

SPECIAL
MEETING OF CITY COUNCIL
WESTFIELD, MASSACHUSETTS
June 30, 2016

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

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

Mayor Sullivan addressed the Council. He thanked the Finance Committee and everyone for their work on the budgets. He requested that the Council support his request to appropriate \$500,000.00 from FY16 Free Cash to the FY17 Budget. He informed the Council that there is \$1.6 million in the account and that the appropriation will not drain the account. He requested that the remaining Free Cash from FY16 be transferred to the Stabilization account. He informed the Council that if the money is left in Free Cash it cannot be used until after it's certified which may take until September, whereas if it's in Stabilization it can be used prior to that. He reminded the Council that it takes nine votes of the Council to use Stabilization money. He also requested Council approval on the Meals Tax. He informed the Council that he has personally spoken to all the restaurant owners that submitted letters of opposition to the meals tax. He concluded by reminding everyone that the fireworks will be held Saturday, July 2nd, 2016 at the South Middle School.

Councilor Onyski questioned if the meals tax could be earmarked. Mayor Sullivan informed the Council that the meals tax revenue goes to the general fund but he gave his commitment that he would use the money for roads, sidewalks and infrastructure project.

Upon motion of Councilor Paul, it was
VOTED: Under immediate consideration, that the sum of \$500,000.00 be appropriated from FY16 Free Cash to FY17 budget.

The vote on the foregoing was as follows:

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

Upon motion of Councilor Paul, it was
VOTED: Under immediate consideration, that all remaining Free Cash from FY16 be transferred to Stabilization Account.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, for the Finance Committee, it was
VOTED: That the sum of \$46.77 be transferred 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 bill.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Councilor Paul, for the Finance Committee, gave no recommendation relative to the Resolution to accept a Local Option Meals Tax in the amount three quarter of one percent (.75%) which is the amount authorized under the statute and the matter was returned to the City Council. Councilor Surprise expressed his opinion that the meals tax would be a drop in the bucket for revenue for the City, that it sends an anti-business message with businesses already paying a high tax rate and that it's not just a meals tax, it's much broader that will include food in vending machines and other prepared foods. He also informed the Council that blue collar workers cannot afford additional taxes and therefore will not support it. Councilor Flaherty agreed that the City should not be nickel and diming its citizens, it's sending the wrong message. He informed the Council that it didn't pass in 2009 or anytime after that and should not pass now. He informed the Council that the restaurants in Westfield are important and if they come before the Council expressing their opposition, the Council should listen to them. Councilor Knapik informed the Council that in 2009 the economy was in a deep recession and no other communities had accepted the tax either. Now, years later most surrounding communities have accepted the meals tax. He informed the Council that if cities and towns do not help themselves with the tools that Boston provides then they cannot expect any aid from Boston. Councilor Allie informed the Council that he was elected to be fiscally responsible and do a better job living in one's means. He informed the Council that everyone is struggling and has to tighten their belts and the City should do the same. Councilor Onyski informed the Council that he does not like the meals tax but with the commitment from the Mayor to use it for roads, he will support it. Councilor Dondley expressed his confusion as why Councilors would not support a meals tax because that would be being fiscally responsible because it would build up the cash reserves. He informed the Council that a middle class person would never not go out due to a meals tax. Councilor Flaherty informed the Council there is no proof that the cities and towns that accepted the meals tax get any more aid from Boston than those that didn't accept it. Councilor Flaherty informed the Council that he believes the Mayor will do his best to use the money for the

roads, but that may not be the case in future years with a different Mayor. Councilor Dondley questioned if any city or town that accepted it ever repealed it. Councilor Allie expressed his concern that giving out raises was not fiscally responsible. Councilor Paul supported the meals tax due to the commitment to infrastructure. Councilor Surprise reiterated his previous comments and added that the cut to the school budget lost and therefore did not reduce spending so should not be passed on to a tax for revenue.

Upon motion of Councilor Paul, it was

VOTED: That a Resolution to accept a Local Option Meals Tax in the amount three quarter of one percent (.75%) which is the amount authorized under the statute be ADOPTED.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

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

VOTED: That the sum of \$393.13 be transferred within the Fire Department from Fire, Medical account #12200000-530006 FY16 to Fire, Medical account #12200000-530006 FY15 for a prior year medical bill.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the sum of \$3,000.00 be transferred from the Purchasing Department, Purchase of Services account #11380000-520000 FY16 to Auditing Department, Purchase of Services account #11350000-520000 FY15.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Knapik, for the License Committee, it was VOTED: That the application submitted by Hangar of Westfield, Inc. Enterprise, 29 School Street (Parcel 55-47), Harold Tramazzo applying for a Special Permit per Section 3-100.3(4) of the zoning ordinance to allow for an indoor place of amusement for 50 to 100 coin-operated amusements, be GRANTED with the findings and conditions listed below.

The vote on the foregoing was as follows:

| | |
|---------------------|--|
| Brent Bean II | Yes |
| Steve Dondley | Yes |
| Ralph Figy | Yes |
| Dave Flaherty | Yes |
| Cindy Harris | Yes |
| Daniel Knapik | Ineligible (not present at the Public Hearing) |
| Mary O'Connell | Yes |
| William Onyski | Yes |
| Robert Paul, Sr. | Ineligible (not present at the Public Hearing) |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Findings

After giving due consideration to the application and testimony at the public hearing, including study in the License subcommittee, the Council found that (1) the specific site is an appropriate location for such an indoor place of amusement, making use of vacant space; (2)

The use as developed will not adversely affect the neighborhood, and rather will likely serve to enliven the downtown; (3) Adequate and appropriate facilities will be provided for the use's proper operation, which will augment the existing restaurant and bar use; the ordinance does not require additional parking in the reuse of existing building spaces. (4) The plan, as approved, conforms to all rules and regulations.

