

CITY COUNCIL  
**CITY OF NORTHAMPTON**  
MASSACHUSETTS

Councilors:

- President William H. Dwight, At-Large
- Vice-President Ryan R. O'Donnell, Ward 3
- Jesse M. Adams, At-Large
- Maureen T. Carney, Ward 1
- Dennis P. Bidwell Ward 2
- Gina Louise Sciarra, Ward 4
- David A. Murphy, Ward 5
- Marianne L. LaBarge, Ward 6
- Alisa F. Klein, Ward 7

**Meeting Agenda**  
**City Council Chambers**  
**Walter J. Puchalski Municipal Building**  
**212 Main Street, Northampton**  
**Meeting Date: March 17, 2016**  
**Meeting Time: 7:00pm**

- 1. Public Comment**
- 2. Roll Call**
- 3. Public Hearings**
- 4. Recognition and One-Minute Announcements by Councilors**
- 5. Communications and Proclamations from the Mayor**

## 6. Resolutions

## 7. Presentations

## 8. Consent Agenda

### Meeting Minutes:

Meeting Minutes from the City Council Meeting of March 3, 2016

Petition for Secondhand Dealer's License: Antiquarian, LLC @ 108 Main Street

Documents: [Minutes-CityCouncilMeetingMarch-3-2016.pdf](#),  
[16.036\\_Petition\\_2ndhand\\_Dealer\\_Antiquarian\\_LLC.pdf](#)

## 9. Financial Orders

### A. **16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading**

Two Public Hearings were held to discuss the proposed rates.

The first public hearing took place on February 29, 2016 as part of the City Council Committee on Public Works and Utilities meeting. The committee voted unanimously to return the order back to the full city council with no (neutral) recommendation. Minutes of that meeting are attached.

The second public hearing took place on March 9, 2016 as part of a special meeting of the City Council Committee on Finance. The committee voted to return the order back to the full city council with a neutral recommendation (3 Yes, 0 No, 1 Absent {Councilor Carney}). Minutes of that meeting are attached.

Documents: [16.030\\_Order\\_Water\\_Sewer\\_Rates\\_FY17.pdf](#),  
[PublicWorksAndUtilitiesFeb292016.pdf](#),  
[CommitteeOnFinanceMinutes\\_of\\_March\\_9\\_2016.pdf](#)

### B. **16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield - 2nd Reading**

Documents: [16.032\\_Intermunicipal-Agreements.pdf](#)

### C. **16.033 Financial Order to Appropriate \$30,825 from insurance proceeds to Police Department OOM Account - 2nd Reading**

Documents: [16.033\\_PoliceCruiserInsuranceProceeds.pdf](#)

## 10. Orders

## 11. Ordinances

### A. 15.377 Ordinance Regarding Significant Trees - 1st Reading

Documents: 15.377\_Significant\_Trees\_For\_Council\_3-17-2016.pdf,  
15.377roaoReport\_Based\_On\_Committee\_ROAO\_Feedback.pdf,  
15.377cr\_Report\_Based\_On\_Committee\_CommunityResources\_Feedback.pdf

### B. 16.003 Ordinance to delete fees from Chapter 174 of City Code Book - 1st Reading

Positive Recommendation from the Committee on Finance.  
Neutral Recommendation from the Committee on Legislative Matters

Documents: 16.003\_OrdinancePertaining\_Fees-  
Delete\_Chapter\_174\_from\_Code\_Book.pdf,  
16.003\_Report\_Based\_On\_Finance\_Committee\_Feedback.pdf,  
16.003lm\_Report\_Based\_On\_Committee\_LegislativeMatters\_Feedback\_.pdf

### C. 16.005 An Ordinance Pertaining to LED Lighting - 1st Reading

The attached version is as discussed with the Comm. on Legislative Matters on 3/14/2016. The committee voted a neutral recommendation on a voice vote of 3 yes, 0 No, 1 Absent (Councilor Adams).

Also attached is the committee report from the Committee on Community Resources who have a positive recommendation as amended on a voice vote of 4 Yes, 0 No on 2/22/2016.

The Planning Board Recommendation is attached.

Documents: 16.005\_LED\_Sign\_Ordinance\_.pdf,  
16.005\_Report\_Based\_On\_Committee\_Community\_Resources\_Feedback.pdf,  
16.005\_PlanningBoard-LED-sign-ordinance.pdf

### D. 16.028 An Ordinance to Delete Subdivision of Land from chapter 290 of the Code Book - 1st Reading

Positive Recommendation from the Comm. on Community Resources on 2/22/2014 (voice vote 4 Yes, 0 No)

Positive Recommendation from the Comm. on Legislative Matters on 2/22/2016 (voice vote 3 Yes, 0 No, 1 Absent (Councilor Adams)).

Documents: 16.028\_Delete\_Chap\_290\_Revised.pdf,  
16.028\_Report\_Based\_On\_Committee\_LegislativeMatters\_Feedback.pdf,  
16.028\_Report\_Based\_On\_Committee\_Community\_Resources\_Feedback.pdf

## 12. Updates from Council President & Committee Chairs

**13. Information Requests (Charter Provision 2-7) and Committee Study Requests**

**14. New Business**

Contact: *P. Powers*

*Administrative Assistant to the City Council*

*(413) 587-1210*

[ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov)



CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
WALLACE J. PUCHALSKI MUNICIPAL BUILDING  
212 MAIN STREET, NORTHAMPTON  
Northampton, MA  
March 3, 2016

**Roll Call**

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:06 p.m. on a roll call eight (8) councilors were present:

At-Large Councilor Jesse M. Adams      Ward 1 Councilor Maureen T. Carney  
Ward 2 Councilor Dennis P. Bidwell      Ward 3 Councilor Ryan R. O'Donnell  
Ward 4 Councilor Gina-Louise Sciarra      Ward 5 Councilor David A. Murphy  
Ward 6 Councilor Marianne L. LaBarge      Ward 7 Councilor Alisa F. Klein

At-Large Councilor William H. Dwight was absent.

Vice-President Ryan R. O'Donnell presided over the meeting.

Councilor O'Donnell asked for a moment of silence to honor former City Councilor William Ames who passed away on February 22, 2016. Mr. Ames was a former Ward Two Councilor and an At-Large Councilor for nearly three decades.

**Public Hearings**

**Public Hearings:**

Councilor O'Donnell made the following announcement: By Order of the City Council, a Public Hearing will be held on Tuesday, March 22, 2016 5:00 p.m. in the City Council Chambers in accordance with The City Charter of Northampton, Massachusetts, Article 7 Finance and Fiscal Procedures, Section 7-5: Capital Improvement Program, (b) Public Hearing. The City Council will consider the Capital Improvement Program FY2017-FY2021.

Councilor O'Donnell also announced that there will be a public hearing on Wednesday, March 9, 2016 at 6 pm in City Council Chambers, 212 Main Street regarding the proposed water and sewer rates for FY2017.

**Recognitions and One-Minute Announcements by Councilors**

**Recognitions and One-Minute Announcements by Councilors**

**Announcements**

**Announcements:**

Councilor Sciarra announced that N.E.F. will be holding its annual spelling bee on Wednesday, March 30 beginning at 6 pm at JFK Middle School. Sponsors and teams are still being accepted. For more information, visit the N.E.F. webpage @ <http://www.northampton-edfoundation.org/spellingbee/index.htm>

**Communications and Proclamations From the Mayor**

**Communications and Proclamations From the Mayor:**

Mayor Narkewicz presented a proclamation to Mary Collier of Northampton. The Mayor's Proclamation declared March 2016 as Brain Injury Awareness month.

Mayor Narkewicz also proclaimed March 10, 2016 as Tibet Day. The proclamation was presented to Thondurp Tsering & Kalsang Nangpa.

**Resolutions**

**Resolutions:**

**16.023 Resolution to oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past – 2<sup>nd</sup> Reading**

**16.023 Resolution to oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past – 2<sup>nd</sup> Reading**

Councilor LaBarge read a letter written by Patty Healy regarding the concerns with the Transpacific Partnership Agreement as it is currently written. The letter states that the agreement will give healthcare corporations the right to privatize national healthcare systems and will allow pharmaceutical companies to create monopolies on drugs allowing drug companies to charge higher prices. This will affect people who need special medications for serious conditions, such as HIV/Aids and certain cancers. The TPP will also weaken our food safety system. Many unions are opposed to fast-tracking the TPP. Councilor Klein outlined her concerns with the agreement. Since the first vote, she had

hoped that councilors who were unfamiliar with the TPP had a chance to review the issues and that they will move forward in support of the resolution. She read a letter from the National American Friends Service Committee. If approved by Congress, the TPP will establish rules that will regulate about 40% of the global economy. Among its anticipated effects, the TPP would delay the introduction of generic medicines and allow corporations to bypass a country's judicial system to challenge environmental and public health laws.

Councilor Carney agreed with Councilor Klein on many of her points. She states that Sen. Elizabeth Warren is very concerned about the Investor State Dispute Settlement clause as it undermines the U.S. legal system.

Councilor Sciarra commented that her abstention after the first reading was less about a lack of research or understanding about TPP, but more of an understanding about how complex the document and the issues are concerning TPP. After hearing what others spoke about regarding the corporatization of all aspects of the government, she states that this issue resonated with her and feels more comfortable supporting the resolution at this point.

**Motion to Approve in 2nd Reading**

Councilor LaBarge moved to approve in 2<sup>nd</sup> Reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 6 Yes, 0 No, 2 Abstentions (Councilors Murphy and Bidwell), 1 Absent (Councilor Dwight).

**Motion Carried**

**The following resolution passed second reading:**

**In the Year 2016**

**Upon the Recommendation of City Councilors Maureen T. Carney, Alisa F. Klein, and Council President William H. Dwight**

R-16.023

**A Resolution to Oppose the TPP and Similar Trade Deals If They Fail to Restructure the Misguided and Failed Policies of the Past**

Be it resolved by the City Council of the City of Northampton in City Council assembled, as follows,

WHEREAS, The **Trans-Pacific Partnership (TPP)** is a trade agreement among twelve Pacific Rim countries concerning a variety of matters of economic policy, which was reached on 5 October 2015 after 7 years of negotiations.

WHEREAS, U.S. trade deals for the past 25 years have been corporate-driven, incorporating rules that skew benefits to economic elites while requiring working families to bear the brunt of such policies, and

WHEREAS, the growing trade deficits, driven by the North American Free Trade Agreement (NAFTA), China's accession to the World Trade Organization, and the U.S.-Korea Free Trade Agreement, have displaced from the U.S. 700,00 jobs, 3.2 million jobs, and 75,000 jobs, respectively, and

WHEREAS, between 2000 and 2015, U.S. employment in manufacturing dropped by 5 million, and

WHEREAS, jobs lost due to trade devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of workers, and

WHEREAS, the long decline of the American manufacturing base -- exacerbated by bad trade policies that reward outsourcing -- has undermined our economic security and poses a direct threat to our national security, and

WHEREAS, the offshoring of manufacturing and service jobs deprives local and state governments of sorely needed revenues, jeopardizing the livelihoods of millions of public servants as well as construction workers whose jobs depend upon infrastructure building, repair and maintenance, and

WHEREAS, Under NAFTA-style trade rules, the U.S. annual trade deficit has increased dramatically from 70 billion in 1993, the year before NAFTA went in to effect, to more than \$508 billion in 2014, and

WHEREAS, the disproportionate voice of powerful global corporation in the formation of U.S. "free trade" agreements has advance an agenda that undermines the public interest and threatens democracy, and

WHEREAS, NAFTA and all but two of the U.S. trade deals that followed it include special legal rights for foreign investors, known as "investor-to-state dispute settlement" (ISDS), a private justice system that undermine US sovereignty and democratic control over our economy by allowing foreign firms to bypass state and federal courts to challenge state and federal laws, regulations, and administrative and judicial decisions in international tribunals, and

WHEREAS, Foreign investors have already used NAFTA's ISDS provisions to challenge decisions regarding local building permits, environmental regulations, state bans on toxic chemicals and decisions of state courts, and

WHEREAS, Climate change and environmental degradation threaten communities across the globe, and ISDS provisions in the Trans-Pacific Partnership may expose nations enacting policies to fight climate change to ISDA cases that undermine these efforts, and

WHEREAS, Promoting economic growth with equity in Northampton requires an approach that reforms the entire

trade negotiation process to ensure that voices of workers, farmers, small businesses, families and communities are heard and their interests addressed, and

WHEREAS, the TPP has been negotiated in secret, effectively shutting state and local governments out of the process, limiting our ability to influence its rules to ensure the people of Northampton can participate in the benefits of trade, and

WHEREAS, Given the enactment of fast track trade negotiating authority, states, localities and their citizens will have no opportunity to correct shortcomings in the TPP since its text will not be made public until it is final and no longer can be improved, and

WHEREAS, Repeating old mistakes in negotiating new trade agreements such as the TPP represents a missed opportunity to strengthen our economy, reduce income inequality and promote sustainable growth,

**NOW THEREFORE BE IT RESOLVED**, that the City Council of Northampton, Massachusetts

1. Calls upon our elected officials in the U.S. Senate and the U.S. House of Representatives to oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past.
2. Hereby requests that the Council Clerk forward suitably engrossed copies of this resolution to the Massachusetts Delegation to the United States Senate and the United States Congress on behalf of the entire City Council.

