



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor Jesse M. Adams

Councilor David A. Murphy

Councilor Ryan R. O'Donnell

Councilor Gina-Louise Sciarra

MEETING AGENDA

Date: April 11, 2016

Time: 5:00 pm

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

1. Meeting Called to Order and Roll Call

2. Public Comment

3. Approve Minutes of the Previous Meeting

Minutes of March 14, 2016

Documents: [CommitteeOnLegislativeMatters-March14_2016.pdf](#)

4. Items Referred to Committee

A. 16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - Referred to Committee on 4/7/2016

This item will only be discussed if referred to this committee by City Council on 4/7/2016.

Documents: [16.048-KingStreetOrdinance.pdf](#)

B. 16.034 Ordinance pertaining to Water Resources - Referred to committee on March 3, 2016

Documents: [16.034_Ordinance_Water_Resources.pdf](#),
[16.034_Report_Based_Public_Works_And_Uilities_Committee_Feedback.pdf](#),
[16.034_Report_Based_On_Committee_Resources_Feedback.pdf](#)

C. Other items awaiting feedback from other committees

16.025 - An Ordinance Regarding Parking on Center Street - Still in TPC

5. New Business

6. Adjourn

Prepared By:

P. Powers, Administrative Assistant to the City Council
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Committee on Legislative Matters and the Northampton City Council

Members:

Councilor Jesse M. Adams
Councilor David A. Murphy
Councilor Ryan R. O'Donnell
Councilor Gina-Louise Sciarra

MEETING AGENDA

Date: March 14, 2016

Time: 5:00 pm

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

Note: These minutes were transcribed from the video recording of this meeting.

1. **Meeting Called to Order and Roll Call:** At 5:00 pm councilor Murphy called the meeting to order. Present at the meeting were: Councilors Murphy, O'Donnell. and Sciarra. Councilor Adams was absent. There were no other city councilors present.
2. **Public Comment:** None
3. **Minutes of Previous Meetings:** Councilor O'Donnell moved to approve the minutes of the previous meeting (February 8, 2016); Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams)
4. **Items Referred to Committee:**
 - A. **16.003 Ordinance to Delete Fees from chapter 174 of City Code Book**

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

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

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

voted to return the ordinance back to the full city council with a neutral recommendation as amended on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

B. 16.005 An Ordinance Pertaining to LED Lighting

Carolyn Misch, Sr. Land Planner was present to review the changes to the ordinance. The Planning Board looked at updates to the sign code and made several recommendations to improve the ordinance. Part of this is based on interest in replacing old lighting with LED lighting. This paved the way to update the entire sign code section.

Part of the evaluation of updates was to look at signs in residential areas vs. commercial areas. Lighted signs are allowed in both areas, however, there is no time restrictions in the current language. The PB looked only at on-premise signs only. The PB also looked at national traffic safety information about LED signs. They took into account that signs could be distracting.

The updates include a definition of what an LED signs incorporates. Curfews will be in place for signs in residential locations. The ordinance specifies that lighting will be regulated by the code and no longer by restrictions set forth by the police chief. Additional language has been added to better interpret directional signs (7.2.D).

Section 7.2.E. was added to restrict special permit allowances for height of signs. The Zoning Board hasn't been issuing special permits for taller signs because the PB has been trying to restrict sign height in the city's gateway corridor. Signs are now 15 feet or shorter.

7.2.T defines dynamic display to clarify "video" display (to mean electronic display).

7.3.C clarifies ordinance language to distinguish between membership club signage that is allowed and church facilities signage that is allowed. LED display will be allowed for churches and schools with the language changes. Changes to signs are allowed every 30 minutes and the transition must be instant (no scrolling/fading, etc.). Curfew time restrictions are identified. If an image is part of the display, it must be static. Light level standards are also specified.

Signs would be allowed for Bed and Breakfast facilities, however, time restrictions are specified.

Ground signs in residential districts have not been specified as far as height; this has now been added to the ordinance.

