

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: April 7, 2016
Meeting Time: 7:00pm

1. Public Comment

2. Roll Call

3. Suspend Council Rules

A financial matter in the form of a resolution is on the agenda as well as the agenda for the Committee on Finance. Please suspend council rules regarding order of business so that the matter will be heard in Finance prior to being taken up by City Council.

4. Public Hearings

5. Recognition and One-Minute Announcements by Councilors

6. Communications and Proclamations from the Mayor

7. Resolutions

A. 16.049 A Resolution pertaining to Bottums Road - 1st Reading

The attached resolution is as a result of the recommendation by the City Council Committee on Public Works and Utilities meeting on 3/28/2016.

Documents: 16.049_BottumsRoadResolution.pdf,
16.026_bottums_road_petition.pdf, 16.026_PlanningRecommendation-
BottumsRoad.pdf, 16.026_BottumsRoad_BPW_Recommendation.pdf,
16.026_PublicWorks_And_Utililities_Report_Based_On_Committee_Feedback.pdf

B. 16.047 A Resolution to Adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 - 1st Reading

Documents: 16.047_FY17-FY21CapitalImprovementProgramResolution.pdf

8. Presentations

9. Consent Agenda

Minutes of City Council Meeting of March 17, 2016

Approve Re-Appointment of Brian Adams to the Community Preservation Committee - Term January 2016 - December 2019 (This is a City Council appointment) Mr. Adams was appointed to the CPC in 2010 and re-appointed in 2013. (no associated documents with this item)

Approve Re-Appointment of Natalia Munoz to the Human Rights Commission - Term December 2015 - June 2018 (This appointment was referred to committee on 3/3/2016 and was scheduled to be taken up by the Committee on City Services on 4/4/2016, however, due to inclement weather, that meeting was cancelled. The 45 day window to approve this appointment will expire on 4/17/2016.)

Documents: CityCouncilMarch17_2016.pdf, 16.035_Munoz_Reappointment.pdf

10. Recess for Committee on Finance (See Separate Agenda)

11. Financial Orders

A. 16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project - 1st Reading

Documents: 16.037_F.O.LEDStreetlights.pdf

B. 16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 I-NET and Technology - 1st Reading

Documents: [16.038_FinancialOrder_VOIP_Replacement.pdf](#)

C. 16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center - 1st Reading

Documents: [16.039_Financial_Order_DispatchCenterRadioCosoles.pdf](#)

D. 16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements - 1st Reading

Documents: [16.040_FinancialOrder_WastewaterTreatmentPlantImprovements.pdf](#)

E. 16.041 Financial Order to appropriate \$500,000 for Street Resurfacing and to authorize borrowing and issuance of bonds, etc. - 1st Reading

Documents: [16.041_F.O.BorrowingForPaving.pdf](#)

F. 16.042 Financial Order to replace VOIP system - 1st Reading

Documents: [16.042_F.O._PhoneSystem.pdf](#)

G. 16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 1st Reading

Documents: [16.043_F.O.FireTruckCapitalProject.pdf](#)

H. 16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 1st Reading

Documents: [16.044_F.O.SchoolProjects.pdf](#)

I. 16.045 Financial Order to appropriate \$2,860 from CPA funding to Leeds Historic Walking Tour Project - 1st Reading

Documents: [16.045_SupportingCoverLetter-LeedsHistoricWalkingTourProject.pdf](#),
[16.045_LeedsHistoricSignageOrder.pdf](#)

J. 16.046 A Financial Order Authorizing the Mayor to Execute a Lease Agreement with NCTV - 1st Reading

Documents: [16.046_NCTV_Lease.pdf](#)

K. 16.030 Financial Order to Establish Water & Sewer Rates for

FY2017 - 2nd Reading

Attached please find the original water/sewer rate order and the revised order that was submitted by Mayor Narkewicz on 4/1/2016. City Council will need to accept the amendments as proposed by the Mayor.

Documents: 16.030_Order_Water_Sewer_Rates_FY17.pdf,
16.030REVISEDWaterSewerRatesFY17-WithMemo.pdf

12. Orders

A. 16.050 Order Authorizing the Acquisition of Lot 15 on Sovereign Way - Request 2 Readings

Documents: 16.050_SovereignWayOOT.pdf

13. Ordinances

A. 15.377 Ordinance regarding zoning for significant trees - 2nd Reading

Documents: 15.377-Zoning-Significant-Trees-approved-in-CC_3-17-2016.pdf

B. 16.003 - Ordinance to delete fees from chapter 174 of city code book - 2nd Reading

Documents: 16.003_OrdinancePertaining_Fees-Delete_Chapter_174_from_Code_Book.pdf

C. 16.005 An Ordinance Pertaining to LED Lighting - 2nd Reading

Documents: 16.005-LED_SIGN_ORD-inline_changes-Final2.pdf

D. 16.028 An Ordinance to Delete Subdivision of Land from chapter 290 of the Code Book - 2nd Reading

Documents: 16.028_Delete_Chap_290_Revised.pdf

E. 16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - Refer to Committee on Legislative Matters

Documents: 16.048-KingStreetOrdinance.pdf

14. Updates from Council President & Committee Chairs

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

16. New Business

Contact: *P. Powers*

Administrative Assistant to the City Council

(413) 587-1210

ppowers@northamptonma.gov

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

UPON THE RECOMMENDATION OF The City Council Committee on Public Works and Utilities

16.049

A Resolution

To Accept BOTTUMS ROAD as a City Street

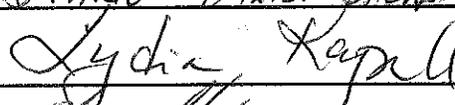
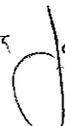
The City Council resolves that the Mayor prepare an order of taking for Bottums Road and further requests its submission to the City Council.

A Petition from Northampton, MA Residents

For Consideration by : The City Council of Northampton , MA

We, the undersigned, request that the Northampton City Council reconsider the facts and vote, affirmatively, on the request to change the status of Bottums Rd, Northampton/Florence MA, to: A Public Way.

Enclosed, please find correspondence from Ned Huntley, former Head of the Northampton Dept. Of Public Works. In his notes and recommendations to the City Council, on or about Nov17, 2015, Mr. Huntley recommended, and the abutters agree, that option #4 , noted on the "Plan of Land" Street Acceptance Plan, dated 11/10/2014, would be a reasonable site for a plow turn-around for this road.

Name	Signature	Address	Date Signed
Tom Kant		53 Bottums Rd	1/20/16
HARVEY BRICKMAN Justin Guilman		53 Bottums Rd	20/2016
Ray M. Jackson		23 Bottums Rd	1-20-16
Diane Ethier-Jackson		23 Bottums Rd	1-20-16
Lydia Kapell		20 Bottums Rd	1/22/2016
Phillip		37 CLEMENT ST.	1/23/16
James Ferrer		20 Bottums	1/23/16

- Home
- Mail
- Search
- News
- Sports
- Finance
- Celebrity
- Weather
- Answers
- Flickr
- Mobile
- More

business Search

Search Mail

Search Web

Home

Jim



Compose

- Archive
- Move
- Delete
- Spam
- N

Yahoo (577)
ferrerajim@out... (10)

Re: Ned Huntley <nhuntley@northamptonma.gov> 11/18/15 at 3:04 PM
To Jim Ferrera
Jim,

Curious About Reverse Mortgage?
Available to homeowners 62 years and older.

Calculate how much you may be eligible for:

Trash (4)

Smart Views

- Important
- Unread
- Starred
- People
- Social

- Shopping
- Travel
- Finance
- Folders (572)

- beaver software
- business (154)
- chain saw
- family (3)
- fighting chance 2012

It is going to the City Council tomorrow night for its last reading.

