



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
CITY HALL - ROOM 315
JUNE 15, 2021 at 5:00 PM

1. The meeting was called to order by Councilor Onyski at 5:00 PM. Councilor Onyski informed everyone that he was audio recording the meeting for minutes and that the meeting was also being video recorded and would be posted on the Westfield Community Programming Channel on Youtube.
2. Councilor Onyski called the Roll. The following committee members were present: Chair, William Onyski and Michael Burns. James Adams was absent.
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 June 9, 2021 meeting be accepted. Motion seconded by Councilor Onyski.
Approved by Roll Call 2-0
5. Upon motion of Councilor Burns, it was VOTED: to SUBMIT the Resolution authorizing an intermunicipal agreement with the Town of Southwick for dispatch services with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski introduced Public Safety Communications Administrator, Nina Barszcz, Attorney Shanna Reed and Selectman Douglas Moglin of Southwick. Attorney Reed gave an update of the agreement to the Committee. Westfield received confirmation from Southwick's attorney today (6/15/21) that the final changes in the draft agreement have been accepted. The drop dead date is the only outstanding piece of the Intermunicipal Agreement (IMA), which is the specific date if the approval is not obtained by the State 9-1-1 Department, would cause the agreement to be null and void. She suggested a date more than a year from now so if the current grant cycle was missed, the IMA would still be applicable. She gave an overview of the agreement discussed at the last Legislative and Ordinance Meeting (6/9/21), noting it would be a 9 year agreement and Southwick would have representation on the Executive Board. Councilor Onyski asked if there was a set start date. Attorney Reed explained the start time is dependent on the grant cycle but that she has

requested August of 2022 for the date to deem the IMA null and void if state funding isn't received. Councilor Onyski clarified that the clock starts ticking once the grant has been received and accepted. Mrs. Barszcz explained that the start date to service in Southwick was dependent on several factors including the grant funding, the projects that could be accomplished and Southwick's Dispatch staffing. Mr. Moglin echoed Mrs. Barszcz. Councilor Onyski gave a timeline - the IMA is signed, theoretically the Grant is approved and released, "x" amount of money is awarded to build out the system and at that point we're into the IMA. He asked at what point the payment from Southwick to Westfield starts in this process. Attorney Reed stated the fee from Southwick is going to be paid from the grant that Mrs. Barszcz is applying for. Mrs. Barszcz explained that the assessment fee from Southwick can only be applied for once Westfield is considered a Regional Center and has been live for a certain amount of time. She explained that if the Regional Center goes live in 18 months, the following fiscal year she can apply for their first year of an assessment fee. She estimated the "go live" date to be 12-18 months in her grant. She has received communication from the State 9-1-1 Department about the Development Grant and Westfield will not get funded the full amount but they are looking to fund the two top priority projects to start this project. Those will take about 12 months from start to finish and then Mrs. Barszcz will apply for anything they have not received in the first cycle which will help Westfield build out to the 18 month period when they can go live. Councilor Onyski asked for the estimated cost of the hardware for getting to the "go live" point. Mrs. Barszcz stated about 1.2 million and that includes some items they are hopeful will be funded for, but can eliminate and still make the project happen. For example, having their CAD systems merged is easier and ideal but they can still take on Southwick's Dispatch Services without that. They will require certain technology for a way to communicate such as fiber, a microwave link and all their radio infrastructure. Transferring their CAD system and their 9-1-1 calls as well as making their Dispatch Center go dark will need to be done. Councilor Onyski clarified that the speed at which this project will go, is dependent on grants and once available, more grants will be applied for. Mr. Moglin included it will open up funding opportunities to continue to improve and that the state is pushing for Regionalization. There is a lot that's not in the IMA that Mrs. Barszcz has in the grant applications to make the IMA come to fruition. It is imperative that we execute the IMA because that is what the state is looking at as far as moving Westfield into the eligibility ranking for funding. Mrs. Barszcz added that the Executive Director from the State 9-1-1 Department has said there is about 22 million dollars to give out in Development Grants this year and 38 million dollars has come in for applications. Although there hasn't been an IMA signed, they have been in constant contact with the state on how serious this application is. The state has asked what Westfield could do with \$700,000.00. Mrs. Barszcz got refined quotes to get fiber and the radio infrastructure started, to take us 12 months out. Councilor Onyski asked if that included the microwave link. Mrs. Barszcz stated the microwave link as well as the radio infrastructure due to what they currently have is at its functional end of life. She has contacted the state that the total cost of the two projects would be around 1.1 million and informed them that an IMA is being worked on. Councilor Onyski stated that there are several benefits to Westfield and Southwick including some substantial cost savings. Mr. Moglin noted the grant money is funded by 9-1-1 money which is a surcharge on everyone's cell phone. It came in by an act of Congress and will have to go out that way; that it will be funding that won't be going away and the state will continue to drive Regional Dispatch.

