



**MEETING OF SPECIAL CITY COUNCIL**  
TELEPHONE CONFERENCE  
WESTFIELD, MASSACHUSETTS  
OCTOBER 08, 2020 AT 5:30 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](http://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 [westfieldtv.org](http://westfieldtv.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 meeting was called to order at 5:30 PM by the President.

The Clerk called the roll. Councilors Matthews-Kane, Morganelli and Allie were absent.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That reappointment of Attorney John E. Garber, 18 Perkins Avenue, Northampton, MA to the position of Part-Time Assistant City Solicitor for a term of three years, from appointment date 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	Abstained
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Absent
William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	Absent

Councilor Matthews-Kane arrived at the meeting at the end of the discussion and therefore abstained due to missing the discussion.

Prior to the vote, Councilor Harris informed the Council that Attorney Garber was first appointed by Mayor Knapik in 2014 and confirmed by the City Council when he replaced Atty. William O'Grady who was appointed a District Court Judge. Atty. Garber was reappointed in 2017 when all City Councilors voted yes. On September 17, 2020 the entire City Council voted on his reappointment - at that time included Councilors Ralph Figy, Dave

Flaherty, Cindy Harris, Mary O'Connell – who also informed the Council that Atty Garber dealt with School Employment issues, William Onyski, Robert Paul, Andrew Surprise, Matthew VanHeynigen, Dan Allie, Mary Ann Babinski, Brent Bean, John Beltrandi and Steve Dondley.

In the legal field he is known as an Expert Litigator. He oversees all litigation in Superior Court for the City of Westfield and guides and reviews our Law Department in litigation cases. He consults with the City's Dept. Heads and School Personnel, most on employment issues, injury and land use matters.

At his last reappointment – Solicitor Phillips (our thoughts go to her family) gave him her highest recommendation and stated that his role has reduced considerable the need to hire outside legal help. Mayor Sullivan also recommended Atty. Garber.

To review his professional background:

*November 2002-Present* – He is the co-founder of Weinberg and Garber, P.C, Northampton, MA. As a litigation attorney his firm concentrates on high-stakes cases, including being part of a multi-firm team that in 2016 obtained a \$32 million dollar jury verdict in a wrongful death case in Hampden County Superior Court. He handles all aspects of litigation in the State and Federal Courts, in Administrative Agencies and in Arbitration Mediation. In addition, Sept 2014 to Present he has been the Asst. City Solicitor for the City of Westfield as a Senior Litigator Attorney representing the City's interests in various types of Municipal Litigation.

*From 1996-2002* – He was a Litigation Associate at Robinson Donovan P.C, Springfield MA. At this well-known and distinguished Law Firm he practiced Insurance Defense and Coverage, Commercial and Construction disputes and more than 20 appeals to State and Federal Courts, an impressive statistic.

*From 1992-1996* – He was Litigation Associate at Schoenberg, Fisher and Newman where he supervised cases in State and Federal Courts.

Lastly, Atty. Garber was President of the Hampshire Bar Association, he is CPCS Certified for Court- Appointed cases and is a Mock Trial Judge and Coach for high schools and colleges. Atty. Garber is an experienced Litigation Expert with an impeccable reputation in the Court System.

Councilor Figy – please make your comments, if any, and then Councilor Onyski for comments, if any, then please make a motion of for this item as you see best for our City so we can vote on this.

Councilor Figy said “My highest compliments to Atty. Garber and his work.” He had questions but due to technical difficulty with Zoom, Att. Garber was not able to be heard at this time. Moved onto Councilor Onyski who stated Atty. Garber has done a good job and it's great that we have a Litigator in the Law Department.

Atty. Shanna Reed (via Zoom) said having him in the department is wonderful, he's a great resource, and we don't have to outsource cases.

Councilor Figy asked 5 questions sent to him by Councilor Mello. Summarizing as follows:

1. Q: Your decision making process, take direction from whom, consequence of case loss?

A: Every Case is different. My mandate is to protect the best interest of the City. Takes direction from the City Solicitor, now the Acting City Solicitor with the Solicitor's recent passing. Inevitable some decisions on a motion, trial or something else may be a loss.

2. Q: Spanning several administrations is execution of decisions altered?

A: Doesn't change at all. He stated he makes most decisions and is very rare he would consult with the Mayor.

3. Q: Did you disagree with chosen course of action?

A: In general, all lawyers have opinions - when a difference, there is discussion - But first of all, would never take a course detrimental to the City. Priority always best interest of City.

4. Q: Who is your highest authority, and ultimate priority?

A: Reports to City Solicitor, who takes direction from Mayor. Priority is always best interest of the City - straightforward, zealously advocate for the City.

5. Q: Cross St. Situation

A: That case is pending, still active, thus can't comment.

Councilor Harris, for the Personnel Action Committee, offered a motion which was dully seconded, to approve the job description of the Personnel Director. She informed the Council that for the October 1, 2020 City Council Meeting, the Mayor and First Assistant City Solicitor, Shanna Reed (she had sent correspondence to all Councilors 2 days before the meeting explaining the situation) requested Immediate Consideration. At that meeting she stated that the Acting Personnel Director and Law Department and Mayor had approved the job description but the City Council must vote positively before the City can continue with the hiring process for a permanent Personnel Director, and that the City had many applicants, so quickly moving ahead with approval by Council would ensure that we don't lose these applicants. As a Human Resource Expert with National and International background with expertise in job analysis, job description, job salaries for all levels - entry to Scientist and Vice Presidents, She is an Organizational Expert with Employment Law expertise and knowing all Councilors had the information on the job description for 2 days before the Council Meeting, and everyday Councilors can communicate with Acting Personnel Director and Law Department, and she made a motion to accept the job description. On October 2, 2020 all Councilors received additional information from Atty. Reed on this description describing the situation in more depth and reminding them that they can always talk to the Acting Personnel Director. The Acting Personnel Director and the Assistant Solicitor/Labor Specialist, as well as the Mayor as the Appointing Authority, prior to the job posting, deemed the description to be sufficient and in-line with the educational and experience required of other Human Resource Directors in neighboring municipalities. Again, she informed the Councilors that she had a lengthy discussion with the Acting Personnel Director regarding this, who got results of a multitude of applicants with his posting of this job and the City is fortunate to have several excellent possibilities, according to him. The Citizens deserve to have a City that runs efficiently and that necessarily requires a Personnel Director to hire competent, and indeed the best employees to work for our citizens, and to deal with all Human Resource issues. As of this morning, no Councilor outside of P.A.C members had questions for the Acting Personnel Director. Councilor Figy informed the Council that after reviewing this job description he would make no changes and he reached out to the other Councilors and received no feedback and it should move forward with a positive recommendation. Councilor Onyski informed the

Council that he wouldn't change the job description and we might even get someone who exceeds this description and accepts this job description.

Councilor Bean informed the Council that he believes this position needs a lawyer so as to help out the Law Department as they are taxed on all sorts of things and this could be positive for that department. Councilor Figy disagreed in having to have the position be held by a lawyer and there is a lawyer in the Law Department to handle personnel issues if needed. He informed the Council that this may be something to tweak in the future, but for now it the job description should be approved and move forward. Councilor Onyski informed the Council that as a human resource director that carries a wide variety of skills and would not want to pigeon hole applicants that are not lawyers and this should move forward. Councilor Beltrandi spoke in support of approving the job description. Councilor Flaherty agreed with Councilor Bean and that historically a lawyer held the Personnel Director position. He expressed his concern with the huge turnover in that department. He informed the Council that municipal experience should be an absolute must requirement especially when it comes to dealing with union contracts. And he disagreed with the requirement of having to be able to lift 25 lbs. Councilor Burns informed that a paralegal with HR background would be a good applicant. Councilor Beltrandi expressed his concern that all of a sudden the idea of having the position be filled by a lawyer is being discussed tonight and should have been brought up sooner. Councilor Bean informed the Council it's the City's fault for dragging their feet on this and should not expect the Council to have to move quickly without discussion. Councilor Figy informed the Council that this position was vacant for a while and questions could have been asked prior and that if Attorney Reed did not bring the matter that the job description was never approved prior to the posting going out no one would have ever known. Councilor Mello informed the Council she would support the job description if the education and experience in municipal administration was changed. Councilor Bean informed the Council that the Council can only vote it up or down, it cannot make amendments. If amendments are made it will need to be sent back to the Mayor.

Upon motion of Councilor Flaherty, it was

VOTED: That the experience in municipal administration be amended to be mandatory.

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

The President declared the motion to amend the job description LOST.

Councilor Matthews-Kane expressed her concern with the 25 lb lifting requirement and would like to have that amended.

Upon motion of Councilor Harris, it was

VOTED: That the job description for the Personnel Director be APPROVED.

The vote on the foregoing was as follows:

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

The President declared the motion to approve the job description for the Personnel Director LOST. All votes need seven votes to pass.

Councilor Figy informed the Council that this process will have to start all over again.

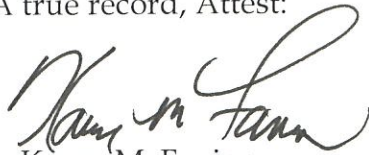
At 6:12 PM, and upon motion of Councilor Harris, it was

VOTED: To ADJOURN.

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.	Absent
William Onyski	Yes
Richard Sullivan, Jr.	Yes
James Adams	Yes
Dan Allie	Absent

A true record, Attest:



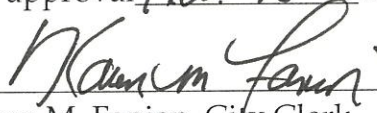
Karen M. Fanion

City Clerk/Clerk of the Council

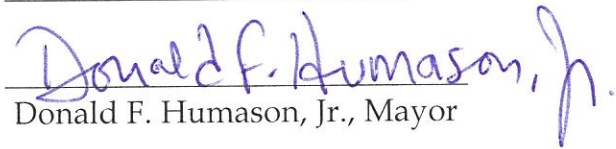
Presented to the Mayor

Approved by the Mayor

For approval Nov. 18 2020

  
\_\_\_\_\_  
Karen M. Fanion, City Clerk

Nov. 19 2020

  
\_\_\_\_\_  
Donald F. Humason, Jr., Mayor