

MEETING OF CITY COUNCIL  
WESTFIELD, MASSACHUSETTS  
MAY 19, 2016

At 6:30 PM, in the absence of Mayor Sullivan, Community Development Director Peter Miller gave a briefing to the full Council of items on the current agenda under Communications from the Mayor.

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

The Pledge of Allegiance to the Flag of the United States was led by the President.

Upon motion of Councilor O'Connell, it was  
VOTED: That the record of the meeting of May 5, 2016 be ACCEPTED.

President Pro Tempore VanHeynigen asked if anyone, other than Channel 15, was taping the meeting, if so please state your name. No one was taping the meeting.

Under "Public Participation" the Councilors were addressed by Mr. Matt Roman, Westfield. He informed the Councilors that the residents of Holyoke Road are happy with the newly installed LED lights on Holyoke Road.

Under "Public Participation" the Councilors were addressed by Mr. Kevin Murphy, 40 Wood Road. He informed the Council that he came before the Council last year informing the Council of the deplorable condition of Wood Road and it is in same deplorable condition as it was last year. He informed the Council that he filed a petition to have the road accepted as a City Way. Councilor O'Connell informed the Council that Wood Road is separated into three different areas and that a new petition for acceptance would need to be submitted. Councilor Flaherty informed the Council that he went to Wood Road and it is horrendous. He also informed Mr. Murphy that the process to have a street accepted is a long process. Councilor Allie questioned if the City fills the potholes and plows the road. Mr. Murphy informed the Council that the City does plow the road and also fills in potholes, but after the winter months the potholes are there again. Councilor Allie informed Mr. Murphy that the City has a new piece of equipment for fixing potholes and maybe this would help the potholes from not deteriorating again in the winter.

Under "Public Participation" the Councilors were addressed by Mr. John Avery, 50 Southampton Road. He informed the Council that he works on vehicles for demolition derbies, at a Union Street location, from June until late August. Once the cars are ready, they are brought to the demolition derbies held at local fairs in late

August and early September. He informed the Council that due to a local zoning ordinance he is not allowed to have unregistered vehicles on property for more than 30 days. He requested that the Council work with him so that he is not in violation of this zoning ordinance. Ward 6 Councilor Onyski informed him that he would meet with him to discuss this matter further.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He informed the there have been numerous negative comments relative to the PVTa bus stop in the Stop and Shop parking lot. He informed the Council that he has reported it to the PVTa and has not heard back from they yet. He also informed the Council that due to the new No Parking on King Street Ext, people are now parking on lawns on Hubbard Street. He requested that the Chair of L & O looking into this.

Under "Public Participation" the Councilors were addressed by Attorney William Egan from the firm of Robinson and Cole, Boston, MA. Attorney Egan was present to represent his client Clark Boynton, the new owner of the property in Granville known as the Olsen property. Attorney Egan requested that the Council postpone the second reading and final passage of the eminent taking of the so-called Olsen property that is on tonight's Agenda. He informed the Council that he has just been retained by Mr. Boynton and would like an opportunity to meet with the Councilors to discuss other options other than the eminent domain taking of the property. He informed the Council that Mr. Boynton has cleaned the property and would like to have a farm on the property. He informed the Council that he is aware of a grant that expires June 30<sup>th</sup>, 2016 and expressed his confidence that a solution could be worked out by then so as not to lose the grant funding. Councilor Surprise expressed his opinion that he did not see a problem in extending a two week extension as long as everything was in place by June 30<sup>th</sup>, 2016 so as not to lose the grant funding. During Attorney Egan's presentation and upon motion of Councilor O'Connell, it was VOTED: To allow Attorney Egan to speak beyond the three limit time limit.

