

Minutes  
Legislation and Ordinance  
March 29, 2016



Meeting called to order at 6 PM

Attending:

Chair: Councilor Figy, Councilor Oniski, Council O'Connell

Others attending: see attached sign in sheet

1. 12/4/14 Motion by Councilor Flaherty to change the City Charter to extend the terms of Mayor and City Councilors to four (4) years.

Councilor Dave Flaherty submitted a letter regarding his motion (see below)

**Rich Roy** spoke against the motion.

Former City Councilor **William Chiba** spoke against the motion

Councilor **Andrew Surprise** spoke against the motion. He added that he supports term limits.

Former City Councilor **Brian Hoose** brought up the argument that sometimes projects go well over 2 years and it would be difficult to see these projects through. He is opposed to staggered terms.

Councilor **Steve Dondley** submitted an opinion letter. (attached)

Councilor **Dan Allie** spoke against the motion

**Colin Fontaine** spoke against the motion

**Mary Ann Babinski** spoke against the motion

Councilor **Matt VanHeynigan** supported the idea of public input on the motion

Councilor **Mary O'Connell** suggested that we review the motion and request more input from the Law Department. She criticized Rich Roy for his comments criticizing Councilor Dave Flaherty. Councilor

**Bill Onyski** spoke in favor of public input. He states that campaigning was a lot of work but it would keep him in touch with the voters

**(See additional comments at the end of these minutes)**

Motion made (O'Connell) and seconded (Onyski): Item to remain in Committee and request sent to the Law Department to provide more detailed information on staggering election cycles and placing this item on a ballot referendum.

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

2. Traffic Commission Recommendations

1. **Central Street** General discussion no vote
2. **School Street** Change to no parking along the northerly side from a point from Washington Street to a point 106 feet easterly from Washington Street

Motion to approve parking change on School Street

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

3. **Arnold Street** Change to no parking from a point 20 feet west of the intersection of Elm Street westerly to Washington Street

Motion to approve parking changes on Arnold Street

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

4. **Summer Street** Change to no parking along the Westerly side from a point 25 feet southerly from Franklin Street to a point 66 feet northerly from Arnold Street

Motion to approve parking change on Summer Street

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

3. /16 Recommendation from the Traffic Commission to change parking on Arnold Street (Chapter 17 section 17-119)
4. 3/3/16 Recommendation from the Traffic Commission to change parking on Washington Street (Chapter 17 section 17-119)

5. 3/3/16 Recommendation from the Traffic Commission to change parking on Summer Street (Chapter 17 section 17-119)
6. 3/3/16 Recommendation from the Traffic Commission to change parking on Arnold Street (Chapter 17 section 17-119)
7. 3/3/16 Recommendation from the Traffic Commission to change parking on Summer Street (Chapter 17 section 17-119)
8. 3/3/16 Recommendation from the Traffic Commission to change parking on Coleman Street (Chapter 17 section 17-119)
9. 3/3/16 Recommendation from the Traffic Commission to change parking on Clifton Street (Chapter 17 section 17-119)
  
10. 2/4/16 Motion from Councilor Babinski for the Natural Resources Committee that the city ordinances Chapter 16 Section 16-152, public shade trees be favorably referred to the L&O Committee

Motion to keep item in Committee.

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

11. 2/18/16 Motion by Councilors Babinski and O'Connell, a resolution for the City to accept and support a request made to the Department of Public Utilities and assorted State Agencies for the review of new and unusual circumstances related to the proposed siting of the Pioneer Valley Energy Center.

Motion to remove from Committee with no action

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

12. 3/17/16 A resolution of the City Council of the City of Westfield to authorize an Inter-Municipal Agreement with the Pioneer Valley Transits Authority.

