

MEETING OF CITY COUNCIL  
WESTFIELD, MASSACHUSETTS  
FEBRUARY 2, 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. Councilor Paul was 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 19, 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 Ms. Kate Phelon, Executive Director of the Chamber of Commerce. She spoke in support of the \$15,000,000.00 bond order for the Westfield Gas & Electric Whip City Fiber Expansion.

Under "Public Participation" the Councilors were addressed by Ms. Kristen Mello, 27 Moseley Avenue. She informed the Council that her education specializes in Chemometrics which is advanced multivariate chemical data analysis. She submitted a copy of her presentation to each Councilor which contained information relative to her research and her own analysis of the contaminants she believes is in the water. Based on her research, she requested that the Council do the following:

- o Stop ongoing additional contamination of the Barnes Aquifer by putting a moratorium on fire fighting training;
- o Do not defer the cost of treatment to the residents, require the tenant to pay the fines and fees;
- o Create a Conservation Plan
- o Consider that there may be other variables that may need to be considered, the drought, a flaw in testing and co-contaminants.

During Ms. Mello's presentation, and upon motion of Councilor O'Connell, it was

VOTED: That Ms. Mello be allowed to continue beyond the three-minute limitation.

Councilor Flaherty questioned how much of a sample is used for the testing. Ms.

Mello informed the Council that it's her opinion that three tests should be done for each test. Councilor O'Connell questioned the filtration system that will be used with the recently passed bond order. Ms. Mello informed the Council that she talked to Heather Miller from the Water Department and that Ms. Miller will do the bench testing to look at what contaminants are in the water to determine the filtration system.

Councilor Harris offered a motion to refer the information to the Health Department and the Airport as they would be the experts in this area. Councilor Babinski offered a motion that the information be also referred to the Natural Resources committee. President Bean confirmed that upon motion of Councilors Babinski and Harris, it was

VOTED: That the information presented by City resident Kristen Mello relative to potential water contaminates be REFERRED TO NATURAL RESOURCES COMMITTEE and HEALTH DEPARTMENT.

Under "Public Participation" the Councilors were addressed by Ms. Tina Gorman, Executive Director of the Council on Aging. She thanked Councilor Knapik for all of his continued support of the Senior Center and all that he did to make the new Senior Center a reality. She wished him well in his new job as Administrator in Yarmouth, MA.

Under "Public Participation" the Councilors were addressed by Mr. Thomas Flaherty, Ward 5 Gas and Electric Commissioner. He spoke in support of the \$15,000,000.00 bond order for the Westfield Gas & Electric Whip City Fiber Expansion.

Under "Public Participation" the Councilors were addressed by Mr. Brian Hoose. He spoke in support of the \$15,000,000.00 bond order for the Westfield Gas & Electric Whip City Fiber Expansion to encourage downtown business in the gaslight district. He thanked the Council for their support relative to setting the tax rate and that the City needs to come up with alternate ways to generate revenue. He lastly congratulated Councilor Knapik on his new position in Yarmouth, MA.

Upon motion of Councilor VanHeynigen, it was VOTED: That the rules of the City Council be SUSPENDED in order to allow immediate consideration of an item on tonight's Agenda.

Upon motion of Councilor VanHeynigen, it was VOTED: Under immediate consideration, that the sum of \$1,500.00 be appropriated from Reserved for Unforeseen account #19500000-570900 to Law Department, Stipend-Administrative Records Access account #11510000-51960.

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.	Absent
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the appropriation is for the Records Access Officer for January 1, 2017 to June 30, 2017 per the new Public Records Law.

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

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

The Clerk read from the Agenda:

B. Appropriation of \$170,000.00 from DPW, Wastewater Division Undesignated Fund account #6700-359000 to DPW, Wastewater Division, Purchase of Services account #67004400-520000.

C. Transfer of \$492.00 within the Community Preservation from Supply account #24101770-540000 to Overtime account #24101770-513000.

D. Transfer of \$4,208.55 from Health Department, Part-Time Hourly account #15100000-511110 to Community Development, Part-Time Hourly account #11820000-511110.