On Wed, Nov 18, 2015 at 10:12 AM, Jim Ferrera <ferrerajim@yahoo.com> wrote:

Morning Ned, Just wanted to get an update on the Bottums Rd.. City Acceptance issue.
Thank You.
Jim Ferrera

From: Ned Huntley <nhuntley@northamptonma.gov>
To: Jim Ferrera <ferrerajim@yahoo.com>
Sent: Tuesday, February 3, 2015 8:06 AM
Subject: Re:

Hi Jim
Since Bottums Road had a positive recommendation from the Public Works Commission the DPW will continue to maintain until street acceptance by the City Council. I spoke with the highway superintendent this a.m. and he assured me that we are doing that.
Thanks

Handwritten: P.S. - Recommendation by Your Age: 62
D.P.W.

Your Home Value:	\$225,000
Mortgage Due:	\$45,000
Your Age:	62



**City of
Northampton**

Pamela Powers <ppowers@northamptonma.gov>

Bottums Rd

1 message

Carolyn Misch <cmisch@northamptonma.gov>

Fri, Feb 26, 2016 at 1:21 PM

To: Pamela Powers <ppowers@northamptonma.gov>, James Laurila <jlaurila@northamptonma.gov>

The Planning Board voted unanimously to recommend that City Council NOT approve Bottums Rd as a public street at its meeting last night (Feb 25).

The reasons were:

- 1) The "road" is a private driveway not built to subdivision standards. If accepted, it would create public street frontage that by definition would allow further lot division without further review and approval by the Planning Board.
- 2) If accepted, it creates a back-door mechanism for others to convert private driveways to public streets, and would undermine the whole premise and regulatory structure established for creating safe, adequate public streets through the City's subdivision rules and regulations established in accordance with state statutes. Private driveways are significantly narrower (1/2 to 3/4 width of a street), can have steeper grades, don't require curbing nor sidewalks, don't provide utility infrastructure or drainage in many cases and are built to serve a maximum of 3 house lots due to these parameters.
- 3) If the owners of the driveway desire the City to take over maintenance, they could themselves go through the process of creating an adequate street under the subdivision rules for the city, and then petition the City for street acceptance.
- 4) As outlined in the petition moving forward, the City would be making minor upgrades to the driveway for minimal passage that are not consistent with the City's adopted regulations for building streets. Courts have been clear that when Cities build streets, they need to be built to the same standards that the City requires of private developers in the adopted regulations regarding subdivision and creation of streets.

Please let me know if you have any other questions.

Thanks,

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](tel:413-587-1287)
cmisch@northamptonma.gov
www.northamptonma.gov/plan



CITY OF NORTHAMPTON, MA
PUBLIC WORKS COMMISSION MINUTES
WEDNESDAY, MARCH 23, 2016

Called to order at 5:30 p.m. in the Public Works office building by Mr. Mike Parsons.

Mr. Parsons noted that the meeting was being recorded by NCTV.

PUBLIC COMMENT - There was no public comment.

FOR APPROVAL

Item #1: On a Motion made and seconded, the Commission VOTED to APPROVE the minutes of the February 10, 2016, Public Works Commission Meeting as amended.

NEW BUSINESS

Item #1: **Discussion and Vote on Accepting Bottums Road as a Public Way** – On a motion made and seconded, the Commission VOTED to accept Bottums Road as a Public Way according to the drawing by Northeast Survey Consultants (#13-00830-DWG). Mr. Parsons noted that a Public Hearing was held regarding Bottums Road at 5:00 p.m. on March 23, 2016, at Bottums Road. He also noted there was no dissension at the Public Hearing. Ms. Foxmyn ABSTAINED from the vote.

Present and voting were David Shearer, Rosemary Schmidt, Wendy Foxmyn, M.J. Adams, Mike Parsons and Gary Hartwell. Pat Goggins was absent. Also present were B.J. Nubile, Office Manager, James Laurila, Acting DPW Director and City Engineer.

Committee Report on a Legislative Matter

Report Regarding: 16.026

Petition from Northampton Residents to Accept Bottums Road as a Public Way

From:

Comm. on Public Works & Utilities

Date of Meeting 3 /28/2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation (3 Yes, 1 No {Councilor Adams})

Yes: 3

No: 1

Absent: 0

Abstain: 0

Factors Considered:

The Committee reviewed the petition and discussed the merits of making Bottums Road a public street. Councilor Dwight provided testimony about the public hearing that took place on 3/23/2015 by the Board of Public Works. There, information was given about the public access turnaround that had been made so that plowing and other maintenance of the street could be on-going. This turnaround has also been agreed to by the residents of the street. Everyone on the road concurred; after the hearing the BPW voted to accept Bottums Road as a city street with one abstention. The committee reviewed the Planning Board's recommendation of Feb. 25, 2016 in which they voted unanimously not to recommend making Bottums Road a public street. The Planning Board recommendation was read into the record by the Administrative Assistant.

Comments, Discussion & Debate:

Councilor Dwight recounted that previously the City Council was asked to accept Bottums Road by petition. The measure passed first reading but failed second reading. Subsequent information was provided by the DPW about the viability of Bottums Road as a city street. A number of residents contacted Councilor Dwight to ask if this could be revisited. This required the process to start all over again.

Councilor Murphy reviewed why the city was considering making private streets public ways. He noted that there is case law whereby it has been determined that the use of public funds to benefit private interests, including road maintenance and plowing, were prohibited by law. The specific example cited was in the town of Wellfleet. Northampton went through and determined that there were several private streets in which city services were provided; Bottums Road was one such street. There were many other "built-to-

code” streets that were not accepted as well; half of Hillcrest Drive was one example. For over 100 years the residents, as well as the city, thought all of the roads were public ways. At the beginning of the process of street acceptances, the standard was set pretty high. By the end of the process, the standards had been revised. Councilor Murphy feels that the Council cannot discriminate against this street.

Councilor Dwight noted that there are a number of streets that have been accepted that do not conform to criteria that we currently have in place for subdivision development of streets: they are not the right gauge, they don't have the requisite curb cuts, they don't have sidewalks or granite curbing. The process of street acceptance was basically to reconcile a historical problem and that going forward, all future developments would have to abide by the current standards in place for street development. Councilor Dwight is surprised by the language of the Planning Board's decision.

Councilor Adams clarified that the city council had already weighed in on this measure and decided that Bottums Road should not be made a public way. He had originally felt as though the street looked more like a driveway.

Councilor Murphy stated that the defining factor for him was that the street was accepted as a street for the better part of 100 years.

Councilor Adams said that it made no sense that Center Court should not be a public street, but Bottums Road should be a public way.

Councilor Dwight believes that the Planning Board has already dealt with residents who wanted to have public accessibility by way of Bottums Road. He noted that the Planning Board would not grant accessibility via Bottums Road; the developers were compelled to build a separate driveway further down Clement Street. Bottums Road is not a two-lane way and is a dirt road. The city has continued to provide plowing during this past winter. The Planning Board authorized the building of those homes with the understanding that Bottums Road was a city street. The residents argument is that if not considered a public street, property values would diminish and that they purchased their homes with the understanding that the value of their home was linked to the fact it was built on a city street.

Councilor Murphy noted that residents on Bottums Road have been there since the 1980s. Developers were granted a building permit to build residential homes under the false assumption that Bottums Road was a public way.

Councilor Dwight noted that the difference between Center Court and Bottums Road was that the BPW voted to recommend Bottums Road as a public way, however, it voted not to recommend making Center Court a public way.

City of Northampton
MASSACHUSETTS

In City Council, _____ April 7, 2016 _____
Upon the recommendation of Mayor David J. Narkewicz

R-16.047

A RESOLUTION

To adopt the C.I.P. for FY2017 – FY2021
submitted to City Council on March 3, 2016

Resolved, that

The City Council hereby adopts the Capital Improvement Program FY2017-FY2021, submitted by the Mayor on March 3, 2016, in accordance with the Charter of Northampton, Massachusetts, Article 7 Finance and Fiscal Procedures, Section 7-5: Capital Improvement Program.



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
March 17, 2016

Roll Call

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:10 pm on a roll call nine councilors were present:

At-Large Councilor William H. Dwight 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

Public Hearing

Public Hearing: None

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor LaBarge announced that the upcoming Corned Beef and Cabbage supper planned at the Northampton Senior Center is sold out.

Announcements

Councilor Dwight reminded the Council that the St. Patrick's Day parade is this Sunday, March 20, 2016. The parade kicks off at 12 Noon; a bus is available for transportation to Holyoke; it leaves JJ's Tavern parking lot at 10am.

Communications and Proclamations From the Mayor

Communications and Proclamations From the Mayor:

Mayor Narkewicz was prepared to present a proclamation recognizing Social Work month, however, the recipients were not available. He will arrange for alternate delivery of the proclamation.

Resolutions

Resolutions: None

Presentations

Presentations: None

Consent Agenda

Consent Agenda

Motion to Approve Consent Agenda

Councilor O'Donnell moved to approve the consent agenda; Councilor Carney seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

Motion Carried

The following items were approved as part of the consent agenda.

Minutes of Previous Meetings

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

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

Recess for Committee on Finance Meeting

Due to lack of agenda items, the Committee on Finance did not meet.

Financial Orders

16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading

16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading

Councilor LaBarge noted that she had some concerns about a letter to the editor and spoke with the Finance Director. Councilor LaBarge was concerned about the reference to "Paradise Lost" and also the reference about 700 doughnuts that had to be made and sold in order for a local business owner to pay for water/sewer rates. She also noted that there was a reference to water/sewer rates increasing by 5% annually. Comparing rates to neighboring towns and cities, the writer of the article was concerned about the difference. Councilor LaBarge thanked the Mayor for the information about water/sewer rates in eight surrounding

communities. What she has noticed was that seniors in Westfield pay a nominal rate for owner/occupied residences. Mayor Narkewicz commented that he could not explain the rationale for those rates. He does not support a discount based solely on age, but rather based on means. Regarding the property on Pine street where the Pine Street Café is located, the Mayor explained that that property is owned by a business owner from Westfield and that there is one water meter for all five businesses located on that property. The water bill is portioned out; the laundromat pays 60% of the water bill and the remaining business split 40% of the water bill, although it is not clear how the remainder is divided. This is controlled by the landlord. The Mayor also explained that the city is attempting to raise water rates by 2% and sewer rates by 3%. This does not equal a five percent increase overall and he cautions that the rate increases will affect each individual customer differently.

Councilor Bidwell will be voting in support of the rate structure. He appreciates that conservation measures are covered as part of the rate structure. He likes that fixed costs are part of the rate structure as opposed to only volumetric. He also likes the fact that there is a low income component to the proposed rates. He feels that the rates address fairness and equity by having fire protection charges built into the rate. He is impressed that all this can be done with a fairly steady revenue stream that is necessary for bonding. It is proactive with regards to capital needs. He acknowledges that the city's rates are probably higher than other cities and towns, however, the fact that our water system is so complex probably warrants higher costs. He doubts the impact of water/sewer rates will be a deal breaker for businesses. Property taxes, he notes are a considerable competitive advantage for businesses. He feels that it is a well supported and well argued proposal.

Councilor Klein notes that other communities with lower rates are probably not prepared to address infrastructure needs like Northampton's plan. She is proud to be part of a community that has worked so hard at putting a plan in place. She is pleased that Councilor Adams asked for the rate comparisons, however, she feels that Northampton's rates are not excessive.

Councilor O'Donnell noted that the City Council is voted on water sewer rates as a result of the requirements of the Mayor's Administrative Order, not as a result of the City Charter. He questions whether the City Council might vote to accept the fixed rates and the low income exemptions; Mayor Narkewicz indicated that this might be a possibility in future years.

Councilor Adams believes that the new rate structure will disproportionately affect businesses in our community, particularly restaurants, cafes and bars. The cost of doing business has gone up in Northampton dramatically over the last couple of years. One reason given was the high cost of rents, however, he doesn't believe this to be the case, and believes that this is self serving coming from public officials because it is something that the city can't control. He believes that the primary reason for high rents is the cost of doing business in Northampton. He doesn't believe that the city is pro business or competitive simply because Northampton has a single tax rate for residential and commercial. Many communities with which Northampton competes have a single tax rate, however, those communities don't have stormwater fees and have lower water and sewer rates. Councilor Adams supports new ways to raise revenue in the city, but he won't support every single new way to raise revenue. There are a lot of empty store fronts on Main Street and he is concerned that city fees are becoming extravagant. He notes that Westfield's combined rate of water and sewer rate is less than Northampton's water rate by itself. Agawam is even cheaper than Westfield. He believes that at a minimum further study is needed to understand the impact on the business community; any increases necessary can be done under the existing rate structure. The fire protection charges are an awful lot; he noted that the fee was deemed to be an illegal fee in another community (Emerson vs. City of Boston). He also believes that the City Council economic study should be completed before the rates are imposed.

Mayor Narkewicz noted that other communities have implemented a commercial and a residential rate, however, in most cases the commercial rate is twice the residential rate. Northampton has not done that, but rather focused on small users and large users. Many small business in Northampton fall into the small user category. He notes that the commercial tax rate for Westfield is \$36.68 (while Northampton is \$16.16) even though Westfield has a competitive water/sewer rate. A question raised about the legality of the fire line fee: a case was brought forward in Franklin, Mass; the fee was upheld in court.

Councilor Carney agrees with many of the points made by Councilor Bidwell. Generally speaking, the residential impact is neutral. She feels the process was thoughtful and is prepared to support the proposed rate structure.

Councilor Sciarra appreciates all of the work that has been done. She wondered whether the fixed fee should be higher. Mayor Narkewicz noted that the goal was to introduce higher fixed fees in a gradual fashion.

Councilor Adams considered whether to invoke a charter objection, however, after further consideration, opted not to invoke such objection.

Motion to approve

Councilor Bidwell moved to approve the order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 1 No (Councilor Adams).

Motion Carried

See minutes of April 7, 2016 for second reading.

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

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

Motion to approve

Councilor Murphy moved to approve the financial order in 2nd Reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following order passed in second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

16.033 Financial Order to Appropriate \$30,825 from Insurance Proceeds to Police Department OOM Account - 2nd Reading

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

Motion to approve

Councilor Murphy moved to approve the financial order in 2nd Reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following order passed in second reading:

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).

Rules suspended, passed two readings and enrolled.

Enrolled

Orders

Orders: None

Ordinances

Ordinances

15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – 1st Reading

15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – Refer to Committee

This is a zoning ordinance that defines a significant tree as a "big tree". The ordinance is in public interest because it protects the tree canopy in the city; older trees have public value. The ordinance specifies certain requirements when trees are removed that are on private property and trigger site-plan approval. Certain requirements might include tree replacement or alternatively, paying into a fund used ultimately to replace trees. The ordinance also spells out requirements to protect significant trees during construction.

Councilor Murphy asked whether this will only affect trees when someone comes into the planning department as required by site plan review. Ms. Carolyn Misch, Sr. Land Planner for the city, clarified that this will also apply to when existing home owners want to remove a significant tree on their current property and they require zoning relief and come before the Planning Board for such relief. Councilor Murphy asked whether the requirements apply when a permit is not required, Ms. Misch indicated that the requirements would not apply. Councilor Murphy cautioned that obstacles that cost money, while nice to have, will make housing more expensive.

Councilor Klein appreciates the point that Councilor Murphy made, however, true cost accounting would need to take into account the true benefits trees have in our community and what the impact would be in the long term if trees were removed without replacing them.