**Enrolled** Rules suspended, passed two readings and enrolled.

**Presentations** Presentations None

**Consent Agenda** Consent Agenda: Councilor O'Donnell read the items within the Consent Agenda. They are:

- Minutes of February 18, 2016 City Council Meeting
- 16.035 - Reappointment of Natalia Munoz, 63 Rick Drive, Florence, to the Human rights Commission - term December 2015 - June 2018

Councilor Klein commented that she thought based on a personal conversation with Ms. Munoz that she was not interested in being reappointed to the committee as designated. As a result, this item was removed from the consent agenda for further discussion.

**Motion to Approve minutes on Consent Agenda** Councilor LaBarge moved to approve the consent agenda containing only the minutes of February 18, 2016; Councilor Adams seconded the motion; the motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).

**Motion Carried** Mayor Narkewicz indicated that he was not aware of Ms. Munoz's decision to leave the Human Rights Commission; he suggested referring to committee. Councilor Klein agreed that the process should not be stalled.

**Motion to refer appointment to the Committee on City Services** Councilor LaBarge moved to approve the consent agenda containing only the referral of the appointment of Ms. Munoz to the Committee on City Services; Councilor Adams seconded the motion; the motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).

**Motion Carried**

**Recess for Committee on Finance Meeting** At 7:30 p.m. the City Council recessed for a Finance Committee meeting. The Council reconvened at 7:37 p.m.

**Financial Orders** Financial Orders

**16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield - 1st Reading** West Springfield: to provide use of a GMC activity bust for transportation to a tournament March 25 - 28, 2016

**Williamsburg & West Springfield - 1st Reading** Williamsburg: for a new public access pedestrian trail to provide a new public access trail to the historic Williamsburg Reservoir Dam

**Motion to** Councilor LaBarge moved to approve the order in 1<sup>st</sup> Reading; councilor Klein seconded the

<p><u>approve in 1<sup>st</sup> Reading</u></p> <p><u>Motion Carried</u></p>	<p>motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).</p> <p><u>See minutes of March 17, 2016 for second reading.</u></p>
<p><u>16.033 An Order to appropriate \$30,825 from insurance proceeds to Police Department OOM Account - 1st Reading</u></p> <p><u>Motion to approve in 1<sup>st</sup> Reading</u></p> <p><u>Motion Carried</u></p>	<p><u>16.033 An Order to appropriate \$30,825 from insurance proceeds to Police Department OOM Account - 1st Reading</u></p> <p>Councilor LaBarge moved to approve the order in 1<sup>st</sup> Reading; councilor Adams seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).</p> <p><u>See minutes of March 17, 2016 for second reading.</u></p>
<p><u>Orders</u></p>	<p><u>Orders:</u> None</p>
<p><u>Ordinances</u></p> <p><u>16.034 Ordinance pertaining to water resources – Refer to Committee</u></p> <p><u>Motion to refer to committees</u></p> <p><u>Motion carried</u></p>	<p><u>Ordinances</u></p> <p><u>16.034 Ordinance pertaining to water resources – Refer to Committee on Community Resources, Committee on Public Works and Utilities and the Committee on Legislative Matters</u></p> <p>Councilor Murphy moved to refer to committees as indicated; Councilor Bidwell seconded the motion. The motion to refer to committee was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).</p>
<p><u>Updates from Council President and Committee Chairs</u></p>	<p><u>Updates from Council President and Committee Chairs</u></p> <p>Councilor Murphy announced again the Public Hearing regarding the proposed water/sewer rates coming up on March 9, 2016 6 pm in City Council Chambers. The public are encouraged to attend.</p>
<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p>	<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p> <p>Councilor O'Donnell read into the record a committee study request submitted by Council President William H. Dwight and Council Vice-President Ryan R. O'Donnell. The request asks the Committee on community Resources to study issues relative to the local economy, with the focus on businesses and workers in downtown Northampton and Florence. The purpose is to identify practical recommendations that the City Council could pursue to strengthen the local economy. Section 2.3.8 of the City Council Rules provides the City Council President with the authority to issue such a request.</p> <p>Councilor Adams noted that given what the study might encompass, the water and sewer rates vote might be premature. The proposed water and sewer rates, in his opinion, will likely have a negative impact on business as the study might show. He thinks that the water/sewer rate vote should be postponed.</p> <p>Councilor Carney commented that part of the study will encompass issues facing workers, such as wage theft. Councilor Dwight wanted to broaden the scope, but Councilor Carney feels that any one of the topics on the suggested list could take the full 120 days to research properly.</p> <p>Councilor Bidwell noted that there will be a special meeting of the Comm. On Community Resources on Tuesday, March 8<sup>th</sup> at 5 pm. The committee will have a chance to look into the scope further.</p> <p>Councilor O'Donnell noted that the outcome of the committee's research will be up to the committee. Perhaps there is nothing that the City Council can do to address economic concerns facing Northampton, however, until the study is done, that has yet to be decided.</p>

The study request is open ended and the councilors will have an opportunity to weigh different factors. He feels that the committee is also the right place for to hear the concerns of a broad section of the community, including business owners, property owners, workers, etc.

Councilor Sciarra noted that this is a new process for councilor committees to go through. The meeting will take place next week for the purpose of organizing how the committee will proceed, and what the scope might be.

Councilor Klein noted that the concerns outlined in the request letter are things that City Councilors need to be concerned about. She acknowledges that the city has expertise on staff and talked about perhaps putting a list of questions together in which city staff can help address some of those questions.

Councilor O'Donnell noted that the committee could chose not to accept the request; they could, for example, place the item on their agenda and then vote not to take on the assignment. He also cautioned that there is a separation between the divisions of government within the city and suggested that perhaps the scope can be framed more about what the City Council could do.

Councilor LaBarge also noted that the Economic Development Director would be a good resource. She is concerned about the increases that businesses will be subject to. She notes that it is difficult to look at commercial businesses in the city that are already subject to a stormwater utility fee and now they are getting hit with this.

Councilor Adams asked whether the goal was to make policy or if this is an academic exercise. Councilor O'Donnell noted that the trick to economic development is not necessary tied to legislation, but rather economic development initiatives. The local economy is everything, so it is difficult to predict what will come out of the committee. Councilor Adams noted that in the past the city has promised to provide economic indicators; perhaps this could be provided as part of the outcome.

Councilor Carney noted that the scope is so broad at this point, but wanted to remind the council that the specific issue regarding wages in Northampton was the initial goal of this request.

Councilor Bidwell Councilor Bidwell noted that his objective will be to focus on where the city council can make a difference. Are their policies that can be implemented within the council, for example? There may also be specific recommendations that could be made to the executive branch. He is not interested in just providing a forum for a whole lot of debate and analysis and exposition without the likelihood of it all going somewhere. He also agrees with Councilor Klein that he would not like the committee to re-invent the wheel. He is aware that there is an abundant amount of data and information already and the committee members should avail themselves to what has already been done. He also stated that he would be comfortable setting water – sewer rates for this year using the proposed model even before the committee work began. He had a hunch, pending real data, that business owners would not cite water-sewer rates as a top five concern for their business.

Councilor Sciarra reminded the council that what was put into the memo was examples; the committee can choose how many things they would like to tackle. That will be the committee's first order of business. They will also look at who to invite and what process they will use to complete the project.

**New Business**

**New Business: None**

At 8:17 p.m., a motion to adjourn was made by Councilor Klein and seconded by Councilor Carney. The vote to adjourn passed on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).

Attest:  Administrative Assistant to the City Council

2014-2015 City Council Roll Call Record  
 Record of City Council Votes for March 3, 2016

	Adams	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sclarra	Total
Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:06 p.m.	Present	Present	Present	Absent	Present	Present	Present	Present	Present	8 Present, 1 Absent
16.023 Resolution to Oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past	Yes	Abstain	Second Yes	Absent	Yes	Motion to Approve Yes	Abstain	Yes	Yes	Motion Carried 6 Yes, 0 No, 1 Absent, 2 Abstentions
16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield	Yes	Yes	Yes	Absent	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent
16.033 An Order to appropriate \$30,825 from insurance proceeds to Police Department OOM Account	Second Yes	Yes	Yes	Absent	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent

At 8:17 p.m. Councilor Klein motioned to adjourn; Councilor Carney seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Dwight).

Recorded By:

Pamela L. Powers, Administrative Assistant to the City Council  
 (413) 587-1210; ppowers@northamptonma.gov

PA 825.00  
3/2/16

NORTHAMPTON, MASS., March 2, 2016

To the Honorable City Council of the City of Northampton:

The undersigned respectfully petitions your honorable body for a License as follows:

Name of Business: Antiquarian, LLC  
Type of License: Secondhand Dealer  
Location: 108 Main Street, Northampton, MA

(Sign Here) Will R. Y. S.

No. 27 Street Lyman St. #002 Springfield, MA 01105

In City Council, \_\_\_\_\_

Referred to Committee on Licenses.

ATTEST:

\_\_\_\_\_  
City Clerk

In City Council, \_\_\_\_\_

In Committee on Licenses, \_\_\_\_\_  
Voted to recommend that Petition \_\_\_ be

\_\_\_\_\_ granted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk

Voted that Petition be \_\_\_\_\_ granted.

Attest: \_\_\_\_\_ City Clerk

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes as required under law.

Will A. Y. S.

\* Signature of Individual

By: Corporate Officer

80-0625324

\*\* Social Security # Voluntary  
or Federal Identification Number

\* This license will not be issued unless this certification clause is signed by the applicant.

\*\* Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency **will be subject to license suspension or revocation.** This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

3/2/16  
no 50  
ck # 2466

Commonwealth of Massachusetts  
City of Northampton  
Business Certificate

New Filing   X   Renewal \_\_\_\_\_ Date: 3/2/16

In conformity with the provisions of Chapter One hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

The Antiquarian LLC

Is conducted at 108 Main St. Northampton, MA 01060

By the following named person(s):

Full Name (print)	Residence
<u>William Youngworth</u>	<u>27 Lyman St. #002</u>
_____	<u>Springfield, MA 01103</u>
_____	_____

Signed:

William Youngworth

Contact Telephone: 413-285-8063 Type of Business: Antiques

Commonwealth of Massachusetts

Hampshire, ss March 2, 20 16

Then personally appeared the above-named William Youngworth  
And made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as said business shall be conducted and shall lapse and be void unless renewed. If you cease conducting business before that date, the law requires that you contact the City Clerk and file a withdrawal certificate.

Certificate Expiration Date: March 2, 2020

Wendy Mazza  
Notary or City Clerk Signature

Notary Expiration: \_\_\_\_\_

FILE # 10938

**City of Northampton**  
**MASSACHUSETTS**

*In the City Council, February 18, 2016*  
Upon the Recommendation of the Mayor

**O-16.030**  
**AN ORDER**

**TO ESTABLISH WATER AND SEWER RATES FOR FY2017**

*Ordered, that:*

Effective July 1, 2016, the per 100 cubic foot (CCF) rates for water and sewer are as follows:

**WATER**

Customers with 1" meter or smaller

Tier 1 consumption: 0 – 16 CCF           \$4.73 per CCF

Tier 2 consumption: >16 CCF           \$6.21 per CCF

Customers with meter larger than 1"

All consumption           \$6.09 per CCF

**SEWER**

Non-metered

\$7.52 per CCF based on 80% of metered water consumption

Metered

\$7.52 per CCF



## Committee on Public Works & Utilities and the Northampton City Council

### Committee Members:

*Councilor Jesse M. Adams*

*Councilor Dennis P. Bidwell*

*Councilor William H. Dwight*

*Councilor David A. Murphy*

### MEETING MINUTES

**Date: February 29, 2016**

**Time: 7:00 pm**

**Location: City Council Chambers  
212 Main St., Northampton, Massachusetts**

**1. Meeting Called to Order and Roll Call:** At 7:00 p.m. Councilor Bidwell called the meeting to order. Present were: Councilors Adams, Bidwell, Dwight and Murphy. Also present from the city council were Councilors LaBarge O'Donnell and Sciarra. Councilor Klein arrived at 8:00 p.m.

