



MEETING OF CITY COUNCIL
59 COURT STREET
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS
WESTFIELD, MASSACHUSETTS
SEPTEMBER 19, 2019 AT 7:00 PM

In the absence of the President, Councilor Harris nominated Councilor Beltrandi to serve as President Pro Tempore. With no other nominations being offered and upon motion of Councilor Harris, it was

VOTED: That Councilor Beltrandi serve as President Pro Tempore.

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

The City Clerk called the roll. Councilor Figy was absent.

The Pledge of Allegiance was led by the President Pro Tempore.

President Pro Tempore asked if anyone, other than Channel 15 was recording the meeting and if so to state whether it is an audio or video recording and whether the recording is being live streamed. No one responded.

Upon motion of Councilor Bean, it was
VOTED: That record of the meeting of September 5, 2019 be ACCEPTED.

Upon motion of Councilor Flaherty, it was
VOTED: That the acceptance of the April 22, 2019 Executive Session Minutes be REMOVED FROM THE TABLE.

Upon motion of Councilor Flaherty, it was
VOTED: That the April 22, 2019 Executive Session Minutes be ACCEPTED.

Under "Public Participation" the Councilors were addressed by Ms. Cindy Gaylord, 35 Butternut Road, Chair of the Historical Commission. She requested Council support for the immediate consideration for the appointment of Michael Ingraham, as a member of the Historical Commission. She informed the Council that the Historical Commission is in desperate need of this Commissioner especially with the upcoming ghost tours.

Under "Public Participation" the Councilors were addressed by Ms. Kristen Mello, 27 Moseley Avenue. She informed the Council that she attended the Board of Health meeting that was held this evening relative to the water and that the ATSDR

wrapped up its testing of 500 participants and the results would be available after the first of the year, more towards Spring of 2020.

Under "Public Participation" the Councilors were addressed by Mr. Robert Pearson, 53 McKinley Terrace. He thanked the Council for fixing Lindbergh Blvd and also informed the Council that the stop light at George and Main Street doesn't work properly. He suggested that the solar panels be put on the former, vacant property of J.J. Newberry's on Elm Street. He informed the Council that it's not the foam from the 104th that polluted the water, it's the chemicals that were used in the nearby tobacco fields.

Under "Public Participation" the Councilors were addressed by Mr. Matt Roman. He informed the Councilors that with the upcoming elections, the Senior Snoopers are still looking for Councilors' resumes' and that he's working with the Historical Commission on a place to put the General Knox Cannon.

Under "Public Participation" the Councilors were addressed by Ms. Gail Bean, 66 Sherwood Avenue. She requested Council support of the Resolution on tonight's agenda relative to keeping the Fowler Wing at Baystate Noble.

Under "Public Participation" the Councilors were addressed by Mr. Matt VanHeynigen, 10 Belden Drive. He spoke in support of Councilor Bean's motion relative to having all elected officials pass a CORI. He requested Councilor Emmershly, Chair of Public Health and Safety Committee to convene a public hearing on the matter immediately to have in use by the end of the calendar year.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He thanked Ward 6 Councilor Onyski for his efforts on getting a traffic light at Papermill, Springdale and Union Streets. He informed the Council that the Federal government reported that rainwater has mercury in it and that the Council needs creative ways to attract new businesses.

Under "Public Participation" the Councilors were addressed by Ms. Kathy Hillman, 179 Susan Drive. She encouraged everyone to go out and vote at the Preliminary City Election to be held September 24th, 2019.

Upon motion of Councilor Bean, it was
VOTED: Under immediate consideration, that a \$50.00 gift donation to the Westfield Emergency Management Agency in memory of Lucille Silva be accepted.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Yes

Upon motion of Councilor Bean, it was

VOTED: Under immediate consideration, that the appointment of Michael Ingraham, 147 Russellville Road, as a member of the Historical Commission for a term to expire the first Monday of February, 2021, replacing Kate Deviny, resigned, be CONFIRMED.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Yes

Prior to the vote, Councilor Harris informed the Council that Mr. Ingraham is a 25-year Social Studies teacher in the Westfield Public Schools. He is an historian, has a deep interest for local history. He has attended many Historical Commission meetings and he is a 27-year Veteran of the Army and Army National Guard.

Upon motion of Councilor Allie, it was

VOTED: That items 3. through 8. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

3. Transfer of \$389.00 from Reserve for Future Salary Increase account #19500000-519999 to Traffic Control, Part Time Hourly account #12930000-511110 pursuant to the signed and ratified agreement between Westfield Crossing Guards, IBPO Local 359 and the City of Westfield from the period of July 1, 2019 to June 30, 2022.
4. Transfer of \$1,200.00 from Reserve for Future Salary Increase account #19500000-519999 to the Fire Department Uniforms and Other Clothing account #12200000-558007, pursuant to the signed and ratified contract agreement between The International Association of Firefighters (IAFF) Local 1111 and the City of Westfield for the period from July 1, 2019 through June 30, 2022.
5. Transfer of \$2,000.00 from the Reserve for Future Salary Increase account #19500000-519999 to the Assessor, Full Time Salary account #11410000-511000 pursuant to the signed and ratified agreement between the Westfield Professional Municipal Employees Association and the City of Westfield for the period from July 1, 2019 through June 30, 2022.
6. Transfer of \$712.00 from Reserve for Future Salary Increase account #19500000-519999 to Building & Public Property, Full Time Salary account #11920000-511000 pursuant to the signed and ratified agreement between AFSCME, Council 93, Local 1676 (Foreman Unit) and the City of Westfield for the period of July 1, 2019 through June 30, 2022.
7. Transfer of \$1,312.15 from Reserve for Future Salary Increase account #19500000-519999 to Auditor, Full Time Hourly account #11350000-511100 pursuant to the signed and ratified agreement between AFSCME, Council 93, Local 346 (35 Hour Union) and the City of Westfield for the period from July 1, 2019 through June 30, 2022.
8. Transfer of \$63,814.34 from Reserve for Future Salary Increase account #19500000-519999 to the following: \$1,046.85, Police, Holiday account #1210000-514100; \$7,950.00, Police, Education account #1210000-514300; \$54,817.49, Police, Full Time Hourly account #1210000-511100 pursuant to the signed and ratified agreement between the Westfield Police Officer Coalition and the City of Westfield for the period of July 1, 2019 through June 30, 2022.

Upon motion of Councilor Bean, it was

VOTED: That item 9. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

9. Submitting for information only, the signed and ratified contract agreement between the Westfield Fire Department Supervisors Association and the City

of Westfield for the period from July 1, 2019 through June 30, 2022; no appropriation of funds is necessary, no action is needed.

Councilor Bean informed the Council that the item will go to Finance Committee to be reviewed. Councilor Flaherty informed the Council that he did not agree with "no action necessary" because the Council has the authority to approve funding for contracts. He informed the Council that he submitted information from Methuen relative to a ruling from the Inspector General relative to contract approvals and following of Council rules that would also apply to Westfield. He expressed his concern relative to an email response from City Solicitor Sue Phillips that "the Council can reject for any reason or no reason". Councilor Bean informed the Council that it will be discussed in Finance Committee. Councilor Surprise offered a motion for a legal opinion. Councilor Flaherty agreed to get a legal opinion and if don't like it get another ruling. He expressed his concern that the Law Department doesn't agree with the Inspector General's opinion. Councilor Emmershy informed the Council that the Mayor came before the Council and explained that the executive branch negotiates the contract and the Council can only accept it or reject, therefore, it should not be for information only regardless if it needs an appropriation or not. Councilor Flaherty requested that the legal opinion be in writing.

Upon motion of Surprise, it was VOTED: That the Law Department give a legal opinion, in writing, to determine based on the documentation provided by Councilor Flaherty from Methuen as well as the email documentation provided by Sue Phillips regarding contracts whether all contracts can be voted on up or down by the Council and further upon motion of Councilor Flaherty, if that's not the case where in the Charter does it authorize the Mayor to execute contracts.

Upon motion of Councilor Onyski, it was VOTED: That item 10. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and upon motion of Councilor Flaherty, it was further VOTED: To also be REFERRED TO LONG RANGE FINANCIAL OVERVIEW COMMITTEE. Councilor Bean and Harris were opposed.

The Clerk read from the Agenda as follows:

10. Submitting a Bond Order in the amount of \$900,000.00 for the purpose of funding the Franklin Avenue Elementary School Feasibility Study.

Upon motion of Councilor Onyski, it was VOTED: That item 11. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

11. Submitting a Resolution approving an Intermunicipal Agreement with the Town of Southwick for Weights and Measures services.