Motion to keep in committee

Figy	Yes	
Onyski	Yes	
O'Connell	Yes	Motion passes

**From:** Steve Dondley [mailto:s.dondley@cityofwestfield.org]

**Sent:** Wednesday, March 30, 2016 6:24 AM

LAO Attendance Sheet

3-29-14

Brian Hooser  
Karen Fenwick

Zeph Fry  
Heather Miller  
Andrew Sapsis  
Steve Bondley

Matt VanHemigen  
William Chiba  
David Liberty

Emily Jarob  
John R. Caserote  
Don S. Bullyn  
Nicholas Rogers  
Douglas Rogers  
Janis [unclear]  
[unclear]

Gail Bee  
Colin Fonteyn  
Dan Allen  
Ken Farn  
Lay An  
Rick Py  
Paul Lertoni  
Bill Anjas

**To:** Karen Fanion

**Subject:** Fwd: LTE regarding move to 4 year terms

Karen,

Please place the following letter regarding 4 year terms for mayor/city council that was published in the Westfield News into the record for L&O. Thanks.

#### SHOULD MAYOR AND CITY COUNCILOR TERMS MOVE TO FOUR YEARS?

At Thursday's city council meeting, a move to a four-year election cycle for city councilors and mayor was discussed. The matter was sent back to committee for now but it will come up again. Since the meeting, I have given the extension of our terms some more thought and I'd like to share my thoughts on this issue with my constituents.

First, I think it's undemocratic for elected officials to extend their own terms without consent of the electorate. That's why I believe this matter should be brought before Westfield's voters and require at least 50% of them to approve a move to four year terms.

Second, I am much more comfortable with four year terms for the mayor than I am for city councilors. Running a city is essentially a full-time job and campaigning every two years takes considerable time away from that job. On the other hand, a city councilor's job is not as vital to the city's day-to-day operations nor does it require the same kind of time commitment.

However, if the mayor moves to four year terms I believe the city council must move to four year terms as well. That's because if we leave city council races at two-years, turnout for council races in years without a mayoral race will be very poor. For example, our elections usually draw about 35% of voters out. But in 2011, when Mayor Knapik ran unopposed, turnout was only about 20%. As a result, we will wind up with candidates on the city council who do not accurately reflect the true will of the voters. This would not be good for democracy in our city. Third, I would vehemently oppose "staggering" the elections of the city councilors. Under this proposal, only half of the city council would be up for election every two years. This is how we currently run our school committee races.

But if we stagger the city council elections, we will run into the same low voter turnout problem I described earlier: in years without mayoral races, only very small percentage of voters will be voting. As a result, you would end up with a very divided council, with one half the council appealing only to the voters who show up in off-year elections and the other half who better represent the broader electorate.

Fourth, if we do move to four year terms, I believe there should be opportunities to recall the mayor or councilors to help flush out anyone who is grossly incompetent. Barriers to the recall process should be high enough to prevent spurious political attacks but not so high as to make it too difficult to throw someone out of office.

Lastly, I enjoy campaigning. Yes, it's more work for me to run every two years but it's a great opportunity to listen to what's on the minds of my constituents. I learn a great deal from the

process and it helps inform my votes on the council. If we move to four years, I do worry we risk getting mayors and councilors that are less responsive and more out of touch with citizens.

- What are your thoughts? You can get in touch with me at [413-537-4451](tel:413-537-4451) or email me at [s.dondley@cityofwestfield.org](mailto:s.dondley@cityofwestfield.org) or on my Facebook page, [www.facebook.com/DondleyForCC](http://www.facebook.com/DondleyForCC).
- Sincerely,
- Steve Dondley  
City Councilor At-Large

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----- Forwarded message -----

From: **Flaherty.westfield** <[flaherty.westfield@gmail.com](mailto:flaherty.westfield@gmail.com)>

Date: Mon, Mar 28, 2016 at 9:29 AM

Subject: Term extensions

To: Ralph Figy <[rfigy@comcast.net](mailto:rfigy@comcast.net)>

Chairman,

I will not be able to attend the committee meeting due to a packed schedule (3 other meetings/events). Please give this email to your committee members, and include these comments in your official minutes.

