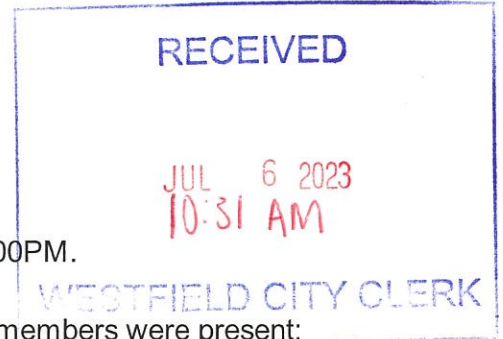




MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
May 31, 2023 at 5:00PM



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

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 First Assistant City Solicitor Shanna Reed, City Engineer Allison McMordie, 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 Figy it was
VOTED: That the L&O Minutes of the May 16, 2023 meeting be accepted.
Motion 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 |

Upon Motion of Councilor Figy it was Voted as a POSITIVE RECOMMENDATION Submitting an Order of Taking by right of eminent domain of several parcels of land along the Westfield River Levee to acquire permanent easements, temporary (5- year) easements and fee takings in order to complete the Westfield River Levee Multi-Use Path project.

Prior to the City Engineer Allison McMordie stated that she has already met with all property owners involved. Property owners have been sent 3 letters to date. The letter of intent, which covered what was happening. The second was a letter from the appraiser, stating when the appraisal will take place and if they are interested they are able to attend. The third was sent after the appraisals were done and received, and a dollar amount offer is sent. At this point they are moving forward with the actual Order of Taking to get it in with The Registry of Deeds. The last letter will then go stating that the property has been recorded with The Registry of Deeds and they can come pick up a check. Councilor Onyski asked if all the letters have been sent. Allison said yes they have all been sent and Attorney Reed replied that all the appraisals together equal the amount of the appropriation. It was asked by Councilor Onyski if there has been any objections. Allison stated that there has been a few objections concerning fences, however the appraisals have taken care of them being put back up after the project is

completed. There has been no objections to the actual project itself as presented with the omission of past The Franklin Avenue School. The appropriation was in The Finance Committee Meeting last night. Attorney Reed stated that the packet will be updated to include PE3 and PE5 for The City Council Meeting. The L&O Committee is voting on the positive recommendation for the taking of the 28 temporary easements, 2 permanent easements and 3 fee takings in order to allow the Rail Trail to go thru. Councilor Burns asked if it was all one reading and it is 2 readings. The first reading June 1, 2023 and the second June 15, 2023. This project is a minimal levee improvement project. Some improvements will happen, however this is a Rail Trail Project that is State Funded. This Taking will allow The City to maintain the levee as The City will have the easements and have the authority to enter the property.

Upon the Motion of Councilor Figy it was VOTED as a POSTIVE RECOMENDATION Submittling a Confirmatory Order of Taking of real estate by emlnent domain of Willlams Riding Way for the purpose of constructing, installing, maintaining, replacing, and using a flood control levee and a multi-use trail.

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

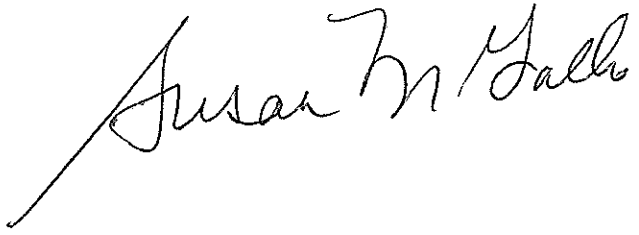
Prior to the vote there was discussion if this Confirmatory Order of Taking was voted on previously. Councilor Onyski will look into if it was done before. It was discussed that it was prior to Allison's time as The City Engineer. A resident wanted a sink hole fixed and in order to get the pipe fixed and easement had to be required to do the work. Attorney Reed stated with a Confirmatory Order there is no deed records, The City can't say that they own it, it is presumed that The City Owns it. It clarifies the ownership and Mass DOT requires that The City takes this step. The City is taking its own real estate. Williams Riding way goes up and around The City Pump Station. This is all part of the Multi-Use path Project. Councilor Onyski asked who is paying for the project. Allison stated it is a State Funded Project. The City is responsible for the Easements and The Lighting. That will come out of the budget and it is built into next year's budget.

At 5:20 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 by Sue Gallo, Scribe for the Legislative and Ordinance Committee

A handwritten signature in black ink that reads "Susan M. Gallo". The signature is written in a cursive style with a long, sweeping underline that extends to the left.