Under "Public Participation" the Councilors were addressed by Mr. Charles "Woody" Darling, Water Systems Engineer. Woody informed the Council that he has been working on acquiring the so-called Olsen property in Granville for years. He informed the Council that is the most important piece of land to acquire for the protection of the drinking water. He informed the Councilor that the property sits on high ground and anything that flows from that land into brooks from the property will end up in the drinking water. He informed the Council that a farm is the worst thing for a watershed. He informed the Council that if the City does not own the property they cannot control it and therefore cannot protect the drinking water. He informed the Council it is a good opportunity at the right price and he urged the Council to vote on the taking at tonight's meeting and not delay the vote. He also informed the Council that there are a lot of things that have to happen before the June 30<sup>th</sup>, 2016 deadline to

acquire this land and a two week delay would be detrimental.

Upon motion of Councilor Figy, it was VOTED: Under immediate consideration, that a Grant in the amount of \$16,000.00 from the MassDOT Aeronautics Division (BAFSECEQP) to the Airport Department for security gate upgrades be ACCEPTED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Paul, it was VOTED: That items B. thru F. under "Communications from the Mayor" be read by the Clerk and REFERRED TO FINANCE COMMITTEE.

The Clerk read from the Agenda:

- B. Appropriation of \$2,066,045.67 from the Fire Department Ambulance Designated Account #2100-340000 to Capital Projects account #21002310-58900-2669 for the Little River Road Sub Station Renovation and Addition Project.
- C. Appropriation of \$88,251.86 from Department of Public Works Wastewater Division Undesignated Funds account #6700-359000 to Public Works Wastewater Division, Purchase of Services #67004400-520000.
- D. Transfer of \$2,078.50 from Department of Public Works Wastewater Division from Purchase of Services FY16 account #67004400-520000 to Purchase of Services FY15 account #67004400-520000. (This transfer is contingent upon appropriation of \$88,251.86 from Undesignated Funds account.)
- E. Transfer of \$1,840.00 within the Department of Public Works, Water Division from Full Time Hourly FY16 account #68004500-520000 to Unemployment Insurance FY15 account #68004500-519300.
- F. Transfer of \$310.75 within the Department of Public Works, Water Division from Purchase of Services FY16 account #68004500-520000 to Purchase of Services FY15 account #68004500-520000.

Upon motion of Councilor Paul, it was  
VOTED: That the rules of the City Council be SUSPENDED in order to allow immediate consideration of the item G. under "Communications from the Mayor".

- G. Requesting Council approval as of May 20, 2016 to allow the transfer of money between departments and within departments and also between personal services and expenses for the purpose of expediting transfers and eliminating the need to carryover payments into FY17.

Upon motion of Councilor Paul, it was  
VOTED: Under immediate consideration, that the request of the Mayor to allow the transfer of money between departments and within departments and also between personal services and expenses for the purpose of expediting transfers and eliminating the need to carryover payments into FY17 be APPROVED and upon motion of Councilor Flaherty, it was

VOTED: That the above motion be AMENDED to limit each individual transfer to \$10,000.00 and that a report of all transfers be submitted to the Council by May 23<sup>rd</sup>, 2016.

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

The Clerk read from the Agenda:

- H. Requesting an ordinance change to ban smoking anywhere on Senior Center premises for the Westfield Council on Aging.

Upon motion of Councilor Harris, it was  
VOTED: That item I. under "Communications from the Mayor" be read by the Clerk and REFERRED TO PERSONNEL ACTION COMMITTEE.

The Clerk read from the Agenda:

- I. Submitting the reappointment of Cynthia Lee Anderson, 70 Court Street, Suite 1B as a member of the Council on Aging for a term to expire the first Monday of February, 2019.

Upon motion of Councilor O'Connell, it was  
VOTED: That the document submitted by Conservation Coordinator Karen Leigh submitting the Conservation Commission's vote to pass on accepting the Anthony Botticello Revocable Trust for property at Summit Lock/Medeiros Way & Root Road be ACCEPTED AND PLACED ON FILE.