Sr. Land Planner Misch points out that one of the benefits of having consequences of tree removal with replacement is perhaps that developers would look to re-design a parcel in favor of keeping desired trees.

Councilor Bidwell suggests that having the requirements codified is advantageous to developers.

Motion to Approve as amended

Councilor O'Donnell moved to amend section D5 to read, "Trees affected by work performed by..."; Councilor Adams seconded the motion. The motion to amend was approved on a voice vote of 9 Yes, 0 No.

Councilor Carney moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

See minutes of April 7, 2016 for second reading.

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

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

This ordinance came about by way of the 2015 Ordinance Review Committee. The fees are not going away, but rather will be kept within the department that requires the fee, perhaps on their webpage.

Motion to Approve

Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 1 No (Councilor Adams).

Motion Carried

See minutes of April 7, 2016 for second reading.

16.005 – Ordinance relative to specifications

16.005 – Ordinance relative to specifications on sign lighting in residential and commercial districts and creating specifications for dynamic display boards – 1st Reading

on sign lighting in residential and commercial districts and creating specifications for dynamic display boards – 1st Reading

Sr. Land Planner Carolyn Misch gave a Powerpoint presentation to provide context for the ordinance. The ordinance does not address "off-premise" signs, such as billboard signs. Regulations have been in place for flashing signs since 1975. At that time for safety reasons, the Police Chief determined whether a sign would be allowed. The jurisdiction fluctuated between departments, including the P.D., Planning Board and Board of Health. In 2007 new light levels were determined; however there was no specificity for method of sign illumination.

Regarding current regulations, there is no distinction on type and size by district. The new regulations would address this. Regarding wall signs, currently smaller signs are allowed in residential districts. Ground signs are allowed by right in commercial districts and only signs are allowed for institutional and residential care facilities only. Illumination levels are not currently differentiated by district.

Some of the reasons to change the current standards include:

- Safety: mostly to address the impacts of newer technology; reports show flashing and moving displays are distracting to drivers.
- Aesthetics – Brightness and moving signs
- Neighborhood impacts regarding the size of signs, the display time allowed and the curfew for such illumination
- Codify certain standards and to eliminate subjective standards

Older signs would be "grandfathered". If a sign owner wished to upgrade, they would be subject to the proposed new language.

Motion to approve

Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

See minutes of April 7, 2016 for second reading.

16.028 An Ordinance to delete Chapter 290 from City Code Book – 1st Reading

16.028 An Ordinance to delete Chapter 290 from City Code Book – 1st Reading

This ordinance came about as a result of the Ordinance Review Committee. The subdivision regulations are solely the responsibility of the Planning Board and the City Council has not power to amend.

Motion to approve

Councilor Murphy moved to approve in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

See minutes of April 7, 2016 for second reading.

Updates from Council President and Committee Chairs

Updates from Council President and Committee Chairs

Councilor Sclarra reports that the Comm. On Community Resources will be meeting begin fact finding as part of its Committee Study Request on Monday, March 21, 2016 at 5pm. The first hour of the meeting will be devoted to standard committee business followed by a public forum to gather information to define a process for the committee study request.

Information Requests (Charter Provision 2-7) and Information Study Requests

Information Requests (Charter Provision 2-7) and Information Study Requests

None

New Business

New Business: None

At 8:45 p.m., a motion to adjourn was made by Councilor Murphy and seconded by Councilor Bidwell. The vote to adjourn passed on a voice vote of 9 Yes, 0 No.

Attest:  Administrative Assistant to the City Council

2014-2015 City Council Roll Call Record

Record of City Council Votes for March 17, 2016

	Adams	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Scharra	Total
Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:10 p.m.	Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present, 0 Absent
16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 1st Reading	No	Motion to Approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 1 No
16.032 Financial Order for Inter-Municipal Agreements with Williamsburg & West Springfield - 2nd Reading	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
16.033 Financial Order to Appropriate \$30,825 from Insurance Proceeds to Police Department ODM Account - 2nd Reading	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
15.377 Ordinance Regarding Significant Trees - 1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
	Councillor O'Donnell moved to amend section D5 to read, "Trees affected by work performed by...". Councillor Adams seconded the motion. The motion to amend was approved on a voice vote.									
	Motion to Amend									
16.003 Ordinance to delete fees from Chapter 174 of City Code Book - 1st Reading	No	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 8 Yes, 1 No
16.005 An Ordinance Pertaining to LED Lighting - 1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
16.028 An Ordinance to Delete Subdivision of Land from Chapter 290 of the Code Book - 1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

At 8:45 p.m. Councillor Murphy motioned to adjourn; Councillor Bidwell seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

Recorded By:

Pamela L. Powers, Administrative Assistant to the City Council

(413) 587-1210; ppowers@northamptonma.gov



MAYOR DAVID J. NARKEWICZ

City of Northampton
Office of the Mayor
210 Main Street Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

MEMORANDUM

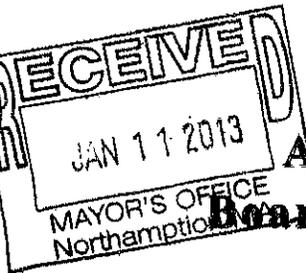
DATE: March 1, 2016
TO: City Council
FROM: Mayor David J. Narkewicz
SUBJECT: Appointments to Committees

Please find the attached appointments and re-appointments to City Boards, Committees and Commissions:

Human Rights Commission

- Natalia Munõz , 63 Rick Drive, Florence – term December 2015 – June 2018 (reappointment).

cc: City Clerk, Wendy Mazza



City of Northampton

Application for Appointment to Boards, Committees and Commissions

Name: Natalia Muñoz

Address: 63 Rick Drive, Florence, MA 01062

Email:

Home Phone: (413) 204-0899 Work: _____ Cell: _____

Occupation: Journalist/Communications Consultant Years lived in Northampton: 9

Please indicate the Committee(s) you have interest serving on: *(Appointment subject to vacancies)*

Affordable Housing Trust	Historical Commission
Agricultural Commission	Housing Partnership-Fair Housing
Arts Council	Human Rights Commission X
Board of Health	License Commission
Board of Public Works	Northampton Housing Authority
Cable Advisory Board	Planning Board
Capital Improvements	Recreation Commission
Central Business Architecture	Registrar of Voters
Conservation Committee	Transportation & Parking Commission
Committee on Disabilities	Bicycle and Pedestrian Subcommittee
Community Preservation Committee	Tree Committee
Council on Aging	Youth Commission
Elm Street Historic District	Zoning Board of Appeal
Energy & Sustainability Commission	Other

What skills and experience will you bring to this Committee assignment:

(attach additional sheet or resume if necessary)

- Knowledge of UN's history, US history, Civil Rights,
- Multimedia skills to spread the word about the Human Rights Commission
- Mediator skills to listen o all parties in a dispute and help, in collaboration with my HRC colleagues, arrive at a resolution

Are you currently serving or have you served on any City committee: _____ No X Yes*

*(*If yes please state what committee)* Human Rights Commission

Required: Please read the following, by signing below you state that you understand and agree:
 The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test AFTER being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. **IMPORTANT:** *Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form!*

SIGNATURE _____

DATE _____

Jan. 11, 2013

Please Return Form To: Mayor@northamptonma.gov or
 David J. Narkewicz, Mayor, 210 Main Street, Northampton, MA 01060

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.037
AN ORDER

To appropriate \$225,000 to pay the costs of conversion to LED Streetlights,
to authorize borrowing and issuance of bonds for project, etc.