Conditions

The Council found valid cause and authority pursuant to Article I, Section 1-50.7 of the Zoning Ordinance, to impose the following as conditions of this approval:

1. This Special Permit is issued specifically for coin-operated amusement machines as presented (non-gambling video games/devices, etc.). A substantial departure from this type of amusement shall require a new or amended special permit.

Appeal and Validity

Any person aggrieved as a result of the Council's actions has the right of court appeal if that appeal is filed in Superior, Housing or Land Court within 20 days of the filing of this decision with the City Clerk's Office of the City of Westfield, as pursuant to M.G.L. Chapter 40A, Section 17.

This Special Permit shall not take effect until such time as the applicant has recorded in the Hampden County Registry of Deeds a copy of this decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the office of the City Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied.

Unless exception is made, this Special Permit shall lapse if the substantial use or construction subject to this approval has not commenced within two years.

This permit and its conditions are enforceable by the Superintendent of Buildings, pursuant to Section 1-10.1 of the Zoning Ordinance and the penalties authorized therein.

Upon motion of Councilor Knapik, it was

VOTED: That Public Participation be allowed prior to the passage of the FY17 Budget.

Under "Public Participation" the Councilors were addressed by Mr. Mark Butler, 24 Fox Hill Drive. He questioned why all the problems have to be solved with taxes. He informed the Councilors that his family can no longer afford to live in Westfield due to the high tax rate and will be moving out.

Under "Public Participation" the Councilors were addressed by Mr. Joe Giffune, 49 Colony Drive, Chair of the Board of Directors of the Friends of the Columbia Greenway Rail Trail. He requested continued support of the Council for the Rail Trail and requested that the Council do not cut accounts relative to the Rail Trail.

Under "Public Participation" the Councilors were addressed by Mr. Matthew Roman, Westfield. He expressed his opinion that the only way to lower taxes is to cut the budget.

Under "Public Participation" the Councilors were addressed by Mr. Mark Cressotti, City Engineer. He thanked the Council for sparing cuts to the Engineering Department at the budget workshop.

Upon motion of Councilor VanHeynigen, it was VOTED: That the (lost) motion to cut \$240,000.00 from the Engineering Department Construction account at the June 29th, 2016 meeting be RECONSIDERED.

The vote on the foregoing was as follows:

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

The President declared the motion LOST.

Prior to the vote, Councilor VanHeynigen informed the Council that a Councilor was confused with the vote and did not intend to vote the way he voted previously. Councilors Knapik and Dondley questioned if that was a reason for a reconsideration. President Bean allowed the reconsideration.

Councilor O'Connell informed the Council that if a Council rule does not specifically address an issue then it goes to Roberts Rules. She expressed her concern that the vote for a zero cut to the School budget at the June 29th, 2016 meeting was done wrong.

Councilor Flaherty informed the Council that the presentation given by Councilor Dondley is not correct and that there is no way around the collision of the tax limit and tax ceiling and apologized to the Mayor for not being able to support his budget. Councilor Knapik disagreed with Councilor Flaherty's statement. Councilor Dondley suggested to Councilor Flaherty to request the opinion of a professional in Municipal Finance prior to making his own conclusions.

Upon motion of Councilor Paul, it was VOTED: That an Order entitled "AN ORDER OF APPROPRIATION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN, AS AMENDED" (\$123,357,748.55) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was

VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was

VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

The President declared the motion PASSED.

Upon motion of Councilor Paul, it was

VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE WATER DEPARTMENT" (\$5,628,102.66) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was

VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was

VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was
VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE
SEWERAGE AND WASTEWATER TREATMENT DEPARTMENT" (\$5,940,052.86) be given
first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was
VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was
VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was
VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE
AMBULANCE SERVICES IN THE FIRE DEPARTMENT" (\$2,520,227.48) be given first reading
by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was
VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was
VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was

VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE GAS AND ELECTRIC DEPRECIATION ACCOUNT" (\$3,777,595.00) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was

VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was

VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE COMMUNITY PRESERVATION ACT" (\$475,550.00) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was

VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was

VOTED: That an Order entitled "AN ORDER APPROPRIATING MONEY FOR THE STORMWATER SERVICES IN THE PUBLIC WORKS DEPARTMENT" (\$391,745.28) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was

VOTED: That the Order be passed to second reading.

Upon motion of Councilor Paul, it was

VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

Upon motion of Councilor Paul, it was
VOTED: That an Order entitled "AN ORDER OF APPROPRIATION FOR FISCAL YEAR,
TWO THOUSAND FIFTEEN, AS AMENDED" for Workers Compensation (\$200,000.00) and
Unemployment (\$50,000.00) be given first reading by title only.

The Order was given first reading by title and upon motion of Councilor Paul, it was
VOTED: That the Order be passed to second reading.

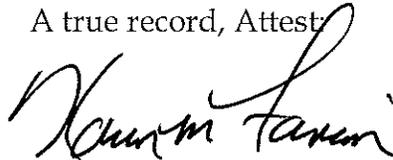
Upon motion of Councilor Paul, it was
VOTED: That the Order be given second reading by title only.

The Order was given second reading by title and PASSED TO BE ORDAINED.
The vote on the foregoing was as follows:

| | |
|---------------------|-----|
| 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 |
| Andrew Surprise | Yes |
| Matthew VanHeynigen | Yes |
| Dan Allie | Yes |
| Mary Ann Babinski | Yes |

At 8:29 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 July 19 2016
Karen M. Fanion
Karen M. Fanion, City Clerk

July 20 2016
Brian P. Sullivan
Brian P. Sullivan, Mayor