The 4 year term is not a hot issue for me. I'd like to see it, but I also believe the voters have a right to weigh-in.

Originally I brought it up due to the seemingly constant campaigning and the benefits of having representatives serving for a longer duration - which really helps with the learning curve and continuity of leadership. Experience and institutional knowledge really are important in my book.

In local government, projects and initiatives often span more than 2 years. It's very disruptive to have elections, and potentially changes in representation, in the middle of projects/initiatives. The new people take a long-time to get up to speed (if they're interested and not more interested in other things). This leads to projects and initiatives potentially being controlled/manipulated by employees who are serving long-term but who are not elected by the citizens. New representatives take a while to understand the systems, roles, and responsibilities and early-on they tend to vote for things without fully researching the issues and understanding all of the ramifications (for example, the 2014 and 2016 new Councilors still have not been trained in council procedures nor roles of the council with regard to various matters). This is not in the best interest of citizens.

If we extend the term to four years, I like the idea of staggering the election dates in order to have some continuity of experience that spans the election. For example, maybe the mayor and

Ward Councilors would start their 4-year cycle in 2018, and the at-large councilors would start their 4-year cycle in 2020? Other elected and appointed bodies in Westfield already have staggered terms, so this is not a new concept or concern.

If we extend the terms, I'm also in favor of a recall provision that would allow citizens to remove a representative.

For those who argue that two-year terms give citizens more rights and powers to keep their elected officials in check, or to give new people a chance to run, I have a few comments:

First, representatives are elected to represent the best interests of the citizens. Citizens can contact their representatives, and/or show up to meetings to express their opinion on any issue before the body. Frankly, not many people take advantage of that - even though they have an opportunity to get involved in every single issue. Whether the terms is 2-years or 4-years, this won't change.

Second, the voter turnout for council and mayor elections is very disappointing. For all those who claim to want to "hold their representative to the fire", they have that power every two years now, yet less than 1/3 typically make the effort to vote. I doubt going to four-year terms will change the turnout much. The 2/3 of voters who don't vote are not expressing support for the incumbents - they're expressing apathy and the feeling that their vote doesn't matter.

Third, with low turnout elections, small groups of activists have a larger impact. This can be good and bad. Four-year terms won't change that.

Fourth, the cost of elections for the city won't change. The same number of elections will take place due to all of the other elected roles and state requirements.

Fifth, we don't have tons of people eager to serve. This last election saw some new candidates, but looking back in time, we rarely have challengers for all of the positions. This is not necessarily because we have the best people as representatives, it's because there are not a lot of people willing to serve. Many people are very unhappy with their government representatives - at all levels - but, not many are willing to run for office and serve their fellow citizens.

Sixth, a recall provision does not exist right now. If we allowed that, the voters would have the power to remove a representative using that process.

In conclusion, I'm fine keeping things as-is, or extending the terms and creating a recall provision. I'd like voter input, but not sure if we should do it through a ballot question or a public hearing. Either way seems fine to me. The vast majority of citizens don't care one way or the other. The vast majority can't even name their representatives. Remember, only a very tiny fraction of citizens ever contact us or show up at meetings, and two-thirds or more don't even vote - even though they have the right to.

Regards,

Dave Flaherty  
City Councilor  
348-5757

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Remarks from Councilor Dan Allie

