to confirm the ownership as being requested by the DOT. Councilor Mello informed the Council that the map shows the tree belt of Congress Street which is what the City already owns anyway. Councilor Flaherty agreed with Councilor Matthews-Kane that there are a lot of questions unanswered because the Flood Control is begrudgingly doing this and does not want to put things on the levy. Councilor Matthews-Kane requested that the item be tabled. Councilor Figy informed the Council that the map was sent out right after the last meeting and questions should have been asked at that time, not now when it's time for final passage. Councilor Matthews-Kane informed the Council that she did not see it. Councilor Figy informed the Council that the City will not make people take down their sheds or fences that are on City property, however the boundary lines will be part of the deed and at the time of a sale it will be noticed and he reiterated that the City already owns this property so it's not a taking of new property. Councilor Mello questioned if there was a deadline for this. Councilor Figy replied that not to his knowledge. Councilor Sullivan informed the Council that he would support the tabling of the order and reiterated that the encroachments that are being mentioned are not owned by the property owner now, the City already owns it. And that there is a timeline for the regional planning for funding and that the DOT wants to confirm ownership by the City. Councilor Morganelli expressed his concerns that if there are questions and the right thing to do is to table the matter and get the answers from the correct departments.

Upon motion of Councilor Morganelli, it was  
 VOTED: That the second reading and final passage of 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 be TABLED to the June 16, 2022 meeting.

The vote on the foregoing was as follows:

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

## MOTIONS, ORDERS OR RESOLUTIONS

15. Upon Councilor of Councilor Figy and Councilors Adams, Burns, and Harris, it was VOTED: That Ordinance No. 1623 (Department of Public Works), be reviewed with possible revision and be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE, LAW DEPARTMENT, BOARD OF PUBLIC WORKS and WATER COMMISSION.

Prior to the vote, Councilor Figy informed the Council that there has been trouble finding someone to fill the DPW Director's position and therefore it should be looked at to change it back to two separate positions. Councilor Flaherty agreed there are problems with hiring someone but that some parts of the ordinance are good and do not undo it all. Councilor Bean asked what the ordinance says now. Councilor Figy replied that the current ordinance combines the department of head of Water and DPW into one position. Councilor Bean informed the Council that he will support looking into it and that it was the last administration that did not due their diligence to get a new DPW director. He added that he liked the collaboration between the two departments on issues and would like to see the engineering department added to it also. Councilor Adams informed the Council that he was the one that originally held up on the combining of the two positions because he knew once the current DPW Director retired it would be hard to find a replacement. Councilor Burns disagreed with Councilor Bean that it was the prior administration that held it up. It was the Board of Public Works and the Water Commission that held it because they could not get a quorum for a meeting. Councilor Onyski informed the Council that there is new job description and will support the motion to refer it. Councilor Burns replied that there is no job description because the Board of Public Works and Water Commission have to meet to revise it because the City Council did not approve the revision of taking out the education piece of mandatory to preferred. Councilor Flaherty informed the Council that the ordinance could be changed to have the Council the appointing authority instead of the Board of Public Works and Water Commission.

16. Upon motion of Councilor Flaherty, it was VOTED: That the (sewer) rate setting authority be changed from City Council to Water Commission and be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and upon motion of Councilor Figy, it was further VOTED: That it also be REFERRED TO NATURAL RESOURCES COMMITTEE and LAW DEPARTMENT.



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	No
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	No

