

MEETING OF CITY COUNCIL
WESTFIELD, MASSACHUSETTS
June 2, 2016

The 6:30 PM Mayor's briefing was cancelled due to the Mayor was at the Westfield Technical Academy graduation.

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 19, 2016 be ACCEPTED.

The President 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 jokingly commented to the Councilors that hockey is coming to Springfield so the Red Sox should come to Westfield.

Under "Public Participation" the Councilors were addressed by Joe Giffune, 49 Colony Drive, Chair of the Board of Directors of the Friends of the Columbia Greenway Rail Trail. He requested Council support and approval of the brick donation policy for the Columbia Rail Trail.

Under "Public Participation" the Councilors were addressed by Mr. Frank Mills, 47 Overlook Drive. Mr. Mills showed a picture of the Whip City Museum with overgrown grass and reiterated his disapproval, as he did in 2013, of using CPA money for this project. He also expressed his concerns relative to a dead tree on the west corner of Main Street near the Stop and Shop and a dead tree on the treebelt at the corner of Western Ave and 114 Spruce Street. He concluded by expressing his concerns with "builders' choice" relative to planting trees on the treebelt of Elm Street.

Upon motion of Councilor Flaherty, it was
VOTED: That the presentation of the FY17 Budget by Mayor Brian Sullivan be TABLED until the Mayor arrives from the Westfield Technical Academy graduation.

Upon motion of Councilor Flaherty, it was
VOTED: Under immediate consideration, that the request for permission to serve beer and wine and to waive the "open container" regulation on Park Square Green for the

concerts on the Green sponsored by Westfield on Weekends and Music Fest Committee for the following dates: Thursday, June 16, 2016; Thursday, July 21, 2016 and Thursday, August 25, 2016 from 4:00 PM to 10:00 PM be APPROVED.

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

The Clerk read from the Agenda:

C. Transfer of \$46.77 within the Fire Department from Fire Medical Testing account #12200000-530006 FY16 to Fire Department from Fire Medical Testing account #12200000-530006 FY15; prior year medical bills.

Upon motion of Councilor Paul, it was VOTED: Under immediate consideration, that the in-lieu-of-taxes contribution from the Westfield Gas & Electric in the amount of \$440,000.00 for FY17 to be paid monthly in the amount of \$36,667.00 be ACCEPTED.

The vote on the foregoing was as follows:

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	No
Cindy Harris	Yes
Daniel Knapik	Yes
Mary O'Connell	No
William Onyski	Yes
Robert Paul, Sr.	Yes

Prior to the vote, Councilor O'Connell commented that the City is the biggest rate payer of the Westfield Gas & Electric, the plant is worth over \$70 million dollars and that the ILOT payment should be closer to a million dollars, same as what Holyoke receives. She commented that the Municipal Light Board should not have disbanded the formula that was developed years ago and should not be able to cap their payment at \$500,000.00. Councilor Flaherty questioned if the item should be sent to Finance Committee because there is another motion in Finance relative to the same topic. Councilor Paul informed the Council that the two items should not be combined. The motion in Committee is relative to the formula. Councilor Babinski suggested getting a delineation of so-called pro-bono work that the G & E does for the City and that may offset their contribution payment. She informed the Council that the Holyoke G & E charges the City of Holyoke for everything they do, therefore, their ILOT payment is higher. Councilor O'Connell agreed that that is a great question and in the future there

should be motion relative to that question. Councilor Knapik informed the Council that he is not aware of any pro-bono work of the G & E and that he would support a motion relative to the delineation of any in-kind contributions made by the G& E to the City.

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

The Clerk read from the Agenda:

E. Submitting an amendment to an Order establishing a revolving account for the Off-Street Parking Commission.

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

The Clerk read from the Agenda:

F. Submitting the reappointment of Attorney Jeffrey R. Krok to the position of City Labor Counsel for a term of three years.

Upon motion of Councilor Harris, it was
VOTED: Under immediate consideration, that the reappointment of City Clerk Karen M. Fanion for a term to expire, July 6, 2019 be CONFIRMED.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Prior to the vote, Councilor Harris informed the Council that Ms. Fanion has been employed by the City for 34 years and has been City Clerk since 1998 with continuous unanimous reappointments since 1998. She informed the Council that the Board of Registrars/Elections, City Council and City Clerk's office are all the responsibility of the City Clerk. She reviewed the accomplishments and successes of Ms. Fanion and concluded by informing the Council that City Clerk has a talented and dedicated staff that includes Donna Roy, Marisa Colon and Kaitlyn Bruce.

