



MEETING OF CITY COUNCIL

59 COURT STREET

MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS

WESTFIELD, MASSACHUSETTS

NOVEMBER 07, 2019 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.

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

The Pledge of Allegiance was led by the President.

The President 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 October 17, 2019 be ACCEPTED and the record of the June 27th, 2019 nine hour budget meeting minutes were ACCEPTED.

Under "Public Participation" the Councilors were addressed by Ms. Sherri Morini, 164 Susan Drive. She expressed her concern relative to a hemp farm on East Mountain Road. She requested that hemp farms be part of the City's zoning regulations and permit process. She expressed her concern with the gun range that is also located on that property and informed the Council that she especially concerned because she is an owner of a preschool that is next door to that property.

Under "Public Participation" the Councilors were addressed by Mr. Chris Gelonese, 168 Susan Drive. He expressed his concern relative to the hemp farm and gun range on East Mountain Road. He expressed his concern that the owner of the property does not have respect for common sense or regulations. He informed the Council that the land was cleared without the proper permits from the City and the State. He requested the Council to get out in front of this matter and do something about it.

Under "Public Participation" the Councilors were addressed by Mr. Walter Mayko, 112 Susan Drive. He expressed his concern with the illegal activity on the gun range on East Mountain Road. He informed the Council that there is a federal violation on the property relative to the discharge of ammunition that contains lead and that lead contamination is leading down into the stream that abuts the property which then leads into the Westfield River by the well on Union Street and it needs to be investigated.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He congratulated everyone that won at the recent City Election held November

5th, he congratulated the voters for a high voter turnout (40%) and requested that the City Council support high tech industry classes at Westfield Technical Academy.

Upon motion of Councilor Bean, it was

VOTED: Under immediate consideration, that a Grant to the Technology Center to participate in the 2019 Cybersecurity Awareness Grant Program from the Executive Office of Technology Services and Security (EOTSS) be ACCEPTED, per voice vote. There is no local share required for this Grant.

Upon motion of Councilor Bean, it was

VOTED: That items 2. and 3. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

2. Transfer of \$223.89 from the Department of Public Works-Water Division, Full Time Salary, FY20 account #68004500-511000 to the Department of Public Works-Water Division, Full Time Salary, prior year FY19 account #68004500-511000.
3. Appropriation of \$250,000.00 from the following accounts as follows: \$200,000.00 from Community Preservation Undesignated (FY20) account #24101770-580000 and \$50,000.00 from Community Preservation Historic (FY20) account #24101770-580200 to the CPA Lambson Building (Historic) account #24101770-580200-5123.

Upon motion of Councilor Onyski, it was

VOTED: That items 4. and 5. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

The Clerk read from the Agenda as follows:

4. Submitting a Resolution of the City Council of the City of Westfield approving the spending of monies in the amount of \$20,000.00 from the Handicap General Expense account #24554400-578000
5. Submitting an Ordinance amendment at Article 1 of Chapter 14, Section 14-1 by adding Special Municipal Employee Status for the Police Commission.

Upon motion of Councilor Harris, it was

VOTED: That item 6. under "Communications from the Mayor" be read by the Clerk and REFERRED TO THE PERSONNEL ACTION COMMITTEE.

The Clerk read from the Agenda as follows:

6. Submitting the appointment of Clifford Laraway, 1166 East Mountain Road as a member of the Conservation Commission for a term to expire the first Monday of February, 2022, replacing Henry Bannish, resigned.

Upon motion of Councilor Harris, it was

VOTED: That the rules of the Council be SUSPENDED in order to act upon an item received at tonight's meeting.

Upon motion of Councilor Harris, it was VOTED: That the appointment of Richard Sypek, 60 Cardinal Lane as a member of the Police Commission for a term to expire the first Monday of February, 2021, replacing Karl Hupfer, resigned, be CONFIRMED.

