

Minutes

L&O

May 3, 2016



Meeting called to order at 6 PM

Attending: Chair, Councilor Figy, Councilor Onyski, Councilor O'Connell

Others attending: Dave Billips, Charles Darling, Joanna Williams, Jim Baxter (HBU), Russell Denver (HUB), Rick Mazza, Susan Figy, Attorney Susan Phillips, Tammy Tefft, Joe Szenda, Meghan Kane, Eric Bishop, Attorney Kevin Sullivan, Attorney Shanna Reed, Fran Cain.

1. 4/28/16 Motion to pass A Resolution of the City Council to adopt MGL Chapter 328, Section 19

Our Consultants, Russ Dever advised us that the Mayor has selected an option provided by MGL Chapter 328 Section 19 that would allow him to negotiate collectively with ALL City of Westfield unions. This route stipulates that a 19 member collective of City Union Representatives negotiate with the Mayor. This option carries a 30-day window in which to complete negotiations as previous law had done. Another change would allow the mayor to not only negotiate deductibles and co-pays but carriers.

Joe Szenda from the Firefighters Union expressed concerns that the Teachers union, being the vast majority of weighted votes, could make concessions that might not be favorable to other unions. He asked the question of Attorney Dever "Was there another option that might work". Attorney Phillips would not let Attorney Dever answer this questions. Later Councilor O'Connell asked Attorney Dever to answer this question but Attorney Phillips, citing possible Open Meeting Law violations, asked Dever to not answer. O'Connell made note that this portion of the meeting would be noted in the minutes of the L&O subcommittee meeting.

Above Motion made:

- | | | |
|--------------|-----|---------------|
| 1. Figy | YES | |
| 2. Onyski | YES | |
| 3. O'Connell | YES | Motion passes |

2. 4/28/16 Motion to approve an order of taking of real estate in Granville for Public Water Supply by Rights of Eminent Domain (Olsen Property)

Dave Billips and Charles Darling spoke to the Committee in favor of this motion. Mr. Darling explained that this land sits between two feeder brooks that supply our water supply in Granville and it is very crucial that we obtain control and ownership of this land. There is a hostile land taking involved but all procedures to move forward with the land taking have been followed including DEP Hearing and appraisals. Councilor O'Connell asked for a copy of the appraisal but was informed by Attorney Phillips that it was not allowed under law that the City provide the appraisals.

Motion made:

- | | | |
|--------------|-----|---------------|
| 1. Figy | YES | |
| 2. Onyski | YES | |
| 3. O'Connell | YES | Motion passes |

3. Motion to approve an order appropriating the sum of \$440,000 for the purpose for taking land by Eminent Domain for water supply protection purposes (Olsen Property)

See above discussion. The state will re-imburse the City of Westfield \$203,000

- | | | |
|--------------|-----|---------------|
| 1. Figy | YES | |
| 2. Onyski | YES | |
| 3. O'Connell | YES | Motion passes |

4. 3/17/16 Motion to approve to re-appropriate bond order #2699 for the building of the Senior Center for \$400,000 for the Little River Substation Renovations and addition project. Received form Finance on 4-7-16 with no recommendation.

Tammy Tefft and Meghan Kane spoke to the committee regarding the history of this bond. Originally the bond amount of \$7.5 million was for the construction of the Senior Center (Bond #2669). There was \$400,000 left over and the Mayor has requested that this amount be allocated to a Renovation Project for the Fire Department's Little River Sub Station.

Motion made:

- | | | |
|--------------|-----|---------------|
| 1. Figy | YES | |
| 2. Onyski | YES | |
| 3. O'Connell | YES | Motion passes |

5. Motion (by Former City Councilor James Adams) to approve stipends of the two volunteer members of the Traffic Commission

Attorney Reed explained that there are options for allowing this, one of which is a Home Rule petition. She explained that there was an ordinance created in 2004 creating the Traffic Commission. Because the group does not meet every month but approximately four times a year and because the majority of the members on the Traffic Commission are in fact paid, full time, city employees, the ordinance specifically excluded and stipends.

Motion made to remove from Committee with no action

1. Figy	YES	
2. Onyski	YES	
3. O'Connell	YES	Motion passes

6. A motion by Council Flaherty to change the title of Junk Dealers and Junk Collector

Attorney Reed explained that State Statue describes these stores as Junk Dealers and Collectors. We could change the names as some communities have done and add other descriptions but to conform with state law the word "Junk" is included.

Motion made to remove from Committee with no action

1. Figy	YES	
2. Onyski	YES	
3. O'Connell	YES	Motion passes

Respectfully submitted,

Mary O'Connell

Meeting adjourned at 7:10

Sign In

Joanna Williams -

JIM BAXTER - HUB

Russell Jensen HUB

RICK MAZZA WESTFIELD P.D.

Alexander Tigg, Retiree

Susan Phillips

Tammy Telford

Joe Szenda WFD

Maghan Kane

Joe Szenda

Eric Bishop

Woody Darling

Dave) Billip

Kevin Sullivan

Shane Reed

Fran Cain



City of Westfield Massachusetts

Notice of Meeting

LEGISLATIVE AND ORDINANCE

RECEIVED

9:00 AM.

APR 29 2016

Date: MAY 3, 2016

Time: 6:00PM

Location: ROOM 315 CITY HALL

WESTFIELD CITY CLERK

Agenda

- 1) 4-28-16, A resolution of the City Council of the City of Westfield to adopt M.G.L. Chapter 32B Section 19
- 2) 4-28-16, An order of taking of real estate in Granville for Public Water Supply by Right of Eminent Domain.(Olsen property)
- 3) 4-28-16, An order appropriating the sum of \$400,000 for the purpose the purpose of taking land by Eminent Domain for water supply protection purposes (Olsen Property)
- 4) 3-17-16, Requesting approval to re-appropriate bond order # 2699 for the building of the Senior Center for \$400,000 for the Little River Substation Renovation-and addition project. Received from Finance on 4-7-16 with no recommendation.
- 5) 10-15-15, A motion by former councilor Adams that the ordinance that relates to the stipends of the two volunteer members of the Traffic Commission be amended to allow stipends to be provided.
- 6) 10-15-15, a motion by Councilor Flaherty that the title of Junk Dealer and Junk Collector be changed.



Memorandum

City of Westfield, Massachusetts
Office of the City Solicitor

TO: Ralph Figy, Chair of Legislative and Ordinance Subcommittee

FROM: Shanna R. Reed, Assistant City Solicitor

DATE: May 2, 2016

SUBJECT: May 3rd L&O Items

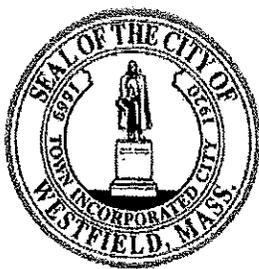
1. See attached resolution. This is a local acceptance statute that will allow for the city to enter into an agreement with the public employee committee and provide health insurance coverage via that agreement.

2. & 3. See attached Order of Taking and Order of Appropriation. This is for water protection purposes in the Town of Granville. The City was given eminent domain authority through the legislature in the late 1800's for areas covered by the Reservoir's watershed. The city has obtained a reimbursable grant for approximately half of the taking amount.

4. This office does not have information on this item.

5. The Traffic Commission was created through special legislation that specifically provided that the members of the traffic commission not be compensated. A change to this would require a home rule petition to amend the special legislation.

6. Massachusetts General Laws Chapter 140, section 54 and 56 both define junk dealer and collector, respectively. They state that "Cities and towns by ordinance or by-law may provide for the licensing, ... of suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, may make rules and regulations relative to their business, and may provide for the supervision thereof." (section 54) and "A junk collector shall be deemed to be any person who by going from place to place collects by purchase or otherwise junk, old metals or second hand articles, whether or not by previous contract or arrangement." (section 56). The City can change the name of the ordinance, but all references to the statute still refer to junk dealers and collectors.



City of Westfield



**BRIAN P. SULLIVAN
MAYOR**

City Hall
59 Court Street
Westfield MA 01085

Telephone: (413) 572-6201
Fax: (413) 572-6274

April 28, 2016

City Council
Westfield, MA 01085

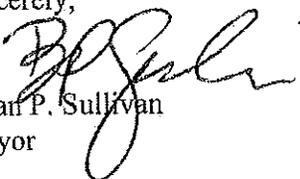
Attn: Karen Fanion
City Clerk

Ladies and Gentlemen:

This letter is a request for your immediate consideration and approval of a resolution of the City Council of the City of Westfield to adopt M.G.L. Chapter 32B, Section 19

Pursuant to Section 38 of the Council Rules, I request that this matter be acted upon the same day it is introduced.

Sincerely,


Brian P. Sullivan
Mayor

CITY OF WESTFIELD

IN CITY COUNCIL

May 2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTFIELD
TO ADOPT M.G.L. CHAPTER 32B, SECTION 19**

WHEREAS, said Chapter 32B section 19 is a local acceptance provision that allows for an appropriate public authority to provide health insurance coverage to all of its subscribers pursuant to an agreement between said authority and the public employee committee, and

WHEREAS, a city electing to accept M.G.L. c. 32B, section 19 must do so by majority vote of the City Council and approval by the Mayor.

NOW THEREFORE BE IT RESOLVED, that the City of Westfield hereby elects to accept M.G.L. c. 32B, section 19.



City of Westfield



**BRIAN P. SULLIVAN
MAYOR**

City Hall
59 Court Street
Westfield MA 01085

Telephone: (413) 572-6201
Fax: (413) 572-6274

April 28, 2016

City Council
Westfield, MA 01085

Attn: Karen Fanion
City Clerk

Ladies and Gentlemen:

This letter is a request for your consideration and approval of two Orders of Taking.

1. An Order of Taking of Real Estate in Granville for Public Water Supply of the Olsen Property.
2. An Order of Appropriation in the amount of \$440,000 for the Water Department from Account Receipt Reserved for Sale of Conservation Rights to the Water Department Land Account number (6804500-581000) for water supply protection of the Olsen property in Granville.

Sincerely,


Brian P. Sullivan
Mayor

half of the take



City of Westfield, Massachusetts
Office of the City Solicitor
59 Court Street
Westfield, Massachusetts 01085

Tel: (413) 572-6260
Fax: (413) 568-6745

April 1, 2016

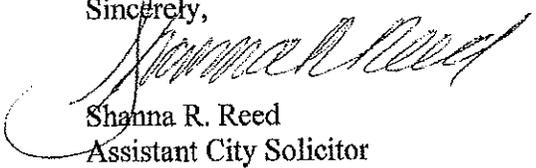
Hon. Brian P. Sullivan, Mayor
City of Westfield
59 Court Street
Westfield, MA 01085

Dear Mayor Sullivan,

Attached please find an Order of Taking of Real Estate for Water Supply Protection Purposes by Right of Eminent Domain as well as an Order of Appropriation to finance the same. The Board of Water Commissioners sought and has received the approval from the Department of Environmental Protection to acquire the property for water supply protection, a copy of which is attached. In addition the Board of Water Commissioners also recommended the use of Receipts Reserved for Sale of Conservations Rights Account for said purchase.

Please feel free to contact me should you have any questions, otherwise, please forward to the City Council at your earliest convenience.

Sincerely,


Shanna R. Reed
Assistant City Solicitor

Enc. (3)

cc: Deborah Strycharz, Auditor
David Billips, Department of Public Works Superintendent



CITY OF WESTFIELD, MASSACHUSETTS
Department of Public Works – Water Division
28 Sackett Street, Westfield, MA 01085
(413) 572-6243

David Billips
Director

Commissioners – Water Division:
Ronald Cole, Chairman
Matthew Barnes, Secretary
Michael J. Burns Jr., Member

Brian Sullivan, Mayor
City of Westfield
Municipal Building
Westfield, MA 01085

April 4, 2016

RE: Acquisition of land for Water Supply – Olsen Property

Dear Mayor Sullivan:

The Westfield Board of Water Commissioners meeting in regular session on October 6, 2015 took the following vote regarding the acquisition of the Olsen property in Granville MA for the purpose of water supply protection.

“The Westfield Board of Water Commissioners authorizes the Mayor of the City of Westfield and the Westfield City Council to proceed with the acquisition of 82.2 acres of land in the Town of Granville known as the Olsen Property and further authorizes the expenditure of \$440,000.00 for this acquisition. The property consists of two parcels identified as:

Granville Assessor’s map 10, Parcels 10 and 11 and Hampden County Registry of Deeds Book 2653 page 513.

