

MINUTES FOR LEGISLATIVE AND ORDINANCE COMMITTEE

March 14, 2019 AT 6:00 PM

CITY HALL ROOM 207, COUNCIL CHAMBERS

WESTFIELD, MA 01085

Attending: Chair Onyski, Member Burns, Member Morganelli

Other Councilors attending: Babinski, Emmershay, Harris, Surprise

Meeting called to order at 6:00 PM

- 1) Anyone taping or recording this meeting?
--Ch 15 Broadcasting the meeting

- 2) Public Participation
--None

- 3) Approval of February 25, 2019 minutes.
--3-0 in favor of approval

- 4) Upon motion of Councilor Onyski, it was
VOTED: That the information submitted by Assistant City Solicitor Shanna Reed from the Traffic Commission relative to the Papermill Road heavy commercial vehicle exclusion be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE and LAW DEPARTMENT. (1/17/19)
--This is part of a multi-step process to have a 24 hour truck exclusion on paper Mill Road
--Passing this would force many more trucks onto Holyoke Road
--Resident Joanne Barnes, Paper Mill Road gave timeline of events leading to this point. She supports a 24 hour exclusion especially because of school and park.
--Resident Jim Leahy, Paper Mill Road, supports a 24 hour exclusion.
--Chief Camerota supports the exclusion and Traffic Commission voted 4-1 in favor
--John Lane of Lane Quarry, East Mountain Road, spoke against the 24 hour exclusion because it would hurt his business because trucks would need to take a longer route to get to the quarry and may go elsewhere.
--All agreed that raising the East Mountain Road railroad underpass would solve the issue but that has been tried before with no success.
Voted: Burns Yes, Morganelli Yes, Onyski No

- 5) Submitting an amendment to Westfield Code of Ordinances, Chapter 10, Section 10-23
RE: Consumption of alcoholic or malt beverages in public; open container. (3-7-19)



- Atty Reed presented
 - Mainly to allow restaurants with sidewalk dining to serve alcohol on sidewalk
 - 3-0 in favor of approval
- 6) Orders relative to the 99 Springfield Road Traffic Signal Project--An Order of Taking of Easements of real estate for roadway, traffic and related improvements by right of eminent domain (3-7-19)
 - Atty Reed and Joe Mitchell presented
 - Allows City to take temporary and permanent easements for Traffic signal project
 - 3-0 in favor of approval
 - 7) Orders relative to the 99 Springfield Road Traffic Signal Project--An Order appropriating the sum of one hundred thirty-eight thousand five hundred dollars (\$138,500.00) for the purpose of taking land for roadway, traffic, parking and related improvements. (3-7-19)
 - Releases state monies for easements
 - 3-0 in favor of approval
 - 8) School Committee submitting a recommendation to have all coaches, referees and mentors be deemed Special Municipal Employees under the Conflict of Interest statute.(3-7-19)
 - Special Municipal Employee status allows streamlined hiring for those city employees that take a second, low paying position like coaching or being a referee.
 - 3-0 in favor of approval
 - 9) Upon motion of Councilor Surprise, (Emmershy, Babinski, Burns, Morganelli, Allie, and Flaherty), it was VOTED: That an Order ACCEPTING THE FOURTH PARAGRAPH OF MGL CHAPTER 40 SECTION 5B (Sample document was provided prior to meeting of January 18th) be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. (3-1-18)
 - Item 9 and 10 voted together
 - City must vote to accept MGL Chapter 40 in order to create Road/sidewalk stabilization fund.
 - Surprise and Emmershy spoke in favor
 - Voted: Burns Yes, Morganelli Yes, Onyski No
 - 10) Upon motion of Councilor Surprise, (Emmershy, Babinski, Burns, Morganelli, Allie, and Flaherty), it was VOTED: That an Order ESTABLISHING A SPECIAL PURPOSE STABILIZATION FUND TITLED "ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND", (Sample document was provided prior to meeting of January 18th) be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. (3-1-18).
 - Item 9 and 10 voted together
 - This voted to create the special fund
 - Surprise and Emmershy spoke in favor
 - Voted: Burns Yes, Morganelli Yes, Onyski No

- 11) Upon motion of Councilor Surprise, (Emmershy, Babinski, Burns, Allie, and Flaherty), it was VOTED: That for an order DEDICATING LOCAL OPTION MEALS TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND (Sample document was provided prior to meeting of January 18th) be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. (3-1-18)
--Atty Reed presented
--It was the Law Department and Mass DOR's opinion that the City Council can't allocate monies to go into a fund. It needs to operate as any other funding--starting with the Mayor
--Councilor Surprise and Emmershy disagreed.
Voted 3-0 to remove from Committee without action
- 12) Upon motion of Councilor Surprise, (Emmershy, Babinski, Burns, Allie, and Flaherty), it was VOTED: That an order DEDICATING LOCAL OPTION OCCUPANCY TAX TO THE ROAD AND SIDEWALK REPAIR AND MAINTENANCE STABILIZATION FUND (Sample document was provided prior to meeting of January 18th) be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. (3-1-18)
--Atty Reed presented
--It was the Law Department and Mass DOR's opinion that the City Council can't allocate monies to go into a fund. It needs to operate as any other funding--starting with the Mayor
--Councilor Surprise and Emmershy disagreed.
Voted 3-0 to remove from Committee without action
- 13) Upon motion of Councilor Morganelli, for the Zoning, Planning and Development Committee, it was VOTED: That the motion of Councilor Burns, (and Flaherty), that the City Council be requested to investigate and recommend Zoning Ordinances for short-term residential rentals (3/15/18) be REFERRED TO LEGISLATIVE AND ORDINANCE COMMITTEE. Councilor Morganelli submitted amendments to the zoning ordinance relative to the matter.
--Some work was done creating ordinance in ZPD committee
--Typically planning board presents CC with zoning changes but this is the other way around
-- We will still need to re-start this in Planning Board and it will work its way back to CC
Voted 3-0 to remove from Committee and refer to the Planning Board
- 14) Resolution to accept Massachusetts General Law Chapter 90 Section 17C, for the ability to establish a 25-miles-per-hour speed limit in thickly settled or business district.(3-7-19)
--Required to accept to change some areas to 25 MPH speed limit
Voted 3-0 in favor of approval
- 15) Chapter 17-73 Stop Intersections designated, add the following--Hampden Street for northbound operations at Jefferson Street (3-7-19)
Voted 3-0 in favor of approval

- 16) Chapter 17-73 Stop Intersections designated, add the following--Madison Street for southbound operators at Jefferson Street (3-7-19)
Voted 3-0 in favor of approval
- 17) Chapter 17-73 Stop Intersections designated, add the following--Westfield Industrial Park Road for southbound traffic at Westfield Industrial park Road (3-7-19)
Voted 3-0 in favor of approval
- 18) Chapter 17-115 Parking Prohibited--Add Fowler Street west side of street from Meadow Street to a point 158' northerly (3-7-19)
Voted 3-0 in favor of approval
- 19) Chapter 17-115 Parking Prohibited--Delete Sycamore Street both sides for a distance of 50' northerly from intersection of Meadow Street (3-7-19)
Voted 3-0 in favor of approval
- 20) Chapter 17-36 Markings--Approval of crosswalk on Pleasant Street at intersection with Pearl Street (3-7-19)
--No ordinance required for a crosswalk, just a positive CC vote
Voted 3-0 in favor of approval
- 21) Chapter 17-82 Speed Limits--Add business district 25 MPH: North Elm Street starting at 911 memorial southerly to Elm Street (3-7-19)
Voted 3-0 in favor of approval
- 22) Chapter 17-82 Speed Limits--Add business district 25 MPH: Elm Street from Main Street northerly to Union Avenue ending at the 911 memorial (3-7-19)
Voted 3-0 in favor of approval
- 23) Chapter 17-82 Speed Limits--Add business district 25 MPH: Elm Street from North Elm Street southerly to Court Street and Broad Street (3-7-19)
Voted 3-0 in favor of approval
- 24) Chapter 17-82 Speed Limits--Add business district 25 MPH: Franklin Street from Elm Street westerly to Washington Street (3-7-19)
Voted 3-0 in favor of approval
- 25) Chapter 17-82 Speed Limits--Add business district 25 MPH: Franklin Street from Washington Street easterly to Elm Street (3-7-19)
Voted 3-0 in favor of approval
- 26) Chapter 17-82 Speed Limits--Add business district 25 MPH: Court Street from Washington Street easterly to Broad Street (3-7-19)
Voted 3-0 in favor of approval
- 27) Chapter 17-82 Speed Limits--Add business district 25 MPH: Court Street from Elm Street westerly to Washington Street (3-7-19)
Voted 3-0 in favor of approval
- 28) Chapter 17-82 Speed Limits--Add business district 25 MPH: Main Street from State Street westerly to Elm Street (3-7-19)

Voted 3-0 in favor of approval

29) Chapter 17-82 Speed Limits--Add business district 25 MPH: Main Street from Broad Street easterly to State Street (3-7-19)

Voted 3-0 in favor of approval

30) Chapter 17-82 Speed Limits--Add business district 25 MPH: Broad Street from Elm Street southerly to East and West Silver Street (3-7-19)

Voted 3-0 in favor of approval

31) Chapter 17-82 Speed Limits--Add business district 25 MPH: Broad Street from East and West Silver Street northerly to Main Street. (3-7-19)

Voted 3-0 in favor of approval

32) Chapter 17-82 Speed Limits-- Add Long Pond Road – both directions 25 MPH (3-7-19)

Voted 3-0 in favor of approval

33) Adjourned at 8:00 PM