Councilor O'Connell thanked City Solicitor Sue Phillips for her response relative to snow removal on Western Avenue multi-use trail so-called. Councilor O'Connell expressed her concern that it would be the responsibility of the homeowner to remove

the snow on the proposed multi-use trail. Discussion continued involving Councilors O'Connell, Allie, Flaherty and Dondley relative to home owners having to remove the snow on the multi-use trail. Councilor Knapik suggested that since the multi-use trail is a couple of years away from being developed, the Councilors work with the Mayor to develop a solution.

Upon motion of Councilor Flaherty, it was  
VOTED: That the response from City Solicitor relative to snow removal on Western Avenue multi-use trail so-called be REFERRED TO CITY PROPERTIES COMMITTEE.

Upon motion of Councilor Figy, it was  
VOTED: That the invitation from the Hampton Ponds Association Inc requesting Council participation in the Annual Fourth of July Parade (60 Years) on Monday, July 4<sup>th</sup>, 2016 at the Hampton Ponds Plaza, 1029 North Road for line up at 9:00 AM and step off at 10:00 AM be ACCEPTED AND PLACED ON FILE.

A PUBLIC HEARING was held on an application submitted by Michael Ventrice of MCV Inc d/b/a GG's United Transmission & Auto Repair/Michael's Towing, 247 Elm Street submitting an application for a Taxi License for two (2) vehicles. Mr. Michael Ventrice was present to represent the application. He informed the Council the license would be for two vehicles and this would be in addition to the towing business already at that location. Councilor Flaherty questioned if he would be providing taxi service for his towing customers only or would he be on call for everyone. Mr. Ventrice informed him he would be on call for everyone. Councilor Figy reminded him that there are specific parking spots for a taxi within the City.

With no others appearing to be heard, the Public Hearing was CLOSED.

Upon motion of Councilor Knapik, it was  
VOTED: That the application be REFERRED TO LICENSE COMMITTEE.

Upon motion of Councilor Knapik, it was  
VOTED: That the Book Club Bookstore LLC, 2 Main Street submitting an application for a Junk Collector and Junk Dealer's License, Jessica Martin, 72 Belmont Avenue, Enfield, CT, owner be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled at the earliest practicable date.

Upon motion of Councilor Knapik, it was  
VOTED: That the Hangar of Westfield Inc Enterprise, 29 School Street submitting an application pursuant to Zoning Ordinance Section 3-100.3 (4) for a Special Permit for Indoor Place of Amusement for 50 to 100 coin-operated amusements be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled at the earliest practicable date.

Upon motion of Councilor Paul, for the Finance Committee, it was VOTED: That the appropriation of \$289,300.00 from Free Cash to the Westfield Redevelopment Authority, Intergovernmental account #11890000-560000 be REMOVED FROM COMMITTEE.

Upon motion of Councilor Paul, for the Finance Committee, it was VOTED: That the sum of \$18,179.00 be transferred within the Engineering Department from FY16 Sewerage and Wastewater Treatment-Infiltration & Inflow account #67004400-580841 to FY15 Sewerage and Wastewater Treatment-Infiltration & Inflow account #67004400-580841.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor Paul informed the Council that it's a prior year bill because the PO was incorrect and did not get paid last year, now it has to be paid.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$2,200.00 be appropriated from Reserve for Unforeseen account #19500000-570900 to the Parks and Recreation Department, Temporary Hourly account #16300000-512100.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$5,247.85 be appropriated from Reserve for Unforeseen account #19500000-570900 to Sanitary Landfill, Purchase of Services account #14390000-520000 FY15 for a prior year.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	No
William Onyski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the appropriation is for a prior year bill for solar charge back fees from the Westfield Gas & Electric for the Twiss Street Solar Project. Councilor O'Connell questioned where this bill has been since 2015.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$6,000.00 be appropriated from the Community Preservation Undesignated FY16 account #24101770-580000 to the CPA Stowe House Historic

account #24101770-580200-5116 for the preservation and restoration of the Stowe House (37 Broad Street) distinct chimneys.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the project meets the restoration requirements.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$2,000.00 be appropriated from Community Preservation Open Space account #2410-340100 to the CPA Hayden CR Open Space account #24101770-580100-5012 to protect 100 acres of land for the Elise Hayden Property.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the project has previously been approved and this is for the baseline documentation survey of that previous project and should have been included.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$163,000.00 be appropriated as follows:

- a. \$154,000.00 from Community Preservation Undesignated account #2410-340000
- b. \$9,000.00 from Community Preservation Historic account #2410-340200 to the CPA Old Town Hall Historic account #24101770-580200-5117 for restoration, rehabilitation and preservation of the 1838 Old Town Hall Building on 20 Broad Street.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the meets the restoration requirements for brick work to be done at the Old Town Hall. Councilor O'Connell questioned that the Old Town Hall is now the First Congressional Church and could the church accept the funds. President Bean informed the Council that the question was asked of the City Solicitor whether the church could accept CPA funds and it was addressed that it was ok to accept.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the sum of \$106,443.00 be transferred within the Police Department from Full Time Hourly account #12100000-511100 to Police Department Vehicle account #12100000-585001.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor Flaherty informed the Council that the Chief had extra money in full time hourly account to be able to be transferred and that it was a good solution rather than having money appropriated from Free Cash.

Upon motion of Councilor Flaherty, it was VOTED: That the presentation from Airport Manager Brian Barnes to the Finance Committee relative to an overview of the financial status and regulatory requirements that drive the Airport Budget be ACCEPTED AND PLACED ON FILE.

Councilor Flaherty informed the Council that a copy of the powerpoint presentation is on the Council share file for review.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the sum of \$6,570.80 be transferred within the Department of Public Works, Wastewater Division from the Temporary Interest account #67004400-592500 to the Overtime account #67004400-513000.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the sum of \$5,000.00 be transferred from the Community Development Department, Full Time Salary account #11820000-511000 to Mayor's Department, Full Time Salary account #11210000-511000 to fund the Community Outreach Coordinator position for the remainder of FY16.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor Flaherty informed the Council that the funds are left from the position vacated by Diana McLean and will be used for the new Community Outreach position in the Mayor's office.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That the appointment of Cheryl Crowe, 40 New Broadway Street (Ward 6) from alternate member of the Planning Board to full time member of the Planning Board for a term to expire the first Monday of February, 2017 replacing the vacancy of William Onyski be CONFIRMED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Abstained
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Councilor Surprise abstained due to a personal conflict.

Prior to the vote, Councilor Harris informed the Council Ms. Crowe was the Associate member since 2013 and she has the willingness to be a full time member. She is a member of the bicycle committee and member of the restoration committee to restore Hampton Ponds Park. Councilor Onyski informed the Council she is a key person on the Planning Board and fully supports her being a full time member.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That the reappointment of Richard Emmings, 3 West School Street as a member of the Public Safety Communications Commission for a term to expire the first Monday of June, 2018 REMAIN IN COMMITTEE.

Upon motion of Councilor Onyski, for the Public Health and Safety Committee, it was VOTED: That the discussion relative to the Plastic Bag Ban per presentation 5/5/16 REMAIN IN COMMITTEE.

Upon motion of Councilor Onyski, for the Public Health and Safety Committee, it was VOTED: That the discussion relative to developing a Complete Streets Policy/Network per the Bicycle and Pedestrian Planning Advisory Committee Report (2/18/16) REMAIN IN COMMITTEE.

Upon motion of Councilor O'Connell, for Ad Hoc Charter and Rules Committee, it was VOTED: That the review and history of the Ad Hoc Charter and Rules Committee be REMOVED FROM COMMITTEE.

Upon motion of Councilor O'Connell, for Ad Hoc Charter and Rules Committee, it was VOTED: That the extension of Mayor's Term be REMOVED FROM COMMITTEE.

