

MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE

JANUARY 28, 2019 AT 5:30 PM

CITY HALL Room 207



Attending: Chair Onyski, Member Burns, Member Morganelli

Other Councilors attending: Allie, Babinski, Emmershay, Flaherty, Harris, Surprise

Meeting called to order at 5:32 PM

- 1) Anyone taping or recording this meeting?
--No one recording. Ch 15 was scheduled to Broadcast but there was no technician at the time of the meeting.
- 2) Public Participation.
--Barbara Rockus—supports City Council continuing the Special Permits and would like better enforcement of conditions.
--Dan Welch—President Babe Ruth—Supports Starfire Team coming to Westfield. Babe Ruth has always invested in the Billy Bullens Field. Has worked well with Starfire team.
--Councilor Flaherty—Supports baseball in Westfield and Babe Ruth.
--Mayor Sullivan—supports baseball in Westfield. Only agreed to Starfire lease if Babe Ruth league was supported. Indications are that all work good together.
--Councilor Morganelli read two emails into record—Kristen Mello (summarized) supports leaving Special Permits with City Council and Amy Beluso who also supports leaving Special Permits with City Council.
- 3) Approval of January 17, 2019 minutes.
--3-0 in favor of approval
- 4) Amending code of ordinances Chapter 11, section 11-68 Consumption, possession of alcoholic beverages
--Atty read spoke on this subject. Ordinance would allow alcohol to be sold on park property leased by the city on a seasonal basis. All state laws regarding alcohol still apply. This is mainly for Billy Bullens Filed/Starfire but may be of eventual use for the Hanger restaurant. 3-0 in favor of approval.
- 5) Submitting a resolution for the Mayor to enter into a lease of Billy Bullens Field.

--Allows Mayor to enter into a lease with Starfires baseball team and Billy Bullens Field. Lease will be respectful of Babe Ruth. Each October, Starfire, Babe Ruth, and representative of City will meet to schedule for the following season. Game times during nights will be dictated by existing City ordinance. 3-0 in favor of approval.

- 6) Submitting two local resolutions to accept a local option and establish a special fund for injury leave indemnification fund --one for Westfield Firefighters and one for Westfield Police.

--Atty Reed explained that Municipal Modernization Act allows special funds to be established for Police and Fire. Input to fund will be from insurance payments made to injured officer/firefighter that is reimbursable to the City. The City covers injuries but may, or may not, be reimbursed by an insurance lien. Output of fund(s) will be used for overtime for Police/Fire or any use under MGL Chapter 41, 111F. It may also be voted back in the General City Fund. 3-0 in favor of approval.

--Took recess from 6:15 to 6:20. After recess, Chair announced that it was brought to attention that there were 7, or more, City Councilors in the room which was a majority. Therefore, no additional City Councilor input would be allowed.

- 7) Resolution for the Mayor to enter into a Preservation restriction for Pilgrim Realty Union Trust (16 Union Street)

--Atty Reed and Planner Vinskey explained that the resolution is necessary to apply CPA funds. Money was already voted for approval by City Council. Resolution is necessary to follow through. This is a necessary housekeeping issue. 3-0 in favor of approval.

- 8) Resolution for authorizing the Mayor to sign a lease for 2018 John Deere 331G for DPW.

--Fran Cain spoke for DPW. It is lease to own after 5 years. The monies were budgeted already but the purchase price was higher than the budget so a lease made more sense. This is a common practice. Amongst other uses, this unit will be used for stump grinding in smaller, urban locations where a large stump grinder would create a large area to clean and 331G is a better fit. The purchase price is \$97,900.00 but with the lease to own, payments equal \$107,639.25. This needed to go to CC because it is part of a state contract that requires City approval before the contract could be signed. 3-0 in favor of approval.

- 9) Special permit transfers to Planning Board

--Plan is to go through each proposed Special Permit and determine which should move to Planning Board and which would stay with Council. Discussed each item and will recommend moving the following Special Permits to Planning Board:

- Section 3-90.3(3) New construction of multifamily dwellings which meet all area and density requirements of the district. (City Council)
- Section 3-120.3(3) Motor Vehicle Sales (excluding heavy/construction equipment) or Rental Agency. (City Council) (6/3/04)
- Section 3-130.3(5) Motor Vehicle Sales or Rental Agency. (City Council)
- Section 3-140.11(3) The design, size of lettering, lighting, etc. of all ground signs or accessory wall shall accompany the site plan submission and shall meet the approval of the City Council or its designee provided that additional signs may be added and existing signs changed after submission or approval of the site plan notification thereof and the necessary descriptions as above provided are given to the City Council and if the additions or changes are approved by the City Council. Exterior spot lighting of signs is permissible, but only if shielded so as to direct the light to the sign only.

Also discussed and agreed:

And DELETING from Section 8-10.2(5) (Signs), “(by Special Permit of City Council)” —yes, L&O should delete

And ADDING “(Planning Board)” as the currently unspecified special permit granting authority at Section 3-120.3(8) Pet kennels and veterinary hospitals,—yes, Planning Board approval

and Section 3-100.3(4) Theater, hall, club and other indoor places of amusement or assembly—want to add this to Council Special Permit.

3-0 in favor of approval of above.

10) Adjourn

Adjourned at 7:19 PM. 3-0 in favor of approval.