Councilor Harris, offered a motion, which was duly seconded, that the rules of City Council be suspended in order to act upon the appointment of Peter Cowles, Jr. which was submitted at tonight's meeting. Councilor Emmershly was opposed. Councilor Harris informed the Council that according to the Council rules a vote for suspension is a majority and that one opposition only stops a financial matter. Councilor Emmershly informed the Council that Peter Cowles was appointed last year for a one-year appointment and then the position was supposed to switch to the School side and that Peter Cowles should be recording the subcommittee meetings and that the PEG money pays for the recording of Council meetings. Councilor Flaherty informed the Council that per Section 29 of the Charter that if one person objects the matter has to wait until the next meeting. Councilor Harris informed the Council the Law Department advised her that Section 29 did not pertain to appointments. Councilor Bean informed the Council that there is more discussion relative to the job duties rather than the person. Councilor Emmershly agreed with Councilor Bean and informed the Council that the duties need to be in the PSA that go along with the reappointment. Councilor Harris withdrew her motion of suspension of the rules.

Upon motion of Councilor Harris, it was

VOTED: That the reappointment of Peter Cowles, Jr., 18 Egleston Road, as Media Systems Specialist for a one year term from date of confirmation be REFERRED TO PERSONNEL ACTION COMMITTEE.

Upon motion of Councilor Allie, for the Finance Committee, it was

VOTED: That the appropriation of \$40,000.00 from the Infiltration and Inflow Undesignated account #67004400-340500 to the Department of Public Works, Sewerage & Wastewater Treatment account #67004400-580841 (6/20/19) be REMOVED FROM COMMITTEE.

Upon motion of Councilor Allie, for the Finance Committee, it was

VOTED: That the motion for the Mayor to be requested to submit offsetting budget cuts for every dollar of mid-year supplemental appropriations for FY20 (7/8/19) be REMOVED FROM COMMITTEE.

Upon motion of Councilor Allie, for the Finance Committee, it was

VOTED: That a Grant in the amount of \$25,016.87 from the Commonwealth of Massachusetts, State 911 Department to the Public Safety Communications Center for the FY2020 State 911 Department Training Grant Program be ACCEPTED.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Yes

Prior to the vote, Councilor Flaherty, informed the Council that Massachusetts 911 is a client and contingent upon a filing of a disclosure he votes yes, if there is no disclosure, he would abstain. City Clerk Karen Fanion verified that a disclosure is on file.

Upon motion of Councilor Allie, for the Finance Committee, it was VOTED: That a Grant in the amount of \$640.92 from the Commonwealth of Massachusetts, State 911 Department to the Public Safety Communications Center for the FY2020 State 911 Department Medical Dispatch Grant Program be ACCEPTED.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Yes

Upon motion of Councilor Allie, for the Finance Committee, it was VOTED: That a Grant in the amount of \$139,840.00 from the Commonwealth of Massachusetts, State 911 Department to the Public Safety Communications Center for the FY2020 State 911 Department Support and Incentive Grant Program be ACCEPTED.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Abstained

Upon motion of Councilor Babinski (Harris and Figy), it was VOTED: Under immediate consideration, that a Resolution entitled "A RESOLUTION URGING BAYSTATE HEALTH TO PRESERVE THE FOWLER UNIT" to encourage Baystate Noble to keep Mental Health Services local and not relocate the Fowler Wing to Holyoke be ADOPTED.

Councilor Emmershly abstained; it's his wife's employer.

Prior to the vote, Councilor Babinski read the Resolution in its entirety. Councilor Babinski informed the Councilor that forums were held on the topic and on April 16th, 2019, Mayor Sullivan and Representative Velis sponsored a forum at the library and the Nurses' Association and the Forum House spoke in favor of keeping the Fowler Unit at Baystate Noble. Councilor Babinski explained that it's critical to serve the needs of hilltowns. She explained that there are allegations against US Health in Seattle the organization that would be in place of the Fowler Wing. She encouraged unanimous support for this timely matter. Prior to the vote on adoption, upon motion of Councilor Onyski, it was VOTED: That the Resolution be amended to be signed by the City Council President.

Upon motion of Councilor Emmershly, it was VOTED: That a review of state law payroll practices which have been accepted by the City be REFERRED TO LONG RANGE FINANCIAL OVERVIEW COMMITTEE.