Regarding commercial districts, the minimum time display was recommended to be 30 seconds. The PB also recommended to change the curfew from 10:00 pm to 11:00 pm or the close of business. Regarding sounds from signs, standards will only apply to signs on the street.

Councilor Murphy read through the recommended changes.

Regarding placement of signs on a pitched roof (7.2.E), signs must be place on the front of the building, but not attached to the roof itself. Councilor Murphy questioned whether

businesses do this already, such as those with porches on the front of the building (the porches covers the face of the building). Sr. Land Planner Misch said that this would qualify under the proposed language.

Councilor O'Donnell suggested changing the wording to delete "under no circumstances shall..."; Sr. Land planner Misch agreed and modified the proposed wording.

For pre-existing signs, if they are non-conforming based on the proposed language, a display sign can replace the non-conforming sign, provided that the new sign conforms with the requirements of illumination, display, size, etc.

Councilor O'Donnell requested that Sr. Land Planner Misch provide the changes within the context of the existing ordinance. Ms. Misch indicated that she would make the in-line changes available in time of the city council meeting on March 17, 2016.

Councilor Sciarra moved to send forward to the full city council with a neutral recommendation; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

C. 16.028 An Ordinance to Delete Subdivision of Land from Chapter 290 of the Code Book

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

Councilor O'Donnell moved a positive recommendation as amended; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 No.

D. 16.025 An Ordinance Regarding Parking on Center Street - Still Awaiting Feedback from TPC

The committee did not discuss this ordinance.

E. 16.034 Ordinance Pertaining to Water Resources - Awaiting Feedback from Committee on Community Resources and Committee on Public Works and Utilities

The committee did not discuss this ordinance.

5. New Business: None

- 6. Adjourn:** Councilor O'Donnell moved to adjourn the meeting at 6:25 pm; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

Prepared By:

P. Powers, Administrative Assistant to the City Council
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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

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

Upon the Recommendation of Councilor Ryan R. O'Donnell and Mayor David J. Narkewicz.

**16.034
AN ORDINANCE**

**RELATIVE TO PUBLIC OWNERSHIP OF
NORTHAMPTON'S WATER RESOURCES**

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

SECTION 1

That § 325 of the Code of Ordinances be amended as follows:

~~Article I Water Use Regulations~~ **Article I Water Resources**

§ 325-1 (~~Reserved~~) **Public Ownership of Water Resources**

The public water resources and infrastructure of the City of Northampton, including systems and facilities related to the supply, storage, treatment and distribution of water, shall be owned and/or controlled by the City of Northampton and shall not be sold, leased or transferred into private ownership.

SECTION 2

That the article title "Water Use Regulations" be moved directly before § 325-2 and that the article titles within Chapter 325 be renumbered:

~~Article I~~ **Article II** Water Use Regulations

~~Article II~~ **Article III** Water Emergencies and Restrictions

~~Article III~~ **Article IV** Drinking Water Protection

Committee Report on a Legislative Matter

Report Regarding: 16.034

Ordinance Pertaining to Water Resources

From:

Comm. on Public Works & Utilities

Date of Meeting 3 /28/2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation

Yes: 4

No: 0

Absent: 0

Abstain: 0

Factors Considered:

The Committee reviewed the ordinance and heard testimony from Councilor Ryan O'Donnell, one of the sponsors of the ordinance.

Comments, Discussion & Debate:

City Council Vice-President Ryan O'Donnell was present to talk about the ordinance that he is proposing. The ordinance seeks to prevent privatizing the city's water supply. The ordinance is modeled after an ordinance that was enacted in Gloucester. That city took the ordinance one step further and added language into their charter to prevent privatizing of their water. The right built into their charter is a right of referendum; if the city looked to privatize their water infrastructure, then the measure would be voted upon by residents in the community. Last year, New Jersey Governor Chris Christie signed a bill into law that would allow for fast-tracking the privatization of public water systems in New Jersey. The "Water Infrastructure Protection Act" removes the public vote requirement to sell water systems throughout the state under emergency conditions.