Ordered, that:

the sum of \$225,000 is appropriated to pay the costs of the conversion to LED streetlights, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$225,000 under M.G.L. c. 44, §7(14), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that:

the City Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.038
AN ORDER

To appropriate \$129,210 for infrastructure upgrades to replace VOIP system

Ordered, that:

the City Council appropriate \$129,210 from the I-NET Access and Technology Fund (Fund 2620) to be used for related infrastructure upgrades relative to the replacement of the city's VOIP system, and necessary to provide resiliency and redundancy for the city's vital public communication systems.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.039
AN ORDER

To appropriate \$375,000 for new radio consoles for the Dispatch Center

Ordered, that:

the sum of \$375,000 is appropriated for new radio consoles for the dispatch center, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$375,000 under M.G.L. c. 44, §7(14), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that:

the City Treasurer is authorized is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.040
AN ORDER

To appropriate \$1,354,013 for wastewater treatment plant improvements,
to approve borrowing for project, and to authorize issuing bonds, etc.

Ordered, that:

the sum of \$1,354,013 is appropriated for wastewater treatment plant improvements, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,354,013 under M.G.L. c. 44, §§7(1) or 8(15), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that:

the City Treasurer is authorized is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.041

AN ORDER

To appropriate \$500,000 for Street Resurfacing and
to authorize borrowing and issuance of bonds, etc.

Ordered, that:

the sum of \$500,000 is appropriated for street resurfacing, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$500,000 under M.G.L. c. 44, §7(5), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that:

the City Treasurer is authorized is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.042
AN ORDER

To appropriate \$456,000 for replacement of VOIP system,
to authorize borrowing and issuance of bonds for project

Ordered, that:

the sum of \$456,500 is appropriated for replacement of the city's VOIP system, providing resiliency and redundancy for the city's vital public communication systems, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$456,500 under M.G.L. c. 44, §7(9), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that

the City Treasurer is authorized is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.043

AN ORDER

To appropriate \$585,000 for new fire truck,
to authorize borrowing and issuance of bonds for project, etc.

Ordered, that:

the sum of \$585,000 is appropriated for a new fire truck, including payment of costs incidental or related thereto; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$585,000 under M.G.L.c. 44, §7(9), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Further Ordered, that

the City Treasurer is authorized is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

City of Northampton
Massachusetts

In City Council April 7, 2016
Upon the recommendation of the Mayor

16.044
AN ORDER

To appropriate \$275,000 from FY 16 Free Cash to NPS Projects

Ordered, that:

the following Capital Projects be appropriated from the FY16 General Fund Undesignated Fund Balance (Free Cash):

Northampton Public Schools – Energy Management System Upgrades at HS	\$	115,000
Northampton Public Schools – Brick and Façade Work at HS	\$	40,000
Northampton Public Schools – Tennis Court Resurfacing at JFK	\$	45,000
Northampton Public Schools –Front Entrance and Stair Repair at Jackson Street	\$	50,000
<u>Northampton Public Schools – Chimney Repairs at Leeds</u>	<u>\$</u>	<u>25,000</u>
TOTAL:	\$	275,000



*City of Northampton
Community Preservation Committee
210 Main Street, City Hall
Northampton, MA 01060*

October 7, 2016

William H. Dwight
City Council President
210 Main Street, Room 16
Northampton, MA 01060

Re: Community Preservation Committee Recommendation for Funding

Chairman Dwight and City Councilors,

To encourage greater diversity of applicants for CPA funds, broaden community participation, and make applying less formidable, the Community Preservation Committee developed a 'Small Grants' process for funding requests of up to \$3,000.00, with a total project cost not to exceed \$6,000.00. The small grant process was developed to be simpler and less time consuming than the traditional application process, but small grant applicants must still demonstrate their eligibility for funding under the CPA. To expedite the availability of funding, Small Grants Recommendations are provided to City Council as soon as they are complete.

At the February 10, 2016 meeting, the Community Preservation Committee voted to recommend a \$2,860 Small Grant allocation to the Leeds Civic Association for a historic signage walking tour project. When complete, this project will include seven signs along a half mile route that provide a history of the Village of Leeds. The tour will depict the Village in its industrial heyday, inform visitors about the devastating flood, and will complement the Norwottuck Rail Trail and Mill River Greenway. The application presented to the CPC, which includes signage locations and examples, is attached.

Please do not hesitate to contact myself, or Preservation Planner Sarah LaValley with any questions about the projects, if additional information is needed, or the Committee's recommendations.

Thank you,

Brian Adams
Chair, City of Northampton Community Preservation Committee

City of Northampton
MASSACHUSETTS

In City Council, April 7, 2016

Upon the recommendation of the Community Preservation Committee

O-16.045

AN ORDER

To appropriate \$2,860 from CPA funding
to Leeds Historic Walking Tour Project

Ordered, that

WHEREAS, the Leeds Civic Association submitted a Small Grants application for Community Preservation Act funding for signage for a Leeds Village Historical Self-Guided Walking Tour.

WHEREAS, the project will help preserve the history and culture of the Village of Leeds and its important role in the economic development of the City of Northampton

WHEREAS, the project has wide community support, and was enthusiastically supported by the Northampton Historical Commission

WHEREAS, the project will maximize the value of Community Preservation funds contributed through extensive volunteer labor and donations.

WHEREAS, on February 10, 2016, the Northampton Community Preservation Committee, voted unanimously to recommend that \$2,860 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$2,860 be appropriated from Community Preservation Act funding to the Leeds Historic Walking Tour Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$2,860 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council, April 7, 2016

Upon the recommendation of Mayor David J. Narkewicz

O-16.046

An Order

Authorizing the Mayor to execute a lease with NCTV

WHEREAS, Northampton Community Television (NCTV), the City's community access television provider leases studio space at Northampton High School for its access studio, and;

WHEREAS, the Northampton School Committee voted to extend the lease with NCTV for up to 16 months while a long term lease is negotiated, and

WHEREAS, Chapter 40, Section 3 of the Mass. General Laws requires the approval of City Council for leases of school property,

Now therefore, be it Ordered,

That the Mayor is authorized to execute a lease with NCTV of approximately 2,700 square feet of space at the Northampton High School currently occupied by NCTV for a period not to exceed 16 months. The leased premises shall be used exclusively for public access television purposes. The School Committee shall sign the lease agreement to confirm its approval of the terms and conditions thereof.

The lease authorized hereunder is subject to approval of the Commissioner of Education in accordance with M.G.L. c. 40, § 3.

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



Mayor David J. Narkewicz

City of Northampton

City Hall, 210 Main Street, Room 12

Northampton, MA 01060-3199

(413) 587-1249

mayor@northamptonma.gov

MEMORANDUM

TO: City Council

FROM: Mayor David J. Narkewicz

DATE: April 1, 2016

RE: Revision to Proposed FY2017 Volumetric Water Rates

I am submitting the attached revisions to my previously recommended order setting water and sewer rates for FY2017 which the City Council considered March 17, 2016 on first reading. The revisions, which pertain only to the proposed volumetric rates for water, are shown alongside my original recommendation.

This revised recommendation is made in response to the valuable feedback received from residents, multi-family property owners, and members of the business community - including the Greater Northampton Chamber of Commerce - following multiple public presentations and hearings held over the last several weeks. While the vast majority of residents and small businesses would experience very low to moderate water increases under the new structure, the combined effect of raising volumetric consumption rates together with one-time increases in our fixed infrastructure fees has resulted in higher percentage increases for some businesses and institutions in the large customer class. In order to mitigate this one-time impact, I am recommending a proportional lowering of the three volumetric water consumption rates for all customers.

To propose these lower volumetric water rates, my staff and I have worked with the city's consultants to review all aspects of our FY2017 funding plan including operational and capital needs, budgeted to actual revenue trends, timing of future project bonding, and how we allocate revenue to the Water Enterprise Fund budget from various funding sources including the water consumption charges, capital stabilization fund, undesignated fund balance, and borrowing. We have achieved these changes through a combination of shifting approximately \$420,000 in budgeted funding previously derived from volumetric water rates to reserves, together with modifying our capital financing plan to delay a projected bond issuance. We feel comfortable that this change in the first year of our multi-year financial plan is both financially sound and sustainable. It is aided by the fact that we have relatively smaller water infrastructure capital needs in comparison to our more immediate, short-term sewer infrastructure needs, namely the wastewater treatment facility.

We have updated the special "FY2017 Water and Sewer Rates" page on the city's website to reflect these proposed changes. The online calculator allowing residents and businesses to estimate their future water and sewer bill has also been updated with the revised water rates, along with my slide presentation.

I respectfully request your approval of this revised order and look forward to discussing it with the City Council at your April 7, 2016 meeting.

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

Previously Proposed

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~~

Revised

Customers with 1" meter or smaller

Tier 1 consumption: 0 – 16 CCF \$4.36 per CCF

Tier 2 consumption: >16 CCF \$5.82 per CCF

Customers with meter larger than 1"

~~All consumption \$6.09 per CCF~~

Customers with meter larger than 1"

All consumption \$5.72 per CCF

SEWER

Non-metered

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

Metered

\$7.52 per CCF

CITY OF NORTHAMPTON, MASSACHUSETTS

WHEREAS, The City Council in 2001 accepted Sovereign Way as a public way, with easements as described on the Acceptance Plan at the time; and

WHEREAS, At the time of the acceptance of and the laying out of Sovereign Way as a public way, the City inadvertently failed to acquire title to Lot 14 and Lot 15 as shown on the Acceptance Plan; and

WHEREAS, Lot 14 constitutes the layout of Sovereign Way as accepted by the City Council, and Lot 15 contains a public water line that is part of the City's water supply; and

WHEREAS, The Planning Board's permit for the construction of Sovereign Way included a requirement that the developer grant either an easement on or title in fee simple in "Lot 15" to the City; and

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise the fee in or an easement on and over "Lot 15" , as shown on a plan entitled, "Street Acceptance Plan of Sovereign Way" recorded in Plan Book 190 Page 68 and further described as Tract 2 in the attached deed.

No appropriation shall be necessary for the acquisition authorized herein.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take for and on behalf of the Inhabitants of the City of Northampton of the parcels referenced below.

The parcels hereby taken are shown as "Lot 14" and "Lot 15" on a plan entitled, "Street Acceptance Plan of Sovereign Way" recorded in Plan Book 190 Page 68 and more particularly bounded and described as Tract 1 and Tract 2 as set forth on Exhibit A, attached hereto. The purpose of the taking of Lot 14 is for the layout of a public way. The purpose for taking of Lot 15 is the ownership of the land over a public water line and for the provision for the public to pass by non-motorized means or for the future extension of Sovereign Way.

No damages shall be payable as a result of this taking..

[THE REMAINDER OF THIS PAGE INTENTIONALL LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this day of , 2016.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

William H. Dwight
AT-LARGE COUNCILOR

Jesse M. Adams
AT-LARGE COUNCILOR

Maureen T. Carney
WARD 1 COUNCILOR

Dennis P. Bidwell
WARD 2 COUNCILOR

Ryan R. O'Donnell
WARD 3 COUNCILOR

Gina-Louise Sciarra
WARD 4 COUNCILOR

David A. Murphy
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Alisa Klein
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Pamela L. Powers, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on 2016, by William H. Dwight, Jesse M. Adams, Maureen T. Carney, Dennis P. Bidwell, Ryan R. O'Donnell, Gina-Louise Sciarra, David A. Murphy, Marianne L. LaBarge, and Alisa Klein, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this day of '2016.

Pamela L. Powers
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A

The Street known as Sovereign Way in Northampton, Hampshire County, Massachusetts being Lot #14 shown on a plan of land entitled "The Commonwealth of Massachusetts Street Acceptance Plan of Sovereign Way Prepared for the City of Northampton, Hampshire County" " dated May 4, 2000, revised June 9, 2000 and revised November 14, 2001 drawn by Richard A. Lewis P.L.S. and recorded in Hampshire County Registry of Deeds, Plan Book 190, Page 68 bounded and described as follows:

Beginning at a point on the Northerly side of Westhampton Road at the southeasterly corner of the land conveyed herein and the Southwesterly Corner of Lot #13 as shown on said plan; thence turning and running;

In a Northwesterly direction along said Lot #13 along an arc of a curve with a radius of 30.00 feet a distance of 48.04 feet to a bound as found; thence turning and running

N. 05° 01' 35" W. along said Lot #13 a distance of 50.03 feet to a bound as found; thence turning and running

In a Northeasterly direction along said Lot #13 along an arc of a curve with a radius of 220.00 feet a distance of 37.48 feet to a bound as found; thence

Continuing along said Lot #13 in a northwesterly direction along an arc of a curve with a radius of 280.00 feet a distance of 133.56 feet to a bound as found; thence turning and running

N. 22° 35' 44" W. along said Lot #13 a distance of 77.79 feet to a bound as found; thence

Continuing along said Lot #13 in a northeasterly direction along an arc of a curve with a radius of 220.00 feet a distance of 64.69 feet to an iron bound as found; thence turning and running

S. 05° 44' 54" E. along said Lot #13 a distance of 44.86 feet to Lot #1 and #2Rev2 running N 05° 44' 54" W for a distance of 125.00 feet to a point; thence turning and running

N. 05° 44' 54" W. along said Lot #1 and #2REV2 a distance of 110.63 feet to a point; thence

Continuing along said Lot #1 and #2 (REV2) in a northeasterly direction along an arc of a curve with a radius of 100.00 feet a distance of 14.50 feet to a point; thence turning and running

In a Northeasterly direction along Lot #3 (REV3) as shown on said plan along an arc of a curve with a radius of 100.00 feet a distance of 61.88 feet to a point; thence

Continuing along said Lot #3 (REV3) in a northwesterly direction along an arc of a curve with a radius of 80.00 feet a distance of 51.08 feet to a point; thence turning and running

In a northwesterly direction said Lot #4 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 57.05 feet to a point; thence turning and running

In a northwesterly direction along Lot #15 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 69.51 feet to a point; thence turning and running

In a Southwesterly direction along Lot #5 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 51.12 feet to a point; thence turning and running

In a southwesterly direction along Lot #6 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 51.38 feet to a point; turning and running

In a southeasterly direction along Lot #7 as shown on said plan along the arc of a curve with a radius of 80.00 feet a distance of 102.75 feet to a point; thence turning and running

In a southeasterly direction along Lot #8 as shown on said plan in a along an arc of a curve with a radius of 80.00 feet a distance of 11.11 feet to a point; thence

Continuing along said Lot #8 in a southeasterly direction along an arc of a curve with a radius of 25.00 feet a distance of 25.49 feet to a point; thence turning and running

S. 05° 40' 44" E. along said Lot #8 a distance of 23.79 feet to a point; thence

Continuing S. 05° 44' 54" E. along Lot #9 as shown on said plan a distance of 125.00 feet to a point;

Thence S. 05° 44' 54" E. along Lot #10 as shown on said plan a distance of 50.12 feet to a point; thence

Continuing S. 05° 44' 54" E. along Lot #11 as shown on said plan a distance of 116.64 feet to a bound as found; thence

Continuing along said Lot #11 in a southeasterly direction along the arc of a curve with a radius of 280.00 feet a distance of 82.33 feet to a bound as found; thence turning and running

S. 22° 35' 44" E. along Lot #12 as shown on said plan a distance of 77.79 feet to a bound as found; thence

Continuing along said Lot #12 in a southwesterly direction along an arc of a curve with a radius of 220.00 feet a distance of 104.94 feet to a bound as found; turning and running

In a southeasterly direction along said Lot #12 along an arc of a curve with a radius 280.00 a distance of 47.70 feet to a bound as found; thence turning and running

S. 05° 01' 35" E. along said Lot #12 a distance of 53.68 feet to a bound as found; thence turning and running

In a southwesterly direction along said Lot #12 along an arc of a curve with a radius of 30.00 feet a distance of 46.21 feet to a bound as found at the northerly line of Westhampton Road and being the southwesterly corner of the Lot herein conveyed and the Southeasterly corner of lot #12 as shown on said plan; thence turning and running

S. 83° 13' 46" W. a distance of 120.06 feet to the point of beginning.

Containing 64,143 square feet, more or less.

Meaning and intending to convey that way depicted as Sovereign Way on said Plan.

Tract 2

The land in Northampton, Hampshire County, Massachusetts, being lot #15 shown on a plan of land entitled, "The Commonwealth of Massachusetts Street Acceptance Plan of Sovereign Way prepared for the City of Northampton, Hampshire County" dated May 4, 2000, revised June 9, 2000 and revised November 14, 2001 drawn by Richard A. Lewis P.L.S. and recorded in Hampshire County Registry of Deeds, Plan Book 190, Page 68 bounded and described as follows:

Beginning at an iron pipe to be set at the northwesterly corner of the lot conveyed herein, said iron pipe being 554.15 feet distant from the northwesterly corner of Sovereign Meadows Subdivision as shown on Page 27 on Plan recorded in Hampshire County Registry of Deeds, Plan Book 179, Page 25-32; thence; turning and running

N. 82° 10' 22" E. along land now or formerly of Bill Willard, Inc., a distance of 60.09 feet to an iron pipe to be set; thence turning and running

Beginning at an iron pipe on the Northerly side of Sovereign Way as shown on said plan it being the Southeasterly corner of the lot conveyed herein and the Southwesterly corner of Lot #4 as shown on said plan: thence turning and running

In a Northeasterly direction along said Lot#4 along the arc or a curve with a radius of 280.00 feet a distance of 63.48 feet; thence turning and running

N 10° 59' 11" W along said Lot 4 a distance of 252.37 feet to a point; thence turning and running

S. 82° 10' 22" W. along land now or formerly of Bill Willard, Inc., a distance of 60.09 feet to a point; thence turning and running

S. 10° 59' 11" E. along Lot #5 as shown on said plan a distance of 255.68 feet to a point in the Northerly side of Sovereign Way; thence turning and running

In a Southeasterly direction along Sovereign Way along the arc of a curve with a radius of 80.00 feet a distance of 69.51 feet to the place of beginning.

Containing 17,501 square feet, more or less.

**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~~ twelve (12) 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.
 - ~~4.5. The section is not meant to regulate~~ Trees affected by work performed by a utility company in maintenance of its rights of way or in its maintenance, repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief.
- 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 ~~Section 290-38~~ the 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~~ Planning Board'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.

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

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. Any traffic, informational or directional sign or festive banner owned and installed by or for a governmental agency shall be permitted.

B. 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.

C. Temporary freestanding ground signs advocating any candidacy or cause which is under consideration at a particular election or any other cause or issue (not to exceed one sign per candidate/cause per lot) shall be permitted, provided that such signs:

- (1) Shall not exceed a size of six square feet and shall not be any closer than 10 feet to any lot line.
- (2) Shall not be any higher (the top) than four feet from the ground.
- (3) May not be displayed on a building or structure unless said building or structure is the headquarters or chief office of the candidate or organization. (Said wall sign shall conform to the wall sign criteria for that Zoning District within which it is located.)
- (4) May only be permitted to be placed on a building which is not the headquarters or chief office of the candidate or organization, when the Building Commissioner determines that, because of the size of the lot's setback areas and the location of the building on the lot, such a sign cannot be adequately displayed on the ground itself.
- (5) Shall not be displayed more than three months prior to the election date, if the sign is related to an election.
- (6) Shall be taken down within three days following the election if the sign is related to an election or within 90 days of installation if the sign is not related to an election.

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.

F. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.

G. No sign shall be erected so as to obstruct any door, window or fire escape on a building.

H. No more than one sign indicating the meetings and existence of any Northampton civic organization may be erected within a street right-of-way at each boundary line of the City or each gateway to Northampton, as identified by the Board of Public Works. Said sign shall not exceed 25 square feet in area and shall require the approval of the Board of Public Works.

I. No sign, except for a traffic regulatory or informational sign, shall be erected which uses the words "stop," "caution," or "danger" or other similar words in such a manner as to present or imply the need or requirement of stopping or caution or the existence of danger, or which, for any reason, in the opinion of the Chief of Police, is likely to be confused with any traffic regulatory or informational sign.

J. If lighting is provided for a sign, the source of light shall be either from within the sign or shall be white light exterior to the sign and shielded so as prevent direct glare from the light source onto any public street or onto any adjacent property.

K. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted, provided that it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line or 1/2 of the building setback distance whichever is less.

L. In any district one unlighted temporary sign of an architect, engineer or contractor may be erected during the period such person is performing work on the premises, provided that it shall not exceed four square feet in surface area, and it shall be set back at least 10 feet from the street lot line, or 1/2 of the building setback distance, whichever is less.

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:

- (1) Signs are located only where they are otherwise permitted in the district; and
- (2) The Board of Appeals determines that the architecture of the building, the location of the building or the land or nature of the use being made of the building or land is such that additional signs or signs of a larger size would not detract from the character of the neighborhood and should be permitted in the public interest. Additional ground signs shall only be approved if there are exceptional circumstances to warrant their approval and if all efforts are undertaken to keep additional ground signs as small and low as possible.
- (3) The Board of Appeals specifies in the permit the exact sign permitted, the size and location of the sign or signs, and, if applicable, imposes other restrictions. Any change in said signs requires a new or revised special permit unless the special permit specifies what types of changes are allowed.

N. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, is dangerous, or in disrepair or which is erected or maintained contrary to this chapter.

O. No sign shall contain florescent colors. No sign shall contain red or green lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard.

P. Signs painted or placed on the inside of the window shall be permitted, provided that the aggregate area of such signs does not exceed 20% of the area of the window glass.

Q. All signs, except for those authorized under § 350-7.2D, shall be removed within 30 days of the date from which they no longer serve their intended function (i.e., no longer provide the service, establishment or product being advertised).

R. A school, college or other educational institution may erect temporary signs for identification of special programs, alumni events, or other temporary or short-term (less than 12 weeks) educational programs. Such signs shall be permitted, provided that such signs:

- (1) Shall not exceed a size of three square feet and shall not be any closer than two feet from any lot line.
- (2) The top of the sign shall not be more than four feet above the ground.
- (3) Shall not be displayed for more than three days prior to nor one week (a total of 10 days) after the start of said program or event.
- (4) For temporary events which occur every year, signboards must be of durable construction.

S. A sign may not include text, graphics or pictures defined as obscene in MGL c. 272, § 31, if, taken as a whole, it (1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed; (2) depicts or describes sexual conduct in a patently offensive way; and (3) lacks serious literary, artistic, political or scientific value; nor may signs depict or describe sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

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.

7.3 In all R and SC Districts, the following exterior accessory signs and no others are permitted:

A. One front wall sign located on the first floor facade for each legal mixed use or other commercial use, provided that such sign shall not exceed 1.5 square feet in surface area.

B. One identification sign for each dwelling unit, provided that such sign shall not exceed two square feet in surface area; if lighted, it shall be illuminated internally or by indirect method with white light only in conformance with § 350-12.2; and it shall not be used other than for identifying the occupancy.

C. 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.

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

(1) It shall not exceed 12 square feet in surface area, on any one side and shall not have more than two sides.

(2) It shall be located on private property and set back at least 15 feet from any street lot line.

(3) The top of the sign shall not rise more than five feet above the ground or sidewalk within five feet of the sign.

(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-

(5) Such a sign shall only be permitted so long as the approved access within the development is not a City-accepted public way. Once said access has been accepted by the City Council as a City right-of-way said sign shall be removed, and a standard City street sign shall be installed.

E. In residential zoning districts one temporary freestanding ground sign up to six square feet addressing traffic safety concerns shall be permitted. For the purposes of this section, temporary shall be construed to mean less than 90 days in any calendar year.

F. No more than one sign shall be allowed for any one establishment in the R District.

7.4 The following signs shall be permitted in any B District:

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

B. Business signs shall be permitted as wall signs as follows:

(1) They shall be attached and parallel to the wall of the building; and
(2) They shall not project horizontally more than 12 inches therefrom (except as noted below) and, if the sign is designed to allow pedestrian traffic under the sign, shall be a minimum of seven feet above the ground; signs projecting more than 12 inches over a public way shall be permitted by the Board of Public Works in accordance with Chapter 264, Signs, Article I; and

(3) One main (frontage) wall sign on the street frontage for each establishment in the structure plus one directory wall sign, provided that:

- (a) The sign's surface area shall not be larger than 10% of the frontage wall area of the facade of the story which is occupied by the establishment or 100 square feet, whichever is less; and
- (b) The total surface area of all main wall signage of a building shall not be larger than 10% of the main wall area of the ground floor; and
- (c) Except in the Central Business District, when an establishment is located on a lot with more than one frontage (i.e., a corner or through lot) a main (frontage) wall sign may only be displayed on one of the frontages. The other frontage(s) may display a side wall sign as allowed below. In the Central Business District, a main wall sign can be placed on any wall with street frontage instead of a side wall sign.

(4) One side wall sign per structure (except in the CB District, where it may be one side wall per establishment plus one directory wall sign on the structure) on each side wall (that wall facing a non-rear lot line), provided that:

- (a) The surface area of the sign shall not be larger than 25 square feet; provided, however, that in the CB District the total surface area of all the side wall signs for each side wall of a building shall not exceed 100 square feet or 10% of the side wall area of the ground floor of the side where the signs are located, whichever is less; and
- (b) Side wall signs are not permitted on side walls which face or abut (within 100 feet) a residential zoning district.

(5) Rear wall. One rear wall sign per structure, provided that:

- (a) The rear wall abuts upon a public right-of-way or a public or private parking lot; and
- (b) The surface area of the sign shall not be larger than 25 square feet; and
- (c) The sign shall not be higher than 10 feet above grade.

(6) 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.

C. Business signs shall be permitted as awning/canopy and awning/canopy signs as follows:

- (1) An awning/canopy may display the street address for the building and may also have either one sign along the bottom of the front of the awning/canopy or a sign along the bottom of both sides of the awning/canopy, identifying the establishment located therein, provided that the letters, numbers, characters, logos, etc., of such address and signs do not exceed a height of four inches. The purpose of said additional awning/canopy signage is for pedestrian (not automobile) traffic.
- (2) Instead of the wall sign permitted under § 350-7.4B above, an awning/canopy attached to the building may have a sign of the size that would otherwise be allowed on the building wall itself. Said sign must conform to all other requirements for a wall sign.
- (3) The entire backlit or illuminated area of a lit awning/canopy which has any letter or symbols anywhere on the canopy shall be considered a wall sign and must conform to the size and location requirements of wall signs. Illumination shall be in conformance with § 350-12.2.
- (4) Awnings/canopies overhanging a public right-of-way must also be approved by the Department of Public Works.

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.

- (1) In the HB or M Districts, one ground sign for each lot, provided that:
 - (a) It shall not exceed 100 square feet in surface area on any one side; and
 - (b) It shall be set back at least 15 feet from any street lot line; and
 - (c) It shall not rise to more than 15 feet from the ground or sidewalk to the top of the sign; and
 - (d) It shall not have more than two sign faces.
 - (e) Ground signs shall be located on the same lot as the structure or establishment being advertised.
- (2) Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one ground sign per lot.
- (3) In particular instances, upon review by Office of Planning and Development staff, sign site plan approval for one ground sign, in addition to the wall sign(s) permitted in § 350-7.4B above, for each lot frontage of each lot in the Neighborhood Business (NB), General Business (GB), Entranceway Business (EB) and Central Business (CB) Districts may be granted, provided that:
 - (a) Sufficient evidence is presented to show that the structure, the orientation of the structure, the location or setback of the structure, or the location of establishments in the structure, especially affecting such structure or establishment, but not generally affecting the zoning district in which it is located, which restrict the visibility of wall sign(s) otherwise allowed by this chapter.
 - (b) Said ground sign shall be located in the same lot as the structure or establishment being advertised.
 - (c) Said ground sign shall not exceed a height of 10 feet, nor have a surface area greater than 80 square feet in the CB, GB or EB District or greater than 20 square feet in the NB District.Illuminated signs that meet ordinance shall be turned off within half an hour of close of business. Any applicant seeking a larger sign than specified above or any applicant denied a permit may

apply for a special permit to the Zoning Board of Appeals in accordance with standard application procedures.

(d) Ground signs shall be located on the same lot as the structure or establishment being advertised.

E. Business signs shall be permitted as a two-sided projecting blade sign (i.e., small signs that project perpendicular to the building) as follows:

- (1) There shall only be one blade sign per business. If there is more than one business in the same building, there may not be more than one sign per 20 feet of frontage on the same building.
- (2) Only businesses on the first floor of a building may have a blade sign.
- (3) The sign may not project more than three feet from the façade of a building
- (4) The sign may not exceed six square feet of total surface area per sign.
- (5) The sign may not exceed two inches in width.
- (6) The bottom of the sign shall not be less than nine feet and the top of the sign shall not be less than 15 feet, both measured above the sidewalk.
- (7) The sign shall not be internally lit.
- (8) Blade signs shall be located on the same lot as the structure or establishment being advertised.

F. Temporary outdoor signs shall be permitted as follows:

- (1) One temporary banner of no more than 25 square feet on a property for retail, service and restaurant uses in the Highway Business District for a period not to exceed 30 days per year.
- (2) One temporary banner of no more than 25 square feet on a property for new retail, service or restaurant uses in the Central Business, Entranceway Business and General Business Districts for a period not to exceed 30 days.

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) 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:

- (a) Shall not project horizontally more than 12 inches from the wall of the building;
- (b) The surface area of each sign shall not aggregate more than 7 1/2% of the area of the front or side wall area of the floor on which it is displayed;
- (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;

(2) In all OI Districts, one wall sign shall be permitted, subject to the regulations set forth in § 350-7.4 above.

(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:

- (a) It shall not exceed 100 square feet in surface area;
- (b) It shall be set back at least 15 feet from any street lot line;
- (c) It shall be erected so that no portion of it is over 15 feet in an I or BP District and over 10 feet in a PV District above the ground or sidewalk; and

(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.~~

(4) For PV Districts, for each building either up to two wall signs, as described in Subsection B(1) above or one ground sign, as described in Subsection B(3) above.

(5) For GI, BP and PV Districts where a number of individually owned parcels are developed as a single collective entity (i.e., an industrial, business park, or planned village) the Planning Board may grant a special permit permitting one additional ground sign for each entrance to the development (not to a specific building) off of a collector street identifying the collective entity and/or the individual business located therein. Said sign must conform to all of the requirements for ground signs contained in Subsection B(3) above.

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

City of Northampton
Massachusetts

In the Year Two Thousand Sixteen
Upon the recommendation of The Department of Public Works

16.048
AN ORDINANCE
To Provide for Limited Time Parking on King Street

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

SECTION 1

That § 312-104 titled Schedule III: Limited Time Parking be Revised
By adding the following:

Name of Street	Side	Time Limit/Hours; Days	From	To
King Street	North- easterly	15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday	A point 237 feet southerly from Trumbull Road	A point 257 feet southerly from Trumbull Road