The purpose of this acquisition is drinking water protection and land conservation and the acquired land will be under the care and control of the Board of Water Commissioners. The Water Resources Department is authorized to seek funding under MA Drinking Water Supply Grant Program and to enter into any required contracts for this purchase. “

If the acquisition meets with your approval, please forward this matter to the City Council for their action.

Sincerely,

David Billips
Director

Cc Shanna Reed, Law Dept.

ORDER NO. _____

CITY OF WESTFIELD

IN CITY COUNCIL

MAY 2016

**AN ORDER OF TAKING OF REAL ESTATE IN GRANVILLE FOR
PUBLIC WATER SUPPLY BY RIGHT OF EMINENT DOMAIN**

WHEREAS, the Board of Water Commissioners of the City of Westfield has determined the need for, and the Massachusetts Department of Environmental Protection ("DEP") has approved, the acquisition of certain lands, more particularly described below, within the Town of Granville Massachusetts for public water supply protection purposes; and,

WHEREAS, it appears necessary and desirable to acquire said land for the City of Westfield by right of eminent domain and appropriate it to public use for the purpose of aforesaid, and the Mayor and City Council have authorized and approved such action;

NOW THEREFORE, in consideration of the foregoing, and by virtue and in exercise of the power conferred by the City Charter, Chapter 342 of the Acts of 1895, the General Laws of the Commonwealth of Massachusetts and every other power, it is hereby

ORDERED: That the following described tracts of land located in the Town of Granville, Hampden county, Massachusetts, together with all rights and interests in said land, both legal and equitable, including all rights of way, easements, privileges, appurtenances, restrictions, reservations, conditions, estates and rights of reverter, remainders, lessee or tenants' rights, mortgage interests and all other rights whatsoever, together with and including also all trees upon said land and all structures affixed thereto, be and the same are hereby taken absolutely and in fee-simple in the name and behalf of the said City of Westfield, Massachusetts, by the right of eminent domain, and appropriated to public use for public water supply purposes.

The said land to be taken against the Clark C. Boynton.

Land on Old Westfield Road, Granville as described on Town of Granville Assessor's Map 10, Parcels 10 and 11, with buildings thereon, further described as follows:

That certain parcel of real estate situate in Granville, Hampden County, Massachusetts, identified as being a the property as set forth in a deed from Kenneth C. Haas, Personal Representative of the Estate of Peter J. Olsen recorded in the Hampden County Registry of Deeds Book 21074, Page 445, containing approximately 80.2 acres, more or less.

Total authorized amount for the parcel to be taken as described above is \$440,000.00. This property shall be under the control of the Board of Water Commissioners and is being acquired for water supply purposes.

It is further ORDERED: That the City Clerk cause a copy of this order of taking, certified by her and showing the Mayor's approval, to be filed and recorded in the Hampden County Registry of Deeds within thirty (30) days after its adoption, and that she cause all persons entitled thereto to be notified of these proceedings in the manner required by law.

It is further ORDERED: that this property is dedicated in perpetuity to purposes stated in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts including the protection of water resources and shall be fully protected by all provisions of Article 97.

Presented to the Mayor

APPROVED BY THE MAYOR

For Approval _____, 2016

_____, 2016

Karen Fanion, City Clerk

Brian P. Sullivan, Mayor

ORDER NO. _____

CITY OF WESTFIELD

IN CITY COUNCIL

MAY 2016

AN ORDER APPROPRIATING THE SUM OF FOUR HUNDRED FORTY THOUSAND DOLLARS (\$440,000) FOR THE PURPOSE OF TAKING LAND BY EMINENT DOMAIN FOR WATER SUPPLY PROTECTION PURPOSES

WHEREAS, the Board of Water Commissioners has determined that the acquisition of a parcel of land located in the Town of Granville, Hampden County, Massachusetts, is necessary in order to protect the quality of water delivered from the City of Westfield's Granville Reservoir; and

WHEREAS, the Board of Water Commissioners did file application with the Massachusetts Department of Environmental Protection ("DEP") for its approval of the acquisition of the said land in question for water supply protection purposes; and

WHEREAS, DEP did, after due notice, hold a public hearing in Springfield, Hampden County, Massachusetts on the 30th day of November 2015 on the said application; and

WHEREAS, DEP did thereafter by decision in writing dated December 10, 2015, approve the acquisition of the said parcel for water supply protection purposes; and

WHEREAS, the Board of Water Commissioners has voted to recommend the utilization the funds available in the Receipts Reserved for Sale of Conservation Rights to acquire the said parcel and the Mayor of the City of Westfield has requested the City Council to appropriate the funds from the said account to purchase the land;

NOW THEREFORE, in consideration of the foregoing, it is hereby,

ORDERED: that the sum of Four Hundred Forty Thousand Dollars (\$440,000) be and hereby is appropriated from the Receipts Reserved for Sale of Conservation Rights Account and allocated for the purpose of purchasing the land, said land, owned by Clark C. Boynton, described as follows:

That certain parcel of real estate situate in Granville, Hampden County, Massachusetts, identified as Parcels 10 and 11 on Town of Granville Assessors Map 10 being the same property as set forth in a deed from Kenneth C. Haas, Personal Representative of the Estate of Peter J. Olsen recorded in the Hampden County Registry of Deeds Book 21074, Page 445, containing approximately 80.2 acres, more or less.

Presented to the Mayor

For Approval _____, 2016

Karen Fanion, City Clerk

APPROVED BY THE MAYOR

_____, 2016

Brian P. Sullivan, Mayor

REQUEST FOR AN APPROPRIATION OF FUNDS

1. Enter Department name and complete Section B below.
2. Attach to letter to Mayor requesting funds.
3. Mayor completes Section A.
4. Mayor sends to Auditing for verification of balances/accounts.
5. Auditing approves funds and returns to Mayor.
6. Mayor forwards to City Clerk for City Council.
7. City Clerk verifies date voted by Council and forwards to Mayor for final approval.

Reminder: No letters to Mayor will be accepted without this form.

Department Name Water Department

A. From: TO BE DETERMINED BY THE MAYOR
Name of Account Receipt Reserved for Sale of Conservation Rights
Account Number 1000-330174
Amount \$440,000

B. To: REQUEST OF DEPARTMENT
Name of Account Water Department Land Account
Account Number 6804500-581000
Amount \$440,000.00

Verified by Auditor: Mary Daley Date: 4/28/16
Approved by Mayor: [Signature] 4-28-16

Voted by Council: _____

Approved by Mayor: _____



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Sjoberg
Commissioner

December 10, 2015

Mr. David Billips, Superintendent
Water Resources Department
City of Westfield
59 Court Street
Westfield, MA 01085-3572

Re: Granville
Westfield Water Resources
PWS ID# 1329000
Land Acquisition Parcels 10-10 &
10-11
Transmittal #X267833

Dear Mr. Billips:

On November 30, 2015, the Massachusetts Department of Environmental Protection/Drinking Water Program (MassDEP/DWP) held a hearing in its Western Regional Office in Springfield regarding the proposed acquisition of certain parcels of land in Granville, in accordance with the BRP-WS-26 Land Acquisition permit application received by MassDEP/DWP on October 16, 2015. The proposed use of the land is for the sanitary protection of the Westfield Water Resources Department Granville Reservoir. A copy of the legal notice regarding the hearing and published in the *Westfield Evening News* on November 18, 2015 was presented and read at the hearing.

The land in question consists of 82.2 acres, more or less, on Parcels 10-10, and 10-11 as shown on the Town of Granville Assessors' Map 10 and Hampden County Registry of Deeds Book 2653 page 513. A group of plans and maps showing the land in question labeled "Exhibit 1" was entered into the record and included the following: Drinking Water Supply Protection Area Map, Map 2: Granville Reservoir Protected Land and Zoning, Water Supply Protection Areas Map of 2 pages (Granville Reservoir), Property Plan (source Granville Assessor's Map No. 10 prepared by O'Connor Real Estate Associates, Location Map and Aerial Photo. An excerpt from "Surface Water Protection Plan: Granville Reservoir," May 2002, labeled "Exhibit 2" was also entered into the record. In addition, the project narrative submitted with the permit application, "Project Narrative-The Olsen Project" (2 pages), labeled "Exhibit 3" was entered into the record.

The hearing was attended by abutters/interested parties including Charles Darling, Susan Haas, Kenneth Haas, and Clarke Boynton. All of these parties provided statements at the hearing.

After reviewing the data available, this Department is of the opinion that acquisition of the land in question by the Westfield Water Resources Department will serve to protect the public water supply at the subject location.

The Department hereby conditionally approves the acquisition of the above-mentioned land with the following provision:

1. The Applicant must advise the Department in writing when the acquisition is completed and must provide the MassDEP/DWP with a certified copy of the recorded plan and recorded deed with the Registry of Deeds book and page for each document. The plan must include notation that the Department has approved the acquisition for water supply protection and specify the date of this letter.
2. Department approval of this acquisition is effective for a period of one year from the date of this approval letter.

No Environmental Notification Form is required to be submitted for this project since it is categorically exempt under the Environmental Protection Regulations of the Executive Office of Environmental Affairs and the acquisition of lands, as proposed, has therefore been determined to cause no significant damage to the environment.

If you have any questions regarding this issue please contact me at (413) 755-2148.

Respectfully,



Deirdre Doherty
Section Chief, Drinking Water Program
Bureau of Resource Protection

W:\brp\ws\permits\Land Acquisition\Westfield Water Resources\Granville 2015\Westfield 2015 Land Aq appr\l letter 2015-12-10

Cc: DWP/Boston Office
Charles Darling, Water Resources Engineer, City of Westfield (via email)
Catherine Hamilton, Kathleen Romero, DEP/DWP, Boston
William Toomey, 140 Reagan Road, Westfield, MA 01034
William Toomey, 10 Bruce Road, Westfield, MA 01034
Kenneth Haas, Susan Haas, 11 Bruce Road, Granville, MA 01034
Clarke Boynton, 15 Old Westfield Road, Granville, MA 01034
Matt Streeter, Town Administrator, Town of Granville, 10 Bruce Road, Granville, MA 01034

Project Narrative – The Olsen Project

The City of Westfield's Granville Reservoir System in Granville MA serves approximately 60% of the City's population. The City of Westfield owns and controls approximately 3,500 acres of the watershed for the Granville Reservoir which lies entirely outside of the boundary of the City.

The property the City is interested in acquiring for water supply protection purposes consists of two parcels comprising a total of 80.2 acres. These parcels are located on Old Westfield Road in Granville MA and are identified on the Granville Assessor's Map No. 10 as parcels 10, and 11. The properties were at some time in the past used as an apple orchard and in recent times only as a residence for the property owner. The properties are listed under chapter 61A.

These properties sit on high ground between the two major tributaries to the Granville Reservoir, the Hollister Brook and the Tillotson Brook. A feeder stream to the Tillotson Brook originates on Parcel No. 11. Since drainage from these properties goes directly to the reservoir or its feeder streams, protecting these properties from development is essential to maintaining water quality in the reservoir. A small portion of the property is in the Zone A protection area of the reservoir and most of the remaining property is in the Zone B protection area. The Town of Granville does not have zoning controls in place to protect drinking water watershed lands belonging to other communities.

The properties are mostly wooded with a total of five buildings one of which is a house. Four of the buildings are in very poor condition and would be demolished should the City acquire the property. One cement block building would be retained by the City and used for equipment storage.

This property is highly desirable for residential use with a potential for five building lots. Electricity and telephone service are available to these lots and they have a view which enhances their desirability.

A Phase I and II Environmental Site Assessment completed for the properties revealed that there were several Recognized Environmental Conditions (RECs). The current owner retained the services of Tighe & Bond Consulting Engineers to handle the response actions and the site was classified as Tier II. It is anticipated that all remediation activities will be completed prior to acquisition by the City.

These properties are especially important to reservoir water quality protection due to the proximity of this land to the reservoir body. At its closest point the property is 700 feet from the reservoir. Any development on these properties could easily contribute sediment and pollutants to the City's drinking water.

The acquisition of these properties was identified as the highest priority for land acquisition in the Granville Reservoir Surface Water Protection Plan completed in May 2002. A grant under BID ENV 14DCS 04 was awarded for the acquisition of this property but the acquisition was not completed due to a desire of the property owner to sell the property to a third party. The property will now be acquired through the process of eminent domain.

