

MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
May 16, 2023, at 5:00 PM

RECEIVED

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The meeting was called to order by Councilor Onyski at 5:00 PM.

Councilor Onyski called the Roll. The following committee members were present: Chair, Councilor Bill Onyski, and Councilor Michael Burns. Also in attendance Councilor Cindy Harris, Building Commissioner Carissa Lisi, First Assistant City Solicitor Shanna Reed, School Business Administrator Shannon Barry, Executive Director of The Council on Aging Tina Gorman, 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 May 3, 2023 meeting be accepted.

The motion seconded by Councilor Onyski.

Approved by Roll Call 2-0

The vote on the foregoing was as follows

Michael Burns-Yes

Bill Onyski -Yes

Upon the Motion of Councilor Burns it was VOTED to accept a Resolution to allow the Mayor to negotiate and enter into a lease agreement with North Elm LLC for Administrative Office Space for the School Department.

Approved by Roll Call 2-0

The vote on the foregoing was as follows.

Michael Burns-Yes

Bill Onyski-Yes

Prior to the vote The School Business Administrator Shannon Barry stated that the current lease with The Westwood Building that the School Department will expire in October. An RFP was put out for a new lease and the only response was from North Elm LLC the current lease holders. She stated they are looking to enter an agreement with them. It would be an initial 3 year term, with 3 additional options for a total of 9 years. Councilor Onyski posed the question of the square footage of the building 5,950.00 SQ. feet is the occupying space. An email of recommendation was sent by Superintendent of Schools Stefan Czaporowski as this lease includes utilities and all maintenance. Councilor Onyski questioned the option of years and who picks the options. Ms. Barry stated that The School Department has the sole right to take the options. Councilor Burns asked who occupies the building. Shannon replied

it is the first and second floor and that it is the Central Office of the School Department. Everyone is in the space except for The School Business Office is in there. It is also the place where parents come in to register their student, and do address changes. The motion was seconded by Councilor Onyski.

Upon the Motion of Councilor Burns it was VOTED to Accept an Ordinance amendment to Senior Citizen Property Tax Work-Off Program to remove Section 11-94. Requirements, etc. by deleting subsection h.(1) income guidelines. The motion was seconded by Councilor Onyski. The vote on the foregoing was.

Michael Burns-Yes
Bill Onyski-Yes

Prior to the vote Tina Gorman Executive Director of The Council on Aging spoke on The Property Tax Work-Of Program was established 12 or 13 years ago. There is \$20,000.00 in a fund for it. How the money is divided up is what changes. An ordinance change from \$500.00 to \$800.00 was done a few years ago to change the maximum amount someone could earn. The lowered the amount of people who could participate in the program. Covid has also reduced the number of participants as most of the participants volunteered in the public schools. One of the major concerns over the last several years has been the Income Guidelines. The income guidelines were set but they did not allow for inflation. Ms.Gorman would have a participant one year and with the participants Social Security increase, they would not qualify the next year. The index was then changed to 3x's the poverty level for the last several years. Ms Gorman stated she has people who inquire about the program and when she sends them the guidelines, they call her back and say they are over the guidelines. She stated that not every City or Town has this program and half the ones that do don't have any income guidelines. She polled all the directors in the Western MA area for those who don't have income guidelines what is the application versus participant ratio? The only City that had an issue was Holyoke they have 30 slots available, and they have 40-60 applicants. Everyone else stated they don't come close. The Town of Southwick just eliminated the income guideline. Easthampton is considering the same elimination. All other guidelines would remain in place for this program. If the number of applicants goes above the more applicants than there are slots. Priority would be given to the applicant who have never participated in the program before. Councilor Onyski stated there were 8 participants in 2021 and in 2022 there were 9 out of 25. Many asked about or applied but were over the income guidelines. Councilor Onyski asked First Assistant City Solicitor Shanna Reed if she had reviewed the ordinance and she replied yes and that she is good with it. Councilor Onyski asked Ms Gorman if The Council on Aging approved the change and she stated yes unanimously.

Upon motion of Councilor Burns to LEAVE in COMMITTEE Submitting the Mayor's objections to Resolution 3154, entitled "A Resolution setting forth a petition to the Senate and House of Representatives of the General Court of the Commonwealth of Massachusetts to revise and restate the Charter of the City of Westfield". Motion was seconded by Councilor Onyski.

The vote on the foregoing was.

Michael Burns-Yes
Bill Onyski-Yes

Prior to the Vote Councilor Onyski explained that the premise of this was in the Charter Change package that the Ad-Hoc committee worked on included taking the Fire Chief out of Civil Service. Mayor McCabe had objection to this. Councilor Onyski asked Attorney Reed if she has seen much of this document, she stated she has not since she went to Ad-Hoc in February/March. She advised that The City Administration would need to negotiate with The Fire Union, in order for that to happen. She stated she has not seen the final version of the resolution itself. It would restate the entire Charter, so that would take time to go thru the entire document and she has not seen that document. The topic at hand being the taking the Fire Chief position out of the Civil Service. The position not being a Civil Service position. Attorney Reed stated this can be done but there is a process and that process starts with negotiation. This process was not done and the moment that this came on the City Council Agenda phone calls were received from The Union threatening unfair labor practice, because negotiations weren't done before The Council was going to take the position out of Civil Service . Ms. Reed stated we need to do negotiation as it is part of the process. Councilor Onyski is going to look back on the City Council minutes to see what was voted on. He thinks that it was voted to remove the Fire Chief and send to L&O. Councilor Burns asked if we would need to wait the 3 years again or can we negotiate. Attorney Reed said no, you can always negotiate, you don't have to wait 3 years. The Administration would direct The Personnel Office and the Law Department to negotiate with The Unions Representative. Councilor Onyski states that Councilor Figy is not present and he had questions on this for Attorney Reed. Attorney Reed states with the Committees permission she will reach out to Councilor Figy for questions that he may have.

Upon motion of Councilor Burns to LEAVE in COMMITTEE Terry W. Beauregard, owner of 170 Loomis Street offering the City right of first refusal to convert part of the property out of the 61-A program. The motion was seconded by Councilor Onyski

The vote on the foregoing was.

Michael Burns-Yes
Bill Onyski-Yes

Prior to the vote Councilor Onyski stated that on May 2, 2023 the above was approved by the planning board. Conservation has not addressed this yet but they do not have to before L&O does. They can give their opinion separately after. All the recommendations go to the Mayor for his decision whether to exercise that option. In Attorney Reeds 15 years she has only seen it happen once, when the piece of property had Conservation land on one side and protected property on the other side. Usually the application is sent to The City Clerks for The City Council, Planning Board and Con Com for them all to make a recommendation. Usually with the 61-A is a Purchase and Sale to see if the property is a worthy purchase. At the time Attorney Reed had seen it there was no purchase and sale. She is not sure if it a complete packet at this time With a 61-A back taxes will have to be paid. It does not appear by Mr.

Beauregard's letter that there is a purchase and sale as he states his intent is to put on the market on or around June 15, 2023. Councilor Onyski asked if Mr. Beauregard was notified that his application was not complete. It was unclear if it had been done. Ms. Reed doesn't get the application in law. We have 14 days to notify that the application is complete. 16.5 Acres is on the application and 15 is what they would like to get out of the 61-A.

Councilor Onyski states that it is not possible at this time to make a decision without a purchase sale. It would depend on the price that is being offered. Councilor Onyski will contact Jay to contact the applicant. The applicant has the choice of taking it out of the 61-A, with an appraisal or selling it with a Purchase and sale. The Committee cannot analyze if it's worth it without a cost. The 120 days doesn't start until the packet is complete. Councilor Onyski will go forward with the City Planner to review.

Upon Motion of Councilor Burns to Accept

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 Onyski. The vote on the foregoing was. 2-0 to go out of Committee.

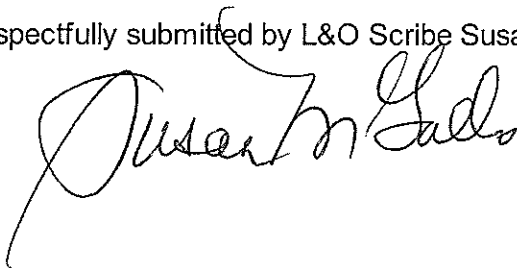
Michael Burns-Yes

Bill Onyski-Yes

Prior to the vote Councilor Onyski discussed he received the Planning Board's recommendation. To replace current 4-121 with #C-274-23. Was installed prior to October 2, 2017 shall be subject to the provisions of this section. The Planning Board met and their recommendation was installed prior to May 1, 2023 except that replacement of such fixtures shall be subject to the provisions of this section unless the replacement results on an equal or lesser illumination level and glare, and conforms to the light trespass standards described in 4-121.1. Everything is grandfathered right now. However, if they change fixture the light has to remain in the property so there cannot be light trespass onto abutting properties. They are allowed to change fixtures. Commissioner Lisee spoke that her and The Mayor came up with an agreement that the current lights that are not compliant will remain that way unless a complaint is received. If enforced, it would have to be enforced everywhere. It is just not possible to enforce all. Councilor Onyski stated it will take care of all the people who are affected by it. The Board voted (6-1) to recommend the proposed ordinance change.

At 5:41 PM, and upon motion of Councilor Burns, it was
VOTED to ADJOURN. Motion was seconded by Councilor Onyski

Respectfully submitted by L&O Scribe Susan M Gallo

A handwritten signature in black ink, appearing to read "Susan M Gallo". The signature is fluid and cursive, with a large initial "S" and "G".