E. Transfer of \$10,000.00 within the Police Department Animal Control account from the following:

\$5,687.95, Full Time Salary account #12920000-511000

\$1,669.55, Animal Control Overtime #12920000-513000

\$2,642.50, Animal Control Out of Grade #12920000-514200

to the following:

\$9,000.00, Animal Control Purchase of Services #12920000-520000

\$1,000.00, Animal Control Supplies #12920000-540000.

Upon motion of Councilor Figy, it was  
VOTED: That the Resolution entitled "A RESOLUTION FOR THE  
ACKNOWLEDGEMENT AND RECOGNITION OF THE 350<sup>TH</sup> ANNIVERSARY OF  
INCORPORATION, WESTFIELD, MASSACHUSETTS - MAY 19, 1669 - MAY 19, 2019  
be ACCEPTED AND PLACED ON FILE.

A Public Hearing was held on an application submitted by the City of Westfield, Airport Commission for a zone change at 89 Sgt. T.M. Dion Way from Industrial A to Airport District. Airport Manager Eric Billowitz was present to represent the application. Mr. Billowitz informed the Council that it's his 2<sup>nd</sup> official day as Airport Manager. He informed the Council that the intent of the zone change is to encompass the land of the airport boundary to have it all zoned Airport District. And this is essentially a housekeeping matter. Mr. Billowitz gave a brief history of the parcel and informed the Council that the as part of the FAA Master Plan in 2004 the parcel was identified as within the airport boundary and in 2011 the parcel was purchased with airport grant and at that time was noticed it had not been changed to airport district property. Councilor Flaherty questioned if the property is for a marijuana facility. Councilor Knapik informed the Council that that parcel would not be a marijuana facility. City Advancement Officer Joe Mitchell spoke in favor of the zone change.

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

Upon motion of Councilor Dondley, it was  
VOTED: That the application be REFERRED TO ZONING, PLANNING AND  
DEVELOPMENT COMMITTEE.

Upon motion of Councilor Knapik, it was  
VOTED: That the application submitted by Attorney Brad Moir for a Special Permit for Motor Vehicle Sales pursuant to Section 3-120.3(3) at 402 and 410 Southampton Road, applicant 410 Southampton Road LLC, Edward M. Foley, authorized agent be REFERRED TO LICENSE COMMITTEE and that a Public Hearing be scheduled at the earliest practicable date.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was  
VOTED: That the Bond Order entitled "A BOND ORDER FOR WHIP CITY FIBER  
EXPANSION" (\$15,000,000.00) be given first reading by title only.

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

VOTED: That the Order be PASSED TO SECOND READING.

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.	Absent
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that at this time 13% of residents have Whip City Fiber and up to 70% will have it when the project is all done. People are demanding that they want it. And thanked the G & E with the good faith meetings that they have been having with the Mayor on other issues not related to the bond. Councilor Flaherty informed the Council that the G & E Commissioners presented maps of the City at the Finance Committee meeting showing the stages of the expansion and they explained that it is a G & E obligation, not the City's obligation to pay for it. Councilor Flaherty informed the Council that G & E will pay for the bond from the revenue of the project and that the debt limit will not affect the City. Councilor O'Connell welcomed the G & E Commissions and the General Manager Dan Howard to the Council meeting and she spoke in support of the bond. Councilor Surprise also thanked the G & E Commissioners and spoke in support of the bond. He also expressed his support of revenue sharing which is another topic to be discussed at another time. Councilor Flaherty expressed his concern relative to customers flipping from Comcast to G & E which will have the numbers from Comcast go down. Councilor Allie informed the Council that he was impressed with the presentation of the G & E Commission at the Finance Committee meeting and he commended them for their progress and their remarkable record for services. He expressed his concern with the roads and that it's important to work with other City departments relative to infrastructure. Councilor Bean informed the Council that he sat through the meetings and that the G & E has the best interest of the City at heart and that he is proud of the City as to where they sit on this issue and that it will open up a competitive service for the residents. He informed the Council that Council Paul expressed his support of the project, but was unable to be here due to a business trip in the Netherlands. Councilor Bean also informed the Council that he has received letters of support from Senator Humason, Representative Velis and the Chamber of Commerce.

Upon motion of Councilor VanHeynigen, for the Finance Committee, it was VOTED: That the sum of \$5,000.00 be appropriated from Reserve for Unforeseen #19500000-570900 to Building Department, POS Secure Property account #12410000-520005.

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.	Absent
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes

Prior to the vote, Councilor VanHeynigen informed the Council that the appropriation will be used by the Building Department to secure abandoned property and if the cost of to secure the building is not paid back by the owner there will be a lien placed on the property.

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

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the appropriation of \$745,460.00 from Undesignated Fund account #6800-359000 to Public Works Department, Water Division to the following:

- \$641,720.00, Purchase of Services account #68004500-520000;
- \$ 19,000.00, Supplies account #68004500-540000;
- \$ 46,000.00, Capital Equipment account #68004500-585000;
- \$ 3,740.00, Small Equipment account #68004500-585500;
- \$ 35,000.00, Equipment /Vehicle #68004500-585001 REMAIN IN COMMITTEE.

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

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the motion of Councilor Flaherty requesting the Law Department to provide the Finance Committee with copies of contracts between the City of Westfield and Comcast REMAIN IN COMMITTEE.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the motion of Councilor Flaherty requested 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" REMAIN IN COMMITTEE.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the appropriation of \$250,000.00 from Community Preservation Undesignated (Reserve Balance) account #2410-340000 to the CPA Hotel Bismark Façade account #24101770-580200-5119 REMAIN IN COMMITTEE.

Upon motion of Councilor Flaherty, for the Finance Committee, it was VOTED: That the sum of \$249,335.73 be transferred to FY16 Engineering, Construction account #14110000-589200 from the following:

- a. \$155,670.49 from FY17 Engineering, Construction account #14110000-589200;
- b. \$80,000.00 from FY17 Public Works, Construction account #14210000-589200;
- c. \$13,665.24 from FY17 Engineering, FT Salary Employees account #14110000-511000.

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.	Absent
Andrew Surprise	Yes
Matthew VanHeynigen	Yes
Dan Allie	Yes
Mary Ann Babinski	Yes

Prior to the vote, Councilor Flaherty informed the Council that this is a prior year bill and that reimbursements, from Chapter 90 money, of expenses for work already performed were declined therefore the City is responsible for payments.

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

Upon motion of Councilor O'Connell, 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 17, Section 17-89 amended to add under subsection (a) Engine Brakes at Western Avenue, Upper Western Avenue and Paper Mill Road) be given first reading by title only.

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

Councilor O'Connell informed the Council that the Traffic Commission gave a positive recommendation for the amendment and is also supported by the neighborhood. Councilor Surprise spoke in support of the amendment informing the Council that the engine brakes are very loud on Western Avenue especially early in the morning and late at night. Councilor Harris questioned if the Police recommend this amendment. Councilor O'Connell informed the Council that the Police did recommend the amendment. Councilor Onyski agreed it was a good amendment for Papermill Road especially because of the large amount of truck traffic.

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 17, Section 17-115 No Parking Holland Avenue and Root Road) 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.

Councilor Figy informed the Council that the No Parking on Holland Ave is not the whole way to allow for events at Parker Park. The No Parking is on the westerly side from Court Street to a point 218 feet northerly from West Silver Street. Councilor Babinski spoke in support of the No Parking on Root Road. She informed the Council that it is a dangerous situation for cars to be parked on Root Road. Councilor Figy informed the Council that the No Parking on Root Road is for both sides from Medeiros Way to Wood Song Road. Councilor Harris questioned if the Police recommend this amendment. Councilor O'Connell informed the Council that the Traffic Commission did recommend the amendment.



Upon motion of Councilor O'Connell, for the Legislative and Ordinance Committee, it was  
VOTED: That the proposed ordinance amendment at Chapter 17, Section 17-82 Speed Limits on Honey Pot Road REMAIN IN COMMITTEE.

Upon motion of Councilor Figy, for the Legislative and Ordinance Committee, it was  
VOTED: That a Resolution entitled "A RESOLUTION REQUESTING THE MAYOR TO APPROPRIATE \$100,000.00 TO AID IN THE ACCEPTANCE OF PRIVATE WAYS IN WESTFIELD be ADOPTED.