The issue is about a representative government that is held accountable to the people by “regularly scheduled elections”. Changing the term of mayor or staggering city council elections could lower voter turnout in off-year elections. It would affect other elections and terms of G&E commissioners, School Committee members who are already staggered, and Trustees of the Athenaeum. It would confuse voters and not be fair to those running in an off year. Longer terms and lower voter turnout could dramatically affect the makeup of Westfield’s government, and participation of ordinary citizens to vote, or run for office. The framers of our government put great thought and deliberation into deciding how long mayors, councilors and representatives should serve. Rufus King – A Massachusetts delegate to the Continental Congress said, A representative should be in office time enough to acquire that information which is necessary to form a right judgment; but that the time should not be so long as to remove from his mind the powerful check upon his conduct, that arises from the frequency of elections, whereby the people are enabled to remove an unfaithful representative, or to continue a faithful one.” What is the purpose for changing the length of terms? First, I believe if it isn’t broken. Don’t fix it. Some councilors have mentioned not having to campaign so often. That argument does not exactly rise to level of the deliberations that our founding fathers had when they determined, that regularly scheduled elections would keep representatives accountable to the people. No one is forcing anyone to campaign for office. Saving money is not a valid reason for eliminating elections. Not being able to pursue one’s personal agenda is not a good reason for extending terms. We are elected to serve the public; not to work on our own agenda. Our job is to vote on issues before the council, and be held accountable to the voters.

One councilor mentioned the Federal Government has recognized the First Amendment rights of candidates, citizens, as well as the rights of property owners to put political signs on private property.. While I greatly appreciate that recognition, and would ask for support for the changes I have proposed to Westfield’s sign ordinance, I realize those are freedom of speech and property rights issues, and have nothing to do with the length of term for public office. As an Army veteran, I served overseas, for three years. Those who raise their hand to protect our country, the Constitution and way of life; do so to protect your right to your own opinion, free speech and your right to vote. I know of no one who was willing to give up his or her life for “neighborhood beautification” or to save the Republic from “sign pollution.” People are far more offended by the acts of politicians or government, than by a sign on their neighbor’s lawn. Who on this council feels they have the right to tell their neighbors and fellow residents, that they must wait

four years to run for office? Councilor Dondley, who is a Navy veteran, made an interesting point the other day when we were looking at the railings at the twin bridges. The railings are falling apart after only a few years. It is obvious to everyone that the construction was poorly done. But because we signed off on it, "We own it." If any councilor votes for this measure, without considering carefully all the aspects involved, they will own it. I do not intend to vote for extend the terms of mayor or city council, because it diminishes the role of our citizens to participate in our democratic political process, and I believe the voice of the people matters.

Meeting adjourned at 7:20 PM

Respectfully submitted,

Mary O'Connell

Legislative & Ordinance Subcommittee, March 29, 2016, Rich Roy

Four year terms for Westfield elected officials is an idea who's time has NOT come due to the precarious state of our city finances. I think we want to first see an effort to end assumed, automatic annual tax increases at Budget Proposal time, and ill-advised ways in which we handle so-called Free Cash and Undesignated accounts. (Currently, the tail is wagging the dog at Budget time.)

Our annual appropriation for pensions is currently some 9.4 million per year at 5% per year compounded, and I think that's just for those who are ALREADY retired. Four years ago we had 64 million in unfunded pension liability...it is now 90 million, compounding at 5 1/2%.

I think most Westfield citizens would like to see which elected officials are SERIOUS about bold meaningful steps in gradually but surely turning this ship around (least we end up in bankruptcy), before we start handing out longer terms. <sup>cc Paul</sup> Four year terms might be something that we might want to REWARD councilors with in the future, but first we need to see a dramatic shift in priority. Being a city councilor is difficult work with long hours, but it pays well including benefits. Those who want to serve beyond 2 years need to start working for re-election on DAY ONE of your 2 year term. Come campaign season, if you are doing a good job and have been building an e-mail list-for instance-, have been utilizing the media to keep the voters informed, have been responsive to the concerns of constituents.....and here's the biggie.....if you have A TEAM, comprised of family, friends, constituents, and the like (supporters), then a re-election campaign should not be as difficult as the proposer of this motion, my favorite city councilor, (and some other councilors) deem it to be. Without a team of supporters such as the one I just described, you're probably not going to get another term, regardless of if we have 2-year or 4-year terms. I urge you to remove this motion from L&O without consideration. I called Councilor Flarherty (who is my favorite city councilor) the day before the March 15 L&O meeting (talk). Then prior to the start of the meeting, I relayed same to L&O Chair Figy who confirmed (talk).