Prior to the vote, Councilor Flaherty informed the Council that this would be to add the sewer rates to be set by the Water Commission same as the water rates are set by the Water Commission. Currently the sewer rates are set by the Council. Councilor Allie requested clarification that the motion is referring to sewer rates. Councilor Sullivan reiterated that for the public, it needs to be clear that it's referring to the sewer rates. Councilor Harris informed the Council that she does not agree with three unelected people setting the sewer rates and that the City Councilors, elected officials, don't have a say in the rates. She questioned who would protect the citizens relative to these rates if the Council had no authority to set the rate. She expressed her concern that the citizens are dealing with increases in real estate taxes, gas and groceries and that someone has to protect the people and she will not support having three unelected people to set the sewer rate. Councilor Mello agreed with Councilor Harris. She informed the Council that she cannot support political appointments to set sewer rates because they are not accountable. Councilor Burns informed the Council that this same subject was discussed at the January 18, 2018 Council meeting and submitted a copy of those minutes. Councilor Flaherty informed the Council that this is a utility service and utility services are overseen by a commission. The Council has oversight by making the appointments to the commissions and that having the Water Commission set the sewer rates is perfectly appropriate. He referenced that the Westfield Gas & Electric sets their own rates. Councilor Bean informed the Council that the City Council is a political body and the commission is a less political body and that it is appropriate. Councilor Matthews-Kane spoke in support of sending the item to committee for discussion as it's a self-sustaining department. Councilor Allie requested that some action from the Natural Resources Committee items be taken first before dealing with this issue. Councilor Figy reiterated that this type of discussion can be held during committee.

17. Upon motion of Councilor Flaherty, it was VOTED: That a new ordinance that creates involuntary resignation for appointed board and commission members who are absent without leave for more than 20% of meetings in any fiscal year be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Prior to the vote, Councilor Flaherty informed the Council that this topic has come up with the issue of the Water Commission and Board of Public Works having members absent and unable to have a quorum relative to appointing a new DPW director. The ordinance would allow for an absence for due cause or for extended leave and offers the Mayor to put in someone for a short term of 90 days. He informed the Council that the Mayor likes the idea of the proposed ordinance. Councilor Sullivan informed the Council that the Mayor has the discretion to replace a board member and if the member refuses to resign, it comes before the Council, therefore there is no need for this, but will support it going into committee, but most likely a no vote when it comes back out of committee. Councilor Morganelli informed the Council that per his conversations with Flood Control Commissioner Al Giguere, he would be in favor of this because he has difficulty getting a quorum. Councilor Harris informed the Council that she has been involved with many board and commission members over the years and that none would be so arrogant to think that they do not have to attend meetings. And that the issue with the Water Commission and DPW is a unique situation. There may be issues when a member of the Citizens with Disabilities may be out for a while, but it's not intentional. Members of boards and commissioners are outstanding citizens with great backgrounds and this is offensive to them. Councilor Adams agreed with Councilor Harris and that this motion is just adding more work for the Council. Councilor Mello informed the Council that the Flood Control Commission could not get a quorum because they didn't have enough appointed members. She questioned why elected officials are not on this proposed ordinance. Councilor Matthews-Kane informed the Council that she is a liaison to a commission that has trouble getting a quorum and it's frustrating when trying to get things done and will support it going to committee. Councilor Flaherty informed the Council that it is not an insult, it's setting an expectation. And that elected officials are elected for a term and if you don't show up you still get paid and at the next election you still may get reelected even if you've missed meetings.

Announcements

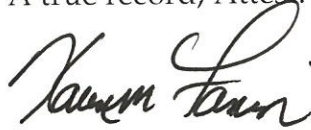
Councilor Figy congratulated all the graduated for the Class of 2022.

Councilor Flaherty gave condolences to Al Giguere who had a loss in his family.

Councilor Flaherty gave condolences to the family of Lynn Rae, former Retirement Administrator for the City of Westfield.

At 8:09 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:



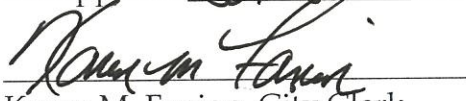
Karen M. Fanion  
City Clerk/Clerk of the Council

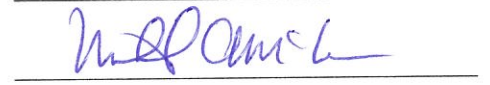
Presented to the Mayor

Approved by the Mayor

For approval June 8 2022

6-8 2022

  
Karen M. Fanion, City Clerk

  
Michael A. McCabe, Mayor