Mr. Moglin agreed that a partnership between Westfield and Southwick is a win/win for all. Councilor Burns asked where Southwick stood with their negotiations with Chicopee for the same service. Mr. Moglin stated the night prior (6/14/21), the Board of Selectmen voted to take down their attestation letter with West Comm. The State didn't like Southwick having two attestations and for possible grant funding to happen in this cycle it was important for Southwick to commit. He thanked Mrs. Barszcz, Attorney Reed and everyone for their tenacity and hard work. Councilor Burns and Councilor Onyski gave credit to Mrs. Barszcz for taking the lead. They extended their appreciation to Mrs. Barszcz, Attorney Reed and Southwick for everything to get this done. Councilor Onyski informed everyone that it would be coming out at Thursday's Council Meeting (6/17/21) and they would work with The City Clerk's Office to expedite the documents.

6. Upon motion of Councilor Burns, it was VOTED: to SUBMIT the petition (#C-259-21) submitted by Mr. Jay Vinskey, for the Planning Board, for a zoning amendment at Sections 1-10.1,3; 1-40.6, 4-10.3; 1-50.3,9; 6-10.4,5 relative to strengthen/codify wording regarding enforcement; extend permit validity times with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski introduced City Planner, Jay Vinskey. Mr. Vinskey stated the enforcement doesn't give the Building Inspector any more power, the language is just more precise and based off of Springfield's language which was discussed at the Planning Board Enforcement meeting they had with Mayor Humason and Attorney Reed. The Board felt they would like to move this forward to make the language cleaner and add a non-criminal complaint aspect that we currently do not have. The other piece is extending Special Permit validity times from 2 years to 3 years which the State authorized in 2016. This would allow people more time to commence their projects. There are currently fines set by the state, up to \$300/day and that's what the current Ordinance says. The board liked this language better. There are some other things like withholding permits from properties in violation which the Building Inspector said she has been able to do with the current building code. The Planning Board liked this all in one place. Councilor Onyski asked for clarification on what changed. Mr. Vinskey stated, effectively nothing, the formatting is cleaner and the non-criminal complaint ability was added. Attorney Reed stated currently to be able to write a non-criminal ticket you have to be able to specify what the amount is and it has to say it can be enforced through non-criminal disposition. Currently, the only zoning that is allowed to be enforced that way is unregistered vehicles. Non-criminal is another enforcement tool but must be listed in the Ordinance to be used. She informed the committee that revocation is also included in the codification. Mr. Vinskey mentioned that in addition to the Planning Board, the City Council and Zoning Board of Appeals also issue Special Permits and revocation would be required universally per the Ordinance. Attorney Reed said adding revocation into the codification is

something they absolutely support. Extending permit validity was enacted by the state and up to the Council if they wish to give applicants more time.

7. Upon motion of Councilor Burns, it was VOTED: to SUBMIT petition for Zoning amendment submitted by the Zoning Board of Appeals to update definitions at Article II/2-20, Article III/various and Article IV/various with a POSITIVE RECOMMENDATION.

Prior to the vote, City Planner Jay Vinskey informed the Committee that the Board of Appeals submitted three petitions on the agenda tonight. This was added on as an administrative Ordinance clean up to reorganize the way the Ordinance reads. It adds a definition of building height which currently doesn't exist in the Ordinance. There are minor updates to the definitions. Councilor Burns asks for clarification on what this is changing. Mr. Vinskey stated that it is extracting regulations out of the definitions and putting them into their own sections or appropriate existing sections of the Ordinance. Councilor Burns asked if this had gone before ZBA. Mr. Onyski said ZBA proposed it and it also went through ZPD, without any issues. Attorney Reed stated as long as the definitions are the same and Building Commissioner Carissa Lisee, as the enforcement officer for the Building Department is okay with it, it would be fine. Mr. Vinskey noted that section 4-40.5 was redrafted from the original proposal, it was mentioned in ZPD that the current language was difficult to read. It differs from the original petition but is effectively the same, stating that Wetlands cannot count as part of a lot. Attorney Reed informed the committee that it currently states that. Councilor Onyski asked if a lot size needed to be an acre and half that you need to have an acre and half of non-wetlands. Mr. Vinskey stated that depends on how you read the current Ordinance and he believes 20% needs to be non-wetlands. It is regulated under the Wetlands Act and Conservation would review it. Councilor Burns asked why this was done. Mr. Vinskey stated he was unsure where it originated from, but suspects it was created when people were laying out subdivisions, building houses and creating new lots. Mr. Vinskey stated he didn't like it himself because wetlands can change over time. Councilor Burns questioned why this was being brought forth and would like to see what this sets in stone. Mr. Vinskey said the intent wasn't to change things but to take what was existing and reshuffle into an organized format with precise wording. Councilor Burns asked if this will affect how Conservation does their job. Mr. Vinskey stated no. Councilor Onyski stated he would like to run this by Ms. Lisee. He asked Attorney Reed a procedural question about who would discuss any changes after a first reading was made. Attorney Reed stated if there were substantial changes after a first reading, which has already been published, it would need to start all over again. Due to the proposed changes being reorganizational, she doesn't foresee any substantial changes. She stated Ms. Lisee and herself would like the benefit of having more time to review before making any decisions. The first two changes being proposed are tightening up our current definitions but any petitions requiring changes need time to review before a first reading. Councilor Burns agreed. Councilor Onyski asked if the rules could be suspended on July 1st to have a first and second reading at the full Council. Attorney Reed stated that Ordinance readings require publications. The first two petitions that have been discussed do not need to be held in committee but she suggested leaving the following two petitions in committee to give Ms. Lisee a chance to look at them, as the Enforcement Officer.

Councilor Burns agreed. Councilor Onyski asked when the clock would run out on the other two zoning petitions. Mr. Vinskey stated early August. Councilor Onyski stated typically the Council has recess after the first week in July until the third week in August but they could potentially hold a special meeting if necessary. Mr. Vinskey informed the Council that the ZBA has been working on this for months and did ask Ms. Lisee for input during earlier iterations. Attorney Reed requested a chance for her, Ms. Lisee and Mr. Vinskey to meet and to go through the regulations. Councilor Onyski asked if they could have a meeting before July 1st if the items were left in committee tonight. Attorney Reed said that was feasible. They discussed bringing it before a full Council on July 1st with a potential Special City Council meeting this summer. They went over the logistics that Zoning Ordinances require a $\frac{2}{3}$ vote (9 votes) and that if they time out they need to start the process over. Mr. Vinskey stated the drop end date for the two zoning petitions in question is August 4th.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

8. Upon motion of Councilor Burns, it was VOTED: Petition for Zoning Amendment submitted by the Zoning Board of Appeals for an update on non-conforming situations at Article II/4-10, Article III/3-91.2 and Article III/3-92.2.(4-15-21) REMAIN IN COMMITTEE.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

9. Upon motion of Councilor Burns, it was VOTED: Petition for a Zoning amendment submitted by the Zoning Board of Appeals to update the definition of family and related/affected residential living arrangement matters at Sections 2-20, 3-40.3 (1) and 3-50.3 (1).(4-15-21) REMAIN IN COMMITTEE.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

After the vote, Mr. Vinskey wanted to confirm that the committee received the update that ZPD updated the word 'family' to 'household'. Councilor Onyski confirmed. Motion was made and seconded. Roll Call to leave in committee was taken again.

The vote on the foregoing was as follows:

Michael Burns	Yes
William Onyski	Yes

At 5:47 PM, and upon motion of Councilor Burns, it was
VOTED to ADJOURN.

The vote on the foregoing was as follows:

Michael Burns	Yes
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William Onyski	Yes
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Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee