



MEETING OF CITY COUNCIL

TELEPHONE CONFERENCE
WESTFIELD, MASSACHUSETTS
JULY 02, 2020 AT 7:00 PM

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield CITY COUNCIL will be conducted via remote participation. Specific information can be found on the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or online at westfielddtv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

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

The Pledge of Allegiance was led by the President.

Councilor Mello read a letter from Mr. Christopher Clark, 98 Roosevelt Avenue relative to Wells 7 and 8.

Upon motion of Councilor Figy, it was

VOTED: Under immediate consideration, that the sum of \$30,000.00 be transferred within the Law Department from Full Time Salary account #11510000-511000 to Purchase of Services account #11510000-520000 to be used for depositions, mediation, and other costs of litigation.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Figy informed the Council that the transfer is needed for bills that will come due, prior to the next regular Council meeting to be held August 20th, 2020 for depositions, mediation and other costs of litigation.

Following the vote, Councilor Flaherty questioned that since Councilor Mello voted no on an immediate consideration the motion should be a lost vote. Councilor Allie informed the Council that it was a no vote on the transfer of funds, it was not a no vote on the immediate consideration. President Bean informed the Council that there was not a motion to suspend the rules because the request for immediate passage was requested by the Mayor in his communication. Councilor Allie informed the Council that when the Mayor requests immediate consideration that is different from the Council requesting immediate consideration. When the Mayor requests immediate consideration there is no need to vote on the suspension of the rules. Councilor Figy agreed with Councilor Allie. President Bean informed the Council that the petitioner of the transfer, Attorney Shanna Reed, is on the line and asked Councilor Mello if the petitioner addresses the Council would that be helpful and change whether or not she would object. Councilor Mello informed the Council that there are two reasons for her objection, 1) that the amount exceeds the amount that she is comfortable with relative to the rule change that was passed at the last meeting and 2) that since the questions relative to the water are not going to be answered tonight, per a communication from the Mayor, she is voting no on this item. Councilor Sullivan informed the Council that it's an objection and cannot be taken up tonight. Councilor Beltrandi informed the Council that there was no motion for suspending the rules for immediate consideration and the no vote was on the transfer of funds. President Bean informed the Council that it doesn't really matter the outcome at this time because there is not a consensus of the opinion on what the objection for was for and that the item is going to have to come out at another meeting. Councilor Flaherty read Section 29 from the Charter and per the Charter it says if an objection needs to be postponed and he requested the matter be sent to Attorney Reed for an interpretation.

President Bean declared the above motion on the transfer of \$30,000.00 LOST and upon motion of Councilor Figy, it was
VOTED: That the transfer \$30,000.00 within the Law Department from Full Time Salary account #11510000-511000 to Purchase of Services account #11510000-520000 to be used for depositions, mediation, and other costs of litigation be REFERRED TO FINANCE COMMITTEE and that a Special Meeting of the City Council be scheduled as soon as possible. Councilor Beltrandi was opposed.

Upon motion of Councilor Flaherty, it was
VOTED: That the rules of the City Council be SUSPENDED in order to act upon items received at tonight's meeting.

Upon motion of Councilor Figy, it was
VOTED: That a Grant in the amount of \$27,760.23 from the Massachusetts State 9-1-1 Department to the Public Safety Communications Department for costs associated with continuing education requirements for Telecommunicators be ACCEPTED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Figy, it was

VOTED: That a Grant in the amount of \$164,488.00 from the Massachusetts State 9-1-1 Department to the Public Safety Communications Department for reimbursable costs associated with overtime salaries for dispatch be ACCEPTED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Figy, it was

VOTED: That a Grant in the amount of \$564.46 from the Massachusetts State 9-1-1 Department to the Public Safety Communications Department to reimburse costs incurred by the department for current medical protocol card sets and the annual fee of assurance software be ACCEPTED.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Onyski, it was

VOTED: That an Order of Taking of Real Estate at 47.5 Shepard Street as it relates to the Westfield River Levee Right-of-Way by right of eminent domain for the purpose of maintenance of the flood control dike structure and an Order of Appropriation in the amount of \$52,000 from the Flood Control Department, Judgments, account #12990000-576000 for the Taking be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE.

Upon motion of Councilor Harris, while still under suspension, it was

VOTED: That the reappointment of Richard E. Clark, Jr., 456 Russellville Road as a member of the Traffic Commission for a term to expire the first Monday of February, 2023 be CONFIRMED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Harris informed the Council that the reappointment is for the Business Representative on the Traffic Commission. She informed the Council that Mr. Clark is the owner and operator of Whip City Cleaners since 1989. He has been an active Board Member of the Boys and Girls Club in charge of the Property Management Committee.