**2. Public Comment:** Mr. Fred Zimnoch made a statement during the general public comment period. He indicated that surrounding communities have lower water and sewer rates than Northampton. He hopes that the new system is transparent. He suggested that the new approach highlight the single value rate compared to other values that were paid prior to the two-tiered system.

### **3. Election of Committee Chair and Vice-Chair**

Motion to open the nominations for Chair made by Councilor Dwight and seconded by Councilor Adams. The motion was approved on a voice vote of 4 Yes, 0 No.

Nominated: Councilor Bidwell by Councilor Dwight; seconded by Councilor Murphy  
Councilor Adams by Councilor Bidwell; seconded by Councilor Dwight

Councilor Dwight withdrew his nomination for Councilor Bidwell upon learning that Councilor Adams would accept the position as committee chair if elected to do so by the committee.

Motion to close nominations for Chair made by Councilor Dwight and seconded by Councilor Murphy. The motion to close nominations was approved on a voice vote of 4 Yes, 0 No.

Councilor Adams was elected as committee chair on a voice vote of 4 Yes, 0 No. He took over as the presiding officer of the meeting upon election.

Motion to open the nominations for Vice-Chair made by Councilor Dwight and seconded by Councilor Bidwell. The motion was approved on a voice vote of 4 Yes, 0 No.

Nominated: Councilor Bidwell by Councilor Dwight; seconded by Councilor Murphy

Motion to close nominations for Vice-Chair made by Councilor Dwight and seconded by Councilor Murphy. The motion to close nominations was approved on a voice vote of 4 Yes, 0 No.

Councilor Bidwell was elected as committee Vice-Chair on a voice vote of 4 Yes, 0 No.

#### 4. Approve Committee Schedule for 2016

Councilor Murphy moved to approve the committee schedule for 2016; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No. The committee approved the following dates for 2016:

- February 29, 2015
- March 28, 2016
- April 25, 2016
- May 23, 2016
- June 27, 2016
- July 25, 2016
- August 22, 2016
- September 26, 2016
- October 24, 2016
- November 28, 2016
- December 20, 2016

#### 5. Items Referred to Committee

- **16.026 Petition from Northampton Residents to accept Bottums Road as a Public Way - Referred to Committee on 2/4/2016**
  - Councilor Dwight moved to postpone discussion on this item until a public hearing is held by the Public Works commission. Councilor Murphy seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No. This event is scheduled for March 23, 2016 at the intersection of Clement and Bottums Road @ 5 p.m.
- **16.030 An Order to Establish Water and Sewer Rates for FY2017 - Referred to Committee on 2/18/2016:** Councilor Adams announced that a public hearing was planned for this evening regarding the order submitted by Mayor Narkewicz in which he proposed new water and sewer rates for FY2017. The order proposed a two-tiered model for water fees and a single-tiered model for sewer fees. The Mayor and Acting DPW Director James Laurila were on hand to give a presentation about the new system and to answer any questions pertaining to Northampton Water / Sewer.

Motion to open public hearing made by Councilor Murphy and seconded by Councilor Dwight. The motion was approved on a voice vote of 4 Yes, 0 No.

Mayor Narkewicz reminded the committee about the history of establishing water/sewer rates. In November 2014, the City Council adopted the Administrative Order to re-organize the city government. This change brought about the change of rate setting authorization from the Board of Public Works to the Mayor and City Council.

In March of 2015, a public hearing was held regarding the FY2016 proposed rate increase; as a result of that public hearing, the Mayor froze water/sewer rates for the FY2016 timeframe. At that time the Mayor promised to research alternative rate structures, conservation incentives, and rate relief for eligible low income residents. This also gave the DPW time to finalize and hold public forums on two asset management plans that they were in the process of completing: the Comprehensive Waste Water Asset Management Plans and the Water Supply System Assessment Management Plan. These two studies would help the city better understand capital requirements for the next several years.

The city contracted with Raftelis Financial Consultants, INC and Woodcock & Associates to study water and sewer rates. They were commissioned to assess the appropriateness of the city's current rates structures in comparison to the city's stated objectives. Those objectives were: to promote conservation; provide assistance to economically disadvantaged customers, improve equity among customer types and to enhance revenue stability. The contracted firms were also asked to develop a forecast of water and sewer rates to fund all current and future operating and capital needs while still maintaining the stated objectives.

Acting DPW Director James Laurila reviewed the capital needs for both water and sewer programs:

**Water Capital Needs include:**

FY2017

Watershed land acquisition: \$200,000  
Granular Activated Carbon : \$80,000 (Water treatment plant – 5-year replacement schedule)  
Waterline Replacement: \$1,600,000

- Conz/North Farms/North Maple/Day: Design and Construction
- Hinckley Street Construction
- Damon Road waterline Design

FY2018

Watershed Land acquisition: \$200,000  
Granular Activated Carbon : \$80,000  
Waterline Replacement: \$1,200,000

- Damon Construction and other(s)

Design: SCADA controls/dewatering system/sludge pumps/clarifiers/odor control/intermediate pumps

FY2019

Watershed Land acquisition: \$200,000  
Granular Activated Carbon : \$80,000  
Waterline Replacement: \$400,000

FY2020

Watershed Land acquisition: \$200,000  
Granular Activated Carbon : \$80,000  
Waterline Replacement: \$400,000  
Ryan/West Whately Dam Repair: \$950,000

FY2021

Watershed Land acquisition: \$200,000  
Granular Activated Carbon : \$80,000  
Waterline Replacement: \$400,000  
Ryan/West Whately Dam Repair: \$3,500,000

**Sewer Capital Needs include:**

FY2017

Sewer line replacement: \$400,000

- Day Avenue/Hinckley Street

Wastewater Treatment Plant Improvements: \$1,319,000

- Design: Aeration tanks/Disinfection system/flow measurement/electrical

Sewer System Studies: \$200,000

FY2018

Sewer line replacement: \$400,000  
Sewer System Studies: \$200,000  
Wastewater Treatment Plant Improvements: \$3,984,000

- Construction: Aeration tanks/Disinfection system/flow measurement/electrical

FY2019

Sewer line replacement: \$400,000  
  
Sewer System Studies: \$165,000  
Wastewater Treatment Plant Improvements: \$4,606,000

- Design: SCADA controls/dewatering system/sludge pumps/clarifiers/odor control/intermediate pumps

#### FY2020

Sewer line replacement: \$400,000

Wastewater Treatment Plant Improvements: \$15,720,000

- Construction: SCADA controls/dewatering system/sludge pumps/clarifiers/odor control/intermediate pumps
- Design: Atwood/Island/Burts Pit/Rick pump stations/Mill River wall rehab

#### FY2021

Sewer line replacement: \$400,000

Wastewater Treatment Plant Improvements: \$4,352,000

- Construction :Atwood/Island/Burts Pit/Rick pump stations/Mill River wall rehab

The Mayor reviewed the projected spending profile that was developed by Woodcock & Associates. The information included in the chart is based upon the planned spending each fiscal year as outlined above. Additional slides show projected financial plans for both water and sewer (two separate slides) with projected operating expenses, proposed and existing debt service, and pay-as-you-go capital spending for the next eight years. The projected water revenues necessary to cover the plan show a 2 % increase each year in order to meet the water plan. The projected sewer revenues necessary to cover the plan show a 3% increase each year in order to meet the sewer plan.

The Mayor reviewed the current water rate structure: all customers are charged the same volumetric rate regardless of the type or size of the customer, or the amount of water used. A \$1 fixed charge is assessed per bill. There are no charges for private fire protection charges. The water rate for FY 2015 and FY2016 was \$5.58 per ccf.

The Mayor reviewed the current sewer rate structure: all customers are charged for sewer services based on 100% of metered water consumption, except for a small number of large industrial customers. The FY2016 sewer rate and FY2015 rate was \$6.08 per ccf of metered water consumption.

The key study recommendations from the consultants included providing economic assistance to customers who qualify. Their recommendation suggested this qualification be based on current tax exemption criteria. They suggested that the city create a two-tier water rate structure for small meters. Bills should also include a larger fixed charge and that the city creates new fire protection charges for those with private systems supported by the municipal water system. Finally, the consultant recommendations supported billing a sewer rate at 80% of metered water consumption. The consultants recognized that not all of the water consumed returned to the sewer system.

The Mayor reviewed the water and sewer rates that are currently proposed to the city council:

#### **PROPOSED WATER RATE**

Customers with 1" meter or smaller:

Tier 1 consumption: 0 – 16 CCF \$4.73 per CCF

Tier 2 consumption: >16 CCF \$6.21 per CCF

Customers with meter larger than 1":

All consumption \$6.09 per CCF

#### **PROPOSED SEWER RATE**

Non-metered \$7.52 per CCF based on 80% of metered water consumption

Metered \$7.52 per CCF

In addition to the proposed rates, the Mayor will move forward with the recommendation proposed by the consultants regarding quarterly fixed charges. These rates will be set by the Department of Public Works with the approval of the Mayor. Customers who currently qualify for a low-income exemption on Real Estate or the CPA taxes will also automatically be exempted from this fixed charge on their utility bill. By doing this, the customer's bill will be reduced by an amount that cannot be reduced through conservation.

The current fixed charges (\$1) raise about .54% of revenue; the proposed new fixed charges will generate about 2.01% of revenue. The quarterly fixed charge by meter size will be as follows:

Meter Size	Quarterly Fixed Charge
5/8"	\$12.64
3/4"	\$18.96
1"	\$31.59
1.5"	\$63.17
2"	\$101.07
3"	\$189.51
4"	\$315.85
6"	\$631.69
8"	\$1,010.69

In addition to the newly proposed fixed charges, the Mayor said he will adopt a quarterly fire protection charge. The fee amount will again be set by the DPW with approval from the Mayor and will be based upon the diameter of the fire line used to support the fire suppression system. Those affected by the rate include some homes with a non-metered line that provide a high capacity of water used for fire suppression. The rates will be as follows:

Fire Line Diameter	Quarterly Charge
<2"	No Charge
2"	\$10.00
3"	\$25.00
4"	\$60.00
6"	\$170.00
8"	\$360.00
10"	\$645.00

Mayor Narkewicz reviewed what impact the new rates will have on customers. He noted that a water and sewer calculator is available on the city website. A customer would need to input three things: their meter size, whether their bill included sewer charges, and their water usage. All of the information can be found on the customer bill.

Councilor Murphy noted that the proposed rate structure doesn't take into account multi-unit buildings and that there is no multiplier available based on the number of households serviced by a given meter. There won't be, therefore, incentives for residents to take conservation measures. The Mayor recognizes this concern. Councilor Murphy also asked if there was any analysis done regarding the decreasing returns the city might endure due to a successful conservation push by residents. The Mayor indicated that that could be a concern and was one of the reasons that the consultants recommended that the city not rely solely on consumption-based revenue. When asked whether there were separate rates available for agriculture, the Mayor indicated that there were not. Councilor Murphy pointed out that the water/sewer calculator does not include the stormwater charge.

Acting Director Laurila indicated that in the case of larger multi-family buildings, there needs to be an effort to go through each individual unit and put in place water conservation tools, such as aerators on showers. In the case of older buildings, there might not be space to put in sub-meters.

Councilor Dwight asked if there were savings that could be realized by the city by universal conservation program. Acting Director Laurila indicated that there would not be a lot of savings to the city; however, there might be savings in treatment costs. Councilor Dwight drew the general conclusion that the promoting of conservation efforts would benefit the customer more than it would the city. He reports that consumption rates have been declining in the last several years.

Councilor Bidwell asked whether consideration had been given to higher fixed fees; the Mayor indicated that he would like to see what happens as a result of the changes he is looking to implement; the DPW

will be re-visiting the model each year. It was clear, based on the \$1 fee, the fixed costs had not been looked at in several years. The Mayor reports that the fire protection charges will generate about \$100,000 per year, which is not significant. The more important element is to build equity and stability into the model.

The projected cost associated with updating the treatment plant is to comply with regulatory requirements.

Acting Director Laurila pointed out that the pipes that carry water for the fire suppression system need to be bigger to carry the necessary amount of water in order for the system to work. Some of the pipes identified in the asset management program are too small and when scheduled to be replaced, they will be replaced with appropriate sized piping. While the water may never be used, the pipes still need to be the right size to carry the necessary amount of water. He points out that the industry standard is to replace 1% of water lines per year; the city is not currently at that level.

Councilor Adams asked about the \$6.09 flat fee for customers with a meter size >1" as outlined on the order sent to the city council. Mayor Narkewicz indicated that this refers to the fact there is no tiered rate structure for customers who fall into the category of a meter size of >1" due to the fact that there was not enough of a diversification of users in that group to have multiple tiers. Acting Director Laurila indicated that it was his understanding that generally these were commercial customers and there is no definition of what wasteful use is; on the two-tiered side, the lower rate is considered conservation rate, but on the commercial side there is no way to define what the wasteful use would be. There is, however, an economic driver not to waste water on the commercial side. Councilor Adams pointed out that a commercial user with a meter size under 1" would be subject to a two-tier rate system. In his opinion, this did not seem to make sense. The Mayor indicated that unfortunately, there were not commercial vs. residential meters, only different size meters.

Mr. William Golaski of 68 Golden Drive stated that he holds a plumbing license in the state of Connecticut and that he has been involved in the water industry for over 30 years. He stated that the water land acquisition plan for \$1,000,000 as defined in the slides seems excessive. The current reservoirs in the city, he assumes, work and that there is no need to expand them. On top of the acquisition, there is always the need to maintain the land which will add costs to the city's budget. Regarding the 1" line, he points out that most new construction with multiple bathrooms have lines greater than 1" and will therefore require a bigger meter. He also indicated that the size of the pipe is not always an indicator of the meter size. He also thought that the 16 ccf was low for the lower tier. Regarding the fire suppression, the \$10 fee seems low and as a result puts the burden on the citizens of Northampton. He recalled that the city council indicated it wanted to make the city a more affordable place to live. He doesn't see how this new tiered structure accomplishes that goal. The water and sewer rates for the city are double what they are in other communities; this is not encouraging to young families and senior citizens who want to move into or stay in our community. Mr. Golaski indicated that the water and sewer rates for Northampton were approximately double the rates in Easthampton (water=\$2.80/sewer=4.25) which is one town over. On top of these higher fees the city has a stormwater fee and as far as he knew the stormwater runoff and the sewer water all used the same lines. Excessive conservation will lead to lack of revenue for the city which will lead to a need to increase water/sewer rates in the city. He believes that the second rate proposed as part of the two-tier rate structure is discriminatory toward larger families. He believes that the city is moving too fast to work on projects that should have been taken care of a long time ago; city infrastructure is just one example. The DEP suggests that an average person should use 65 gallons of water per day. Through 2008 – 2011 the city average was 60 gallons of water per day, well below the suggested amount. In his research, he has not determined that there is a water shortage; the reservoir water levels seem to be stable. A lot of other cities allow an agriculture meter.

Mayor Narkewicz pointed out that everyone who qualifies for the two-tier system will be paying the lower rate for the first 16 ccf of water usage.

Councilor Murphy pointed out that water restrictions in the summer don't have anything to do with the reservoir level, but rather the level of the Mill River. Acting Director Laurila indicated that the state uses the Mill River level and is based on the Water Management Act Plan that the city has. He does not understand why the state has chosen the Mill River water level for Northampton. Before that measure

was in place in the water management act plan, the city used to base the restriction on water levels of the reservoir. The DEP policy statewide is driven on being conservation minded. The goal set by the DEP is for all public water supply users to be conservation minded. By being conservation minded, we are drawing less water from the environment for human and commercial use and we are allowing more water to remain in the rivers and streams.

Mr. Arnie Levinson lives at 14 Hancock Street in Northampton. He is also the owner of Pine Street Café in Florence. He notes that there has not been any mention of the impact of increased water rates on businesses. He feels this should get some level of attention. He makes note of a lot of empty store fronts, and while these aren't directly attributable to the water/sewer rates, continuing to increase costs for businesses will hurt businesses in the long run. For him to cover the water/sewer costs will require selling the equivalent of 700 doughnuts. This doesn't include the cost of materials or labor. He feels that the impact of increased water rates on businesses needs to be examined.

Mr. Fred Zimnoch, Ward 3, notes that the Mayor stated that water rates would increase 2% per year and that sewer rates would increase at 3% per year. If we are really concerned about making the city affordable, the water rates should be compared to other cities or towns.

Acting Director Laurila points out that the city has a very complex water system. The three main water supply reservoirs are not in the city. They are in Conway, Whately and Williamsburg. We have surface water supply which means there are dams and waterways in which the city is responsible for maintaining. We take the water from other communities, deliver it to a treatment plant in Haydenville, and then deliver the water to the city using transmission lines that come from another town. Some of the water supply distribution system in place today dates back to 1870. This entire system is more complex than those in other communities which might use wells or water tanks as water distribution methods. Use of these other methods usually results in lower costs. A lot of neighboring communities are not as forward thinking as Northampton in terms of how the city maintains its infrastructure. There is good effort on the part of the city to make the water and sewer system sustainable. With the 2 & 3% rate increases projected for water & sewer, Acting Director Laurila feels that the city is doing the very best it can to maintain the system adequately. The projects that are the most critical are the ones that are the focus of the DPW capital plan. Other communities have yet to do an asset management plan for their water & sewer systems and therefore have no plan in place for the infrastructure that they have. The state is pushing other communities to draft such a plan. A few years ago the state did a study to figure out what the funding gap was to address water and sewer systems needs across the state. The study found that a vast majority of the communities are not planning appropriately to upgrade their water and sewer systems and they are also not funding them. One of the needs that was identified in the report was the need for more state infusion of grant money for water and sewer systems. A part of that was predicated on communities stepping up to make sure that water and sew rates were in line with reasonable goals for local funding before the state will provide money for water/sewer systems.

Councilor Dwight noted that under Mayor Ford, the city was able to secure a number of deferments to build a water treatment plant from the DEP due to the fact that the city was acquiring land for the watershed. The city was still able to maintain high water quality during that time period. Once the standards became more stringent by the state, the city was no longer able to hold off on building the water treatment plant costing \$26 million. Once it was decided that the treatment plant needed to be built, the plan was to incrementally increase water/sewer rates to help pay for the plant allowing the city to borrow less money.

Wes Hardy of 19 Mark Circle had a question about the combined water/sewer rate. When looking at the 3 ccf cost vs. the 9 ccf cost, it seemed to him that the 3 ccf rate was higher. This was explained by the Mayor that this was due to the same fixed charges applied to each bill. He also questioned the logic of increasing water and sewer rates over time - projected to be 2 and 3 % respectively, and the impact that conservation measures might have on the projected revenue. If water rates increase say 2% but water consumption is reduced through effective conservation by the public, then the overall projected revenue as depicted on the slides is unrealistic.

Councilor Murphy asked the Mayor to show at about which point the city can expect to bond. The Mayor indicated that rates are currently low and may be incentive for the city to bond in the near future. The

capital improvement program that will be submitted to City Council in the near future will also show debt schedule. Bonding at the right time in a project lifecycle can save the city tremendous amounts of money.

Councilor Dwight indicated that the City Council will only be approving the proposed consumption rates, not the fixed charges.

Mr. David Herschips of 22 Warburton Way suggest that there may be a way for the city to make use of revenue bonds secured by the water and surcharges for the proposed projects instead of the general obligation bonds that are historically used by the city. The payment obligations could be stretched to 30 years instead of the standard 20 years for the general obligation bonds. Mayor Narkewicz indicated that the city works with Bond Counsel who will look at all the possible ways the city can borrow money. The Mayor is not sure if the city is eligible for revenue bonds, but he will investigate. He also commented that through the state there is a revolving fund in which communities can borrow at very low interest rates.

Mr. Zimnoch suggested that if the city is concerned about affordability, the perhaps it might be worthwhile to compare the city's rates to those other communities with complex water/sewer systems described by Acting Director Laurila.

Mr. Golaski noted that water restrictions in the summer are triggered by a drought advisory in the Mill River. So when water consumption could be at their highest, the city might be experiencing a water ban. Surrounding towns don't experience the same bans that there are in Northampton. The stream trigger is used a lot in Northampton; this doesn't seem to make sense.

At this point, Councilor Adams asked for a discussion whether to keep the public hearing open. Councilor Dwight suggested that if the committee did so, it would be to gather more information or to promote further discussion. He has not heard anything tonight that would suggest keeping the public hearing open.

Councilor Murphy said he was surprised that there were not more people present. Councilor Adams suggested that perhaps this might be a reason to keep the public hearing open. Councilor Dwight indicated that he doesn't know if another public hearing would get more information.

Councilor Murphy offered that the Public Hearing could be continued to the Committee on Finance. He requested that the Mayor show what the projected costs might be if the second tier were 20 ccf vs. 16 ccf. He was interested in knowing how this might affect the revenue stream. Will this affect the cash flow in a measurable way?

Councilor Bidwell asked whether it would be possible to see how the proposed rates might affect commercial users. The Mayor indicated that he will provide examples at the public hearing the will be held during the Committee on Finance.

Motion to close public hearing made by Councilor Dwight and seconded by Councilor Bidwell. The motion was approved on a voice vote of 3 Yes, 1 No (Councilor Murphy).

Councilor Dwight moved to send the order back to the full city council with no recommendation; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

**6. New Business:** None

**7. Adjourn:** At 9:10 pm Councilor Dwight moved to adjourn the meeting; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

*Prepared By:*

*P. Powers, Administrative Assistant to the City Council*  
413.587.1210; [ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov)

# **Committee on Finance and the Northampton City Council**

*Councilor David A. Murphy, Chair*

*Councilor Jesse M. Adams*

*Councilor Maureen T. Carney*

*Councilor Marianne L. LaBarge*

**City Council Chambers, 212 Main Street  
Wallace J. Puchalski Municipal Building  
Northampton, MA**

Meeting Date:: March 9, 2016  
6:00 pm

- 1. Meeting Called To Order:** At 6:00 pm Councilor Murphy called the meeting to order. The meeting was broadcasted live by NCTV. Handouts of the presentation were available; since the last public hearing about the proposed water sewer rates that was held by the Committee on Legislative Matters on February 29, 2016, Mayor Narkewicz added new information based on the questions that were raised at that time.
- 2. Roll Call:** Present at the meeting were: Councilors Murphy, Adams, LaBarge and Carney. Councilor Carney left the meeting at 7:00 pm. Other City Councilors present were: Councilor Gina-Louise Sciarra. She arrived at 6:50 pm.
- 3. Election Of A Committee Vice-Chair:** Councilor LaBarge moved to open nominations for a Committee Vice-Chair and to nominate Councilor Adams; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Labarge moved to close nominations and to elect Councilor Adams as Vice-Chair. Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

#### **4. 16.030 An Order To Establish Water And Sewer Rates For FY2017**

The Committee held a Public Hearing regarding the proposed water and sewer rates.

At 6:03 pm Councilor LaBarge moved to open the public hearing; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Mayor Narkewicz began the public hearing with a presentation about his proposal for water sewer rates.

Following the reorganization of city government in November of 2014, the rate setting authority was transferred from the former Board of Public Works to the Mayor with approval by City Council (per administrative order). In March of 2015 a public hearing was held to discuss proposed FY2016 rates; there was a lot of feedback about the rate structure and whether there was any opportunity to improve on how rates were established. In April of 2015 the Mayor recommended that rates be frozen while he researched alternative rate structures and while the DPW finalized the Comprehensive Wastewater Management Plan and a Water Supply Assessment Management Plan.

In August, 2015 the city contracted with Raftelis Financial Consultants, Inc and Woodcock and Associates, Inc. to study water and sewer rates. The purpose was to assess the appropriateness of the city's current rate structure in comparison to Northampton's rate structure objectives and to develop a forecast of water and sewer rates to fund all current and future operating and capital needs while also accomplishing the city's rate structure objectives.

The objectives of the rate structure were: to promote conservation, provide assistance to economically disadvantaged customers, improve equity among customer types, and to enhance revenue stability

City Engineer and Acting DPW Director Jim Laurila talked about the key water capital needs for the next five years:

FY2017 – FY2021 Water Line Replacement - \$4,000,000:

- Conz/North Farms/North Maple/Day: Design and Construction
- Hinckley Street Construction
- Damon Road Waterline Design and Construction
- Other Projects that have yet to be determined

FY2021 – Reservoir Dam Repairs: \$3,500,000

- F.P. Ryan Reservoir
- West Whately Reservoir Dam

Acting Director Laurila went through the planned key sewer capital needs for the next five years:

FY2017 – FY2021 Sewer Line Replacements and System Studies - \$2,565,000

- Day Avenue/Hinckley Street
- Other Projects that have yet to be determined

FY2017 – FY2021 Wastewater Treatment Plant Improvements - \$29,981,000

- \$1,319,000 - Design: Aeration tanks/Disinfection system/flow measurement/electrical

- \$3,984,000 - Construction: Aeration tanks/Disinfection system/flow measurement /electrical
- \$4,606,000 - Design: SCADA controls/dewatering system/sludge pumps/clarifiers/odor control/intermediate pumps
- \$15,720,000 - Construction: SCADA controls/dewatering system/sludge pumps/clarifiers/odor control/intermediate pumps Design: Atwood/Island/Burts Pit/Rick pump stations/Mill River wall rehab
- \$4,352,000 - Construction :Atwood/Island/Burts Pit/Rick pump stations/Mill River wall rehab

The capital improvement plans were depicted on a graph showing the capital needs by year. The graph shows significant changes from year to year. The city worked with the rate consultants to determine the best way to finance the capital projects.