The vote on the foregoing was as follows:

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
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes

Prior to the vote, Councilor Harris informed the Council that Attorney Sypek is a principal in the Law Firm of Ross & Ross P.C., Springfield, MA and has been there since 1991. A practicing Attorney he has worked with the Westfield Gas and Electric, has represented many clients in front of many Municipal Councils, Planning Boards, Zoning Boards and License Commissions, as his practice focuses on Business Development, Zoning and real estate and personal injury. In Westfield he served as Vice Chair of St. Mary's Council from 2001-2006, was on the Board of Westfield Youth Hockey Association and the Amelia Park Children's Museum and was a Coach for many Westfield Youth Sports. He has a B.S. in Accounting from Fairfield University and a Law Degree from Western New England School of Law. With his over 35 years of practicing law and a degree in accounting understanding budgets he would be an asset to our City and would assure the Citizens that this important Commission will continue on in a professional manner. Attorney Sypek is well-known throughout the City and is very well-respected. Councilor Figy thanked out-going Commissioner Karl Hupfer for his many years of service to the Police Commission.

Upon motion of Councilor Harris, it was VOTED: That the invitation from the Director of Veterans' Services Julie Barnes inviting Councilors to the Veterans' Day Parade to be held Monday, November 11, 2019 at 10:00 AM at Westfield Bank, 141 Elm Street, Step Off at 10:30 AM to march to Parker Park for Ceremony to start at 11:00 AM be ACCEPTED AND PLACED ON FILE.

A Public Hearing was called to order on an application submitted by Massachusetts Department of Transportation (MassDOT) for the storage of 10,000 gallons gasoline and 10,800 gallons diesel to be located at Massachusetts Turnpike Westbound MM 41/Sgt. T.M. Dione Way to be used at the Maintenance Depot/State Police Barracks. With no one present to represent the application, it was voted upon motion of Councilor Beltrandi that the Public Hearing REMAIN OPEN until the next regular meeting of the City Council.

A Public Hearing was held on a zoning amendment at Section 1-10.2 to give broader authority to the Building Department to require more detailed information (specifically site grading) as part of the building permit process submitted by the Planning Board. City Planner Jay Vinskey was present to represent the application. Mr. Vinskey informed the Council that this would expand upon the building permit to include grading elevations to ensure that the grading does not interfere with the stormwater plan. Also include driveway placement, setback distances and lot dimensions. He informed the Council that many other communities have this type of requirement with their building permits. Mr. Vinskey informed the Council that the Building Inspector Carissa Lisee would like this amendment to give her the power to require this information and be able to enforce it. Councilor Beltrandi informed the Council that this would tie in with the stormwater plan and take the guess work out of it. Councilor Bean questioned if the Building Inspector was present to give input on the application. Mr. Vinskey informed the Council that she was not present. Councilor Bean expressed his concern for what this would do to the work load for the Building Department. Mr. Vinskey informed the Council that the process will have to be worked out and that the Building Inspector has asked for this amendment. Councilor Emmershay questioned if this would require a full site evaluation or a simple lay out plan. Mr. Vinskey informed the Council that it does not have to a highly engineered plan. Councilor Beltrandi informed the Council that a builder has a surveyor do the plan and then the Building Inspector knows exact locations of everything. Councilor Allie questioned if the Planning Board will have a public hearing on the application. Mr. Vinskey informed the Council that the Planning Board will have its hearing on November 19th, 2019 and will provide a recommendation to the Council. With no others appearing to be heard and upon motion of Councilor Morganelli, it was VOTED: That the Public Hearing be CLOSED and the application be REFERRED TO ZONING, PLANNING AND DEVELOPMENT COMMITTEE and LAW DEPARTMENT.

A Public Hearing was held on a Zoning Amendment petition submitted by the Planning Board to amend Section 4-90 to strengthen regulation of marijuana establishments by requiring special permit if within 500 feet of a park (#253-19). Mr. Jay Vinskey was present to represent the application. He informed the Council that this is to add parks to the list that would trigger a public hearing by the Planning Board and that each application would be taken on a case by case basis. He explained that a grow facility may not be good near a park but that a packaging facility may be ok. Ms. Sherri Morini, 164 Susan Drive questioned if this is just for parks and what kind of schools are already included in the list for a public hearing? Is it private schools as well? Mr. Vinskey informed the Council that it's public and private from kindergarten to 12th grade and does not include preschool. Ms. Morini informed the Council that the State does not require kindergarten so that is considered to be preschool and that all private preschools should be also included in the regulation of 500 feet. Councilor Flaherty questioned if Zoning, Planning and Development Committee could add preschool to this application. Mr. Vinskey informed the Council that the Law Department would need to answer that question. Mr. Morris of Holyoke questioned if it was a special permit in front of the Planning Board or City Council. Mr. Vinskey informed the Council that it would be before the Planning Board. Councilor Allie questioned if the public hearing could remain open to include preschools in the amendment. President Figy informed the Council that the public

hearing does not need to remain open, it can be done in committee. Councilor Morganelli asked Mr. Vinskey to explain the map that is included on the share drive. Mr. Vinskey explained that the map shows all the parks in Westfield and the radius of 500 feet and that the Rail Trail and River Walk are included as parks. And that there are small pieces of land that divide road that are technically parks and that the Planning Board would take those types of parks into consideration when considering a special permit application. Planning Board Member John Bowen informed the Council that this amendment proposal came to be because of an application that was filed for a manufacturing facility that abutted a soccer field near the airport. Mr. Morris of Holyoke spoke in opposition of the application. He informed the Council that he is planning on opening a retail facility in Westfield and that there are already safety regulations within the State regulations. With no others appearing to be heard and upon motion of Councilor Morganelli, it was

VOTED: That the Public Hearing be CLOSED and the application be REFERRED TO ZONING, PLANNING AND DEVELOPMENT COMMITTEE and LAW DEPARTMENT.

A Public Hearing was held on a Zone Change petition submitted by R. Levesque Associates Inc. for his client Patrick Berry for a zone change at 62 School Street (Map 55, Parcel 22) from Business A to CORE (#C-254-19). Mr. Rob Levesque was present to represent the application. He informed the Council that the amendment is to change the existing parcel's zoning designation to CORE to allow for the existing use to continue and there is no significant impact to the neighborhood because it is an extension of the current zone on the adjacent lot. Mr. Levesque disclosed that he will purchase the building at 62 School Street and use it for an extension of his business. Councilor Harris asked who currently owns the 62 School Street building. Mr. Levesque informed her that WNG Holdings LLC c/o Patrick Berry owns the building. Councilor Surprise questioned what CORE allows. Mr. Levesque answered that it allows for taller buildings, more of a build out to provide a new urbanism street scape and walk areas that are consistent with the gaslight district. Mr. Patrick Berry, 107 Bigwood Drive spoke in favor of the application. Councilor Beltrandi informed the Council that the zone change will allow for an improvement to the building. Councilor Babinski agreed. Councilor Flaherty questioned why not go all the way over to Church Street with CORE. Mr. Levesque informed the Council that that is a good suggestion but that they do not control those properties. With no others appearing to be heard and upon motion of Councilor Morganelli, it was

VOTED: That the Public Hearing be CLOSED and the application be REFERRED TO ZONING, PLANNING AND DEVELOPMENT COMMITTEE and LAW DEPARTMENT.

Upon motion of Councilor Beltrandi, it was
VOTED: That the application for a Junk Dealer License and a Junk Collector License to be conducted at 24 Old Holyoke Road submitted by Michael Patton d/b/a Patton Firearms be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled at the earliest practicable date.

Upon motion of Councilor Onyski, it was VOTED; That the petition for the discontinuance of so-called Wilcox Street, pursuant to MGL Chapter 82 Section 32A and the grant of associated Sidewalk and Sewer Easements to the City be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. The petition was submitted by Attorney Robert P. Cunningham for his client Bent Tree Development, owner of the property located at 111 Union Street.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the following items REMAIN IN COMMITTEE:

15. View Tax be eliminated, limited or reduced and the that the water tax be also added 10/5/17
16. An updated Capital Plan Excel spreadsheet be delivered to the City Council on or before the first City Council meeting in March 2018 1/8/18

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the following item be REMOVED FROM COMMITTEE.