The Chief of Police and the Mayor Sullivan both supported his initial appointment and Mayor Humason and Captain McCabe support the reappointment. Mr. Clark is very familiar with the downtown area and traffic situations throughout the City. Councilor Beltrandi spoke in support of the reappointment.

President Bean informed the Council that Dave Billips, Director of Public Works Director will not be present tonight as requested by the Council, to answer questions relative to Wells 7 and 8 per a letter from the Mayor informing the Council that the procedure in Section 26 of the Charter was not followed properly relative to requesting department heads come before the Council. Councilor Allie questioned what happened relative to the process and that the questions were sent in on June 25th, 2020. Mayor Humason was participating remotely in the meeting. He informed the Council that he did not see the questions that were sent, but Mr. Billips did receive them and they both met with Attorney Reed relative to the questions. Mayor Humason informed the Council that there were issues with the questions that may be involved in litigation and are not able to be answered, but the Director will address the Council and answer the questions that are able to be answered. Councilor Mello thanked the Mayor for being present and informed the Council that the letter from the Mayor was insulting and that she emailed her questions to the Mayor. She expressed her belief that the letter from the Mayor is in violation of the Charter and it is unacceptable and the questions must be answered. Councilor Sullivan questioned when the Director will be addressing the Council. Mayor Humason informed the Council that the Director will come in at the next regular meeting of the Council but may not be able to answer all the questions and that will be decided by the Law Department. Councilor Flaherty informed the Council that the process was followed and agreed with Councilor Mello. He informed the Council that all the questions need to be answered and if need be have the questions answered in executive session and if there isn't an answer to a particular question then that would be the answer. He informed the Council that it is his hope that this matter gets resolved quickly and if need be a special meeting or committee meeting needs to be held to have the questions answered. Councilor Beltrandi informed the Council to be careful because some things go beyond the questions and it may have to be done in executive session. He expressed his appreciation for Councilor Mello's efforts. Councilor Allie expressed his concern with the breakdown of the process and expressed his concern that an executive session may need to be held to inform the new Councilors of the matter. Councilor Morganelli expressed his concern as Ward 1 Councilor that it's a big issue for Ward 1 and is disappointed in not getting the answers to the questions that were submitted and would like a special meeting to get those answers. Councilor Figy offered a motion, which was not recognized by the President, to hold a special meeting to get the questions answered. President Bean informed the Council that at this time he will hold on that motion. Councilor Matthews-Kane echoed the concerns of Morganelli and Mello and would like those answers at a special meeting. Councilor Adams expressed his concern that a motion of the Council doesn't allow for a department head to come before the Council. Councilor Flaherty informed the Council that individual Councilors cannot request a department head to come before the Council, it has to be a vote of the Council and it was voted on. Councilor Mello expressed her concern with the lawsuit that may not happen and the questions need to be answered. Councilor Morganelli informed the Council that when he was Chair to the Public Health and Safety Committee there was an item in committee to have the

Director give an update on the water safety at the committee meetings, but that item went away when he was no longer Chair of the Committee. Councilor Allie informed the Council that there was a motion from Councilor Flaherty that the Director give periodic updates and that did not happen and that these updates need to happen at a City Council meeting because the committee meetings are not televised. Councilor Burns informed the Council that a notice went out the other day with the water bill informing the public that the water is safe and the DEP approved Wells 7 and 8. President Bean informed the Council that the questions will be worked through the Mayor's office and the Law Department because some questions may be of concern. He informed the Council that he will look at everyone's schedule relative to scheduling a special meeting. Councilor Flaherty informed the Council that anything that cannot be answered publicly needs to be addressed in executive session.

Upon motion of Councilor Figy, it was

VOTED: That a special meeting be scheduled at the convenience of the Council to address the water questions and the \$30,000.00 transfer within the Law Department and the motion was further amended by Councilor Onyski to also include any other items that are unknown at this time to be included the special meeting.