The overall financial plans includes different elements and takes into account all aspects of financial needs, including operating expenses, proposed debt service, existing debt service and cash reserves needed to fund the water system upgrades.

Mayor Narkewicz described the current rate structures. Regarding water charges, all customers are charged the same volumetric rate regardless of type, size, or the amount of water used. A very small fixed charge is assessed per bill, which recovers very little of the water system's fixed costs. There are no charges for private fire protection systems that are installed throughout the city; the FY2016 and FY2015 water rate was \$5.58 per ccf.

The sewer rate structure was described as all customers are charged for sewer services based on 100% of metered water consumption, except for a small number of large industrial customers. The FY2015 and FY2016 sewer rate was \$6.08 per ccf of metered water consumption.

The consultants made the following key recommendations: provide economic assistance to customers who qualify based on current tax exemption criteria; create a two-tier water rate structure for small meters; implement a larger fixed charge; create new private fire protection charges; and assess sewer rates at 80% of metered water consumption.

Mayor Narkewicz summarized the proposed FY2017 water and sewer rates:

**Proposed Water Rates:**

Customers with 1" meter or smaller: Tier 1 consumption: 0 – 16 CCF \$4.73 per CCF; Tier 2 consumption: >16 CCF \$6.21 per CCF

Customers with meter larger than 1": All consumption \$6.09 per CCF

**Proposed Sewer Rate:**

Non-metered \$7.52 per CCF based on 80% of metered water consumption; Metered \$7.52 per CCF

Mayor Narkewicz talked about the 16 ccf conservation rate. The number was derived from the DEP National Standards of water consumption. The DEP suggests that individual consumption goal is 65 gallons per person per day. Since the average household in Northampton is 2.07 persons, the 65 gallons per day was multiplied by 2. This totals 134.6 gallons per day for the average household. This total was divided by 7.48 (this amount represents 1 cubic foot of water); 134.6 divided by 7.48 equals 18 cubic feet of water. To determine the water rate for a three month period, 18 cubic feet was multiplied by 90. 18 cubic feet times 90 days equals 1,620 cubic feet per quarter. 1,620 cubic feet per quarter divided by 100 equals 16 ccf per quarter.

The DPW will be the authorized city agency (with final approval by the Mayor) to establish fixed charges based on the customer's meter size. The fees will be as follows:

Meter Size	Quarterly Fixed Charge
5/8"	\$12.64
3/4"	\$18.96
1"	\$31.59
1.5"	\$63.17
2"	\$101.07
3"	\$189.51
4"	\$315.85
6"	\$631.69
8"	\$1,010.69

Ninety-five percent of customers (8,135 customers) have meter sizes 1" or smaller. Five percent (389 customers) of customers have meters that are larger than 1". The breakdown down is not based on whether a customer is commercial/residential/industrial. The number of customers who have a particular meter size, and the percentage of the customer base they represent are as follows:

Meter Size	Customers	%
5/8"	7151	83.89%
3/4"	375	4.40%
1"	609	7.14%
1 1/4"	2	0.02%
1 1/2"	187	2.19%
2"	139	1.63%
3"	43	0.50%
4"	15	0.18%
6"	2	0.02%
8"	1	0.01%
Total	8524	100.00%

The Mayor talked about an affordability program. For customers who currently qualify for a low-income exemption on real estate or CPA, they will also automatically be exempted from

the fixed charge. This will reduce the customer's bill by the amount that the customer cannot reduce through conservation methods.

The Mayor reviewed the quarterly fire protection charges that will be set by the DPW. This is a totally separate water line that is unmetered. Currently there are no charges for this private service, so the cost burden is borne by all customers. The proposed charges will only be borne by customers who have the service. The charges will be as follows:

Fire Line Diameter	Quarterly Charge
<2"	No Charge
2"	\$10.00
3"	\$25.00
4"	\$60.00
6"	\$170.00
8"	\$360.00
10"	\$645.00

The Mayor reviewed the impact the proposed rates will have on customers. The summary also included the impact that the new rates will have on selected local businesses.

Customers can determine what their new bill might look like using the water/sewer calculator on the city's website.

In closing, the Mayor quoted from a study done called **Massachusetts Water Infrastructure Toward Financial Stability 2012 Report**. The study looked at water infrastructure across Massachusetts; what the condition of it is, how much people are planning, and how much people are paying for this resource.

*"For a service that has a very high societal value, where failures will cause great inconveniences, loss of business, and jeopardize the public health, we often fail to pay enough for the service.*

*Ironically, many of us see the value in high monthly fees for internet or cable service. As a point of comparison, water rates on an annualized basis compare to the following rates paid for other commonly used utilities:*

**Current Average Rates Expressed As Average Monthly Payment And As Percentage Of Median Household Income**

	<b>Avg Monthly Pmt.</b>	<b>% MHI</b>
<b>Water rate</b>	\$ 28	0.52%
<b>Sewer rate</b>	\$ 41	0.75%
<b>Cellular Phone</b>	\$50-60*	0.92%-1.10%
<b>Cable TV/ Internet</b>	\$70**	1.28%
<b>Electricity</b>	\$45-65†	0.83%-1.19%

Sources: \*Kiplinger's May 2009; \*\*Centris Research April 2009; †Mass. EOEAA website

*In a 2010, the ITT Corporation conducted a survey of American voters concerning the value of water. Sixty nine percent of those polled agreed with the statement: 'I generally take my access to clean water for granted.' A full 95% of American voters polled in the same survey value water over any other services they receive, including heat and electricity."*

Committee questions were taken first:

Councilors LaBarge and Adams asked about the consultant fees. Mayor Narkewicz reports that the total contract cost was a maximum of \$29,000 combined for both firms. To date, the consultants have been paid \$21,000 combined. Bills are submitted at different phases throughout the contract period. The monies come out of the water / sewer enterprise funds, specifically the Engineering and Design services line item within the DPW budget. The project started in August of 2015. The DPW provided data regarding the capital project plans, operating expenses and other budgetary information.

Councilor LaBarge asked about the procedure to qualify for a low income exemption. The Mayor stated that income certification is done on an annual basis. The city uses a form approved by the state. The assessor meets with the applicant privately to determine eligibility.

Councilor Adams asked how the new rate structure would change the distribution borne by the different customer types. Mayor Narkewicz explained that it would be impossible to determine this information because the billing system is not coded based on residential / tax exempt / commercial class, but rather by meter size. Any class of customer can have any one of a number of meter sizes. The classification for water rates is not the same as how the classification is set up for tax rates.

Councilor Adams noted that the Northampton water rates are high compared to rates in other communities. He asked whether there was any comparison done regarding the increases and future rates given that they will be going up 5% per year. The Mayor indicates that while the plan is to generate 2% additional revenue per year for water and 3% additional revenue per year for sewer, this does not mean that everyone's rates will increase by 5%. There are many variables that will determine what the increase will be. Also, given that there are different systems in different communities, it is difficult to compare rates against other communities. While the city of Springfield has a similar setup to Northampton, the number of gallons that they supply is much greater. Their infrastructure is supported by a larger customer base.

Councilor Adams noted that different communities have different challenges, but he feels that it is quite easy to compare bills. If you are a business coming into the city, you can compare bills from different communities and see how one community might be more cost friendly over another community. This is why he would like to see comparisons between neighboring communities, particularly, which other communities have a similar rate structure to the one that is being proposed. There are other things as well, like CPA.

Chip Parsons of 137 Mill Valley Road in Hadley has farm land in Northampton. He is also a member of the Northampton Agricultural Commission. He wondered whether there was any thought given to a different rate for agriculture. Mayor Narkewicz noted that water use for agriculture was not something that was identified as a specific concern. Acting Director Laurila noted that the treatment costs for customers in this category are the same as for other categories. If consideration is given in the future, customers in this category include Smith Agricultural School, the Northampton Community Gardens, and local farmers, however, if this is done, the burden of cost shifts to other customer types.

Mr. William Golaski of 68 Golden Drive in Florence has been a resident of Florence for 27 years. He holds a plumbing license in the state of Connecticut. In 2014 he notes that the city of Northampton won an award for water consumption well below the 65 gallon per day average rate. He wonders whether the city needs to continue conservation measures. He notes that conservation ultimately leads to lack of revenue, which will lead to rate increases. He noted that the city council said that affordability is paramount to our city; he doesn't believe the current or proposed water rates promote affordability in Northampton. Current and proposed rates also do not attract young families into our community, nor do they afford senior citizens the opportunity to remain in the city. Rates sizes based on meter size does not make sense to him; they are discriminatory toward larger families. Rates should be set on usage, not based on what size your meter is. In the past 10 years, water rates have increased 71.44%; sewer rates have increased 52% over the past 10 years. He questions whether the land acquisition program, as outlined in the presentation makes sense. Does the city need to add land to its watershed? \$1mill proposed to spend on land would go a long way toward the \$8 mill proposed projects. He believes water rates should be frozen or decreased. He questions whether the average household size is 2.07 people in Northampton. He also noted that some of the monthly expenses incurred by families are optional, such as cable or cell phone charges. Water is not an optional expense. Finally, regarding the chart that showed proposed water rate changes for businesses, he questioned whether the water consumption was for a particular time of the year.

Mayor Narkewicz noted that the current household size in Northampton is 2.07 people, which follows closely to the average household size in the state of Massachusetts. Regarding the water consumption of businesses, the Mayor indicated that an average of 4 quarters was used in each calculation for each business representing a full year of water consumption. Regarding the land acquisition program, Acting Director Laurila indicated that the D.E.P. views that the best protection of water quality is done by protecting and managing the land around the water source. The city is obligated by D.E.P. to have a water source protection plan which outlines the city's strategy for protecting the water quality. One important element of this plan is the land acquisition plan. Since 2009 the city has acquired about 250 acres of land in the watershed area. This is viewed favorably by the state. There is commonly grant money

available for acquisitions of such land as specified under the plan; over the past five years, the city has received over \$400,000 in state grants to purchase land identified as critical in our protection plan. The city operates in a highly regulated environment for both water and sewer. Many of the capital projects, both past and future, are mandated by the D.E.P. on both the federal and state level.

Mr. Mike Kirby of 134 North Street in Northampton had a question about the quarterly fire protection charge. Mayor Narkewicz indicated that the fire protection charges will only apply to those customers who have the service. These customers have a separate water line in addition to their water supply.

Mr. Fred Zimnoch of 23 Pomeroy Terrace in Northampton had two concerns. First, the projection of the rates beyond fiscal 2017 and the potential of raising rates every year. Mayor Narkewicz said that the rates will need to be voted upon annually. He can possibly project the rates based on some underlying assumptions, but several factors will affect the final rate going forward. Mr. Zimnoch also asked about the amount of projected revenue the Mayor expects the city to receive for FY2017; the Mayor indicated that this would be tricky because the revenues are tied to the rates. The proposed rates are projected to raise an additional 2% of revenue on the water enterprise fund and 3% additional revenue on the sewer enterprise fund. Mr. Zimnoch asked what in the plan would make him want to conserve water. The Mayor announced that in addition to the rain barrel program, the city will be making available conservation kits that might include aerators for showers, devices that will allow toilets to act as low-flow toilets. Mr. Zimnoch asked that once all projects have been completed, whether there was the potential for water rates to go down. The Mayor indicated that there was that potential.

Wes Hardy of 19 Mark Circle asked what the definition was of "improve equity among customer types". He also asked what the penalty was for not meeting the discharge permit. For fire protection, he asked the Mayor to consider a volumetric charge in addition to the line charge. He indicated that the fire protection charge is something that is required. If this is the case could the city implement a sidewalk charge, or a bike lane charge. Regarding the tax exemption qualification, he wondered if it was a tax and why someone would apply for the exemption at the Assessor's Office if it weren't a tax. Regarding the fixed charges, the City Council will have no oversight. What is preventing the Mayor from implementing an outrageous fixed charge? Mr. Hardy also feels that the idea of generating more revenue while promoting conservation does not make sense. Mayor Narkewicz indicated that Northampton has a major focus on being a sustainable community. For that reason, it was deemed important for conservation to be part of the overall plan. The system was built to be clean and affordable and to help people curb expenses. Equity among customer types breaks down into a large class of smaller customers and a small class of larger customers. These classes are based on meter size. Proposed rates are based upon use of the system. Regarding using the Assessor's Office to determine eligibility of need discount, there is already a state-approved discount program run by this office. The criteria for determining eligibility will be the same as for the CPA reduction, the senior/veteran work-off program, and the stormwater fee reduction. The Mayor reports that the reason why his household consumption exceeds the 16 ccf is because he has two teenage daughters at home. When his household size is reduced, he expects his household consumption to be less. The Mayor recognizes that he must answer to voters in the city. This prevents him from imposing unrealistic or unreasonable

fees. Regarding a mandatory requirement for fire suppression system, he acknowledges that there are businesses or residential units that are required to have a separate system installed. This does not mean that everyone in the city should be responsible for paying for that system as they are at this point. The Mayor points out that these customers are not required to use the city's water system at all. There also non-water based systems that would satisfy the fire protection requirement. Also, some businesses have chosen independent water sources to comply with the requirement. Mayor Narkewicz indicates that fee setting authority is granted under Mass General Law. Fees, whether set by City Council, the Mayor, or other, must be reasonable and has to bear a relationship to the service that is being provided. Otherwise it is considered a tax and would be illegal.

Mr. Kirby asked a question about the large users. Mayor Narkewicz indicated that the five large users are: Coca-Cola, Packaging Corporation of America, Cooley Dickinson Hospital, Florence Casket Company, and L3KEO. These companies have a special sewer meter. Mr. Kirby asked about other communities that were using the same consultants that the city used. Mayor Narkewicz indicated that the information can be found on the contractor's website and a link is available on the city's website. Mr. Kirby asked whether the land where the former reservoir was in the 1800's might be put up for sale to pay for some of the city's planned projects. The Mayor indicated that he would look into the possibility. Acting Director Laurial indicated that the city does own a lot of land and the vast majority of it is within the existing watersheds. There is some land the city owns that isn't in the currently active watersheds. A determination would have to be made about whether it was in the city's best interest in the long run to divest of this land.

Director Laurial points out that having a rate structure tied to the conservation rate is sensible. The way that the state enforces some of the stipulations, like the 65 gallon per day conservation use, they tie it to actions for grants and loans for water and wastewater systems. If the city were to seek a \$30 million loan for a wastewater treatment project, and then the city went to the state to ask for a low interest loan or a grant, one of the things that the state would ask would be how is the community conserving its water. One way to answer this question is to show that our rates are tied to a conservation level.

Mr. Hardy asked about the penalties associated with non-compliance of the permits. Acting Director Laurila reports that the fines can be up to \$10,000 per day and higher fines or imprisonment for not assisting a community in a way that they should in order to meet the permits.

Councilor Adams asked whether there were any plans to provide indirect general fund support from the water and sewer enterprise funds. Mayor Narkewicz indicates that the indirects have been going down over the last several years; the indirect schedule has been revised as a result. This year there will be an increase in health insurance rates. Since the indirects only cover the indirect costs, this will not generate new indirect costs as a result of the revenues going up. Most of the revenues are geared toward water infrastructure projects. Business manager Susan Wright reports that the whole indirect program. The enterprise funds now truly reflect the personnel that are working in that area.

Councilor Adams stated that fire protection fees are not based on usage at all. This means, in his opinion, that these should be viewed as a tax which would require City Council approval.

Also the taxpayers are already paying real estate taxes to fund fire services so this is like “double-dipping”. To him it is a fixed assessment based on tangible property. It doesn’t seem to be a user fee at all. He feels that it is a tax wrapped inside of a fee.

Councilor LaBarge asked about the Habitat project and the fire suppression system that was installed for that project. The Mayor believes that the system installed was suitable for residential buildings and did not require water lines larger than 2”. This would mean a \$40 annual fee split between the six residential units at that location.

Mayor Narkewicz noted that the handout contains a copy of one slide with errors. It is the page showing local businesses average quarterly bill comparison. Three amounts were incorrect on the handouts--the average quarterly consumption (ccf) for Coopers’ Corner should be 68; Main Street Cleaners should be 60; Northampton Brewery should be 516. All rate calculations were correct.

At 8:15 pm Councilor Adams moved to close the public hearing; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Carney). Councilor Adams moved to return the order back to the full city council with a neutral recommendation; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Carney).

**5. New Business**

- 6. Adjourn:** At 8:17 pm Councilor LaBarge moved to adjourn the meeting; Councilor Adams seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Carney).

***Prepared by:***

***P. Powers, Administrative Assistant to the City Council***  
***[ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov), (413) 587-1210***

**City of Northampton**  
MASSACHUSETTS

---

*In City Council*

March 3, 2016

---

Upon recommendation of the Mayor

---

**16.032**

**An Order**

**To Give Authorization for Two Separate Inter-Municipal Agreements:  
Williamsburg and West Springfield**

*Ordered, that*

Whereas MGL C.40 s. 4A allows for joint operation of public activities among governmental units, and

Whereas, MGL c. 40, s. 4A requires that such inter-governmental agreements be approved, in a city, by the City Council and the Mayor, and;

Whereas the City of Northampton provides services to and shares services with other municipalities;

Therefore pursuant to MGL C. 40 s. 4A the City Council hereby authorizes the City of Northampton to enter into the following inter-municipal agreements:

Contract with Town of Williamsburg for a new public access pedestrian trail that will cross City of Northampton property to provide a new public access trail to the historic Williamsburg Reservoir Dam per the agreement.

Contract with City of West Springfield to provide the use of a GMC Activity Bus for the West Springfield varsity baseball team for transportation to a tournament March 25, 2016 – March 28, 2016 per the agreement.



*Town of Williamsburg  
Board of Selectmen  
141 Main Street, P.O. Box 447  
Haydenville, Massachusetts 01039-0447*

December 10, 2015

Mayor David J. Narkewicz  
City of Northampton  
210 Main St #12,  
Northampton, MA 01060

Dear Mayor Narkewicz:

We write today to request permission for a new public-access pedestrian trail in Williamsburg that is proposed to cross City of Northampton property off of Ashfield Road and Judd Lane. This new trail will provide public trail access to the historic Williamsburg Reservoir Dam, an historic site that in 1874 had a fundamental impact on the history of both our communities.

As you may know, the 1874 Mill River Flood was the largest industrial disaster of its day, and changed the course of both Williamsburg's and Northampton's history forever, wiping out five mill villages and killing 139 people. The story of the flood is a formative story in our communities' history; unfortunately, access to the Williamsburg Reservoir Dam site, which tells so much of that story, has been off limits to the general public due to private property concerns.

Since 2014, our town's Williamsburg Woodland Trails Committee has been working with local private landowners Bethany and Will Ouimet and the City of Northampton Water Department (which owns the dam site) to develop a trail proposal that will allow the public to access, explore and experience the dam site, the historic flood story and the history of farm and forest management in the hilltowns.

By this letter we are submitting a formal proposal and request for permission (through a Memorandum of Understanding (MOU)) to develop a public access trail on City of Northampton property that will allow the residents of both our communities to experience the stories of this important site.

Attached you will find a full trail proposal and proposed MOU between the City of Northampton and Town of Williamsburg.

We hope you will look favorably on this proposed project, and we invite you, your staff and your family to come experience the trail.

Yours sincerely,

David E. Mathers  
Williamsburg Board of Selectmen Chair

cc: Nicole Sanford  
Williamsburg Woodland Trail Committee

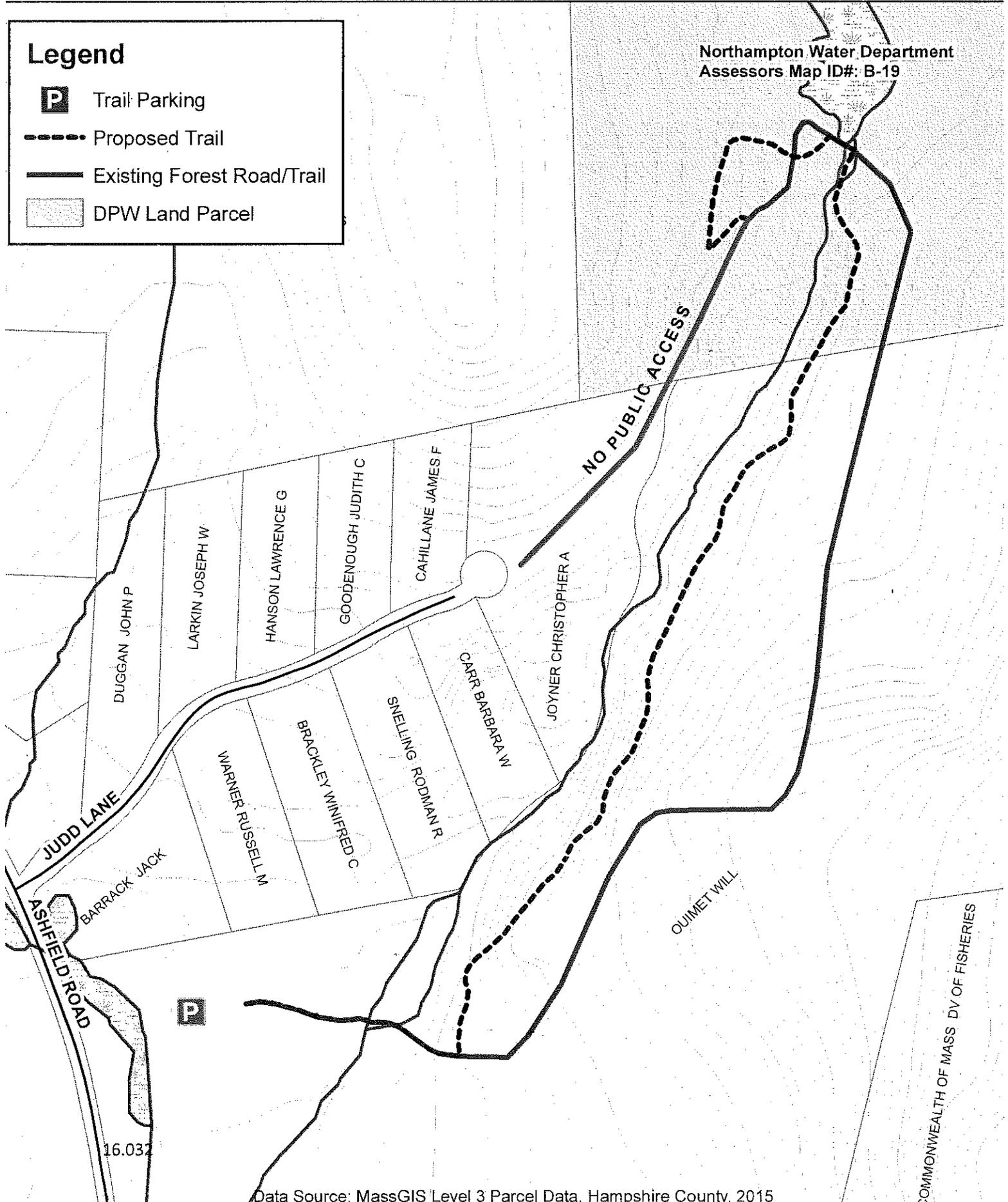


# Attachment A: Complete Trail With Parcel Data

## Legend

- Trail Parking
- Proposed Trail
- Existing Forest Road/Trail
- DPW Land Parcel

Northampton Water Department  
Assessors Map ID#: B-19



Memorandum of Understanding  
Between the Town of Williamsburg ("Town") and the City of Northampton ("City")  
Regarding the Historic Flood and Forest Trail on Northampton Water Department Property

The City of Northampton, through its Department of Public Works, owns and manages land in the Town of Williamsburg that contains the remnants of the historic Mill River Dam and Reservoir (Williamsburg Assessors Map and Lot B-19, Attachment A).

The City of Northampton actively manages this land for the purpose of water quality and reserves the property for future water supply needs. The City periodically implements silvicultural techniques, including but not limited to, timber harvests for these purposes.

The site of the Mill River Dam and Reservoir site contains historic structures and artifacts that help to illustrate the story of the events leading up to and including May 16, 1874, the day of the Mill River Disaster.

The events of May 16, 1874, changed the course of Williamsburg's and Northampton's history forever. The disaster was the worst industrial disaster of its day, it contributed to a new movement in industrial safety regulation and it has shaped the cultural history, family narratives and economic development of Williamsburg to this day.

The Town and City therefore agree that:

The City will allow for the construction and public use of a pedestrian, public-access trail (as proposed in Attachment A) on and across City property.

To the extent that the law allows, the trail shall not be advertised outside of the Town and listed on any regional or statewide maps of recreational trails.

In accordance with Massachusetts General Laws Chapter 21, Section 17C, recreational use statute, the City of Northampton and the Town of Williamsburg "shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct."

The Town agrees to indemnify and hold harmless the City for any claim arising from the use of the trail.

The Town, through its Williamsburg Woodland Trails (WWT) Committee, will build, monitor and maintain the trail as proposed, or as revised with approval of the City; including the proposed wood stringer pedestrian bridge. Trail accessibility, compliance with bid laws and prevailing wage laws will be the responsibility of the Town.

No motorized vehicles shall be allowed on said trail or property, except by separate agreement between the City and any individual, club or organization.

Dogs and other animals will not be allowed on the trail with the exception of service animals.

Trail users shall not engage in any activities that could harm the natural or cultural resources of the site or impair water quality. Such activities include but are not limited to littering, dumping, fires, illegal trail building, camping, entering streams, moving stones, or altering historic structures.

The WWT Committee will work with the City to develop and display information that describes the history of the site and the value of active forest management on City lands. Final text and signage locations shall be approved by City staff.

The WWT will close the trail to the public temporarily, as may be required by the City during forest harvesting operations.

No structures will be built or sited in a way that interferes with City management of the property.

IN WITNESS WHEREOF, the Town and City have caused this Agreement to be executed by their duly authorized officers as of the dates noted below.

Town of Williamsburg

City of Northampton



Name: David E. Mathers  
Title: Chair, Board of Selectmen

\_\_\_\_\_  
Name: David J. Narkewicz  
Title: Mayor

\_\_\_\_\_  
Name: Joseph M. Cook  
Title: Chief Procurement Officer

*February 4, 2016*  
Date

\_\_\_\_\_  
Date



# City of Northampton

MASSACHUSETTS

---

*In City Council*

March 3, 2016

Upon recommendation of the Mayor

**O-16.033**

**An Order**

**To appropriate \$30,825 from insurance proceeds  
to Police Department OOM Account**

*Ordered, that*

In accordance with M.G.L. C. 44 s. 53 regarding insurance proceeds, the City Council appropriates \$30,825 of insurance proceeds (10004 484021) received from the property physical damage claim for a police cruiser damaged October 2015 to the Police Department OOM Account – Equipment Automobiles (12103 585001).

**City of Northampton  
MASSACHUSETTS**

**In the Year Two Thousand Fifteen**

Upon the Recommendation of City Councilor Jesse M. Adams and City Councilor Ryan R. O'Donnell

**ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending section 350-2.1 and adding section 350-12.3 of said code; providing for standards for significant trees.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1.

*That § 350-2.1 be amended by inserting the following definitions in alphabetical order:*

**CALIPER DIAMETER**

The diameter of a tree trunk of a new tree measured at 12 inches above the ground.

**CRITICAL ROOT ZONE (CRZ)**

The critical root zone (also known as essential root zone) is the portion of the diameter of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. For the purposes of this section the critical root zone shall be calculated by using the following formula: the Diameter at Breast Height in inches multiplied by 24. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

**DIAMETER AT BREAST HEIGHT (DBH)**

The diameter of a tree trunk measured at 4.5 feet above the ground.

**DRIP LINE**

A circular area around a tree encompassing the tips of its outermost branches from which rainwater tends to drip.

**SIGNIFICANT TREES**

Any tree of 20 inches diameter breast height (DBH) or larger or any other tree specifically identified as a specimen tree on any Tree Inventory Plan adopted by the Planning Board.

## Section 2.

*That the following section be added to the Code of Ordinances after § 350-12.2:*

### § 350-12.3 Significant Trees

- A. Legislative findings and intent. The City of Northampton finds that Significant Trees enhance air quality, reduce noise, reduce energy costs, create habitat, enhance aesthetics and property values, and benefit city neighborhoods. The intent of this section is to encourage the preservation and protection of Significant Trees during development and redevelopment projects that require a site plan approval, special permit, comprehensive permit, finding, or variance (collectively “zoning relief”).
- B. No person shall remove any Significant Tree associated with any site plan approval or any other zoning relief without a site plan approval from the Planning Board (if a site plan approval is otherwise required), or an administrative site plan approval from the Office of Planning and Sustainability if no site plan is otherwise required.
- C. The removal of any Significant Tree after July 1, 2015 or within eighteen (18) months immediately prior to such a site plan or zoning relief, whichever is later, shall be subject to this section.
- D. The requirements of this section shall not apply to:
1. Trees located on property under the jurisdiction of the Conservation Commission.
  2. City-owned Public Shade Trees pursuant to M.G.L. Chapter 87.
  3. Trees associated with emergency projects necessary for public safety, health and welfare as determined by the Building Commissioner, Director of Planning and Sustainability, or Director of Public Works.
  4. Trees that are hazardous due to disease, age, or shallow roots, as determined and confirmed in writing by a certified arborist and reviewed by the City’s Tree Warden.
- E. Any person removing a Significant Tree that is subject to this section shall satisfy either of the following conditions:
1. Provide for replacement trees according to the following standards:
    - i. Replacement trees shall be non-invasive deciduous trees (as defined by the Planning Board) on or off-site, as approved as part of a site plan or administrative site plan, so that for each inch of Diameter at Breast Height of the removed trees there shall be no less than one-half inch of Caliper Diameter of replacement trees.
    - ii. Replacement trees shall have a minimum of two inch Caliper Diameter.
    - iii. Replacement trees shall be maintained in good health a minimum of 24 months after they are planted as confirmed by the City’s Tree Warden. If replacement trees are not found to be in “good health” as determined by the Tree Warden, the trees shall be replaced as directed by the Warden.
    - iv. Replacement trees shall either be Approved Street Tree Species as defined in Rules and Regulations regarding subdivision of land or other trees that are hardy in all of

the following USDA Plant Hardiness Zones: 6a, 6b, 7a, and 7b.

2. Pay funds to the city for a Tree Replacement Fund account that, in the city's estimate, will allow the city to plant new Public Shade Trees on city property in accordance with the above formula.

F. Protection of Significant Trees during Construction.

1. Any Significant Trees to be retained and any replacement trees on property where demolition and/or construction activity is planned shall be protected in an area shown on the approved site plan and should follow American National Standards Institute (ANSI) A300 standards for tree care practices.
2. The protected area shall exceed both the critical root zone and drip-line of each Significant Tree unless the Planning Board approves an alternate maintenance and tree protection plan submitted by a certified arborist.
3. A certified arborist shall submit a written letter to the Building Commissioner, Tree Warden and Office of Planning and Sustainability certifying that such area has been so protected in accordance with the site plan.

G. Recordkeeping. The Department of Planning and Sustainability shall collect annual totals of the number and Diameter at Breast Height measurements of Significant Trees preserved and replaced.

# Committee Report on a Legislative Matter

**Report Regarding:** 15.377cr Zoning for Significant Trees

**From:**

Comm. on Community Resources

**Date of Meeting** 2 /22/2016

**Prepared By:** P. Powers

**Recommendation:**

**Positive Recommendation as Amended**

Yes: 4

No: 0

Absent: 0

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and held a public hearing. Any references to Section 290 of the Code Book were changed as this section is currently being deleted from the Code Book.

**Comments, Discussion & Debate:**

Ms. Misch explained that this ordinance was introduced and commented upon last fall (2015). A public hearing took place during the Committee on Rules, Orders, Appointments and Ordinances. Once the Public Hearing took place, the city council had 90 days in which to act upon the ordinance. Once the 90 days passed, the city council is required to hold another public hearing. The public hearing that is being held today satisfies the requirement for a second public hearing.

Because Section 290 is being removed from the code book, any references to that section should be replaced by "Rules and Regulations regarding subdivision of land" and cite the specific paragraph, if appropriate.

There were no opponents to the ordinance.

# Committee Report on a Legislative Matter

**Report Regarding:** 15.377cr Zoning for Significant Trees

**From:**

Comm. on Community Resources

**Date of Meeting** 2 /22/2016

**Prepared By:** P. Powers

**Recommendation:**

**Positive Recommendation as Amended**

Yes: 4

No: 0

Absent: 0

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and held a public hearing. Any references to Section 290 of the Code Book were changed as this section is currently being deleted from the Code Book.

**Comments, Discussion & Debate:**

Ms. Misch explained that this ordinance was introduced and commented upon last fall (2015). A public hearing took place during the Committee on Rules, Orders, Appointments and Ordinances. Once the Public Hearing took place, the city council had 90 days in which to act upon the ordinance. Once the 90 days passed, the city council is required to hold another public hearing. The public hearing that is being held today satisfies the requirement for a second public hearing.

Because Section 290 is being removed from the code book, any references to that section should be replaced by "Rules and Regulations regarding subdivision of land" and cite the specific paragraph, if appropriate.

There were no opponents to the ordinance.

City of Northampton  
Massachusetts

In the Year Two thousand sixteen

Upon the Recommendation of Mayor David J. Narkewicz

**16.003**

**AN ORDINANCE**

**To delete fees from Chapter 174 of Code Book**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § Chapter 174 of said Code; providing that Fees.

Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:

Section 1: that § Chapter 174 of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section §Chapter 174

Delete

Chapter 174 shall be deleted in its entirety and replaced with the following wording:

Reserved

# Committee Report on a Legislative Matter

**Report Regarding:** 16.003

Delete Fees From Chapter 174 of City Code Book

**From:**

Comm. on Finance

**Date of Meeting**

2 /18/2016

**Prepared By:**

P. Powers

**Recommendation:**

**Positive Recommendation**

Yes: 4

No: 0

Absent: 0

Abstain: 0

**Factors Considered:**

The committee reviewed the ordinance and heard comments by Mayor Narkewicz.

**Comments, Discussion & Debate:**

Mayor Narkewicz explained that this ordinance is a result of the work of the Ordinance Review Committee. In previous years, the city council had voted to allow departments to set their own fees. Since that time the city council has continued to vote on fee adjustments because the fee schedule remained in the book of ordinances. Removing them from the ordinance book will require departments to establish their own protocol for maintaining fee schedules. These new procedures will likely include a requirement for Mayoral approval to fee adjustments.

# Committee Report on a Legislative Matter

**Report Regarding:** 16.003lm Delete Fees From Chapter 174 of City Code Book

**From:**

Comm. on Legislative Matters

**Date of Meeting:** 3 /14/2016

**Prepared By:** P. Powers

**Recommendation:**

**Neutral Recommendation as amended**

Yes: 3

No: 0

Absent: 1

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and heard comments by Councilor O'Donnell who was part of the Ordinance Review Committee that recommended this change.

**Comments, Discussion & Debate:**

Councilor O'Donnell noted that one question that came up during discussion of this ordinance during the Ordinance Review Committee Meeting was whether city council can still set fees if they wish. Another question that came up was if a fee goes up a certain dramatically by a certain percentage, can that trigger a public hearing. He notes that there is accountability on the part of the Mayor, however, with a four year term, the accountability is quite different now. Fees have to be reasonable to the services that are provided. The guidance from the state says that accepting fee setting by the Executive Branch does not mean city council does not have a say in setting of fees. He suggests that there should be language in the ordinance that requires a public hearing if fees go up over a certain percentage.

Councilor Murphy reminded the committee that the fees can be set sufficient to cover the cost of the service. If it is more than that, than it is considered a tax. Councilor O'Donnell noted that the burden of setting fees would shift to the Mayor under this ordinance and he would like to see accountability built into the ordinance.

Councilor O'Donnell noted that the language of the ordinance should not include a reference to the city's website. He recommended that the wording be amended to delete the reference to the city website. Councilor Sciarra seconded the motion.

# CITY OF NORTHAMPTON

## MASSACHUSETTS

*In the Year Two Thousand and Sixteen*

### **Upon the Recommendation of Office of Planning and Sustainability & Planning Board**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-7.2 7.3 7.4 of said code; providing for specifications on sign lighting in residential and commercial districts, clarifying text, and creating specifications for dynamic display boards.

## **ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

### SECTION 1

*That §350-7.2 of the Code of Ordinances be amended as follows:*

7.2 B amended as shown:

A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. A sign or any part thereof which moves or flashes, ~~all signs of the traveling light or animated type, and all beacons and flashing devices are prohibited,~~ except that such portions of a sign as consist solely of indicators of time and/or temperature ~~or automatically changing message~~ shall comply with the requirements herein as dynamic display ~~be permitted if the Planning Board and Chief of Police determine that the sign is not a hazard to traffic and pedestrian safety.~~ All illumination of signs must be in conformance with § [350-12.2](#).

7.2 D (The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors (whether in a vehicle or on foot) of the business, industry, or residence. Such signs ~~may carry the name of the business or project, provided that said name is:~~

- 1) Shall not exceed a maximum size of six (6) square feet.
- 2) Shall not be any higher (top of sign) than four feet (4') from the ground.
- 3) Shall be limited to one such directional sign per curb cut.
- 2)4) If lighted, shall be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.
- 5) ~~S~~May carry the name of the business or project, provided that said name is:
  - a) Clearly secondary in nature to the primary directional function of the sign and
  - b) May be no greater than 1/2 the size of the directional message.

~~(1) Clearly secondary in nature to the primary directional function of the sign.~~

~~(2) No greater than 1/2 the size of the directional message.~~

~~(3) May not exceed a maximum size of six square feet.~~

~~(4) May not be any higher (top of sign) than four feet from the ground.~~

~~(5) Shall be limited to one such directional sign per curb cut.~~

~~(6) If lighted, be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.~~

7.2 E Along with the height restrictions herein, a ~~No~~ sign, together with any supporting framework, ~~shall~~ shall not extend ~~to a height above the maximum building height allowed in the district in which the sign is located. In any R-District, the top of a sign, together with any supporting framework, shall not extend above the roofline. In any other district, the top of a sign, together with any supporting framework, shall not extend more than eight feet above~~ the roofline of the associated structure on the site. In the case of a building with a pitched roof, the eaves line of the building shall be considered the roofline.

7.2M The Board of Appeals may issue a special permit allowing more than the number of signs herein permitted and/or for signs of a larger size ~~or height~~ but not taller than herein permitted, provided that:

7.2T {New subsection in general sign standards to define outdoor dynamic display }

Dynamic display sign means any sign designed for outdoor use that is capable of displaying an electronic signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors. Signs with this technology which are placed by a public agency for the purpose of directing or regulating pedestrian or vehicle movement use are exempt from this ordinance.

7.2U {New subsection in general sign standards to prohibit mobile dynamic display }

A dynamic display sign on, in, or part of any portable/mobile vehicle parked in view of the public way, whether registered or unregistered and which carries or displays any sign or billboard. will be regulated as a ground sign.

*That §350-7.3 of the Code of Ordinances be amended as follows:*

### 7.3C {Signs in Residential Districts}

Institutional and other non-residential uses in residential districts allowed in accordance with:

1) Each membership club, funeral establishment, nursing care facility~~hospital~~, ~~community facility or public utility~~ may have one ground identification sign (~~not to exceed~~ up to a maximum of 10 square feet in surface area). If signs are illuminated, they may only be illuminated between the hours of 7 AM and 10 PM.

2) ~~C-and~~ churches, community ~~facilities~~ centers~~not places of public assembly~~, schools may have one ~~additional~~ ground sign up to a maximum of (~~not to exceed~~ 40 square feet in surface area). Such signs shall be set back at least 1/2 the required depth of the front yard setback. ~~provided that such sign(s), if lighted, shall be illuminated internally or by indirect method with white light only and in conformance with § 350-12.2,-.~~ Signs may only be illuminated between the hours of 7 AM and 10 PM. Signs may contain dynamic display, as defined in 7.2T above, so long as the following are met:

- The dynamic display area may be no more than one-half the total sign area
- Minimum display time between display changes shall be 30 minutes. Transition time to next display shall be less than one second.
- Display boards shall not emit sound.
- If images are displayed, only static, non-fluctuating, non-changing video images allowed.
- Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

3)~~and such signs shall be set back at least 1/2 the required depth of the front yard setback.~~ Tourist home/bed-and-breakfast establishments~~facilities~~ may have one identification sign, attached flush to the structure (not to exceed three square feet in surface area), provided that such sign, if lighted, shall be ~~illuminated by indirect method with white light only~~ in conformance with § 350-12.2 and may only be illuminated between the hours of 7 AM and 10 PM.:-

4) Ground signs shall not be taller than 5' above average finished grade at the foot of the sign.

*That §350-7.3D of the Code of Ordinances be amended as follows:*

7.3D. For approved residential subdivisions, townhouse, multifamily, and open space developments, one ground sign identifying the development, provided that:

(4) If lighted, ~~it shall be illuminated internally, or by indirect method with white light only and must be in conformance with § 350-12.2~~ may only be illuminated between the hours of 7 AM and 10 PM. No dynamic displays allowed.

*That §350-7.4B6 / D of the Code of Ordinances be amended as follows:*

New 7.4B6- ~~{Illumination for wall signs Commercial district sign section}~~

Dynamic displays shall comply with:

- a) Minimum display time between display changes shall be 30 seconds. Transition time to next display shall be less than one second.
- b) Display boards shall not emit sound.
- c) The display must be turned off at 11 PM or at the close of business, whichever is later.
- d) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

7.4D Business signs shall be permitted as ground signs as stipulated below. If ground signs contain ~~as follows~~, dynamic displays, such signs must comply with 7.4B6 above. Informational boards may emit sound only if such boards are used as accessory to drive-through sales and service establishments and if they are not directed/oriented to the street. Such boards are not considered ground signs under these provisions.

7.5 In all I, BP and PV Districts, the following exterior signs, and no others, are permitted:

A. Signs permitted in § 350-7.3 (R Districts), subject to the same regulations.

B. Business signs shall be permitted as follows:

(1)7.5 In all GI and BP Districts and for PV Districts as provided in Subsection D below not more than two wall signs for each building, provided that each sign:

(c) If lighted, it ~~each~~ shall ~~be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2~~ comply with lighting standards in 7.4B(6) whether dynamic or static;

(3)In all OI, GI and BP Districts, and for PV Districts as provided in Subsection D below, one ground sign for each building, provided that:

(d)If lighted, it shall ~~2~~comply with lighting standards in 7.4B(6) whether dynamic or static display~~be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.~~

# Committee Report on a Legislative Matter

**Report Regarding:** 16.005

Ordinance Pertaining to LED Lighting

**From:**

Comm. on Community Resources

**Date of Meeting** 2 /22/2016

**Prepared By:** P. Powers

**Recommendation:**

**Positive Recommendation As Amended**

Yes: 4

No: 0

Absent: 0

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and held a Public Hearing. No members of the public were present.

**Comments, Discussion & Debate:**

Carolyn Misch spoke in favor of the ordinance changes. It was introduced by the Planning Office and the Planning Board. The sign section in the city has been tweaked over the last 10-20 years. The Board took this opportunity to update the code.

Regarding lighting for signs, Ms. Misch reports that there have been several improvements to lighting technology over the last several years. Many businesses are interested in improving their signage using the newest technology, especially to improve energy efficiency. The ordinance addresses on-property signs. Billboard and Off-premises signs are not included in the update.

Advertisers are prohibited from using dynamic display panels and LED lighting on Billboards. Flashing lights have been regulated since 1975; since that time, jurisdiction to oversee fell between the following: Police Chief; Planning Board, and the Board of Health. Safety concerns exist when signs change frequently; this ordinance will codify what had been loosely enforced during the past three years. The new codes will also identify what signs might be allowed in residential vs. commercial districts.

Ms. Misch went through the ordinance to define what is currently allowed. The proposed changes will make greater distinctions between residential and commercial districts. The

---

American Association of State Highway and Transportation Officials commissioned a report in 2009 that focused on safety surrounding the use of signs. The Planning Board used this information when deciding their criteria for signage. They looked at stationary and mobile signs, movie and “real” or live images and the intensity of the lighting. The report also talks about the effects of displaying single or multiple messages across screens and signs. Too much information can be distracting to drivers. There are already a few LED signs around Northampton.

AASHTO recommended that cities and towns use longer interval times between sign changes (if moving). They recommend that flashing standards be codified and not be left to interpreting subjective standards. Signs should be evaluated based on impact within the district, including the size of the sign, and the display vs. off times. Finally, signs with dynamic display panels should be restricted as to the percentage of the sign with the dynamic display panel.

The Planning Board is recommending some clean up of the entire text for clarification. They also suggest addressing safety issues and specifying standards for LED light levels and transition timing. The concerns would be addressed by district; light levels and hours will be different for residential vs. commercial districts. The ordinance does not address signs in commercial windows; neon-type signs have always been allowed, and will continue to be allowed in storefronts. The Planning board felt that restricting LED signs in commercial districts was not appropriate.

Ms. Mish did point out that the ordinance would only be addressing new signs; older style signs would be “grandfathered” unless any of the existing retailers were to change out their current signs.

Ms. Misch introduced the proposed changes in the document, including definitions.

When determining the ordinances for sign display changes in the residential district, the Planning Board took into account what impact frequently changing signs might have. They also considered what other communities around the country were allowing. They also considered the readability of the sign given the overall size limitations and the time constraints when a sign will be allowed to be lit.

Ms. Misch indicated that since the ordinance was drafted, the Planning Board asked for addition changes to be introduced. The first was to section 7.2.B allowing for directional signs; this was primarily written for the business districts. The Planning Board requested the language be clarified. Second, Section 7.2.E changes will no longer allow for special permits allowing taller signs. 7.2.M allows the Board of Appeals to allow a special permit for more than one sign, however, the height restrictions will not be waived.

There were no opponents to the ordinance.



**City of  
Northampton**

Pamela Powers <ppowers@northamptonma.gov>

---

## LED sign ordinance

1 message

---

**Carolyn Misch** <cmisch@northamptonma.gov>  
To: Pamela Powers <ppowers@northamptonma.gov>

Tue, Mar 1, 2016 at 10:21 AM

Hi Pam-

The Planning Board voted to recommend the LED ordinance with changes as noted in yellow highlight plus they recommended incorporating changes to sections 7.2 D, E, M

See attached.. This is still on for Mar 14 legislative matters, right?

Carolyn Misch, AICP

*Senior Land Use Planner/Permits Manager  
City of Northampton Office of Planning & Sustainability  
210 Main St, Room 11  
Northampton, MA 01060  
413-587-1287  
cmisch@northamptonma.gov  
[www.northamptonma.gov/plan](http://www.northamptonma.gov/plan)*



**draft LED SIGN ORD-PB HEARING RECS.docx**  
36K

City of Northampton  
Massachusetts

In the Year **2016**

Upon the Recommendation of **Mayor David J. Narkewicz**

16.028

AN ORDINANCE

To delete Subdivision of Land from Chapter 290 of the Code Book

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § **Chapter 290** of said Code; providing that **Subdivision of Land**.

Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:

Section 1: that § **Chapter 290** of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section § **Chapter 290**

**Delete**

**Chapter 290**

# Committee Report on a Legislative Matter

**Report Regarding:** 16.028lm An Ordinance to Delete Subdivision of Land From Chapter 290 of the Code Book

**From:**

Comm. on Legislative Matters

**Date of Meeting** 3 /14/2016

**Prepared By:** P. Powers

**Recommendation:**

**Positive Recommendation as Amended**

Yes: 3

No: 0

Absent: 1

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and heard comments by Sr. Land Planner Carolyn Misch.

**Comments, Discussion & Debate:**

Carolyn Misch explained that under state law, the City Council has no jurisdiction regarding subdivision of land regulations. Moving forward, the subdivision of land regulations will be placed on the Planning Board's web page on the city's website. This ordinance will only delete the ordinances from the code book. The regulations will still exist, just not in the code book. Councilor O'Donnell moved to eliminate the reference to the city website.

# Committee Report on a Legislative Matter

**Report Regarding:** 16.028

An Ordinance to Delete Subdivision of Land From Chapter 290 of the Code Book

**From:**

Comm. on Community Resources

**Date of Meeting** 2 /22/2016

**Prepared By:** P. Powers

**Recommendation:**

**Positive Recommendation**

Yes: 4

No: 0

Absent: 0

Abstain: 0

**Factors Considered:**

The Committee reviewed the ordinance and heard testimony from Carolyn Misch, Sr. Land Planner for the City

**Comments, Discussion & Debate:**

Carolyn Misch, Senior Land Planner for the city indicated that subdivision regulations were the sole discretion of the Planning Board under state statute. As a result, they should be removed from the code book of ordinances that require City Council review and approval. There are no changes being proposed and the regulations will be published by the Planning Department, likely on their webpage.