17. That the water production costs be reviewed and make recommendations 4/5/18

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the following item REMAIN IN COMMITTEE:

18. That it be requested that annual OPEB contributions based on gross payroll by department to be included in the Annual Budget 4/19/18

Councilor Flaherty informed the Council that this is important for future benefits of employees and that a realistic plan needs to be developed. Councilors Surprise and Allie agreed a plan needs to be developed to avoid penalties and hitting the levy ceiling.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the following item REMAIN IN COMMITTEE:

19. Procedures for joining the Municipal Open Checkbook System administered by the Commonwealth of Massachusetts 9/6/18

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the Pavement Management Program (3/7/19) be REMOVED FROM COMMITTEE and PLACED ON THE SHARE FILE. Councilor Flaherty expressed his concerns that this program is a big number and should be addressed and should be sent back to Finance Committee. Upon motion of Councilor Surprise, it was further VOTED: That the Pavement Management Program be also PLACED ON THE CITY'S WEBPAGE.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the following item be REMOVED FROM COMMITTEE.

21. Matter of costs of Broadcast Recording Equipment, previously provided by the Media Systems Specialist 5/16/19

Upon motion of Councilor Morganelli, it was further
VOTED: That the item be REFERRED TO THE MAYOR'S OFFICE.

Councilor Bean, for the Finance Committee, reported that the Committee met and discussed the requests for transfers from the Reserve for Future Salary Increase account and the Orders relative to the labor contracts between the City and the several different Unions. He informed the Council it is the recommendation of the Finance Committee to have first reading by title for each order and to refer the Orders for second reading and final passage at the next regular meeting of the City Council. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts. Councilor Figy informed the Council that he has read the contracts. Councilor Bean could not give a date when they were signed. Councilor Figy informed the Council that he would have to ask the Mayor why they were not sent within 30 days. Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. He informed the Council that by his calculations it will cost \$4.6 million by year three of the contracts and with all the benefits and retirement costs it will total \$10 million by the third year. Councilor Harris informed the Council that these contracts were signed in good faith and deal with real people's lives and she will support all of the contracts. Councilor Emmershy informed the Council that the Traffic Control contract was signed on September 13, 2019 by the Union and on September 16, 2019 by the City. Councilor Surprise informed the Council that the City cannot afford to give the raises and that residents do not want more taxes. Councilor Flaherty informed the Council that if these contracts are signed then in three years there will be layoffs and may have to forfeit health insurance in retirement.

Upon motion of Councilor Bean, for the Finance Committee, it was
VOTED: That the sum of \$389.00 be transferred 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 and that the Order be given first reading by title only.

The vote on the foregoing was as follows:

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

The President declared the motion for first reading PASSED.

Upon motion of Councilor Bean, it was

VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council, per voice vote.

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

VOTED: That the sum of \$1,200.00 be transferred 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 and that the Order be given first reading by title only. Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts. Councilor Emmershly informed the Council that this contract would cost \$42,815 a year.

The vote on the foregoing was as follows:

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

The President declared the motion for first reading PASSED.

Councilor Bean offered a motion, which was duly seconded, that the Order be referred to second reading and final passage at the next regular meeting of the City Council.

Upon motion of Councilor Flaherty, it was

VOTED: That the above motion be TABLED to the 2nd meeting of January, 2020.

The vote on the foregoing was as follows:

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

The President declared the motion to table LOST.

Upon motion of Councilor Bean, it was

VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council, per voice vote.

Councilor Bean, for the Finance Committee, offered a motion, which was duly seconded that the sum of \$2,000.00 be transferred 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 and that the Order be given first reading by title only. Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be

coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Flaherty informed the Council that he does not believe that an acting Mayor can sign the contracts so it doesn't matter if they are passed tonight or wait until January, 2020.

Upon motion of Councilor Flaherty, it was

VOTED: That the above motion be TABLED to the 2nd meeting of January, 2020.

The vote on the foregoing was as follows:

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

The President declared the motion to table LOST.

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

VOTED: That the sum of \$2,000.00 be transferred 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 and that the Order be given first reading by title only.

The vote on the foregoing was as follows:

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

The President declared the motion for first reading PASSED.

Upon motion of Councilor Onyski, it was

VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$712.00 be transferred 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 and that the Order be given first reading by title only, per voice vote.

Councilor Flaherty and Councilor Surprise requested that their following questions be asked for each Order relative to the labor contracts. Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts.

Upon motion of Councilor Onyski, it was VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$1,312.15 be transferred 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 and that the Order be given first reading by title only.

The vote on the foregoing was as follows:

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

The President declared the motion for first reading PASSED.

