



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
JANUARY 31, 2023 at 5:30 PM

RECEIVED

FEB 16 2023

WESTFIELD CITY CLERK

The meeting was called to order by Councilor Onyski at 5:30 PM.

Councilor Onyski called the Roll. The following committee members were present: Chair, Councilor Bill Onyski, Councilor Ralph Figy and Councilor Michael Burns. Also in attendance were Councilor Bridget Matthews-Kane, First Assistant City Solicitor Shanna Reed, Building Commissioner Carissa Lisee, Chairperson of the Historical Commission Cindy Gaylord, and Scribes of the Legislative and Ordinance Committee Karisa Zerbato, and Sue Gallo.

Councilor Onyski opened the meeting for public participation.

Under "Public Participation" the Committee was addressed by Leslie Clark-Yvon, 18 Holland Ave. She states that she was in support of expanding the demolition delay for properties of historical significance from 90 to 180 days. As an owner of her historic home of 30 years, she stated her and her husband looked for a home in a historic district and part of a vibrant downtown. As a 50 plus year educator she expressed the value of historic homes in education. They are utilized to show the students and help them understand what went on in their community. As a prior principal of Franklin Avenue School which is and should be in a historic district and now in her position in Southwick she expressed the value. She further stated when there is a reason to take a house it should be looked at carefully and all aspects should be considered.

Under "Public Participation" the Committee was addressed by Councilor Bridget Matthews-Kane, 81 Court Street. She is in support of extending the delay of demolition. She states that the State of MA has a Historic Commission that has a recommendation of a 12 month delay and upwards. Many local Historic Commissions find that 6 months does not provide an adequate amount of time and think that a 12-18 month delay is much more effective. Councilor Matthew-Kane is asking that a 6 month delay be put into effect to bring the City closer to the state recommendation. She presented a list of communities in the State and Westfield has one of the shortest demolition delays in the State being in the bottom 6 %. See list. The demolition delay since started in 2003 has only been invoked 3 times. One example was the Historic Commission was given permission to tear down The Foster House. The other 2 times the Easthampton Savings Bank and the property at 54 East Silver Street were saved. It is critical that the people that live in these neighborhood want the delay extended as well.

Under "Public Participation" the Committee was addressed by Cindy Gaylord Chairperson of the Historical Commission 35 Butternut Road, She states the demo delay provides time to let

the Commission speak with the homeowner to come up with another alternative. The property at Easthampton Savings Bank is an example. There was a public outcry and the old building was incorporated into the plans. She suggested people visit a link to Bob Browns talk on the lost mansions of Westfield. Almost all gas stations, fast food, is on the location of a previous mansion. A 6 month delay would give a longer period to work with the homeowner to see if there are other alternatives. The one time they didn't was the Foster House building as there was no reason to save it. They were able to tour and salvage different pieces before it was taken down. The Arnold Block was also able to be toured and artifacts were saved. She further stated with a little more time it would bring the City in line with other communities as well as help to save these historic buildings.

Under "Public Participation" the Committee was addressed by Linda Kibe, 21 Holland Avenue agrees with what others have spoken of and supports the extension of time to 3-6 months. She stated she loved her first beautiful home with all its old charm and walking through downtown and up to Stanley Park admiring the old homes. She also enjoys many old historic homes in MA. She further stated she has respect for the architecture of the homes and lifestyle of the early settlers. Her daughter has expressed to her that one of the best field trips was to The 1735 Dewey House. Ms. Kibe bought her third home which was built in 1775. It was originally built where the Methodist Church is and moved down the road. It has been a wonderful home for her and her family. She added she participated in Dickens of a Day in 2005. The talk of the architecture of the older homes is important, including bricks in the basement. She would like to save and protect all the older homes in Westfield.

Under "Public Participation" the Committee was addressed by Tom and Jane Stanziolo 16 Perkins Street. Their house was built in 1860. They took their time finding a house and were originally from New York moving here 11 years ago. They love their house as it is well built. They love the personality of the town. The house has original whips in it to keep the old feel alive.

Under "Public Participation" the Committee was addressed by George Layng 92 West Silver Street. His house was built in 1913 and he has been here for about 11 years. He recently found out that his house is historic. They have grown to appreciate it and want to do what they can to protect it. He is a teacher at Westfield State and did a history project on the Pine Hill area. If the delay allows the City to save more houses he is in support of it and would like to make history stand.

Under "Public Participation" the committee was addressed by Councilor Bridget Matthews-Kane. She presented a letter from Chris Carey, local architect, who grew up in Westfield and is in support of extending the demolition delay.

Upon Motion of Councilor Burns it was
VOTED: that the L&O Minutes of the December 15, 2022 meeting be accepted.
The motion was seconded by Councilor Figy. Approved by Roll Call 2-0

The vote on the foregoing was as follows

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| Michael Burns | Yes |
| Ralph Figy | Yes |
| Bill Onyski | Abstained |

Councilor Onyski abstained as he was not at the meeting.