Across the country there have been strained budgets and mounting financial pressures felt by municipalities. This has led to corporations taking over the infrastructure of a city's resources such as water. One place this happened was Atlanta Georgia. That municipality has since switched back because of problems associated with privatizing. One very good example of where privatizing failed is Flint Michigan. The results have been disastrous for that community. The poisoning of the water by lead is a direct result of emergency managers making a variety of decisions with very little public accountability and driven by the desire to save money without any concern for public health or well-being. Other examples of privatization of public services has been in the areas of education,

transportation and utilities. However, he believes people would like the ability to continue to debate water and sewer rates and would prefer that such infrastructure remain with the city.

Councilor Dwight asked whether this ordinance was a prevention measure; Councilor O'Donnell noted that the city has a good water infrastructure system that the city should be proud of and should try to protect. Such an ordinance is a proactive measure to provide such protection. While the current mayor or city council may not look to privatize the water system, the ordinance would look to provide protection into the future.

Councilor O'Donnell shared the experience of privatizing Atlanta Georgia's water system. The city faced the high cost of its water infrastructure and also was facing the high cost of deferred maintenance. The city entered into contract with United Water. The company was able to provide the service at a lesser cost than the city. Private companies don't have to carry the same costs that government does. After a period of time, problems arose regarding the quality of the city's water and people inevitably raised concern about it issue. Ultimately the contract between the city and the company ended after 4 years of a twenty year contract.

Councilor Bidwell supports the ordinance; he commented that the Committee on Community Resources reviewed the ordinance last week. He likes the idea of calling attention to this important piece of city infrastructure that is well run and produces great water. He also likes the idea of being proactive about protecting a valuable public resource and infrastructure.

Committee Report on a Legislative Matter

Report Regarding: 16.034cr Ordinance Pertaining to Water Resources

From:

Comm. on Community Resources

Date of Meeting 3 /21/2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation

Yes: 3

No: 0

Absent: 1

Abstain: 0

Factors Considered:

The Committee reviewed the ordinance and heard testimony from Councilor Ryan O'Donnell. He, along with Mayor Narkewicz sponsored the ordinance. Councilor Sciarra read the proposed ordinance into the record. (Councilor Klein was absent from the discussion and did not vote on this ordinance).

Comments, Discussion & Debate:

This ordinance prevents the City Council, Mayor, or the city in general from privatizing the city's water infrastructure. This ordinance models an ordinance adopted by Gloucester, Massachusetts in 2010. Gloucester later took the step of putting the elements of the ordinance into their charter. The premise of the ordinance is that there are basic public resources that should not be privatized. Councilor O'Donnell noted locally, now is a good time to introduce such legislation since there is much talk about investments being made in the city's water and sewer infrastructure. Nationally, there is a lot in the news about water resources, including what is happening in Flint, Michigan. In the case of Flint, the water system has been poisoned by lead. While this is not attributable to privatization, it is attributable to emergency managers being appointed over the water infrastructure and comporting themselves as though they were a corporation and making decisions with no public input and taking drastic cost cutting measures that lead directly to the risk of public health. Northampton has outstanding water resources, and Councilor O'Donnell feels that steps should be taken to protect water going into the future.

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

Upon the Recommendation of Chief Jody Kasper and Councilor Ryan O’Donnell.

**16.025
AN ORDINANCE**

**RELATIVE TO PARKING NEAR THE POLICE STATION
ON CENTER STREET**

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 the § 312-104 of the Code of Ordinances be amended as follows:

§ 312-104 Schedule III: Limited-Time Parking.

Center Street	Northerly	15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday	A point 179 feet easterly from Center Court	A point 197 feet easterly from Center Court
<u>Center Street</u>	<u>Northerly</u>	<u>15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday</u>	<u>A point 161 feet easterly from Center Court</u>	<u>A point 179 feet easterly from Center Court</u>

SECTION 2

That § 312-102 of the Code of Ordinances be amended as by adding the following:

§ 312-102 Schedule I: Parking Prohibited All Times.

<u>Center Street</u>	<u>Northerly</u>	<u>A point 179 feet easterly from Center Court</u>	<u>A point 197 feet easterly from Center Court</u>
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