w/out action

In his document that he wants read tonight, CC Flaherty, my favorite city councilor, "dises" the citizens for not attending meetings and participating, and communicating with their councilors. That's not laziness, it is a lack of leadership and weak, propaganda media. Plus, I can attest to the retribution that has taken place in Westfield from time to time. I've been victim of it and have a kind of PTS from it. I believe other non-connected ordinary citizens do. City Councilors need to be leaders who will take risks in taking the bull by the horns on issues, not being wishy-washy and playing things down the middle of the road. Trouble is, many city councilors have fears too. During the last campaign season, one candidate, who is now on the council, came to my house, sat in a chair and called me a "wonky geek", because I follow Westfield government, partake in public participation, and give my opinions. I'm giving this person a 2- year chance, not a 4 year one. All current elected officials are currently elected to TWO year terms, not four (4).

After the 2013 elections, it apparently didn't take the voters of Ward 2 long to realize that they had elected a ringer, yes-man, rubber stamp and they didn't have to wait 4 years to get him out there.... The person who defeated him may not have been available by then, depriving him of an opportunity and the Ward of the opportunity to have him representing them. AND...all things being equal, the other fellow, the defeated one, shouldn't have to wait 4 years to run again.

Many of you remember a city councilor from about 3 terms ago, who's initials are K.H. (his last name ending in the letters "aghy". It didn't take this voter long to realize that he was apparently a ringer, put on the council by the big voting block to vote for everything that came in. He never initiated anything that I can recall and never spoke on a matter or motion. He just sat there and went, "Yes", "Yes", "Yes". Four years of that would have been torture.

The last mayor did not finish his last term and apparently would have vacated the office even sooner if he could have. If he were in a FOUR year term, he could have just kicked back for another 2 years going through the motions and collecting the pay and benies, and in the meantime, Brian Sullivan might have moved on to

some other opportunity out of Westfield government, and we'd have lost out on someone who is SO FAR one heck of a good mayor.

Another concern of mine regarding 4 year terms is BURN OUT. Many councilors realize after or even before 2 years that they have bitten off more than they can chew and/or just don't like it. But they stay on to avoid the embarrassment of quitting. That will happen more with 4 year terms and will be a pain in the neck regarding filling the seat, each time it occurs.

Another thing: Just last week, one of the NEWER councilors told me that soon after being elected, another councilor said to them, "in the course of talking as a city councilor be as vague as you can." That is unconscionable. I did not ask who that was. Vagueness during CC meetings is a pet peeve of many. We should not have to wait 4 years to vote that particular councilor off the board.

Councilor Figy, chair of this Legislative & Ordinance Subcommittee is one of my top 5 favorite councilors. He takes my phone calls at dinner time and always gives me more time than I'd expected to receive. But sir by accepting this ill-advised motion into your subcommittee, you kinda' put a target on your back....there's no offense intended here, just city business. Councilor O'Connell (one of my top 5 favorite city councilors) has been on-the-record critical of how you do the Chair job. Councilor Flarherty was critical of you as recently as last CC meeting. Many Ward 3 (your ward) voters can see how this 4-year term proposal matter stayed too long in your subcommittee only to come out at City Budget Proposal time, and might be wondering if it's not a shiny, jingly, object. (Councilor Figy's absences and motion to cancel this Thurs. nite CC meeting). What if a new candidate emerges and makes these points the Ward wants to make a change.....they have to wait 4 years?

Changing points now: Should we mention so-called Court Square, the Gazebo, the crosswalk bricks, the Riverwalk hand-railings, so-called free cash and overage money put out on tables in candy dishes for off-budget spending? Four year terms? Really?

Local elections/our school aged adolescents: Elementary School, at least once, Middle School-twice, High School-twice.