



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE
MEETING
WESTFIELD, MA
TELECONFERENCE
MARCH 16, 2021 at 5:00 PM

RECEIVED

By City Clerk's Office at 9:36 am, 4/15/21

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield **Legislative and Ordinance Committee** will be conducted via remote participation. Specific information can be found on the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or online at westfieldtv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Access information for the meeting is as follows:

Join Zoom Meeting <https://cityofwestfield-org.zoom.us/j/81758845710?pwd=M1o4UFNFZTIKS0JVaeEQ2ZDg0SDdPQT09>

Meeting ID: 817 5884 5710

Passcode: ze+Cu0+W

Dial by your location 1 646 558 8656

Meeting ID: 817 5884 5710

Passcode: 46151873

1. The meeting was called to order by Councilor Onyski at 5:00 PM.
2. Councilor Onyski called the Roll. The following committee members were present: Chair, William Onyski, James Adams and Michael Burns.
3. Councilor Onyski opened the meeting for public participation. There was no one present to speak.
4. Upon Motion of Councilor Adams it was
VOTED: That the L&O Minutes of March 2, 2021 meeting be accepted.
Motion seconded by Councilor
Approved by Roll Call 3-0
5. Upon motion of Councilor Adams, it was
VOTED: to RESCIND the remaining balance on Bond Order #2734 as the project (rehabilitating and reconstructing existing municipal outdoor recreational and athletic fields, original amount \$1.8 million) for which the bond order was passed has been completed and the amount of

\$20,000 remains unborrowed.

The vote on the foregoing was as follows:

Michael Burns	Yes
James Adams	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski welcomed City Treasurer/Collector, Matt Barnes. Mr. Barnes explained the Bond was for improvements to municipal outdoor playgrounds and athletic fields. The initial estimate for the project was \$1.8 million dollars which was the amount authorized by City Council for the project. The cost of any additional municipal outdoor recreational projects would exceed \$20,000. It would make sense to issue one Bond for the full cost of any future projects rather than this remaining \$20,000 and an additional bond. Councilor Onyski informed the committee that this specific Bond was acquired during the World Series for Bullen's Field. Mr. Barnes confirmed. Councilor Adams questioned if we were using \$20,000 in addition to the \$1.8 million or receiving \$20,000 back to the City. Barnes explained that the City authorized to spend \$1.8 million but the City only sold \$1,780,000. The City never borrowed the extra \$20,000 and now is saying we'll never borrow it. This will clean up the books.

6. Upon motion of Councilor Burns it was VOTED: to make a POSITIVE RECOMMENDATION to APPROVE an agreement between the City of Westfield and the Department of Transportation regarding Western Avenue Reconstruction - Phase 2 Project.

The vote on the foregoing was as follows:

Michael Burns	Yes
James Adams	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski welcomed City Engineer, Mark Cressotti to explain the request for authorization of 3 agreements with MassDOT. The three agreements include a Traffic Control Agreement, A Non-Participating Agreement and A Cost Overrun Not to Exceed 110% Agreement. These are all standard agreements for large projects that MassDOT does. The City signed these for both Columbia Greenway and Western Ave Central Section.

The Traffic Control Agreement establishes an agreement between DOT and City of Westfield that the traffic controls are authorized by the City and will not be changed without MassDOT agreement. These do require Ordinances, which will be available by the upcoming Council meeting. Traffic Controls include, but are not limited to, speed adjustments, no left turns, stop signs.

The Non Participating Agreement refers to any work involved, not necessitated by the effort. MassDOT requires the host community to sign off for enhancements the City desires. For the Western Ave Project this includes lighting on Holcomb Park, a sidewalk through Holcomb Park, water improvements and connections that are needed. Forty years ago a second water main was put in, on Western Avenue without cross connection to side streets that are needed. A 12" water main will be extended down Lloyds Hill to Route 20, part of a Capital Improvement

plan for the Water Department. Doing this work under the contract will have a cost savings on expenses like police details and pavement.

The Cost Overrun is a standard agreement that states if the City of Westfield designs the project with a contingency of 10% and goes over the 10%, they agree they will be liable. We have not gone over 10% on previous projects but this a requirement of MassDOT.