This property directly abuts other watershed lands owned by the City of Westfield and will be managed and maintained for water supply protection and water quality improvement. Work will periodically be done to identify and control invasive species on this property. Once acquired the City will take steps to control illegal dumping by blocking vehicle access points and Water Resource Department operators will do a drive by inspection daily of the property looking for evidence of improper activity. The City will have its licensed Forester study the property and make specific recommendations on bringing the property in line with the City's approved Forest Management Plan

Forest management will be accomplished in accordance with the department's approved Forest management Plan. Existing cleared areas with the exception of fire lanes will be allowed to naturally regrow and return to forest. It is the City's opinion that forested watershed lands yield higher water quality. Regeneration will be monitored by the City's licensed forester. It is the City's goal to maintain a species, age and tree size diverse forest on this watershed. Selective timber harvesting will be planned and conducted in consultation with the Department's licensed Forester.

Public access will be allowed on this property for passive recreation as it is allowed on other City owned watershed lands. The Water Resources Department has a Public Access Policy in place for the Granville watershed that has proven to be very successful.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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December 10, 2015

Mr. David Billips, Superintendent
Water Resources Department
City of Westfield
59 Court Street
Westfield, MA 01085-3572

Re: Granville
Westfield Water Resources
PWS ID# 1329000
Land Acquisition Parcels 10-10 &
10-11
Transmittal #X267833

Dear Mr. Billips:

On November 30, 2015, the Massachusetts Department of Environmental Protection/Drinking Water Program (MassDEP/DWP) held a hearing in its Western Regional Office in Springfield regarding the proposed acquisition of certain parcels of land in Granville, in accordance with the BRP-WS-26 Land Acquisition permit application received by MassDEP/DWP on October 16, 2015. The proposed use of the land is for the sanitary protection of the Westfield Water Resources Department Granville Reservoir. A copy of the legal notice regarding the hearing and published in the *Westfield Evening News* on November 18, 2015 was presented and read at the hearing.

The land in question consists of 82.2 acres, more or less, on Parcels 10-10, and 10-11 as shown on the Town of Granville Assessors' Map 10 and Hampden County Registry of Deeds Book 2653 page 513. A group of plans and maps showing the land in question labeled "**Exhibit 1**" was entered into the record and included the following: Drinking Water Supply Protection Area Map, Map 2: Granville Reservoir Protected Land and Zoning, Water Supply Protection Areas Map of 2 pages (Granville Reservoir), Property Plan (source Granville Assessor's Map No. 10 prepared by O'Connor Real Estate Associates, Location Map and Aerial Photo. An excerpt from "Surface Water Protection Plan: Granville Reservoir," May 2002, labeled "**Exhibit 2**" was also entered into the record. In addition, the project narrative submitted with the permit application, "Project Narrative-The Olsen Project" (2 pages), labeled "**Exhibit 3**" was entered into the record.

The hearing was attended by abutters/interested parties including Charles Darling, Susan Haas, Kenneth Haas, and Clarke Boynton. All of these parties provided statements at the hearing.

After reviewing the data available, this Department is of the opinion that acquisition of the land in question by the Westfield Water Resources Department will serve to protect the public water supply at the subject location.

The Department hereby conditionally approves the acquisition of the above-mentioned land with the following provision:

1. The Applicant must advise the Department in writing when the acquisition is completed and must provide the MassDEP/DWP with a certified copy of the recorded plan and recorded deed with the Registry of Deeds book and page for each document. The plan must include notation that the Department has approved the acquisition for water supply protection and specify the date of this letter.
2. Department approval of this acquisition is effective for a period of one year from the date of this approval letter.

No Environmental Notification Form is required to be submitted for this project since it is categorically exempt under the Environmental Protection Regulations of the Executive Office of Environmental Affairs and the acquisition of lands, as proposed, has therefore been determined to cause no significant damage to the environment.

If you have any questions regarding this issue please contact me at (413) 755-2148.

Respectfully,



Deirdre Doherty
Section Chief, Drinking Water Program
Bureau of Resource Protection

W:\brp\ws\permits\Land Acquisition\Westfield Water Resources\Granville 2015\Westfield 2015 Land Aq apprvl
letter 2015-12-10

Cc: DWP/Boston Office
Charles Darling, Water Resources Engineer, City of Westfield (via email)
Catherine Hamilton, Kathleen Romero, DEP/DWP, Boston
William Toomey, 140 Reagan Road, Westfield, MA 01034
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Matt Streeter, Town Administrator, Town of Granville, 10 Bruce Road, Granville, MA 01034



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181

April 1, 2016

Charles Darling
Water Systems Engineer
Westfield Water Resources Department
28 Sackett Street
Westfield, MA 01085

Drinking Water Supply Protection Grant Award Letter
Re: The Olsen Property Project – Award Amount - \$ 203,000.00

Dear Mr. Darling,

I am pleased to inform you that your application to the fiscal year 2016 Drinking Water Supply Protection (DWSP) Grant Program for the The Olsen Property Project has been selected by the Executive Office of Energy and Environmental Affairs (EEA) to receive up to \$203,000.00 in funding assistance.

Project deadline is June 01, 2016

The project must be completed by June 01, 2016. If you anticipate any difficulties in meeting this spending deadline, please contact us immediately. Emmanuel Owusu is the DWSP program manager and can be reached at: 100 Cambridge St., 9th floor, Boston, MA 02114, (617) 626-1187 or Emmanuel.Owusu@massmail.state.ma.us. Direct all materials and correspondence to him, unless otherwise noted.

Conditions of your award

Your reimbursement payment is contingent upon your satisfactory completion of the following:

- Adherence to all contract specifications
- Certification of clear title
- Installation of a sign acknowledging receipt of DWSP funds
- Department of Environmental Protection (DEP) approval of the acquisition
- Completion of a Baseline Documentation Report and Land Management Plan

Next steps

Sign and return the following forms by April 30, 2016:

1. **State Standard Contract.** This document allows our fiscal department to establish an account for your project.
2. **DWSP Project Agreement.** Review the agreement to ensure that your project is correctly described. Your Chief Executive Officer and a majority of your Water Commissioners (or Selectboard acting as such) must sign both copies. Return both to EEA.
3. **Contractor Authorized Signatory form (both sides).** Authorizes the person who signs your contract and Project Agreements to sign on behalf of your organization. Must be notarized.
4. **Certified copy of municipal or board of water commissioners vote authorizing the purchase.** You must send the draft language to Emmanuel for review.

After EEA has received the above forms:

1. **EEA signs and executes the contract.** Only expenses incurred after this execution date are eligible for reimbursement. Do not close on the property until you have been notified that your Standard Contract has been executed by EEA. If you purchase the property before your contract has been executed, you will not be reimbursed.
2. **Submit a draft Conservation Restriction to EEA for approval, if you are conveying a Conservation Restriction as part of your project.** If you are using Community Preservation Act funds, you must convey a CR.
The CR review application available on the EEA Division of Conservation Services website: www.mass.gov/eea/dcs. Mail CR review documents only to:

The CR Reviewer
Executive Office of Environmental Affairs -DCS
104 Cambridge St., Suite 900
Boston, MA 02114

3. **DEP approval of acquisition.** Your grant award does not waive your obligation to comply with all relevant DEP requirements. You must obtain DEP approval for your acquisition by submitting a form BRP WS 26 *Sale or Acquisition of Land for Water Supply Purposes*, and holding a public hearing at the appropriate DEP regional office. The form and instructions are available online at <http://www.mass.gov/eea/agencies/massdep/service/approvals/brp-ws-26.html>. The application fee will be waived; applicants should indicate that they have received a DWSP grant award.
4. **Central Register Notice.** You must file a notice with the Central Register prior to closing on your property, in accordance with MGL Ch. 30B (Uniform Procurement Act), unless you are using Community Preservation Act (CPA) funds.

Deed language requirement

Your property deed(s) must state the following purpose of the acquisition:

[Property description, including location, survey area, and registry information of any plans] is acquired "*for the purposes of drinking water supply protection and land conservation.*"

Reimbursement procedures

You may request reimbursement after you have purchased the property, completed any necessary cleanup or site remediation, and met all conditions of your grant award. Your reimbursement request must include payment documentation, which will be outlined more fully when your executed contract is returned.

Legally and permanently protected conservation land

By accepting grant funding, you agree to keep the property undeveloped as water supply land, and open to the general public for appropriate passive recreation in perpetuity. It may not be converted to other uses or developed. You must abide by Article 97 of the Articles of Amendment to the State Constitution, as well as the terms of the DWSP Project Agreement.

Grant requirements information meeting

A short but important meeting to review program requirements will be held on:

Wednesday, April 20, 2016, 11:00am – 12:00pm
Mass. Division of Fisheries and Wildlife Field Headquarters
1 Rabbit Hill Road (off North Drive)
Westborough, MA 01581

Congratulations on your successful application to the DWSP program, and best wishes for a speedy completion of your project.

Sincerely,



Robert O'Connor
Director, Division of Conservation Services



City of Westfield



**BRIAN P. SULLIVAN
MAYOR**

City Hall
59 Court Street
Westfield MA 01085

Telephone: (413) 572-6200
Fax: (413) 572-6274

March 17, 2016

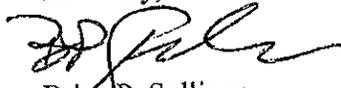
City Council
Westfield, MA 01085

Attn: Karen Fanion
City Clerk

Ladies and Gentlemen:

This letter is a request for your consideration and approval to re-appropriate Bond Order 2699 for the building of the Senior Center for \$400,000 for the Little River Sub Station Renovation and Addition project.

Sincerely,


Brian P. Sullivan
Mayor



CITY OF WESTFIELD, MASSACHUSETTS

59 COURT STREET, WESTFIELD, MA 01085
413-572-6254
413-572-1708 fax

March 10, 2016

The Honorable Brian P. Sullivan
Mayor of the City of Westfield
59 Court Street
Westfield, MA 01085

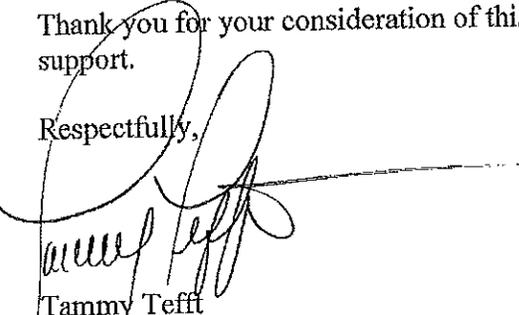
Dear Mayor Sullivan:

I would like to request the City Council re-appropriate bond order 2669 for the building of the Senior Center for \$400,000 for the Little River Road Sub Station Renovation and Addition Project.

Our teams are prepared to give a detailed presentation at the request of the city council, the finance committee and the L&O committee on the current project and the need for this re-appropriation.

Thank you for your consideration of this important proposal. I appreciate your continued support.

Respectfully,


Tammy Tefft
Director of Purchasing

CITY OF WESTFIELD, MASSACHUSETTS

IN CITY COUNCIL
(Amending Bond Order 2669)

ORDERED:

That Bond Order 2669 of this Council adopted on June 30, 2014 and approved by the Mayor on July 1, 2014, which order authorized the borrowing of funds to pay costs of constructing a new senior center, including the payment of any and all costs incidental and related thereto, is hereby amended so as to permit the expenditure of funds appropriated thereunder to pay costs of the construction and renovation of the Little River Road fire department substation, including the payment of any and all costs incidental and related thereto.



CITY OF WESTFIELD, MASSACHUSETTS

59 COURT STREET, WESTFIELD, MA 01085

413-572-6254

413-572-1708 fax

To: Councilor O'Connell

From: Tammy Tefft, Director of Purchasing

Date: May 3, 2016

Re: Answer to Questions from Email Dated May 2, 2016

Please see below answers to questions that you had sent to me on Monday May 2, 2016.
If I can be of further assistance please let me know. Thank you

1. *Time lines as to general bidding procedure*
 - a. Depended upon type of work, minimum amount given is two (2) weeks from bid advertisement. Most large projects are three (3) to five (5) weeks depending on filed sub bids.
 - b. Design could take up towards three (3) to six (6) months depending again on project and that does not include bids for designers or OPM's.
2. *Time lines as it relates to the Little River Road Project*
 - a. Started the feasibility studies on October 2012
 - b. Contracted in August of 2014 for Schematic Design
 - c. Contracted in February of 2015 to finish the design to 90%
 - d. Design and Estimate review in December 2015 & January 2016
 - e. February were given the go ahead to bid the project award contingent upon funding
 - f. Bid was available on April 6th 2016
 - g. Pre bid walk through was April 14, 2016 at 11:00
 - h. Filed Sub Bids were due on April 27, 2016 at 2:00
 - i. General Bids are due Thursday May 5th at 2:00
3. *Amounts that generate what type of bidding rules*
 - a. Please see attached rules from the Inspector General's Office that the office follows
4. *Bonding procedures that are required and that we use*
 - a. Please see attached rules from the Inspector General's Office that the office follows
5. *Timing of the Project (Little River Road)*
 - a. May 5th First Reading of Re-appropriation of Bond
 - b. May 19th communication from the Mayor on funding from Ambulance Fund & the remaining money needed for the construction
 - c. June 2nd second reading of re-appropriation and approval of ambulance fund and additional fund from Mayor
 - d. June 6th contract award (which is exactly 30 days from bid opening which is required from MGL c149)
 - e. July 5th delivery and set up of the temporary housing for the Fire personnel
 - f. July 5th construction to start for a 10 month construction schedule
 - g. November 1st take over apparatuses bays to allow storage of our Fire Truck and Ambulance which would keep the equipment local and not cost us storage fees
 - h. May 2017 expected occupancy of the Little River Road Sub station



GLENN A. CUNHA
INSPECTOR GENERAL

The Commonwealth of Massachusetts

Office of the Inspector General

John W. McCormack
State Office Building
One Ashburton Place
Room 1311
Boston, MA 02108
Tel: (617) 727-9140
Fax: (617) 723-2334

August 2014

Dear Local Official:

The following charts were created by the Office of the Inspector General for local officials to use as a quick reference guide on public procurement procedures that must be followed pursuant to the Massachusetts General Laws. Your local rules may establish stricter or additional requirements that you must follow. Contact your chief procurement officer (CPO) or legal counsel for advice on your local rules and procurement procedures.

The charts highlight particular compliance requirements depending on the cost or the nature of your procurement. For example, the charts highlight, where applicable, the requirement for a ten-hour course in construction safety and health approved by the United States Occupational Safety and Health Administration (OSHA). Pursuant to M.G.L. c. 30, § 39S, any person submitting a bid for, or signing a contract to work on, a public building or public works project estimated to cost more than \$10,000, must certify under the pains and penalties of perjury that he or she is able to furnish labor in harmony with all other elements of labor employed in the work and that all employees employed on the worksite, or in work subject to the bid, have successfully completed at least ten hours of OSHA approved training. The charts are meant to provide a general overview of the principal public procurement statutes, and are not a substitute for consultation of the statute or the advice of legal counsel.

The charts include:

- M.G.L. c. 149 -- BUILDING CONSTRUCTION CONTRACTS [CORRECTED Aug. 8, 2014]¹
- M.G.L. c. 30, § 39M -- PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS (WITH LABOR)
- M.G.L. c. 30, § 39M or M.G.L. c. 30B -- CONSTRUCTION MATERIALS PROCUREMENTS (WITHOUT LABOR)
- M.G.L. c. 7C, §§ 44-57 (formerly M.G.L. c. 7, §§ 38A½-O) -- PUBLIC BUILDING PROJECTS DESIGN SERVICES -- Cities, Towns, Regional School Districts, and Horace Mann Charter Schools
- M.G.L. c. 30B PROCUREMENT OF SUPPLIES AND SERVICES [UPDATED July 15, 2014]²

Any suggestions for the charts or questions concerning M.G.L. c. 30B may be directed to this Office by calling 617.722.8838. Questions concerning M.G.L. c. 149, M.G.L. c. 30, § 39M, and M.G.L. c. 7C may be directed to the Office of the Attorney General by calling 617.727.2200 or your legal counsel.

¹ The chart has been corrected relative to the advertising requirements for building construction contracts estimated to cost \$10,000 to \$25,000. The corrections are in accordance with M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 188 of the Acts of 2010 and Section 16 of Chapter 409 of the Acts of 2010.

² With the passage of the FY 2015 Budget, new Chapter 30B thresholds are in effect as of July 1, 2014. Chapter 30B sections 4, 5, 6, 6A, 7 and 16 were amended. The amendments replaced the \$25,000 thresholds with \$35,000 thresholds in these sections only. No other changes were made.

M.G.L. c. 149 -- BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000 ¹	\$10,000 to \$25,000	Over \$25,000 to \$100,000	Over \$100,000	Over \$10,000,000
Procurement Procedure	Sound business practices	Solicit written responses.	Sealed bids (using M.G.L. c. 30, § 39M procedure).	Sealed bids.	Solicit statements of qualifications prior to soliciting sealed bids.
Advertising Requirements	No.	Advertise in the <i>Central Register</i> and COMMBUYS and post a notice on your jurisdiction's website and in the office at least two weeks before responses are due. ²	Advertise in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post a notice in your jurisdiction's office for at least one week before bids are due. ³ Posting on COMMBUYS or your website is optional.	Advertise in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post a notice in your jurisdiction's office for at least one week before bids are due. ³ Posting on COMMBUYS or your website is optional.	Advertise the request for qualifications in the <i>Central Register</i> , a newspaper, and COMMBUYS at least two weeks before responses are due. ⁴
DCAMM Certification	No.	No.	No.	Required for general bidders and filed sub-bidders.	Required for general bidders and filed sub-bidders.
OSHA Training	No.	Yes.	Yes.	Yes.	Yes.
City/Town Prequalification	No.	No.	No.	Optional. ⁵	Yes.
Filed Sub-bids	No.	No.	No.	Yes (\$20,000 and over).	Yes (\$20,000 and over).
Bid Deposit	No.	No.	5% of the value of the total bid.	5% of the value of the total bid, or sub-bid.	5% of the value of the total bid, or sub-bid.
Payment Bond	No.	No.	50% payment bond.	100% payment bond.	100% payment bond.
Performance Bond	No.	No.	No.	100% performance bond.	100% performance bond.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.	Yes.
Contractor Evaluation	No.	No.	No.	Yes.	Yes.

¹ M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 188 of the Acts of 2010.

² M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 188 of the Acts of 2010 and Section 16 of Chapter 409 of the Acts of 2010.

³ M.G.L. c. 149, § 44I.

⁴ The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification evaluation process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general and subcontractors who have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$100,000 apply.

⁵ If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the "Over \$10,000,000" column.