Upon motion of Councilor O'Connell, for Ad Hoc Charter and Rules Committee, it was VOTED: That the terms of Department Heads be REMOVED FROM COMMITTEE.

Upon motion of Councilor O'Connell, for Ad Hoc Charter and Rules Committee, it was VOTED: That a draft posting of City Budget be REMOVED FROM COMMITTEE.

Prior to the vote, Councilor O'Connell informed the Council that it would be too confusing to post a draft budget on the webpage, therefore just a final version will be posted once approved by Council.

Upon motion of Councilor Dondley, for Ad Hoc Charter and Rules Committee, it was  
VOTED: That the Mayor's Salary be REMOVED FROM COMMITTEE.

Upon motion of Councilor Dondley, for Ad Hoc Charter and Rules Committee, it was  
VOTED: That the summary of Attorney Martin's questionnaire be REMOVED FROM COMMITTEE.

Upon motion of Councilor Dondley, for Ad Hoc Charter and Rules Committee, it was  
VOTED: That the review of City Charter be REMOVED FROM COMMITTEE.

Upon motion of Councilor Dondley, for Ad Hoc Charter and Rules Committee, it was  
VOTED: That the terms of City Council be extended be REMOVED FROM COMMITTEE.

Prior to the vote, Councilor Dondley informed the Council that this item in the Legislative and Ordinance Committee.

Upon motion of Councilor Allie, for Ad Hoc Charter and Rules Committee, it was  
VOTED: As follows: Changes to Council Rules #25, REMAIN IN COMMITTEE; Changes to Council Rules #29, VOTED TO SUPPORT NEGATIVE RECOMMENDATION OF THE AD HOC CHARTER AND RULES COMMITTEE AND REMOVE THE ITEM FROM COMMITTEE; Changes to Council Rules #33, REMAIN IN COMMITTEE; Changes to Council Rules #36, REMAIN IN COMMITTEE; Changes to Council Rules #37, REMAIN IN COMMITTEE; Changes to Council Rules #38, REMAIN IN COMMITTEE;

Upon motion of Councilor Figy, it was  
VOTED: That an Order entitled "A BOND ORDER AMENDING BOND ORDER NO. 2669" be given second reading by title only.

The Order was given second reading by title only and upon motion of Councilor Figy, it was  
VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Councilor Figy offered a motion which was duly seconded that an Order entitled "AN ORDER APPROPRIATING THE SUM OF \$440,000 FOR THE PURPOSE OF TAKING LAND BY EMINENT DOMAIN FOR WATER SUPPLY PROTECTION PURPOSES" (Olsen Property) be given second reading by title only. Councilor Surprise questioned why the Council would appropriate the money if there still may be negotiations going on per the request of Attorney Egan representing his client Mr. Clark Boynton the current owner of the property during public participation. Councilor Knapik suggested that if there is a question relative to ongoing negotiations that a motion to table should be offered.

Upon motion of Councilor Surprise, it was VOTED: That the "AN ORDER APPROPRIATING THE SUM OF \$440,000 FOR THE PURPOSE OF TAKING LAND BY EMINENT DOMAIN FOR WATER SUPPLY PROTECTION PURPOSES" (Olsen Property) be TABLED to the next regular meeting of the City Council to be held June 2<sup>nd</sup>, 2016.

The vote on the foregoing was as follows:

Robert Paul, Sr.	No
Andrew Surprise	Yes
Matthew VanHeynigen	No
Dan Allie	Yes
Mary Ann Babinski	No
Brent Bean II	No
Steve Dondley	No
Ralph Figy	No
Dave Flaherty	No
Cindy Harris	No
Daniel Knapik	No
Mary O'Connell	No
William Onyski	No

President Bean declared the motion to table LOST.

Discussion continued relative to the above appropriation. Councilor Flaherty informed the Councilors that per discussions with Charles "Woody" Darling, Water Systems Engineer, and his comments during public participation, that piece of property is desperately needed to protect the City's water supply and the taking of this property has been in discussion for years. He informed the Council that Woody is extremely knowledgeable relative to this property and that his expertise of the situation is the reason the Council should support this appropriation and taking of the property. Councilor Figy informed the Council that there is no guarantee that this taking could end up in Court. It has been appraised at the fair market value and that Mr. Boynton knew when he purchased the property that it was under discussion for a taking. He also reminded the Councilors that Woody was clear on the time frame and waiting two more weeks would be detrimental. Councilor Babinski informed the Council that she is in support of Woody's expertise, it's been a long process and it's an opportunity to protect the City's drinking water. Councilor Paul thanked Woody for his expert input on this situation.

Upon motion of Councilor Figy, it was VOTED: That an Order entitled "AN ORDER APPROPRIATING THE SUM OF \$440,000 FOR THE PURPOSE OF TAKING LAND BY EMINENT DOMAIN FOR WATER SUPPLY PROTECTION PURPOSES" (Olsen Property) be given second reading by title only.

The Order was given second reading by title only and upon motion of Councilor Figy, it was

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was VOTED: That an Order entitled "AN ORDER OF TAKING OF REAL ESTATE IN GRANVILLE FOR PUBLIC WATER SUPPLY BY RIGHT OF EMINENT DOMAIN" (Olsen property) be given second reading by title only.

The Order was given second reading by title only and upon motion of Councilor Figy, it was

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Adding a new CHAPTER 17 A RE: regulations and noncriminal infractions for Boats and Other Recreational Vehicles) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF

ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 16 Article IV, Trees) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-119 to allow one hour parking on the northerly side of School Street to a point approximately 106 feet from Washington Street) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was  
VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF  
ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-115,  
parking prohibited on the westerly side of Coleman Avenue from East Silver to a point  
220 feet south) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor  
Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was  
VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF  
ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-115  
delete parking prohibited on Woodmont Street) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor  
Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-116 delete parking prohibited on Dartmouth Street) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 17-121.1, delete 20 minute parking on Dartmouth Street) be given second reading by title only.

The Ordinance was given second reading by title and upon motion of Councilor

Figy, it was

VOTED: That the Ordinance be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	Yes
William Onyski	Yes

Upon motion of Councilor Figy, it was

VOTED: That an amendment to the Cable Commission membership be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE.

Upon motion of Councilor O'Connell, as well as all Councilors, it was

VOTED: That a Resolution relative to Purple Heart Trail be ADOPTED.

Prior to the vote, Councilor O'Connell informed the Council that the Purple Heart Trail would be on Route 202 which passes through Westfield from Holyoke to Southwick and that it would be a recognized roadway of the Military Order of the Purple Heart of the USA, "Purple Heart Trail" serving as a visual reminder for the high price paid for freedom. Councilor O'Connell informed the Council that she was approached by a Holyoke City Councilor to adopt this Resolution as they have in Holyoke.

Upon motion of Councilors Flaherty and Paul, it was

VOTED: That that City Council hold a public hearing on the annual budget as submitted by the mayor, at which all interested persons shall be given an opportunity to be heard for or against the proposed expenditures or any item thereof as allowed under MGL Chapter 44 Section 32 and it was further voted that the Public Hearing be held June 27<sup>th</sup>, 2016.

The vote on the foregoing was as follows:

Robert Paul, Sr.	Yes
Andrew Surprise	No
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes
Brent Bean II	Yes
Steve Dondley	Yes
Ralph Figy	Yes
Dave Flaherty	Yes
Cindy Harris	Yes
Daniel Knapik	No
Mary O'Connell	Yes
William Onyski	Yes

Prior to the vote, Councilor Paul announced that the Finance Committee will meet on June 28<sup>th</sup>, 2016 to discuss the Mayor's budget, that on June 29<sup>th</sup>, 2016 the City Council will meet as a "Committee of the Whole" also known as the Budget Workshop and on June 30<sup>th</sup>, 2016 there will be a Special Meeting of the City Council to vote on the Orders of Appropriation relative to the FY17 budget.

Upon motion of Councilor Flaherty, it was VOTED: That the Auditor, School Department and IT be REQUESTED that the budget documents for each department individually (with summary page columns for: 2015 Actual, 2016 Orig Bud, 2016 Revised, 2017 Dept Request, and 2017 Mayoral Submission), detailed school department budget, and the mayor's recap sheet detailing the proposed sources of revenue, be posted on the City website in PDF (in text mode - not scanned) and Excel formats (where available), with a prominent link to this budget page from the home page, prior to any public Finance Committee meetings regarding the budget.

Upon motion of Councilor Flaherty, it was VOTED: That the Law Department be REQUESTED to give a legal opinion by June 2nd's City Council meeting explaining Section 38 regarding transfers of funds or other measures involving the "appropriation" or "expenditures" of money in an amount that exceeds \$2,000. Rule 38 States: "In case any order, resolution or vote involves the borrowing, appropriation or expenditure of money in an amount that may exceed \$2,000.00, or the laying of a special tax assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of the city, the affirmative vote of the majority of all the members of the council shall be necessary for its passage. Every such order, resolution or vote shall be read twice, with an interval of at least ten days between the two readings, before being finally passed, and the vote on the final passage shall be by roll call; provided, however, that upon and after the

written recommendation of the mayor, the city council may pass such order, resolution or vote upon the same day by a roll-call vote, with two-thirds of the members of the entire council voting in the affirmative." It seems we have not consistently followed this rule (2 readings with 10 days between) when transferring (re-appropriating money) or appropriating money.

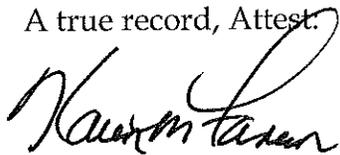
Upon motion of Councilor Flaherty, it was VOTED: That the Auditor be REQUESTED the latest audited or calculated OPEB Unfunded Liability, Pension Unfunded Liability, and Severance Unfunded Liability numbers, and the date of the audit or calculation, be added to our Monthly Fund Balances reports so that councilors and the public can easily see how our Unfunded Obligations compare to our Available Funds.

Upon motion of Councilor Flaherty, it was VOTED: That on behalf of citizen taxpayer the Auditor and School Department be REQUESTED, prior to June 27<sup>th</sup>, 2016, to explain how funds appropriated in FY16 for Energy were, or will, be used. Concerned citizen believes energy costs should have been much lower than predicted during last year's budget process due to declines in prices across the global energy markets. A written response is requested before the Public Hearing on the FY17 Budget.

Councilor Knapik informed the Council that Mr. Ron Rix, Business Manager for the School Department gives that report at every School committee meeting. Councilor O'Connell informed the Council that she has been in touch with Purchasing Director Tammy Tefft and that she provided some information but more information is needed. Councilor Knapik informed the Council that energy costs are buried within each departmental budget and also put into the purchasing department budget. He also informed the Council that on the mass.gov website there is a way to track energy consumption per building.

At 9:01 PM, and upon motion of Councilor Allie, it was VOTED: To ADJOURN.

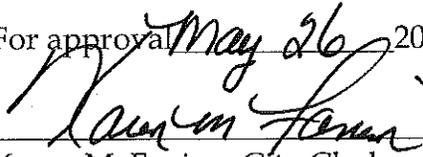
A true record, Attest.

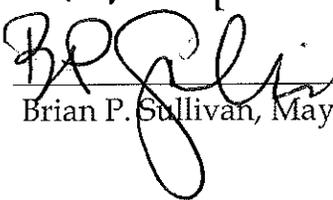


Karen M. Fanion  
City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

For approval May 26 2016  
  
\_\_\_\_\_  
Karen M. Fanion, City Clerk

MAY 27 2016  
  
\_\_\_\_\_  
Brian P. Sullivan, Mayor