Councilor Onyski questioned that 110% of the project was 6.6 million dollars and if the City would be responsible for anything over that. Mr. Cressotti informed the committee that they haven't bid on the project yet so there is not an exact dollar amount. He confirmed it is the bid amount plus 10%, anything over would be required by the City. Councilor Onyski asked if the non participation agreement was \$723,000.00 and for the cost of piping. Mr. Cressotti shared his screen to show the Cost Estimate for the Project from January. It included expenses for crushed stone, removal of asbestos, water improvements, removal of drainage structures, sediments in pipes and drainage structures, temporary patching, accent lighting base precast, Park Lighting and ground mounted lighting with an estimate of \$748,965.00. The estimates have been revised to reflect \$723,000.00. Onyski asked for a copy of the document with the updates.

Councilor Adams questioned if the City could make changes to traffic controls after the agreement is signed, referencing a prior project. Mr. Cressotti confirmed changes could be made with MassDOT approval and then codified in the Ordinance. Councilor Adams questioned why the City was upgrading Holcomb Park. Cressotti stated several reasons. Whenever the City is making improvements to roadways around a park, they take the opportunity to improve it while the road is under construction. Holcomb Park currently lacks crosswalks to the park, handicap accessibility and lighting. Upgrading will invite people to the park by providing desirability and usefulness. Lastly, the City was able to get a design exception from MassDOT by putting a sidewalk through the park. Complete streets require sidewalks on both sides of the street. By placing the sidewalk through the park, there are cost savings. Adams stated his concern with parks being located on islands or in areas of heavy traffic and the dangers it imposes. He questioned the City's expense for Holcomb Park. Mr. Cressotti stated non participating costs were \$104,000.00 on the City side, non water related. Adams questioned the cost being spent specifically on Holcomb Park and if people would utilize it after putting in this work. Cressotti highlighted the crosswalks that would be added from Holcomb Park and the added benefits to pedestrians; one connecting to Mill St and one connecting to the alternate side of Western Ave.

Councilor Burns asked if they would be clearing trees similar to the Park Square project. Mr. Cressotti stated the park was dedicated to a former Park and Rec Administrator and although many trees have aged, they have significance. The City is looking to enhance the plantings, and will not be wiping things out. Councilor Burns clarified that one resolution encompassed all three agreements. He asked if the traffic controls would be coming before the Council. Onyski informed the committee that he spoke with Attorney Reed from the Law Department, and the list of traffic concerns and Ordinances will go before the Traffic Commission per state statute, then will be presented to the Council. Mr. Cressotti informed the committee that the Traffic Commission will be meeting tomorrow and getting information to Attorney Reed.

7. Upon motion of Councilor Adams, it was VOTED: to LEAVE IN COMMITTEE the motion to investigate and possibly recommend an Ordinance on home beekeeping.

The vote on the foregoing was as follows:

Michael Burns	Yes
James Adams	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski welcomed Health Director Joe Rouse. He informed the committee this was brought up late last year and there was good input from local beekeepers, including Nate Sperry from Western Mass Beekeeper Association. Councilor Onyski would like to have an open discussion with the councilors and Mr. Rouse about making this a Health Department regulation rather than an Ordinance. He suggested rather than regulating numbers of hives or footage requirements, requiring an appropriate water supply and other best practices be put in place. If footage requirements from property lines are in place, but the hives are not properly maintained, they could still become a nuisance to neighbors. Councilor Adams agreed but wanted to clarify that the Health Department could act on an issue if one were to arise without an Ordinance. Rouse thanked the councilors for having him be a part of the discussion. Guidance from the State Apiary program states to contact your Board of Health for licensing or regulations. He shared their sentiments that they can enforce this on the local Board of Health level without getting into the process of licensing when not necessary. It's a different regulatory role and turns from discretionary to enforcing laws and fines. Councilor Burns asked if the Board of Health would make a recommendation or regulation. Rouse stated he would use the State recommendations to draft regulations and could bring it to the Board of Health at their next meeting on April 14th. There would be a non criminal disposition resolution in the Board of Health regulations if we had to enforce but most times regulations are adhered to when addressed. Councilor Onyski and Mr. Rouse will work on the regulations and bring them back to L&O for review and submit to the Board of Health for their review and approval. Rouse expressed his appreciation for the unprecedented collaboration and noted this would be the first time bringing something to the Board of Health with Council involvement. Onyski echoed his positive sentiments on collaboration. Councilor Adams and Councilor Burns agreed. Rouse reminded the committee that Nate offered to do outreach education for any of the beekeepers. Councilor Adams commended the beekeeper community for their involvement. Councilor Burns commented on the high number of beekeepers in the Westfield community and how educational this has been.

At 5:44 PM, and upon motion of Councilor Adams , it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

Michael Burns	Yes
James Adams	Yes
William Onyski	Yes

Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee