



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
WESTFIELD, MA
TELECONFERENCE
May 5, 2021 at 5:30 PM



Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield **Legislative and Ordinance Committee** will be conducted via remote participation. Specific information can be found on the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or online at westfieldtv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

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Meeting ID: 853 1040 0841
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1. The meeting was called to order by Councilor Onyski at 5:30 PM.
2. Councilor Onyski called the Roll. The following committee members were present: Chair, William Onyski, James Adams and Michael Burns.
3. Councilor Onyski opened the meeting for public participation. There was no one present to speak.
4. Upon Motion of Councilor Burns, it was VOTED: That the L&O Minutes of April 13, 2021 meeting be accepted.
Motion seconded by Councilor Adams
Approved by Roll Call 3-0
5. Upon motion of Councilor Adams, it was VOTED: to SUBMIT Ordinance amendments to the Senior Citizen Property Tax Work-Off

Program with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski welcomed Tina Gorman, Council on Aging (COA) director. She gave a brief overview of the Tax Work-Off Program that started when Mayor Rick Sullivan was in office. The Maximum amount residents could earn has remained at \$500.00. There has been a budget of \$20,000.00 since inception with a cap of 40 eligible participants. The number of hours needed to be completed is tied into minimum wage. For the last couple years, prior to Covid, there has been a steady decline in participants. The feedback is that the participants would be willing to work more hours for an increased abatement. Councilor Flaherty and Mrs. Gorman discussed the numbers and the possibility of two options. One was to increase the tax abatement maximum to \$800.00 and decrease participants from 40 to 25. It was becoming increasingly difficult to find work that they could do, as some of them have never used computers, so the decrease in participants would not affect the program. The other proposal that Councilor Flaherty had discussed included a gradual increase up to \$1,000.00, this would require Council to pass an increase in the budget for the Tax Work-Off Program. Councilor Figy, the COA liaison suggested making amendments with our current budget in mind. After several meetings, on March 9th, the COA Board unanimously recommended that the ordinance be changed to increase the maximum tax abatement from \$500.00 to \$800.00 per individual fiscal year and change the number of participants from 40 to 25 per fiscal year. Mrs. Gorman stated that if Council decides to increase program funding in the future, we could revisit it. Attorney Reed redrafted the Ordinance, to reflect the change the Council on Aging agreed upon and that's the proposal being brought before the Council.

Councilor Burns asked how volunteers were chosen for the program. Mrs. Gorman explained that interested residents have to complete an application packet. They have to meet certain guidelines such as, they have to be able/willing to work, meet certain income guidelines, be over the age of 60, reside in Westfield and own their home. There is an area that allows them to check off work they're interested in doing. All volunteers worked in the VIPS program when it began but there are now placements available at City Hall, the Animal Shelter and the Airport. After eligibility checks, Mrs. Gorman holds interviews and best matches them with a department to fit their skill set. Mrs. Gorman did say, there is one stipulation that if more than 40 apply, priority is given to someone that did not participate the year before. Councilor Onyski questioned if someone with less income takes precedence? Mrs. Gorman stated no and that she has never had over 40 applicants but their income can't be more than 3x poverty level for that year and that participants do have to count Social Security as income. Many are surviving by and large on Social Security only. The Councilors thanked Mrs. Gorman for joining them and for all the work she does.

6. Upon motion of Councilor Adams it was VOTED: to SUBMIT a Resolution for the acquisition of properties at 129 and 131 Franklin Street with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
William Onyski	Yes
Michael Burns	Yes

Prior to the vote, Councilor Onyski informed the committee that on February 18th, 2021, City Council approved the transfer of funds to purchase the parcels for \$628,458.00. By virtue of voting for the money, the Council did approve the purchase but this Resolution affirms the Mayor's authorization to do so. Superintendent of Schools, Stefan Czaporowski, expressed his gratitude to the Council for the ability to make these purchases. He stated the purchase of the property allows for the project to move forward and enables the planners to do so much more as well as the possibility to positively change the traffic situation.

Councilor Adams questioned if purchasing the properties would allow for more people on Franklin Ave or Franklin Street and noted he was wondering from a safety standpoint. Superintendent Czaporowski stated the architects would be submitting Safety Plans. City Purchaser Tammy Tefft added that the plan was allocating proper space for safety including a wrap around for traffic, rather than having cars sit on Franklin Street. She noted it would alleviate all the traffic on Franklin Ave and appears to be safer than what is currently being done. Councilor Adams noted the difficulty pulling left out Franklin Ave and asked if there was a light plan. Mrs. Tefft informed the committee that there would be a Traffic Study to look at that as well as sidewalks and crosswalks. She stated that the DPW and Police Department would be involved as well and traffic flow would be assessed. Councilor Burns asked how far along the City was on this project. Superintendent Czaporowski stated they are hoping to submit the Feasibility Study to the MSBA by June. There is a potential to move in April 2024, if they keep the schedule they are on and they are committed to it. The latest would be fall of 2024. Councilor Burns asked about the future of the homes. Mrs. Tefft informed the Council that one home does still have residents and the City is working with them. The goal is to have discussions during the next couple weeks to plan timing for demolition. MSBA does not reimburse for demolition of the homes and is a cost the City takes on themselves. That cost has been taken into consideration when looking at plans and future bonds.

7. Upon motion of Councilor Adams, it was VOTED: for a POSITIVE RECOMMENDATION to AMEND section 10-19 of the City Ordinances - Distribution of lighters and tobacco to and possession thereof by minors.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski explained that there are Board of Health (BOH) regulations that the BOH can enforce and there are a Code of Ordinances that the Police can enforce. Article 8-160 will stay the same, which does not allow smoking of any kind on any City property. The amendment proposed is to Ordinance 10-19, to change the smoking age to 21 instead of 16 so it is enforceable by Police. This includes items combustible or inhaled. This was discussed at a prior L&O meeting with Lt. Hall and Health Director, Joe Rouse. Mr. Rouse agreed that section 8 should be kept as an Ordinance. He stated that BOH regulations cover everything else in conjunction with Mass General Laws as far as youth access and the minimum age to buy tobacco as well as licensing of tobacco retailers. The BOH is able to update that as necessary, which isn't as much of a process as Ordinance changes for City Council. He agreed that the Ordinance should be modified to 21 years as far as possession, in 10-19. It would allow the Police Department, if City Council wanted, to enforce vape products and tobacco in an ordinance form. He suggested using the language Youth Access being covered under BOH regulations and change the Ordinance for Police to enforce Youth Possession. Councilor Onyski read the proposed ordinance (Appendix A) then asked Chief Valliere or Lt. Bard for comments. Chief Valliere stated that he and Lt Bard reviewed the Ordinance and although enforcement puts the Police in a difficult situation, he thinks it's well written and the Police can work with it. Lt. Bard said he wholeheartedly agreed with the change and believes it simplifies everything, keeping it in accordance with alcohol regulations. Councilor Adams agreed with Lt. Bard, and noted that with the ordinance change, the purpose is not to put on the responsibility of looking for people but allows the Police the authority to handle a situation if one arises. Councilor Burns, questioned if Marijuana should be considered under this Ordinance change. Councilor Onyski clarified there is a separate statute on Marijuana.

8. Upon motion of Councilor Burns, it was VOTED: to SUBMIT an Ordinance to amend the Media Systems Specialist term of office by deleting the words "for a one year term" and inserting in place thereof the words "for a two year term"

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski informed the committee that it was initially proposed to increase the Media Systems Specialist's term to a 3 year term but an appointment by the Mayor can only be for a 2 year term. After talking to the Law Department and to the Mayor, an amendment to the proposed 3 year term was made to a 2 year term. Onyski read out loud the proposed change (Appendix B). He stated that the The Media Systems Specialist is under the Mayor's Department and they can choose who they would like as a Media Specialist, and must be reappointed every 2 years. Councilor Burns stated that he would have liked to see a 3 year appointment. Councilor Onyski stated that the Council could vote this Ordinance Change up or

down. Councilor Burns questioned if this position needs to be a Mayoral Appointment. Councilor Onyski explained that if someone is hired under a specific department, they remain an employee under that department. It was a one year term, with a proposed change to a 3 year term, since we can't do that, we are suggesting a change to a 2 year term.

At 6:05 PM, and upon motion of Councilor Adams, it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

Michael Burns	Yes
James Adams	Yes
William Onyski	Yes

Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee

APPENDIX A

CITY OF WESTFIELD

IN CITY COUNCIL

November 2020

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, MASSACHUSETTS, ADOPTED JUNE 17, 1993

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS:

**TITLE: DISTRIBUTION OF LIGHTERS AND TOBACCO TO AND POSSESSION THEREOF
BY MINORS**

That Chapter 10, Offenses and Miscellaneous Provisions be amended at Section 10-19 by:

Deleting:

Sec. 10-19. - Distribution of lighters and tobacco to and possession thereof by minors.

(a) No person under the age of 16 may smoke or possess in public a lighted cigarette, cigar, or pipe made in whole or part of tobacco.

(b) No person under the age of 16 may possess a lighter. For purposes of this section, the word "lighter" means a mechanical, chemical or electrical device that a person can use to light a cigarette, cigar or pipe.

(c) No person may distribute to any person under the age of 16 a cigarette, cigar, pipe or lighter as defined in subsection [10-19](#)(b).

And Replacing with:

Sec. 10-19. - Distribution of lighters and tobacco to and possession thereof by minors.

(a) No person under the age of 21 may smoke or possess in public a lighted cigarette, cigar, or pipe made in whole or part of tobacco or non-tobacco product. Smoking is defined as the lighting of a

cigar, cigarette, pipe or other tobacco or non-tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted or inhaled.

(b) No person may distribute to any person under the age of 21 a cigarette, cigar, pipe or lighter as defined in subsection [10-19](#)(a).

ARTICLE VI. - SMOKE-FREE CLEAN AIR ACT FOR THE CITY OF WESTFIELD

Sec. 8-160. - Title and introduction.

This article shall be known as the Smoke-Free Clean Air Act for the City of Westfield.

Exposure to Environmental Tobacco Smoke ("ETS") otherwise known as second-hand smoke presents a serious and substantial hazard to the public health and safety of citizens of the City of Westfield. Of particular concern is the exposure of non-smokers, children, asthmatics, and elderly to ETS in outdoor places of recreation within the city. Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Furthermore, ETS has been shown to cause disease and premature death in children and adults.

(Ord. No. 1560, 12-1-11)

Sec. 8-161. - Purpose.

The purpose and intent of this Act is to:

- (1) Protect the public health and welfare by restricting smoking in all outdoor places of recreation, and
- (2) Assure smoke-free air for non-smokers, and
- (3) Recognize that the need to breathe smoke-free air shall have priority over the desire to smoke in public places.

(Ord. No. 1560, 12-1-11)

Sec. 8-162. - Authority.

This Act is promulgated pursuant to M.G.L.A. Chapter 270 § 22(j), which allows for the commonwealth or any department, agency or political subdivision of the commonwealth to set prohibitions which further limit smoking.

(Ord. No. 1560, 12-1-11)

Sec. 8-163. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Applicant refers to any person(s) applying for, or requesting use of, any outdoor public place.

Cigar means any roll of tobacco that is wrapped in leaf tobacco or any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under M.G.L.A. c. 64C, § 1.

E-cigarette means any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine. This term includes such devices whether or not they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Nicotine delivery product means any article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery product includes, but is not limited to, e-cigarettes.

Outdoor public place means many city-owned, operated, or leased area which is or may be open to and used by the general public, including but not limited to: outdoor areas surrounding any city-owned, operated or leased building which is or may be open to and used by the general public, gardens, bike trails, fields, parks, beaches, swimming pools, outdoor sports arenas and athletic fields. Sidewalks and streets are not applicable under this ordinance unless they are designated for any special event such as, but not limited to a parade route or holiday festivity.

Smoking means the lighting of a cigar, cigarette, pipe or other tobacco or non-tobacco product or possessing a lighted cigar, cigarette, pipe or non-tobacco product designed to be combusted or inhaled.

(Ord. No. 1560, 12-1-11; Ord. No. [1659](#), 12-15-16)

Sec. 8-164. - Prohibition of smoking on city-owned, operated or leased spaces.

Smoking shall be prohibited on all city-owned, operated and leased outdoor public places.

(Ord. No. 1560, 12-1-11; Ord. No. [1659](#), 12-15-16)

Editor's note— Ord. No. [1659](#), adopted Dec. 15, 2016, changed the title of § 8-164 from "Prohibition of smoking on outdoor places of recreation" to read as herein set out.

Sec. 8-165. - Enforcement.

- (a) This article shall be enforced by the Westfield Police Department and Westfield Health Department or authorized designees.
- (b) Notice of the provisions of this article shall be given to any and all applicants for private use of outdoor places of recreation.
- (c) Any applicant allowed use of an outdoor place of recreation shall be notified of this article and be responsible for notifying all persons in their party of this Act.

(Ord. No. 1560, 12-1-11)

Sec. 8-166. - Penalties.

- (a) Any person who violates this Act shall be subject to a fine of \$50.00 for the first violation, and \$100.00 for a second violation and each subsequent violation that occurs within one year of any prior violation. The authority enforcing this Act may use discretion on a case-by-case basis to issue a warning without fine for a first offense.
- (b) Each instance of violation shall constitute a separate offense.
- (c) Violations of this article shall, in accordance with the Code of Ordinances of the City of Westfield Massachusetts section 1-9.1 and Chapter 40 § 21D of the Massachusetts General Laws, be disposed of by Non-Criminal Disposition.

(Ord. No. 1560, 12-1-11)

Sec. 8-167. - Severability.

If any clause, section, or other part of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this article shall not be affected thereby but shall remain in full force and effect.

(Ord. No. 1560, 12-1-11)

APPENDIX B

ORDINANCE NO. _____

IN CITY COUNCIL

May 2021

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD,
ADOPTED JUNE 17, 1993.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS:

TITLE: MEDIA SYSTEMS SPECIALIST

That Chapter 2 of the Code of Ordinances be and is hereby amended at Article III, Division 7 as follows:

BY DELETING:

Sec. 2-236 (5). – Media Systems Specialist

The Mayor shall appoint, with Council approval, a Media Systems Specialist for a one year term. The Media Systems Specialist shall perform a variety of administrative, technical and professional tasks in coordination of television and radio production for the public access television and/or radio and public safety radio maintenance. The Media Systems Specialist shall also coordinate, maintain and manage training on proper use of equipment, review and provide information to the Mayor regarding cable and wireless provider contracts, cable production and processing needs, FCC licenses as well as assist with the development of curriculum.

BY ADDING:

Sec. 2-236 (5). – Media Systems Specialist

The Mayor shall appoint, with Council approval, a Media Systems Specialist for a two year term to run concurrent with the Mayor's term. The Media Systems Specialist shall perform a variety of administrative, technical and professional tasks in coordination of television and radio

production for the public access television and/or radio and public safety radio maintenance. The Media Systems Specialist shall also coordinate, maintain and manage training on proper use of equipment, review and provide information to the Mayor regarding cable and wireless provider contracts, cable production and processing needs, FCC licenses as well as assist with the development of curriculum.

Presented to the Mayor

Approved by the Mayor

For Approval _____, 2021

_____, 2021

Karen Fanion, City Clerk

Donald F. Humason, Jr., Mayor