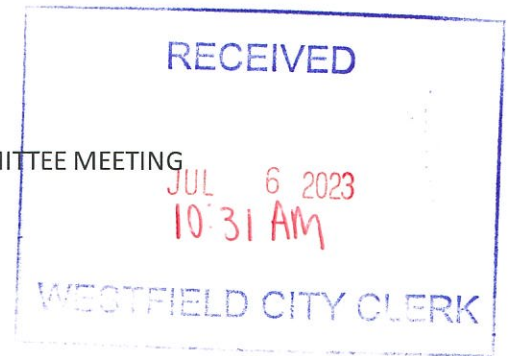




MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
ROOM 201
June 14, 2023 at 5:00 PM



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

Councilor Onyski called the Roll. The following Committee members were in attendance: Chair, Councilor Bill Onyski and Councilor Michael Burns. Councilor Ralph Figy arrived at 5:02 PM. Also in attendance was First Assistant City Solicitor Shanna Reed and Scribe of the Legislative and Ordinance Committee Karisa Zerbato.

Councilor Onyski opened the meeting for public participation. There was no one present to speak.

Upon Motion of Councilor Burns, it was VOTED: that the minutes of the May 31, 2023 meeting be tabled and held in Committee. The motion was seconded by Councilor Onyski. Approved by Roll Call 2-0.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes

Upon Motion of Councilor Burns, it was VOTED: TO LEAVE IN COMMITTEE 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". The motion was seconded by Councilor Figy. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Onyski asked Attorney Reed if she has everything she needs in regards to this item. Attorney Reed stated the individual resolutions were voted on and former Councilor Flaherty put them into a document that she hasn't seen or reviewed. She further stated that she is looking at all the resolutions individually to see if that is sufficient enough to send to the State Representatives as opposed to restating the entire Charter. Councilor Onyski asked who she will be checking with in regards to what format it needs to be in. Attorney Reed stated she will be checking into it herself. She stated all the resolutions are signed and should be able to be forwarded to Representative Pease and Senator Velis. Councilor Figy asked if this takes out the resolution in regards to the Fire Chief. Attorney Reed confirmed. Councilor Figy asked what needs to be done with this as it was passed. Attorney Reed stated that in order for anything to go to the state for a Charter change the Mayor needs to sign off on it. The Mayor is not signing this item, making it null and void. Councilor Figy asked if this item needs to be removed from Committee with no action. Councilor Onyski stated it was already voted on in full Council to remove this item. Councilor Burns confirmed.

Upon motion of Councilor Burns, it was
VOTED: TO LEAVE IN COMMITTEE Section 15 of the City Charter, "No person shall be a candidate for nomination for more than one City office." The motion was seconded by Councilor Figy. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Attorney Reed stated this came up in 2019 when Councilor Bean was working with Attorney Phillips with guidance received from the Secretary of State's Office in regards to prohibition. At that time there was concern there was a prohibition for individuals running for more than one office and in state statutes and regulations there isn't. Attorney Reed further stated that guidance was given that stated there is no prohibition unless it is in our local Charter. She stated that the City of Boston faced this issue a while ago and found no prohibition and the person appeared on both ballots and fortunately the person didn't win both races and didn't have to choose which one. Attorney Reed stated her original concern was more of a home rule concern however it seems like further guidance in the Charter about who can run on the ballot is allowed. She further stated that the City of Malden's Charter states that a person shall not be a candidate for nomination to more than one office at a Regular or Special Municipal Election. She added she doesn't know if this has been challenged however precedence is there. There is nothing in state regulations that prohibit someone from running for more than one office. Attorney Reed stated that Attorney Bristol brought up that in South Hadley there is a Select Board as well as Representative Town Meeting. Everyone that is on the Select Board is also a Representative, making them a part of both the legislative and executive branch. Councilor Onyski questioned if this would still allow people to take out papers for however many offices they wanted and return them but at some point they would have to pick which ballot they want to be on. Attorney Reed stated this one states that a person is not a candidate for nomination to more than one office at a regular or Special Municipality Election. Councilor Figy stated a person can't take out multiple papers. Attorney Reed stated she thinks a person can take out multiple papers but can only return one set. Attorney Reed asked Councilor Figy if he was aware of any other communities that do this. Councilor Figy stated he was only aware of a case in Agawam. He stated this was a topic that went to the Ad-Hoc Committee and got lost. Councilor Figy stated he would like to put 5 and 6 together and send them together to Boston. Councilor Onyski stated he is good with that however he wants to make sure the definition of a candidate is defined. Councilor Figy stated he thinks it is clear that the term candidate refers to someone that is going to be on the ballot. Attorney Reed said the word candidate could be taken out and clearer language could be used. Councilor Onyski asked if there is a provision that allows someone to be Mayor and hold a position on the Westfield Gas and Electric Board. Attorney Reed stated it would be governed by the conflict of interest laws. She further stated sometimes it is different if one position is elected and one is appointed.

Upon motion of Councilor Figy, it was
VOTED: to submit a Resolution with a POSITIVE RECOMMENDATION authorizing the acquisition of .53 acres of land known as 0 Westfield Industrial Park Road from Westfield Gas and Electric Light Department and authorizing the Mayor to execute any documents on behalf of the city. The motion was seconded by Councilor Burns. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, Councilor Onyski stated the letter and Resolution have been received. He asked if there is a map of where the property is located. Attorney Reed stated the property is past the hotel and the four way stop where you run into the turnpike. Councilor Figy stated it is next to the overnight parking for trucks. Attorney Reed stated yes but added it is across the street. She further stated the Mayor is looking to design a slip ramp. She stated currently Westfield Gas and Electric owns the property. An appraisal was done and came back at approximately \$90,000.00. Westfield Gas and Electric is willing to sell the property to the City for \$10.00 with the provisions that they need an easement back as well as if within 10 years the property isn't developed they would get the property back. Attorney Reed stated she has the draft Purchase and Sale done. The design of the slip ramp is moving forward with a consultant and the Engineering Department. Councilor Figy stated there may be a problem with DOT. Councilor Burns asked if the property is on the left or right side. Councilor Onyski stated it is on the right side. Councilor Onyski asked if the .53 acres is a piece of what Westfield Gas and Electric owns. Attorney Reed stated it is the entire parcel and that Westfield Gas and Electric is going to keep an easement. Councilor Figy stated something needs to be done with the property. Councilor Onyski questioned if only .53 acres will get an on ramp. Attorney Reed stated the road is already there and the .53 acres would be needed for turning radius to enter.

At 5:26 PM and upon motion of Councilor Burns, it was VOTED TO ADJOURN. The motion was seconded by Councilor Figy. Approved by Roll Call 3-0.

The vote on the foregoing was as follows:

Bill Onyski	Yes
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,
Karisa Zerbato, Scribe