Upon motion of Councilor Figy, it was
VOTED: to SUBMIT a Resolution of the City Council of the City of Westfield to Accept Chapter 269 of the Acts of 2022 .with a POSITIVE RECOMMENDATION. The motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

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| Bill Onyski | Yes |
| Michael Burns | Yes |
| Ralph Figy | Yes |

The Chair declared the motion PASSED.

Prior to the vote First Assistant City Solicitor, Shanna Reed informed the Committee that the drafted resolution of the letter came in from Chairman of the Retirement System letting the Mayor know the Board in August had voted to approve the COLA increase. Chairman Devine included a copy of the Act in the packet to the Mayor. Section 1 Subsection C stated it shall take effect for the members of the Retirement System by majority vote of the board and upon local acceptance of the City Council. The resolution is on the share drive. This is a local acceptance statute to increase the COLA.

Councilor Onyski stated that he did put in email from John Boorack from the Retirement Board of the State and Liam Brown from the Retirement Board of Westfield. The question was asked if it went from 3% to 5% how long would it extend the retirement payback. It was indicated it would be extended by one year. Councilor Burns asked if it was a 3%-5% for the first \$13,000. Councilor Figy stated this is correct.

Upon motion of Councilor Figy it was voted to keep the acceptance of Memorandum of Understanding between the City of Westfield MA and City of Northampton regarding the integrated bike share system in Committee. The motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

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| Bill Onyski | Yes |
| Michael Burns | Yes |
| Ralph Figy | Yes |

Prior to the vote First Assistant City Solicitor, Shanna Reed informed the Committee that City Engineer Allison McMordie was not able to attend tonight's meeting and she has the technical information. Shanna expressed concerns. The City does not have an actual agreement with Valley Bike it is with Northampton. The City would be an advisory group who can only make non-binding recommendations. She would never advise the City to enter into something that they have no legal contract with. The fee is \$4000.00 but that fee is just to Northampton. There is a cost to the bike share system itself. Allison will provide additional information related to this. Councilor Figy asked if the only way to acquire the bikes is to sign the contract with Northampton. Shanna responded yes as the City has no privity of contract. She provided the example if a bike gets stolen from Westfield, and dumped in the CT River the City can't just call Valley Bike and say the City wants a new bike. The City has no contract to go back on. Councilor Figy asked if we could do a contract with them, Shanna confirmed but stated that is not what's on the table right now.

Building Commissioner Carissa Lisee spoke up to give her input from the Zoning Enforcement perspective. She stated bikes will be found everywhere, people are going to be stealing and dumping them thus creating a zoning nightmare. She stated bikes in Chicopee that were previously out are no longer out. Councilor Burns asked if there was another side to this. The Grant was applied for prior to Allison becoming the City Engineer and was accepted by the Council. Allison forwarded the MOU that went with it because it was accepted. Pavement, Electrical. Allison understands the Law Department concerns, advice has been given. The technical questions of terms and conditions can be saved at a time with the City Engineer Allison McMordie. Councilor Bridget Mathews states she was under the impression that the \$4000.00 fee was for them to come in and reallocate the bikes. That is not the case there would be an additional fee with Valley Bike of which the City does not have a contract with.

7. Upon motion of Councilor Figy it was VOTED: to keep in Committee the Ordinance that will create a Public Arts Commission for the City of Westfield. The motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

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| Bill Onyski | Yes |
| Ralph Figy | Yes |
| Michael Burns | Yes |

Prior to the vote Councilor Onyski stated that Councilor Matthews- Kane contacted him and asked if this item could be left in committee.

Upon motion of Councilor Burns, it was
VOTED: TO LEAVE IN COMMITTEE to expand the demolition delay for properties of historical significance by extending the wait time for the issuance of a demolition permit from 90 days to 180 days. The motion was seconded by Councilor Figy. Approved by Roll Call 2-1

The vote on the foregoing was as follows: 2-1

Bill Onyski Yes
Michael Burns Yes
Ralph Figy No

Prior to the vote, First Assistant City Solicitor, Shanna Reed informed the Committee that in April 2022 she had drafted an ordinance change from 90 to 180 days. She presented the memorandum that went to the Chair of L&O and the Ordinance itself. Councilor Burns asked if it is enforceable. Shanna responded yes that a demo permit can't be issued unless they have the certificate. Councilor Onyski brought up the foregoing the 180 days if it is a public safety hazard. Commissioner Lisee said if structure is unsafe not sound and causing a threat to public safety a panel is made up of the Fire Chief, the City Engineer, the Building Commissioner and a licensed professional with building experience and knowledge. If they deem the building to be unsafe the home owner would have 24 hours to take it down or make it safe. She stated safety trumps demo delays or Historical significance. (780 CMR) Asst Solicitor Reed stated it doesn't need to be in a demo delay ordinance because it exists statutorily. Commissioner Lisee stated from her professional experience if someone owns a historic home and they want to keep it that way they are going to. If they cant afford to and they let it go it has lost its historic significance. She doesn't feel it needs to be extended however if extended there needs to be some funding available for the historic home owners to apply for especially with the rising cost of materials for repairs. She loves historical homes and owned one before it was destroyed in a fire. She again stated if homeowners of historical homes want keep it they will try to find ways to keep it that way. From the building side the City can't force them into it. Question posed by Councilor Onyski during the 180 days can the person just wait it out? Asst Solicitor Reed answered yes they can just wait it out. Sometimes it is a financial hardship and the Historical Commission can sometime direct them to Grants or other funding things that may be available to help with that. The 180 days is used for a brainstorming session. They don't have to take any action though once the 180 days is over they can apply for their demolition permit. Councilor Figy asked who maintains the record of which homes are historical and which ones are not. There is a list on the Historical Commissions Section on the City Web Page. Councilor Matthews- Kane researched how other City's are handling the emergency demolition. They have in ordinance and other things in addition such as the head of the Historical Commission needs to be notified as soon as possible and kept in the loop. Also they have to issue a written report of their findings .The National Historic Society allows for rehab of the property (porch off, roof windows) Businesses are mostly destroying the houses not the home owners. Councilor Onyski asked Commissioner Lisee if there was a written report at the end. She responded a finding is issued

finding on the survey. If an additional report from a structural engineer this would give the homeowner an extra cost. A letter is issued to the homeowner stating the findings with 4 professionals agreeing the property is unsafe and a danger to the public. They would have 24 hrs and Asst Solicitor Reed states that if the homeowner does not do something the City then has to step in and do something putting a lien on the property. In her time here the City has only reached that point 1 time. The delay is statutorily there and she doesn't believe she would advise to add anything additional than what is already in the statute because it's a safety issue. She adds this isn't the decision of one person it is from a professional panel. The change that was given was just the time frame from 90 to 180 days.

Cindy Gaylord Chair of the Historical Commission again stated that the Committee can't force the homeowner to do anything they would just like the time to work with the homeowner. She further stated that it is usually a business that wants to tear down not a home owner.

Councilor Figy and Ms. Gaylord remembered the Wilcox Building being destroyed overnight and only the door was saved. The Historical Commission was not notified. The Commission was also not notified on Franklin Street demolition.

Upon motion of Councilor Figy to accept the Legal Departments response it was Request the Legal Department to review "Committee of the Whole" meetings. The Motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing as follows:

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| Bill Onyski | Yes |
| Michael Burns | Yes |
| Ralph Figy | Yes |

Prior to the vote Assistant City Solicitor Shanna Reed stated there are no rules and parameters for Council on Committee of the Whole. The only place she could find was in Boston. This will be up to the Council as long as they are not in violation of the Open Meeting Law. Will be looked at Thursday.

Upon Motion of Councilor Figy it was VOTED to place on file the request for Legal Department to Review Rule #9- motions to be read by presiding officer. The Motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing as follows:

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| Bill Onyski | Yes |
| Michael Burns | Yes |
| Ralph Figy | Yes |

Prior to the vote Assistant City Solicitor Shanna Reed can't speak more to the rules unless you want to amend them. If a motion is made and seconded, it should be in possession of the Council. She is not certain what the question is on this. Councilor Onyski said there is no more "I don't recognize that motion" Shanna said technically that would be in violation of the rules.

Upon Motion of Councilor Burns, it was VOTED: To remove from Committee with no action. The amendment to code of ordinance Sec 2-36 and 2-37 to clarify that Special Meetings and committee of the Whole Meetings shall begin no earlier than 7:00 PM. The motion was seconded by Councilor Figy. Approved by Roll Call 3-0.

Bill Onyski Yes
Ralph Figy Yes
Michael Burns Yes

Prior to the vote Assistant City Solicitor Shanna Reed stated that there is no such thing as Committees of the Whole in the rules, so it would be for any Municipal meetings. It is entirely up to the Council . Right now it is 5:00 PM and will remain unless changed. Councilor Figy spoke as former Chair of the Finance Committee and stated room 207 can be in high demand and many times they needed to be done by 7PM. Time is needed to discuss the budgets with each individual departments and sometimes an early start was needed.He feels the change would be negative. Shanna state that The Fire Commission and The Council on Aging can be at different times and locations. Special Meetings can be flexible.

At 6:25PM, and upon motion of Councilor Burns, it was VOTED to ADJOURN. The Motion was seconded by Councilor Figy. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

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| Bill Onyski | Yes |
| Michael Burns | Yes |
| Ralph Figy | Yes |

Respectfully submitted, Sue Gallo, Scribe for the Legislative and Ordinance Subcommittee