Prior to the vote, Councilor Figy informed the Council that a major roadblock in getting streets accepted as City ways is the funding, therefore, this is only a first step in the lengthy process and that the Committee will keep the item in Committee and continue to discuss and develop the process. Councilor O'Connell informed the Council that the Council cannot appropriate money without the Mayor's permission so the Resolution is requesting the Mayor to appropriate money for this purpose. Councilor Allie informed the Council that he supports the Resolution and that this would be small portion of money for street acceptance projects to move forward if the DPW had money they could do some smaller streets. Councilor Figy informed the Council that the Engineer informed him that if \$100,000.00 was appropriated every year for a couple of years it would take care of a lot of streets. Councilor Flaherty informed the Council that Chapter 90 money is based on the number of miles of public ways. Councilor Onyski spoke in support of the Resolution and that an appropriation would help with many streets in his Ward 6. Councilor Bean informed the Council that the street acceptance is a daunting process and would like to see a streamlined process. Councilor Figy informed the Council that the rules and regulations are still being discussed in Committee.

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

1. Rules of Council Section 33 - Vacancies in office of mayor or on city council; temporary appointment for certain appointed officers
2. Rules of Council Section 36 - Taking land for municipal purpose
3. Rules of Council Section 37 - Composition of school committee
4. Rules of Council Section 38 - School committee term of office

Prior to the vote, Councilor O'Connell informed the Council that the maker of the motion (Councilor Bean at 4/7/16 meeting) is okay with removing these items.

Upon motion of Councilor Dondley, for the Zoning, Planning and Development, it was  
VOTED: That the amendment to the Ordinance regarding Notification of Property Owners REMAIN IN COMMITTEE.

Upon motion of Councilor Dondley, for the Zoning, Planning and Development, it was

VOTED: That the Zone Change application for 710 Southampton Road from Business A and Rural Residential to expand Business A and change from Rural Residential to Residential A be FAVORABLY REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE.

Councilor Figy, Liaison to School Department, submitted the Superintendent's Report.

Upon motion of Councilor Flaherty, it was

VOTED: Under Reconsideration, 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, Councilors' salary increase by \$3,000.00 in 2018 with graduated increase to \$15,000.00 in 2026) 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:

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

The President declared the motion PASSED.

City Clerk Karen Fanion submitted the resignation letter from Councilor At-Large, Councilor Knapik effective February 2<sup>nd</sup>, 2017 with the February 2<sup>nd</sup>, 2017 being Councilor Knapik's last meeting.

Upon motion of Councilor Harris, it was

VOTED: That Councilor Knapik's resignation be ACCEPTED AND PLACED ON FILE.

City Clerk Karen Fanion submitted the name of John Beltrandi III as the defeated At-Large candidate with the highest number of votes received at the November 3<sup>rd</sup>, 2015 City Election to fill the vacancy left by the resignation of At-Large Councilor Knapik.

Upon motion of Councilor Figy, it was VOTED: That John Beltrandi III as the defeated At-Large candidate with the highest number of votes received at the November 3<sup>rd</sup>, 2015 City Election to fill the vacancy left by the resignation of At-Large Councilor Knapik be ACCEPTED.

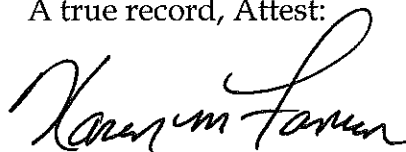
Councilor O'Connell welcomed John Beltrandi and wished out-going Councilor Knapik best of luck in his new position in Yarmouth, MA. Councilors Flaherty, Dondley, Figy and Bean all thanked Councilor Knapik for his years of service to the City as a City Councilor from 2002 to 2009 and 2016 as well as Mayor from 2010 to 2015. President Bean presented Councilor Knapik a plaque for his service. Councilor Knapik thanked everyone for their well wishes and wished John Beltrandi good luck as his successor.

Councilor Allie informed everyone that the Athenaeum has kicked off their fundraiser.

Councilor Flaherty reminded everyone of the bottle and can drive on March 4<sup>th</sup>, 2017 at Mr. Phipps in support of the Boy Scouts.

At 8:32 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:

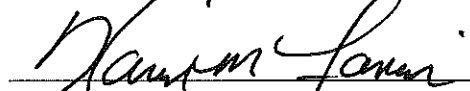


Karen M. Fanion  
City Clerk/Clerk of the Council


Presented to the Mayor

Approved by the Mayor

For approval Feb 10 2017

  
Karen M. Fanion, City Clerk

FEB 10 2017

  
Brian P. Sullivan, Mayor