A Public Hearing was held on applications for a Junk Dealer's license and a Junk Collectors license for Book Club Bookstore LLC, 2 Main Street, Jessica Martin, 72 Belmont Avenue, Enfield, CT, owner. Jessica Martin and Cynthia Acanto were present to represent the application. They informed the Council that it's a bookstore that will sell used and new books as well as related new items such as greeting cards and candles. There will be book club discussions, author signings and new releases and that the Harry Potter release has been scheduled. Councilor O'Connell questioned if there are any parking issues. Ms. Martin informed the Council that there are no parking issues. Councilor Dondley questioned what attracted them to start their business in Westfield. Ms. Martin and Ms. Acanto informed the Council that their store in Enfield is in a similar location like Westfield and that Westfield was recommended to them. Councilor Flaherty congratulated them on their new business and welcomed them to Westfield. Councilor Surprised also welcomed them to Westfield and informed them he highly supports their business. Councilor Knapik questioned their hours of operation. They informed the Council they would be closed Mondays and open Tuesday thru Sunday. Councilor Knapik questioned if there would be any food on site or any live music. They informed the Council there is no food on site at this time and that they may have live music in the future, but not at this time.

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

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

A Public Hearing was held on a petition submitted by R. Levesque Associates for a Zoning Map amendment for 0 & 86 Medeiros Way from Business B to Industrial A for their client Jay Virgilio of A.J. Virgilio Construction Inc. 87 Summit Lock Road (Medeiros Way). Mr. Rob Levesque was present to represent the application along with his client Mr. Jay Virgilio. He informed the Council that zone change would allow for the expansion of the current contractor's yard located on the smaller piece of property 86 Medeiros Way (Map 70R parcel 17) to the larger piece 0 Medeiros Way (Map 70R parcel 26). He informed the Council that the larger piece of property was under an endangered species protection polygon which has recently been removed. He informed the Council that there is continuous adjacent property zoned Industrial A. Councilor Knapik questioned the acreage of the two properties. Mr. Levesque informed him that the smaller piece is approximately 3 acres and the larger is approximately 23 acres. Councilor Flaherty questioned the brook that runs diagonal thru the property. Mr. Levesque informed the Council that the Arms Brook runs diagonal thru the back corner of the larger piece of property. He informed the Council that during the Special Permit process regulations would be set to protect that area and that all Conservation Commission regulations would have to be followed. He informed the Council there are no plans to go that far into the property, there would be a buffer zone. He informed the Council that Mr. Virgilio has a traditional contractor's yard on the smaller lot and that will continue on the new larger lot and there may also be an accessory building.

Councilor Allie questioned how many acres would be used on the two properties. Mr. Levesque informed him that about 10 acres would be used and will focus away from the brook. Councilor Babinski asked what is on the three acres of property. Mr. Levesque informed her that it is Mr. Virgilio's business which consists of a building with bays for vehicles, typical construction material and construction vehicles.

Mr. Matt Roman spoke in favor of the application. With no others appearing to be heard, the Public Hearing was CLOSED.

Upon motion of Councilor Figy, it was VOTED: That the petition be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and ZONING, PLANNING AND DEVELOPMENT COMMITTEE.

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

1. Capital Improvement Plan for 2016-2020. REMAIN IN COMMITTEE 1/7/16 REMAIN IN COMMITTEE 1/21/16 3/3/16 REMAIN IN COMMITTEE
2. Five year budget plan in Long Range Financial Overview Committee items be REFERRED TO FINANCE COMMITTEE. 2/18/16 REMAIN IN COMMITTEE 3/3/16 REMAIN IN COMMITTEE 4/7/16 REMAIN IN COMMITTEE
3. Westfield G & E PILOT be REFERRED TO THE FINANCE COMMITTEE. 3/17/16 REMAIN IN COMMITTEE 4/7/16 REMAIN IN COMMITTEE 4/28/16 REMAIN IN COMMITTEE

Upon motion of Councilor Paul, for the Finance Committee, it was VOTED: That the sum of \$2,066,045.67 be appropriated 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.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Prior to the vote, Councilor Paul informed the Council that the appropriation is

for the renovation and addition project for the Little River Road Sub Station project. He informed the Council that that area has grown substantially and it is urgent to move on this project. Councilor Harris agreed it is an urgent project. President Bean relinquished the Chair to Councilor VanHeynigen so that he may address the Council. Councilor Bean informed the Council that he has been pushing this project for 10 years and its well over due for such a thickly settled area. Councilor Bean then resumed the Chair.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$88,251.86 be appropriated from Department of Public Works Wastewater Division Undesignated Funds account #6700-359000 to Public Works Wastewater Division, Purchase of Services #67004400-520000.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Prior to the vote, Councilor VanHeynigen informed the Council this appropriation was a result of a budget cut made last year for energy and sludge costs.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$2,078.50 be transferred 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.)

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$1,840.00 be transferred within the Department of Public Works, Water Division from Full Time Hourly FY16 account #68004500-520000 to Unemployment Insurance FY15 account #68004500-519300.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Upon motion of Councilor Paul, for the Finance Committee, it was VOTED: That the sum of \$310.75 be transferred within the Department of Public Works, Water Division from Purchase of Services FY16 account #68004500-520000 to Purchase of Services FY15 account #68004500-520000.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Councilor Flaherty, for the Finance Committee, informed the Council that the tentative budget hearing schedule will be as follows: June 7, 9, 15, 16, 22, 23, 2016.

Upon motion of Councilor Flaherty, it was
VOTED: That the Mayor be REQUESTED to SUBMIT a request for meal and hotel tax for the next City Council meeting to be held June 16, 2016.

Upon motion of Councilor Figy, for the Legislative and Ordinance Committee, it was
VOTED: That an Ordinance entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993" (Chapter 2, Article 4 Division 4 Cable Commission membership from 5 to 7) be given first reading by title only.

The Ordinance was given first reading by title and upon motion of Councilor Figy, it was
VOTED: That the Ordinance be PASSED TO SECOND READING.

The vote on the foregoing was as follows:

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

President Bean declared the motion PASSED.

Prior to the vote, Councilor Figy informed the Council that the Ordinance needs to be brought up to date with the number of Wards and to also have an At-Large member so the membership will be an odd number. Councilor Dondley informed the Council that as a past member of the Cable Commission, it was difficult to find people to be on the Commission and difficult to obtain a quorum for meetings. Councilor Knapik agreed with Councilor Dondley. Councilor Knapik suggested that the membership be reduced to five members. Councilor O'Connell informed the Council that the recommendation from the L & O Committee is seven members to bring the Ordinance into compliance. Councilor Figy informed the Council that this came from the Law Department. He informed the Council that the Council vote either yes or no or send the item back to Committee or make a motion to amend the recommendation from L & O. Councilor Paul informed the Council that Cable is not cable anymore because now the Westfield G & E is doing technology with broadband in the City. Councilor Flaherty agreed with Councilors Knapik and Dondley to have the membership five members. President Bean requested a motion on the suggestion for five members.

Upon motion of Councilor O'Connell, it was
VOTED: That the Cable Commission membership be seven members as recommended by the L & O Committee.

The vote on the foregoing was as follows:

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

President Bean declared the motion PASSED.

Upon motion of Councilor Figy, for the Legislative and Ordinance Committee, it was

VOTED: That the City of Westfield donation policy for donations to the Columbia Greenway Rail Trail relative to inscriptions of bricks for the Columbia Greenway Rail Trail provided by the Friends of the Columbia Rail Trail be ADOPTED.

Prior to the vote Councilor Figy informed the Council that the Friends of the Columbia Rail Trail have developed acceptable public phrases for inscriptions on the brick donation and that the City needs to adopt this policy.

Upon motion of Councilor Harris, for the Personnel Action Committee, it was VOTED: That 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 be CONFIRMED.

The vote on the foregoing was as follows:

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
Robert Paul, Sr.	Yes

Prior to the vote Councilor Harris informed the Council that Attorney Anderson has been a member of the COA since 2008, she oversaw the rewriting of the by-laws, a member of the Senior Policy Committee and guided the writing of the document, she is an asset to the COA. She is highly recommended by COA Director Tina Gorman and Councilor Figy.

Upon motion of Councilor Knapik, for the License Committee, it was VOTED: That the application submitted by Michael Ventrice of MLV Inc d/b/a GC's United Transmission & Auto Repair/Michael's Towing, 248 Elm Street submitting an application for a Taxi License for two (2) vehicles REMAIN IN COMMITTEE.

Upon motion of Councilor O'Connell, it was VOTED: That the College Park Lane petition to be accepted as a Public Way be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE.

Upon motion of Councilor Allie, it was VOTED: That the City Ordinance concerning Open Burning be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and PUBLIC HEALTH AND SAFETY COMMITTEE and LAW DEPARTMENT.

Councilor Allie informed the Council that the recently passed Ordinance relative to open burning is confusing because open burning, in State laws, refers to burning from January 15th to May 1st, it does not refer to outdoor fire pits and chimineas. He informed the Council that this Ordinance should be looked at again.

Upon motion of Councilor Allie, it was VOTED: That the handicap accessibility and use of sidewalks be REFERRED TO PUBLIC HEALTH AND SAFETY COMMITTEE.

Upon motion of Councilor Allie, it was VOTED: That the clocks in Westfield schools maintain accurate time and be operational and this matter be REFERRED TO THE SCHOOL COMMITTEE.

Councilors Bean and Flaherty were OPPOSED.

Councilor Figy congratulated all the 2016 graduates from Westfield Technical Academy, Westfield High School and St. Mary's High School.

At 8:24 PM, and upon motion of Councilor Figy, it was VOTED: That the presentation of budget be REMOVED FROM THE TABLE.

Mayor Brian Sullivan presented the FY17 budget. He congratulated the Westfield Technical Academy graduates and congratulated all involved in the ceremony on a job well-done. He especially thanked those involved in the "flyover" he received at his very first graduation as Mayor.

Mayor Sullivan thanked City Auditor Debbie Strycharz and Assistant Auditor Mary "Happy" Daley and the entire staff in the Auditor's office for all their hard work in compiling the FY17 budget and especially for presenting the budget in the format as requested by the Council. He also thanked Leanne Cloutier and Wendy Phillip from his office for their help in coordinating the budget process. He informed the Council that the budget looks a lot like the budget from last year. He thanked the Department Heads for doing their due diligence in doing more with less. Mayor Sullivan informed the Council that the budget contains a 2.1% increase over last year's budget. He informed the Council that \$2.2 million was cut from what was brought forward by departments, there are zero layoffs on City side, that there are pink slips being sent on School side and there are retirements that will not be refilled. He informed the Council that the good news is that the budget is financially stable, the levy is covering 56% of the budget, whereas 10 years ago the levy covered 45%. Free Cash is \$1.597 million and \$500,000.00 will be used for the budget. He informed the Council that the only new positions that will be funded are two positions in the emergency dispatch department (Public Safety Communications Dept) and that those two new positions will cut down on the overtime in that department and other requested positions were not filled. He informed the Council that the Community Outreach position has been filled, but that was a preexisting position that was changed slightly. He informed the Council that a Park and Rec Deputy Superintendent is funded for half a year, it will be filled in January after an inventory of the parks is conducted. He informed the Council that Woody Darling, Water Systems Engineer will be retiring and with him goes a tremendous amount of knowledge and that his position will not be filled until January in order to get a better idea of how to fill such an important position. He informed the Council that Denise Carey retired as the Department Head from the Licensing Department and that position has not be filled yet and will be filled at a lower rate. He informed the Council that City Engineer Mark Cressotti will use 100% of Chapter 90 money for roads rolling out a pavement program and that more work will be done in-house instead of using outside vendors. The new patch machine will be tried out in Ward 5 and that will be done in-house also. He reviewed the so-called "Adam Liptak sheet" which is a summary sheet of the budget. Councilor Paul questioned if the result of negotiations of the unions were included. Mayor Sullivan informed the Council that a 1% increase was included.

Councilor Flaherty informed the Council that donations are being accepted for the World Series Program.

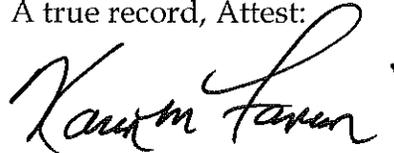
Councilor Flaherty informed the Council that the Art Walk on Elm Street will be Saturday, June 4th, 2016 from 10:00 AM to 4:00 PM.

Councilor Figy informed the Council that the new Community Police Center on Elm Street will have its grand opening on June 4th, 2016.

President Bean informed the Council that the City Solicitor Sue Phillips submitted a response, as requested by the Council, relative to Rule 38 and that a copy of it is in the Council share file.

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

A true record, Attest:

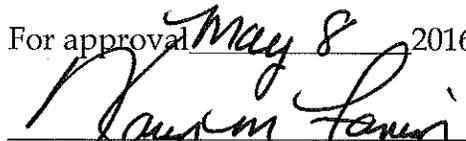


Karen M. Fanion
City Clerk/Clerk of the Council

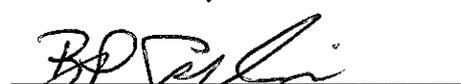
Presented to the Mayor

Approved by the Mayor

For approval May 8 2016


Karen M. Fanion, City Clerk

MAY 10 2016


Brian P. Sullivan, Mayor