MEETING OF CITY COUNCIL WESTFIELD, MASSACHUSETTS JANUARY 19, 2017

At 6:30 PM, Mayor Sullivan 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 President Bean.

The City Clerk called the roll. Councilors Knapik and Paul were absent.

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 January 5, 2017 be ACCEPTED.

President Bean asked if anyone, other than Channel 15, was taping the meeting. No one was taping the meeting.

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 that the Council vote to support the Complete Streets ordinance. He informed the Council that the proposed ordinance would make bicycle and pedestrian travel within the City safer.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose, 60 Arnold Street. He spoke in support of Councilors Figy and Harris' motion to examine the real estate tax exemption allowed by law for those over 65 years of age with intent of increasing that exemption. He also spoke very highly of Councilor Harris' support of increasing the Veterans' exemption and expressed his disappointment with a recent "pulse line" article in *The Westfield News* in which the writer accused the Councilor of posturing for votes. He informed the Council that Councilor Harris has never grandstanded and that she is a high-quality person and has always been sincere about the issues she supports.

Under "Public Participation" the Councilors were addressed by Councilor Steve Dondley, 10 Kane Brothers Circle. He informed the Council that due to using Free Cash for taxes it has short-changed the School Department budget and that the School Committee is now looking for ways to save money by possibly closing Russell Elementary and redistricting the schools to keep everyone in Westfield. He informed the Council that the School Department's shortfall is not from increased salaries. He submitted a chart showing teachers' salaries and the increase is rather flat. Councilor Flaherty informed the Council that the reason

the School Department has a shortfall is because it is costing \$2.9 million more this year for the same level of service as last year and using Free Cash for taxes had nothing to do with it.

Upon motion of Councilor VanHeynigen, it was

VOTED: Under immediate consideration, that a gift in the amount of \$15,000.00 to the Westfield Police Department Community Gift Account from an anonymous donor to be used to purchase a drone(s) be ACCEPTED.

The vote on the foregoing was as follows:

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

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

The Clerk read from the Agenda:

- B. Appropriation of \$5,000.00 from Reserve for Unforeseen #19500000-570900 to Building Department, POS Secure Property account #12410000-520005.
- C. Appropriation of \$180,000.00 from Undesignated Fund account #6850-359000 to Public Works Department, Stormwater Division, as follows: \$160,000.00 to Purchase of Services account #68504550-520000 and \$20,000.00 to Supplies account #68504550-540000.
- D. Appropriation of \$745,460.00 from Undesignated Fund account #6800-359000 to Public Works Department, Water Division to the following:
 - 1. \$641,720.00, Purchase of Services account #68004500-520000;
 - 2. \$ 19,000.00, Supplies account #68004500-540000;
 - 3. \$ 46,000.00, Capital Equipment account #68004500-585000;
 - 4. \$ 3,740.00, Small Equipment account #68004500-585500;
 - 5. \$ 35,000.00, Equipment / Vehicle #68004500-585001.

Upon motion of Councilor Harris, it was

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

Upon motion of Councilor Harris, it was

VOTED: That the Resolutions of Disclosure for the following School employees to work for Park and Recreation during the summer months be APPROVED.

- a. Daniel Tenero, Soccer Specialist
- b. Lori Bowen, Preschool Specialist

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor Harris informed the Council that this is an administrative function that needs to be done every year for School Department employees to work for Park and Rec in the summer months.

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

Upon motion of Councilor Figy, it was

VOTED: That the following traffic ordinance recommendations from Chief Camerota, Traffic Commission Chair be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

- 1. Chapter 17, Section 17-89 to amend Engine Brakes at Western Avenue, Upper Western Avenue and Paper Mill Road
- 2. Chapter 17, Section 17-115 No Parking on Holland Avenue and Root Road
- 3. Chapter 17, Section 17-82 Speed Limits on Honey Pot Road

Upon motion of Councilor O'Connell, it was

VOTED: That the communication submitted by City Planner Jay Vinskey relative to the City's Open Space and Recreation Plan set to expire in September and the formation of a new committee to work on the 2017 Open Space and Recreation Plan be ACCEPTED.