**M.G.L. c. 30, § 39M or M.G.L. c. 30B, § 5
CONSTRUCTION MATERIALS PROCUREMENTS (WITHOUT
LABOR)**

Estimated Contract Amount	\$10,000 and under		Over \$10,000
		M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option
Procurement Procedure	No.	Sealed bids.	Sealed bids.
Advertising Required	No.	Advertise once in the <i>Central Register</i> ² and your local newspaper at least two weeks before bids are due, and post a notice on your jurisdiction's bulletin board for one week before bids are due.	Advertise once in the <i>Central Register</i> ² and your local newspaper at least two weeks before bids are due, and post a notice on your jurisdiction's bulletin board for one week before bids are due.
DCAMM Certification	No.	No.	No.
OSHA Training	No.	No.	No.
City/Town Prequalification	No.	No.	No.
Filed Sub-bids	No.	No.	No.
Bid Deposit	No.	5% of the value of the total bid.	No.
Payment Bond	No.	No.	No.
Performance Bond	No.	No.	No.
Prevailing Wage	No.	No.	No.
Award contract to:	No.	Lowest responsible and eligible bidder.	Lowest responsive and responsible bidder.

¹ Authorized by M.G.L. c. 30, § 39M(d).

² M.G.L. c. 149, § 44J(a), M.G.L. c. 9, § 20A, and accompanying regulations require all contracts for construction services and all contracts for construction materials costing \$10,000 or more to be advertised in the *Central Register*.

M.G.L. c. 30B PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$34,999	\$35,000 and over
Procurement Procedure	Sound business practices. ¹	Solicit three written or oral quotes.	Sealed bids or proposals. (M.G.L. c. 30B, §§ 5 or 6).
Advertising Required	No.	No.	Advertise once in a newspaper of general circulation at least two weeks before bids or proposals are due, and post a notice on your jurisdiction's bulletin board or website for two weeks before bids or proposals are due. If \$100,000 or more, advertise once in the <i>Goods and Services Bulletin</i> at least two weeks before bids or proposals are due.
Award contract to:	Person offering the best price.	Responsible ² and responsive ³ person offering the best price.	Under § 5, the responsible and responsive bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
Written Contract Required⁴	No.	Yes.	Yes.
Maximum Contract Term⁵	Three years, unless majority vote authorizes longer.		

¹ M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

² M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as “a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.”

³ M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.”

⁴ M.G.L. c. 30B, § 17(a), states “All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.”

⁵ M.G.L. c. 30B, § 12(b), states “Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”

Chapter 62 of the Acts of 2004

AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF WESTFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be in the city of Westfield a traffic commission to consist of 5 commissioners as follows: the chief of police or his designee who shall serve at the pleasure of the chief, the superintendent of public works, the city engineer and 2 representatives from the city, 1 from the residential community and 1 from the business community. The mayor shall appoint and the city council shall ratify the appointments of the members from the residential and business communities.

SECTION 2. The chief of police or his designee shall act as the chairperson of the commission for the first year. Thereafter, the chairperson shall be chosen by election of the members of the commission on or before the third Wednesday of March of each year. The commissioners shall receive no compensation for their services but all expenses incurred for the purposes of this act shall be paid by the city. All statutes and ordinances applicable generally to the departments of the city not inconsistent with this act shall apply to the commission.

SECTION 3. When the traffic commission is first constituted, the term of the representative of the business community shall be from the date of appointment to the third Wednesday of the month of March following completion of 1 full year of service and 3 years thereafter; the term of the representative of the residential community shall be from the date of appointment to the third Wednesday of the month of March following completion of 2 full years of service and 3 years thereafter. The members shall serve until a successor is duly qualified and appointed. An appointment to fill a vacancy in such a position shall be for the unexpired term of the member who is being replaced. The police chief or his designee, the city engineer and the superintendent of public works shall serve while in office. The commission shall meet quarterly on the third Wednesday of March, June, September and December with special meetings called by the chairperson when deemed necessary.

SECTION 4. The traffic commission shall have such authority as provided in this act, to adopt, amend, alter and repeal rules and regulations, not inconsistent with the General Laws and this act, relative to vehicular street traffic and parking in the city and to the movement, stopping or standing of vehicles on, and their exclusion from, any street, way, highway, road or parkway under the control of the city, including rules and regulations designating any way or part thereof under the control of the city as a throughway under and subject to section 9 of chapter 89 of the General Laws and may prescribe penalties not exceeding \$200 for the violation of any rule or regulation adopted under this act. No such rule or regulation, except such special rules and emergency regulations as are declared and adopted pursuant to section 6, shall take effect until published once in each of 2 successive weeks in 1 or more newspapers of general circulation in the city. No rule or regulation approved by the traffic commission shall be effective until the traffic commission has first sent a report to the city council setting forth the rule or regulation or rules and regulations that that commission has voted to approve and the city council has voted thereon. In such vote, the city council may approve or reject each separate rule or regulation as presented without approving or rejecting the entire report but the city council shall not alter, amend or modify any rule or

regulation as proposed in such report. Upon vote of the city council with approval of the mayor, such rules and regulations as approved shall have the force and effect of law and may be enforced. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation to modify or limit any power or authority of the state department of public works or the state department of public utilities or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 5. The commission shall have power to erect, make and maintain or cause to be erected, made and maintained, traffic and parking signs, signals, markings and other devices for the control of such traffic and parking in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however to section 2 of chapter 89 of the General Laws.

SECTION 6. Notwithstanding sections 5 and 6, in the event of an urgent need required by considerations of public safety, the police chief may issue an emergency declaration adopting a temporary rule or regulation, not inconsistent with the General Laws, relative to vehicular street traffic and parking and the movement, stopping or standing of vehicles on any street, way, highway, road or parkway under the control of the city and may authorize installation of temporary traffic control signs or other temporary traffic control devices in conformity therewith. Upon issuance of such a declaration, a copy thereof shall be transmitted to the traffic commission for its consideration. Any such declaration shall expire as of the date of the regular traffic commission meeting next following the date of issuance of the declaration.

SECTION 7. All existing ordinances and regulations, relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission under this act and the adoption thereof by the commission shall not affect any act done or right accrued or penalty incurred or any suit.

Approved April 1, 2004.

Return to:

[List of Laws passed in 2004 Session](#)

[General Court home page](#), or

[Commonwealth of Massachusetts home page](#).