Prior to the vote, Councilor Emmershly informed the Council that it came to light that the new police and fire chiefs' compensation were the same as their predecessor's and not based on their experience.

Councilor Emmershly offered a motion for a review of policies and procedures in place for the creation and approval of Personal Service Agreements to be referred to Long Range Financial Overview Committee. Councilor Surprise informed the Council that a similar motion is already in Governmental Relations Committee. Councilor Emmershly withdrew the motion.

Upon motion of Councilor Emmershly (and Allie), it was VOTED: That the matter of Recording and Broadcasting of Committee meetings be RECALLED from Legislative and Ordinance Committee (5/16/19) per Rules of Council Sec 31(b) Committee Reports.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	No
Leslie LeFebvre	Yes
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	Yes

Councilor Bean questioned Councilor Emmershly if he discussed this matter with the L & O Committee. Councilor Emmershly informed the Council that he has not recently discussed it with the Committee. Councilor Onyski, Chair of the L & O Committee, informed the Council that when it was referred to L & O it was supposed to be all ready to go and that the L & O Committee should not have to fine tune it. He informed the Council that the Law Department advised him today that the Committee cannot do an Ordinance on this matter. Councilor Emmershly passed around an Ordinance that Government Relations drafted and sent to L & O. Councilor Surprise informed the Council that the City Auditor verified there were funding sources from PEG for the equipment which would be approximately \$10,000.00. Councilor Harris expressed her concern with the logistics of the proposed ordinance. She questioned what happens when there are multiple meetings at the same time, where and how would the tapes be stored, what happens when there's an emergency meeting and it's impossible to record. She informed the Council that it's a good idea but just not at this time until all logistics can be worked out. Councilor Surprise informed the Council that it's not a new ordinance, it's amending an ordinance. Councilor Bean agreed with Councilor Harris about working out the logistics first. He questioned what happens if

the ordinance is not followed. He informed the Council that Peter Cowles could do it but his reappointment was just tabled to the next meeting. Councilor Babinski informed the Council that taping of meetings is not a requirement of the Open Meeting Laws. Councilor Flaherty informed the Council that with technology there are tiny cameras and there is no need for a human to run a camera, it just needs to be turned on. He suggested that a hard deadline be set to settle the matter, he suggested by end of December. Councilor Emmershly informed the Council that the Mayor and the Law Department are opposed to this, therefore Governmental Relations Committee had to write the ordinance. He requested the matter be sent to Law instructing them to draft the ordinance. Councilor Onyski suggested that the matter wait for the new Mayor. Councilor Morganelli informed the Council that the people do want this and not sure if there needs to be an ordinance, just buy the cameras and do it. Councilor Flaherty informed the Council that the Council has the power to create ordinances and does not understand the Law Department's letter and he referred to the DPW Department ordinance that was passed that had enforcement and staff obligations. He agreed it was not ready at this time but it should move forward. At this point Councilor Bean left the meeting.

Upon motion of Councilor Onyski, it was VOTED: That the recording and broadcasting of committee meetings be REFERRED TO GOVERNMENTAL RELATIONS COMMITTEE, from Legislative and Ordinance Committee, to be worked out.

The vote on the foregoing was as follows:

Ralph Figy	Absent
Dave Flaherty	Yes
Cindy Harris	No
Leslie LeFebvre	No
Nicholas Morganelli, Jr.	Yes
William Onyski	Yes
Andrew Surprise	No
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Absent
John Beltrandi III	Yes
Michael Burns	Yes
Matt Emmershly	No

At 8:47 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:



Karen M. Fanion

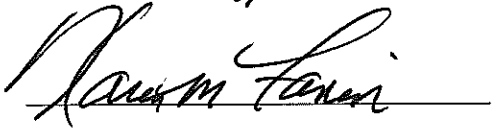
City Clerk/Clerk of the Council

Presented to the Mayor

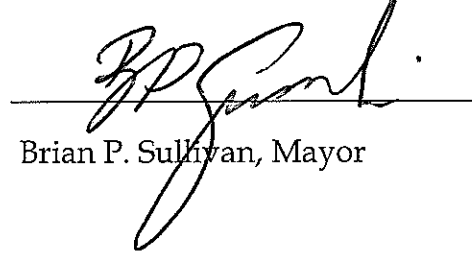
Approved by the Mayor

For approval Sept. 26 2019

Sept 26 2019



Karen M. Fanion, City Clerk



Brian P. Sullivan, Mayor