Upon motion of Councilor Flaherty, it was

VOTED: That Council President Bean be requested to form a five member ad-hoc "Defined Contribution Retirement Plan Committee" made up of Councilors representing Finance, Long Range Finance, Personnel Action, Government Relations, and Legislative & Ordinance committees and that this matter be REFERRED TO THE PRESIDENT.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Flaherty informed the Council that Councilor Sullivan brought up this idea at the last meeting and it is a good idea to be looked at and investigated. Councilor Sullivan informed the Council that it is time to look at this again because it has not been looked at in a decade. He informed the Council that it won't be easy and he wouldn't vote for it if it affected anyone already on the system. Councilor Figy questioned why this needed a special ad hoc committee and why it just doesn't go to Long Range Financing Committee. Councilor Flaherty informed the Council that Councilor Sullivan is not on Long Range and he needs to be on the committee and it's beyond the scope for any other committee and that it's a special project and should be a special ad hoc committee. Councilor Harris

agreed that it should not be another bureaucratic committee and will not support a new committee. President Bean informed the Council that he is comfortable with a special ad hoc committee because then other Councilors can weigh in and there will not be a violation of open meeting laws.

Councilor Flaherty offered a motion which was duly seconded to request the Mayor to appropriate \$35,000 in certified free cash that becomes available in FY21 to fund the legal, actuarial, and other such professional services as necessary for the Defined Contribution Retirement Plan Committee to fully explore the options, savings, costs, benefits, and challenges of migrating from a Defined Benefit Retirement Plan to a Defined Contribution Retirement Plan for "employees not already in the system". Councilor Flaherty informed the Council that the money is to hire expert actuaries and legal counsel because this is beyond the expertise of Councilors. Councilor Morganelli expressed his appreciation to Councilor Flaherty for his foresight but informed the Council that the motion is premature at this point. Councilors Figy, Onyski and Sullivan agreed the motion was premature.

Upon motion of Councilor Flaherty, it was
VOTED: That the motion be WITHDRAWN.

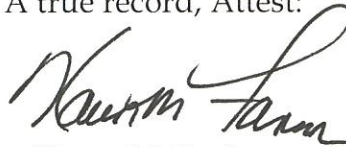
Upon motion of Councilor Flaherty, it was
VOTED: That the Law Department be requested to clarify, by the August 2020 City Council meeting, the specific procedures and timelines necessary to establish an elected Charter Commission and that the matter be REFERRED TO THE LAW DEPARTMENT and THE MAYOR. Councilor Flaherty informed the Council it is to come up with a game plan for the election in 2021. Councilor Onyski questioned if this commission is an elected position, same as the Council and would be on the ballot. Councilor Flaherty informed the Council that the Charter Commission is a separate commission made up of nine elected members that would be on the ballot. Councilors Harris and Figy were OPPOSED.

Upon motion of Councilor Flaherty, it was
VOTED: That the Mayor be requested to engage the Massachusetts Department of Revenue Division of Local Services and/or the Edward J. Collins, Jr. Center for Public Management to refresh the October 2010 Financial Management Review document. Requesting that they address the following: first, Financial Management team and practices; second, challenges facing Westfield with maintaining appropriate levels of services while honoring benefit commitments and living within the Prop 2 1/2 Levy Limits; third, investigation of opportunities to increase revenues; and fourth, the development of a realistic plan to fund Pension and OPEB liabilities while living within the budgetary and legal constraints and that the matter be REFERRED TO THE MAYOR and LONG RANGE FINANCE COMMITTEE. Councilor Flaherty informed the Council that the document is on line and more than half the items from the 2010 document have been done and that a review from an outside expert should be done to deal with the challenging items and give a path to the Council to solve those items. Councilor Harris offered an amendment to the motion to take the Mayor off it and just refer it to Long Range Financing. Councilor Flaherty informed the Council that the Mayor has to ask Department of Revenue to do this, it cannot come from the Council. Councilor Harris withdrew her amendment. Councilor Harris was OPPOSED.

Upon motion of Councilor Onyski, it was VOTED: To investigate and possibly recommend an Ordinance on home bee keeping and the matter be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. Councilor Flaherty informed the Council that he received an email that someone is allergic to bees and the neighbor is raising bees and that this should be addressed.

At 8:06 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

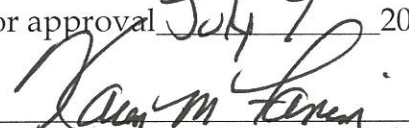
A true record, Attest:

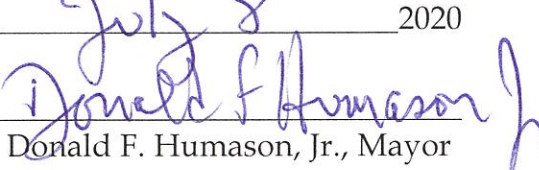


Karen M. Fanion
City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval July 7 2020

Karen M. Fanion, City Clerk

July 8 2020

Donald F. Humason, Jr., Mayor