



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
May 03, 2023 at 5:30 PM

RECEIVED

JUN 14 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 Councilor Cindy Harris, Councilor Kristen Mello, Building Commissioner Carrissa Lisi, Electrical Inspector Mike Jasmin, First Assistant City Solicitor Shanna Reed, Director of Community Development Peter J. Miller, Planning and Development Jay Vinskey and Scribe of the Legislative and Ordinance Committee Sue Gallo.

Councilor Onyski opened the meeting for public participation. There was No one in attendance for Public Participation.

Upon Motion of Councilor Burns it was
VOTED: That the L&O Minutes of the April 19, 2023 meeting be accepted.
Motion seconded by Councilor Figy.

Approved by Roll Call 3-0

The vote on the foregoing was as follows

Michael Burns	Yes
Ralph Figy	Yes
Bill Onyski	Yes

Upon the Motion of Councilor Figy it was VOTED to .
SUBMIT a Resolution to declare a portion of 0 Church street as surplus and authorizing the Mayor to enter into a lease with Howie Realty Trust.(4/20/23).Motion was seconded by Councilor Burns.

Approved by Roll Call 3-0.

The vote on the foregoing was as follows

Michael Burns	Yes
Ralph Figy	Yes
Bill Onyski	Yes

Prior to the vote Councilor Onyski stated that this item is also in City Properties and is coming out of both committees at the next full City Council Meeting. Director of Community Development P.J Miller informed that for about the last 3 years The City has been in a

licensing agreement with Howie Realty for outdoor seating for The Hangar during the Summer months. This is the portion of the Little Park on 0 Church St. It is felt by the Cities Attorneys, Purchasing Agent that a lease agreement should be done at this time as the city is getting beyond what a licensing agreement may be. Licensing agreement is less formal and based on State procurement rules The City needs to go through a process. P.J. presented some comps to place a value on the property, which are part of the exhibits. The land is an improved plaza, not a park that the City has some assets in. The value was challenging to determine. The value of the lease is significantly below the requirement of \$35,000.00 to send out to public procurement. A 5 Year value is about \$8,000.00. P.J is asking to be allowed to enter into a lease agreement and The Mayor to make sure we get the appropriate value and to set the terms that are appropriate. A draft lease was presented with all requirements needed. Based on the 143.00 a month value for 3 years. Assistant City Solicitor Shanna Reed stated she drafted the resolution prior to the financial calculations being done and the option of the RFP or entering into a lease is there. She reiterates that because the numbers are below the \$35,000.00 The City does not need to RFP. Councilor Figy commended the comparisons given. He brings up that the process for 2 Rivers Restaurant outside setting is different. P.J explains that 2 Rivers is through the outside sidewalk permit process. The Hanger is not just a sidewalk, it is a plaza. With the sidewalk permit the DPW department is also involved in the process. The process is more complicated and was created to allow outdoor dining during Covid. Health department was also involved to determine the codes in that process. A sidewalk permit is a yearly fee of \$150.00. Councilor Burns asked if the Liquor License would be extended to the outside dining and P.J. explained that they have already gone to the Licensing Commission to amend and encompass this property already. Councilor Onyski suggested that this be an annual fee, not broken down to the 7 months.

Upon the Motion of Councilor Figy it was VOTED To Approve Resolution by Councilors Mello, Figy, and Sullivan Recognizing June 2023 as LGBTQIA+ Pride Month with Judge Greaney's name (4/20/2023)

Motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing was as follows

Michael Burns	Yes
Ralph Figy	Yes
Bill Onyski	Yes

Prior to the vote Counselor Onyski pointed out the 2 resolutions Recognizing June 2023 as LGBTQIA+ Pride Month. The difference in the 2 being the paragraph that Westfield Native John M. Greaney served on the Massachusetts Supreme Judicial Court from 1989 to 2008. He

wrote the concurrence in Goodridge v. Department of Public Health, making Massachusetts the first State to legalize same sex marriage. Councilor Figy asked Councilor Kristen Mello if when the second resolution was written, was permission obtained from Judge John Greaney. He is aware and was honored. Councilor Mello will be getting documentaion that he is aware that his name will be used in the resolution. Councilor Onyski would like to put the vote of the City Council on the Resolution. This would show what the support was in the future.

Upon the Motion of Councilor Figy To LEAVE In Committee Petition for a zoning amendment submitted by Councilor Onyski to amend the zoning ordinance at Sec. 4-121 to exempt certain fixtures from the exterior lighting standards.4/20/2023

Motion was seconded by Councilor Burns.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Counsior Onyski stated that this was voted out of City Council and The Public Hearing was closed by The Planning Board on April 20, 2023. There is a 90 day time period from the close of the Public Hearing to complete. Jay Vinskey provided the outcome of the Public Hearing and Councilor Onyski read it.

It is replacing what Councilor Onyski proposed with was installed prior to May 1, 2023 except that replacement of such fixtures shall be subject to the provisions of the section unless the replacement results in an equal or lesser illumination level and glare, and conforms with the light trespass standards described in 4-121.1 section 2. The lights can be replaced unless they are trespassers. Commonly used or connected operating as one they are exempt from the standard. Jay stated in Business industrial zones there is a higher level of trespass allowed than residential. Any property not in common use subject to the lot lines .5 ft candles and 15ft or more beyond the subject line .1 ft candles. Councilor Onyski asked how much is a .5ft candle of light. Electrical Inspector Mike Jasmin answered that it would be best to show it with a light meter. The light is enough to see your feet and catch motion, but not enough to read. Jay compares the full moon, with Councilor Onyski stating it is 5 times brighter than a full moon. Councilor Figy states that it will be ok unless it triggers a complaint to the Building Department.

Jay Vinskey states adding the word Residential Standards will make this apply to Residential abutters. Commissioner Lisi would like to know if the ordinance can clarify if it is measured from the property line or the fixture, if the property abuts residential. Jay explains that the district is a mapped line, so wherever that line is if you're 105ft away you can put up a taller pole, if you're 5 ft away a shorter pole. None of this would be affected in this change, Councilor Figy expresses to stay focussed on what we are looking at now and this subject may come up at a later date and possibly another review of the whole ordinance. Councilor Onyski stated that at a later date the Lighting Ordinance needs to be gone through with a multi-department committee. Councilor Figy stated, this will be above and beyond what we are talking about now

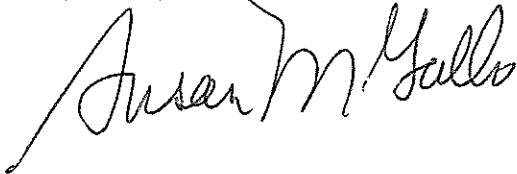
under a different motion. Also as technology changes a period review of the ordinance is a necessary thing. Councilor Burns would like to see something done now with the ordinance, it needs to be changed. Councilor Onyski would like to give it one more meeting in L&O and then bring it out and also request for an Ad-Hoc committee to make changes.

At 6:08 PM, and upon motion of Councilor Burns, it was VOTED to ADJOURN. Motion was seconded by Councilor Figy

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

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

A handwritten signature in cursive script, reading "Susan M. Gallo". The signature is written in black ink and is positioned below the typed name of the scribe.