Upon motion of Councilor Flaherty, it was

VOTED: That Councilors O'Connell and Babinski be appointed as the Council representatives to the Committee to work on the 2017 Open Space and Recreation Plan. Councilors O'Connell

and Babinski accepted the appointment.

A Public Hearing was held on an application of Sandra and Kenneth Boyd for a zone change at 710 Southampton Road (Map 257 Parcel 27) from Business A and Rural Residential to expand Business A and change from Rural Residential to Residential A. Mr. Rob Levesque was present to represent the application. Mr. Levesque informed the Council that he had submitted an application for a zone change to Industrial A for the same parcel a few months ago and that it was met with resistance from the abutters, therefore, he withdrew the application without prejudice in order that he speak to the neighbors and the Ward 1 Councilor as to what would be favorable for the neighborhood. With Ward 1 Councilor Babinski and the neighbors support he is now submitting this application to expand the Business A portion and change the Rural Residential to Residential A. He presented a map showing the "L shape" area of Residential A which would be the area abutting residential properties and the Business A portion would be set within the property and abutting Industrial A property on the north side. He informed the Council that the Arm Brook is on the Westside which would be regulated as undevelopable. He informed the Council that he has received a positive recommendation from the Planning Board for the proposed application. Councilor Allie questioned what the proposed use for the Business A will be. Mr. Levesque informed the Council that the applicant will be moving his construction business to the property and possibly there will be retail, restaurants or office space. Councilor Babinski informed the Council that it was a good process to go through to come up with a viable solution for the zone change. She informed the Council it's a good compromise for abutting neighbors to have the 50 ft. buffer and hoped for continued discussion with the neighbors as to what will go on the property. Councilor Harris questioned Councilor Babinski if she approves of the proposed zone change. Councilor Babinski informed her that she does approve. Mr. Jay Ducharme, 265 Western Avenue spoke in favor of the application. Ms. Meridith Salois, 15 Meadowbrook Lane spoke in opposition of the zone change. She informed the Council that she was not aware of the proposed zone change. She informed the Council that the neighbor that spoke with the applicant and/or Councilor did not share the information with the other neighbors. She expressed her concern of what may go on the property after the zone change. With no others appearing to be heard Public Hearing was CLOSED. Councilor Figy offered a motion which was duly seconded to refer the application to Legislative and Ordinance Committee and Law Department.

Upon motion of Councilor Dondley, it was VOTED: That the above motion be AMENDED to REFER the application to ZONING, PLANNING AND DEVELOPMENT COMMITTEE and that Zoning, Planning and Development will review it and then refer it to Legislative and Ordinance Committee.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$10,992.40 be transferred within the Westfield Public Schools Business Department from the current FY17 Leases, account #50093535-527001 to prior year FY16 Purchase of Services, account #55482422-520000.

The vote on the foregoing was as follows:

Yes
Yes
Absent
Yes
Yes
Absent
Yes
Yes
Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the transfer is needed to pay for costs associated with asbestos abatement work and inspections that resulted from a State audit.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$32,700.00 be transferred from Reserve for Unforeseen account #19500000-570900 to Police, Purchase of Services, account #12100000-520000.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor VanHeynigen informed the Council that the transfer is for the purchase of Brandon Copsync 911 School Safety Initiative. Councilor VanHeynigen informed the Council that the Copsync is an app that can connect all the schools as well as City Hall directly to the Police Department in real time during an emergency. He informed the Council that this would be a reoccurring yearly fee. Councilor Flaherty informed the Council that it's equivalent to the old panic button. He also informed the Council that the City should look into developing its own software for this type of service. Councilor Surprise agreed that the City should develop its own software in the future and look into regionalizing it along

with regionalizing the dispatch center as that was the initial intention when it was developed. He also informed the Council that by regionalizing there would be money available from the State.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$44,102.00 be transferred within the Police Department from Police Department Towing and Storage of Motor Vehicles account #2400-1330210 to Police Department Special Account for Towing and Storage account #24210714-585001.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor VanHeynigen informed the Council that the transfer is for the purchase of a 2017 Ford F250 pickup truck to be used for Commercial Vehicle Enforcement. He informed the Council that the large size truck is needed to carry the large scales and other equipment needed for inspections of commercial vehicles. Councilor Flaherty informed the Council that commercial vehicles are inspected to make sure the vehicle is up to code relative to brakes, weight, logs and if not up to regulation, a citation is issued which is a revenue source.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the first reading of the Bond Order in the amount of \$15,000,000.00 for the Westfield Gas & Electric Whip City Fiber Expansion REMAIN IN COMMITTEE.

Councilor Flaherty informed the Council that the G & E could not attend the Finance Committee meeting and that there are questions the Committee would like answered. He also informed the Council that he wants to look at the Comcast contract to make sure both vendors are playing by the same rules.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the WG&E ILOT payment (2/18/16) REMAIN IN COMMITTEE.

Councilor Flaherty informed the Council that the Finance Committee wants to discuss with the Assessor what taxes would be if it was not a municipality.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the Public Employee Retirement Administration Commission's (PERAC) required Fiscal Year 2018 appropriation of \$9,884,301.00 be ACCEPTED AND PLACED ON FILE.

Councilor Flaherty informed the Council that the appropriation of \$9,884,301.00 represents a 7% increase from last year and that was the reason for referring it to Committee at the last Council meeting. He informed the Council that the appropriation takes into consideration the Westfield Housing Authority of \$172,857 and with the Westfield Housing Authority appropriation removed the appropriation of \$9,711,444 does represent the 5% increase that is the maximum increase allowed.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the Five-year budget plan discussion (2/4/16) REMAIN IN COMMITTEE.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the Fee adjustments (6/16/16) REMAIN IN COMMITTEE.

Councilor Flaherty informed the Council that the only department to submit their fees was the Planning Board. He informed the Council that the Auditor will prepare a report of fees by department and at budget time those will be looked at as to whether or not they can be increased.

Upon motion of Councilor O'Connell, for the Legislative and Ordinance Committee, it was

VOTED: That the proposal of creating an Ordinance at Chapter 16 Article VI relative to Complete Streets Policy (10/16/16) be given a negative recommendation.

The vote on the foregoing was as follows:

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

The President declared the Negative Recommendation motion PASSED.

Prior to the vote Councilor O'Connell informed the Council that the Complete Streets policy has a lot of hurdles the City would need to jump through in order to receive State money and the State money is not always guaranteed. Councilor Babinski informed the

Council that she is in favor of the Complete Streets policy. She informed the Council that it ensures safe, accessible options for travel either by car, bike or walking when designing streets. She informed the Council that if the City is doing a street redesign anyway it would get a reimbursement from the State if the policy is adopted. Councilor Onyski informed the Council that he is against the policy because there is no provision for a cost analyst of the extra money the City would be spending relative to what the City would receive back in reimbursements. Councilor Surprise agreed with Councilor Onyski. Councilor Figy informed the Council that he talked with South Hadley who did adopt the policy and they informed him it was a good deal, therefore he is in support of the policy. Councilor Flaherty informed the Council that he agrees with the goals of making the streets accessible, but there may be more costs than would be reimbursable. Councilor Allie informed the Council that he has many concerns with the program and that the Public Health and Safety Committee rejected certain language and that it costs too much for the government to build anything. Councilor Babinski reiterated that it is a good policy and that the City writes its own resolution and that the State is not dictating the way the City would have to design its streets. Councilor Flaherty read from the draft policy that would trap the City into the policy.

Upon motion of Councilor O'Connell, for the Legislative and Ordinance Committee, it was

VOTED: That the reviewing of the process of Private Ways to become Public Ways REMAIN IN COMMITTEE.

Councilor O'Connell informed the Councilors to get the streets to the Committee they want to become public ways so they can be part of the discussion looking for solutions to this issue.

Upon motion of Councilor Figy, for the Legislative and Ordinance Committee, it was VOTED: That the Animal Ordinance amendment REMAIN IN COMMITTEE and that a Public Hearing be scheduled at the earliest practicable date for the Animal Ordinance amendment that is part of the Zoning Ordinance.

Upon motion of Councilor Figy, for the Legislative and Ordinance Committee, it was VOTED: That a Resolution creating a gift account for the funds received from the Columbia Greenway Rail Trail donations (6/16/16) REMAIN IN COMMITTEE.

Councilor Figy informed the Council that this is a unique item because it is not a park and it is not a roadway and that the City has to assign a department to oversee it and at this point the City is not sure what department to assign it to.

Councilor Figy, for the Legislative and Ordinance Committee, offered a motion which was duly seconded to give first reading of an Ordinance to raise the Councilors' salary by \$3,000.00 and include a graduated increase from \$13,000.00 in 2018 to \$15,000.00 in 2026. Councilor Allie expressed his appreciation of the efforts of the Committee to come up with the graduated schedule, but that he did not support the graduated schedule. He expressed his support of the increase of \$3,000.00 and reminded the Council of Council Dondley's comments

from the last meeting that the increase is not unreasonable and that \$10,000.00 16 years ago equals \$14,000.00 today. Councilor Surprise informed the Council that this vote should not be taken at all and he does not support the increase. Councilor O'Connell informed the Council that she supports the motion and that she did not support the Council increase the last time it was before the Council. She informed the Council that the salary has not been raised in 16 years and that the hourly wage may be lower than today's minimum wage and that it's not an extravagant amount of an increase. Councilor Flaherty informed the Council that he voted against the increase the last time but would support it this time. He also read off other salaries of Councilors from surrounding cities which were all more than \$13,000.00.

Upon motion of Councilor Allie, it was

VOTED: That the above motion be amended to remove the graduated increases.

The vote on the foregoing was as follows:

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

The President declared the amendment LOST.

Discussion continued on the original motion. Councilor Dondley informed the Council that he is torn on the issue of raises. He offered a motion to reduce the increase from \$3,000.00 to \$2,000.00, there was no second on the motion. Councilor Onyski informed the Council that the Councilors are worth \$13,000.00 but that he would not support the motion for the increase. Councilor Flaherty informed the Council that it is an appropriate increase and that if Councilors wanted to they could donate their increase to a charity or they could donate it to the School Department. Councilor Babinski reminded the Councilors that the increase is not for the current Council it is for the Council of 2018. The President requested that the original motion be voted on and 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 12, Section 12-7 Unclassified Service increase Councilor's salary by \$3,000.00 and include a graduated increase from \$13,000.00 in 2018 to \$15,000.00 in 2026) be given first reading by title only.

The vote on the foregoing was as follows:

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

The President declared the first reading LOST.

Upon motion of Councilor Flaherty, from the nonprevailing side, it was VOTED: That the above motion be RECONSIDERED at the next Council meeting to be held February 2nd, 2017.

Councilor Surprise was OPPOSED to the reconsideration.

Upon motion of Councilor Onyski, it was

VOTED: That the recently signed Westfield Firefighters, IAFF Local 1111 contract which became effective on July 1, 2016 through June 30, 2019 be APPROVED.

The vote on the foregoing was as follows:

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

Prior to the vote, Councilor O'Connell informed the Council that she would vote for the contract but still does not like that contracts are submitted without details. Councilor Flaherty informed the Council that he loves the firefighters but does not like that he does not have all the costs of the contracts. Councilor Babinski informed the Council that she will vote for the contract but would like to know what the Council can do to get the costs numbers for the next

time. Councilor Surprise agreed with Councilor Flaherty. Councilor Allie informed the Council that he would vote yes on the contract, but that he would like to see the costs of the contracts in whole numbers not in percentages because the costs compound and those numbers would be helpful in determining the budget and without the complete costs it is impossible to make an intelligent decision.

At this point President Bean left the meeting and relinquished the Chair to Councilor Figy.

Upon motion of Councilor Flaherty, it was VOTED: That a five minute recess be held to allow Councilor Bean to return to the meeting.

At 8:30 a recess was declared.

At 8:38 the meeting was again called to order.

Upon motion of Councilor Flaherty, it was VOTED: That the rules of the City Council be SUSPENDED in order to go out of Regular Order of the Agenda.

Upon motion of Councilor Flaherty, it was VOTED: That the Second Reading and Final Passage of a Bond Order entitled "A BOND ORDER FOR WATER TREATMENT AND DISTRIBUTION (\$5,000,000.00)" be taken at the END of the meeting.

Upon motion of Councilors Figy and Harris, it was OTED: To examine or reexamine the real estate tax exer

VOTED: To examine or reexamine the real estate tax exemption allowed by law for those over 65 years of age with intent of increasing that exemption (MGL Chapter 59, Section 5, 17, 41-41C and any other law pertaining to this exemption) and that the matter be referred to LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT. Councilor O'Connell questioned if this exemption is the same exemption for Veterans. Councilor Harris informed her that it is not the same exemption. The exemption for the Veterans is a State exemption and will be handled by Representative Velis.

Upon motion of Councilor Harris, it was

VOTED: To increase the limit of the additional compensation by \$6,000.00 to \$10,000.00 for the City Clerk serving as Clerk of the Council, (MGL 41 Section 19F) per Home Rule petition, (stipend has remained the same since 1998) and be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT.

Upon motion of Councilor Flaherty, it was VOTED: To request the Audit Department to provide the Finance Committee, prior to

February 10th, with a three-year history of revenues related to Comcast's License and Franchise fees, and a corresponding report detailing how the money was spent and REFER TO AUDIT DEPARTMENT AND FINANCE COMMITTEE.

Councilor Flaherty informed the Council that he wants to know how much is being brought in when discussing the G & E Fiber Optics.

Upon motion of Councilor Flaherty, it was

VOTED: To request the Law Department to provide the Finance Committee with copies of contracts between the City of Westfield and Comcast and REFER TO LAW DEPARTMENT AND FINANCE COMMITTEE.

Councilor Flaherty informed the Council that he wants to understand the Comcast contract when discussing the G & E Fiber Optics.

Upon motion of Councilor Flaherty, it was

VOTED: To request the Law Department to provide the Finance Committee with copies of contracts between the City of Westfield and the Westfield State University, and/or any other party, related to Local Access Television and the so-called "Community Radio" and REFER TO LAW DEPARTMENT AND FINANCE COMMITTEE.

Councilor Flaherty informed the Council that he wants to know how money is spent and who provides the services so the same services can be provided in the future.

Upon motion of Councilor Flaherty, it was

VOTED: That a Bond Order entitled "A BOND ORDER FOR WATER TREATMENT AND DISTRIBUTION (\$5,000,000.00)" be given second reading by title only.

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

VOTED: That the Order be PASSED TO BE ORDAINED.

The vote on the foregoing was as follows:

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

Councilor O'Connell announced that on January 31, 2016 the DOT will hold a Public Hearing at South Middle School at 7:00 PM relative to the construction on Western Avenue.

Councilor Flaherty wished newspaper reporter Ted Laborde a speedy recovery.

At 8:46 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attests

Karen M. Fanion City Clerk/Clerk of the Council

Presented to the Mayor

Approved by the Mayor

2017

For approval An. No 201

Karen M. Fanion, City Clerk

Brian P. Sullivan, Mayor