Upon motion of Councilor Onyski, it was

VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council, per voice vote.

Prior to the vote, Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were

they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$63,814.34 be transferred 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 and that the Order be given first reading by title only, per voice vote.

Upon motion of Councilor Onyski, it was VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Prior to the vote, Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts.

Councilor Bean, for the Finance Committee, offered a motion which was duly seconded, to approve 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 Flaherty informed the Council that there still needs to be action of the Council to accept the contract even if there is no appropriation of funds. Councilor Emmershly questioned why this item does not have an Order with it.

Upon motion of Councilor Flaherty, it was

VOTED: That the Law Department give a legal opinion relative to MGL 150E, Section 7 relative to the action needed by Council relative to approving labor contracts.

The vote on the foregoing was as follows:

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

The President declared the motion LOST.

Upon motion of Councilor Morganelli, it was

VOTED: That 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 be PLACED ON FILE.

The vote on the foregoing was as follows:

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

The President declared the motion to place on file LOST. Councilor Flaherty abstained due to legal reasons.

Upon motion of Councilor Onyski, it was

VOTED: That 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 be APPROVED.

The vote on the foregoing was as follows:

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

The President declared the motion to approve the contract PASSED. Councilor Flaherty abstained due to legal reasons.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$3,801.60 be transferred from the Reserve for Future Salary Increase account #19500000-519999 to the Police-Out-of-Grade account # 12100000-514200 pursuant to the signed and ratified collective bargaining agreement between the City of Westfield and the International Brotherhood Police Officers Local S574-Superior Officers through the period of July 1, 2019 through June 30, 2022 and that the Order be given first reading by title only, per voice vote.

Prior to the vote, Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts. Councilor Flaherty questioned where it states the Mayor has the authorization to sign labor contracts before the Council.

Upon motion of Councilor Onyski, it was VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Upon motion of Councilor Bean, for the Finance Committee, it was VOTED: That the sum of \$14,449.32 be transferred from the Reserve for Future Salary Increase account #19500000-519999 to the following accounts: Public Safety Communications accounts: \$10,449.32 to Full Time Salary account #12250000-511000, \$1,000.00 to Out-of-Grade account #12250000-514200, Lead Dispatcher account #12250000-514700 pursuant to signed and ratified collective bargaining agreement between the City of Westfield and the United Public Service Employee Union Local 424 Unit MADIV for period from July 1, 2019 through June 30, 2022 and that the Order be given first reading by title only.

The vote on the foregoing was as follows:

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

The President declared the motion for first reading PASSED.

Prior to the vote, Councilor Flaherty questioned how much in actual dollars, not percentages will these raises cost the City, where will the money be coming from, what does the City have to give up to fund the raises and has the Finance Committee looked at all the other expenses of the contract costs such as health insurance, pension, steps and education. Councilor Surprise questioned when were the Memorandums of Agreement signed, why were

they not sent to the Council within 30 days as required by law and have all the Councilors read all the contracts.

Upon motion of Councilor Onyski, it was VOTED: That the Order be REFERRED TO SECOND READING and FINAL PASSAGE at the next regular meeting of the City Council.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Councilor Bean, for the Finance Committee, offered a motion which was duly seconded for first reading of the supplemental budget in accordance with MGL Chapter 44, Section 22 to restore \$271,249.98 to Health Insurance that was cut at the June 27th, 2019 be restored.

Councilor Flaherty raised a point of order. He informed the Council that the matter has already been voted on and it was rejected and cannot be revoted in the same calendar per City Council Rules Sec. 32, as follows: Rejection of measures - When any question has been finally rejected, no measure substantially the same shall be introduced by any member during the same calendar year. He informed the Council that in order to vote on the matter there needs to be a suspension of Council Rules Sec. 32. President Figy informed the Council that there has been additional given to the Council from the Administer of the Health Trust Fund that the Council does not have the authorization to cut that money and that it is a different situation.

Upon motion of Councilor Burns, it was VOTED: That the Rule 32 of the City Council Rules be SUSPENDED.

The vote on the foregoing was as follows:

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

The President declared the motion LOST (suspension needs three-fourths to pass).

Councilor Bean did not agree that the rules needed to be suspended. Councilor Surprise informed the Council that the payment for the health insurance is not due until June and the Auditor can sweep accounts for the money. Councilor Emmershly informed the Council that this does not need to be put into the tax rate. Councilor Flaherty informed the Council that he is willing to table the matter until there is an explanation of the matter from the Auditor. President Figy informed the Council that the Assessor needs this vote for the calculations for the meeting to set the tax rate.

Upon motion of Councilor Bean, it was

VOTED: That the supplemental budget in accordance with MGL Chapter 44, Section 22 to restore \$271,249.98 to Health Insurance that was cut at the June 27th, 2019 be RESTORED.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED. Councilor Flaherty abstained for legal reasons.

Upon motion of Councilor Allie, for the Finance Committee, it was VOTED: That the sum of \$207,349.51 be appropriated from Stabilization account #8303-397000 to the Community Development-Cross Street Playground Renovation account #11820000-585005 and be given first reading.

The vote on the foregoing was as follows:

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
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes

The President declared the motion PASSED.

Prior to the vote, Councilor Allie spoke in favor of the appropriation. He informed the Council that the funding has to be in place by the end of December, 2019 and that after Free Cash is certified, the above money will be returned to Stabilization. Councilor Flaherty informed the Council that he believes this takes two readings. Councilor Emmershly questioned if the plans that are in place are the final plans. Councilor Allie informed the Council that this is not the final component of the project, there will be meetings for community input, this is just to meet the December deadline for funding. Councilor Onyski informed the Council that there is a Resolution in the Legislative and Ordinance Committee supporting the Grant application. Councilor Morganelli commended Community Development Director Peter Miller for his work on the project.

Upon motion of Councilor Emmershly, it was VOTED: That the rules of the City Council be SUSPENDED in order to have second reading and final passage of the above appropriation.

Upon motion of Councilor Bean, it was VOTED: That the sum of \$207,349.51 be appropriated from Stabilization account #8303-397000 to the Community Development-Cross Street Playground Renovation account #11820000-585005 and have second reading and final passage, per voice vote.

Upon motion of Councilor Onyski, it was VOTED: That the meeting return to regular order.

Upon motion of Councilor Onyski, it was VOTED: That the sum of \$10,000.00 be appropriated from the Reserve for Unforeseen account #19500000-570900 to the Technology Center, Part-Time Hourly account #11550000-511110 and be given second reading and final passage.

The vote on the foregoing was as follows:

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
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Leslie LeFebvre	Yes

Councilor Flaherty announced that the Music Series at the Women's Club starts this weekend and encouraged everyone to attend and check out the schedule on line.

Councilor Allie reminded everyone of the Veterans' Day Parade on Monday, November 11th, 2019.

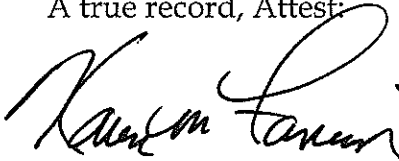
Councilor Flaherty congratulated the Fire Department on their Candy Drive for the Veterans. 24th Annual Puerto Rican Flag Raising Ceremony sponsored by the Westfield Spanish American Association on Sunday, November 17th at 1:00 PM in front of City Hall with reception to follow at the YMCA. November 25th, is the Food Drive at Westfield Technical Academy spearheaded by Ralph and Sue Figy.

Councilor Babinski announced that the Baystate Noble will not be partnering with US HealthVest for their mental health services and that a final decision has not been made relative to closing the Fowler Wing at Baystate Noble.

Councilor Bean announced that it is Mayor Brian Sullivan's last day tomorrow, November 8th, 2019. He has taken a job in Governor Baker's administration as the Green Communities Director. Councilor Bean thanked him for his many years of service as a City Councilor and for his past four years of service as Mayor.

At 9:38 PM, and upon motion of Councilor Harris, it was
VOTED: To ADJOURN.

A true record, Attest:



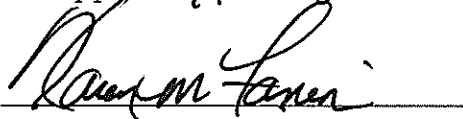
Karen M. Fanion
City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval Nov. 18 2019

Nov 19 2019



Karen M. Fanion, City Clerk

Ralph J. Figy, Acting Mayor