

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: May 5, 2016
Meeting Time: 7:00pm

1. Public Comment

2. Roll Call

3. Public Hearings

A. Announcement that there will be a Public Hearing pertaining to a Petition received from National Grid regarding a permit to relocate an SO pole on Elm Street.

The Public Hearing will be held during the City Council Meeting on May 19, 2016 @ 7:05 pm

@ 212 Main Street, Northampton (City Council Chambers).

Documents: [PolePetition-ElmSt_Relocation.pdf](#)

4. Recognition and One-Minute Announcements by Councilors

5. Communications and Proclamations from the Mayor

6. Resolutions

7. Presentations

8. Consent Agenda

Approve Minutes of the April 21, 2016 City Council meeting

Petition to discontinue a portion of Elm Street - Refer to Committee on Public Works and Utilities and to the Department of Public Works

Approve Application for Permit for Supervised Display of Fireworks-Application Received from Northampton Family Fourth Committee, Inc. of 40 Keyes Street, Florence - Event Date June 25, 2016 @ Look Park

Documents: [CityCouncilMinutesApril21_2016.pdf](#), [16.064_ElmStreetPetitiontoDiscontinue.pdf](#), [16.070_fireworks_display_family_fourth.pdf](#)

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

10. Financial Orders

A. 16.060 Financial Order regarding budgetary transfers between various department - 1st Reading

Documents: [16.060_BudgetaryTransfersFY16.pdf](#)

B. 16.063 Financial Order to authorize payment of a prior fiscal year bill for Smith Vocational & Agricultural School in the amount of \$8,135.36 - 1st Reading

Documents: [16.063_PriorYearBill_8,135.36_Smith_Vocational.pdf](#)

C. 16.051 A Financial Order authorizing the payment of two previous year bills from the DPW - 2nd Reading

Documents: [16.051_DPW_PriorYearBills.pdf](#)

D. 16.052 Financial Order regarding gift donation of \$10,000 for Improvements to City Council Chambers - 2nd Reading

Documents: [16.052_CouncChamberImprovements.pdf](#)

E. 16.053 Financial Order To appropriate \$46,798 from free cash to match funds for the Massachusetts Department of Conservation and Recreation Urban Forestry - 2nd Reading

Documents: [16.053_MatchFundsDCR_Urban__Forestry_Grant.pdf](#)

11. Orders

A. 16.065 An Order to surplus property and authorize the Mayor to transfer the property to the USA for inclusion in the Conte Fish & Wildlife Refuge - 1st Reading

Documents: [16.065_HockanumFerryAndGolashOrdertoSurplus.pdf](#)

B. 16.066 Order to purchase land off of Reservoir Road - 1st Reading

Documents: [16.066_PurchaseLandReservoirRoad.pdf](#)

C. 16.067 Order authorizing the Mayor to waive & decline the City's right of first refusal on property located on Rocky Hill Road - 1st Reading

Documents: [16.067_Right_Of_First_Refusal_Rocky_Hill_Road.pdf](#)

D. 16.068 Order to purchase 55 +/- acres located between Glendale & Westhampton Roads - 1st Reading

Documents: [16.068KensingtonEstatesLANDORDER.pdf](#)

E. 16.069 Order to authorize the purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area - 1st Reading

Documents: [16.069_BrookwoodMarshKohlLANDORDER.pdf](#)

12. Ordinances

A. 16.034 Ordinance Pertaining to Water Resources - 1st Reading

Positive Recommendation from the Committee on community Resources (3

Yes, 0 No, 1 Absent{Councilor Klein}) on 3/21/2016

Positive Recommendation from the Committee on Public Works and Utilities (4 Yes, 0 No) on 3/28/2016

Positive Recommendation as amended from the Committee on Legislative Matters (4 Yes, 0 No) on 4/11/2016

Documents: 16.034_Ordinance_Water_Resources_AsAmendedon4_11_2016.pdf,
16.034_Report_Based_On_Committee_Resources_Feedback.pdf,
16.034_Report_Based_Public_Works_And_Utilities_Committee_Feedback.pdf,
16.034_LM_Report_Based_On_Committee_Feedback.pdf

B. 16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - 2nd Reading

Positive recommendation from the Committee on Legislative Matters on 4/11/2016

Documents: 16.048-KingStreetOrdinance.pdf,
16.048_LM_Report_Based_On_Committee_Feedback_Revised.pdf

C. 16.061 An Ordinance to establish two one-hour parking spaces in Florence on Main St. - Refer to the Committee on Legislative Matters

Documents: 16.061_MainSt_Florence_Limited_Time_Parking.pdf

D. 16.062 an Ordinance to add a yield sign at Venturers Field Road - Refer to the Committee on Legislative Matters

Documents: 16.062_Stop_And_Yield_Intersections_Venturers_Field_Road.pdf

13. Updates from Council President & Committee Chairs

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

15. New Business

Contact: P. Powers
Administrative Assistant to the City Council
(413) 587-1210
ppowers@northamptonma.gov

nationalgrid

April 22, 2016
City Council of Northampton Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

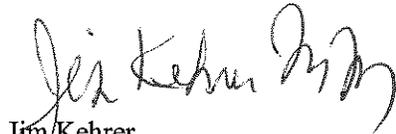
Lisa Jasinski 413-582-7467

Please notify National Grid's Maureen Miloro of the hearing date / time

If this petition meets with your approval, please return an executed copy, including Hearing Date

National Grid Contact: Maureen Miloro; 1101 Turnpike Street; North Andover, MA 01845
978 725 1418

Very truly yours,



Jim Kehrer
Supervisor, Distribution Design

Enclosures

Questions contact – Lisa Jasinski 413-582-7467
PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Northampton Massachusetts

NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Elm St-Relocate SO pole 18, 10 feet west of existing location, which is approximately 47 feet west of the centerline of the intersection of College Lane.

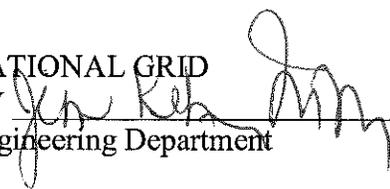
Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Elm St-Northampton Massachusetts

21473730 April 22, 2016

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY 
Engineering Department

ORDER FOR POLE AND WIRE LOCATIONS

City

In the City of Northampton Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 22nd day of April 2016.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked -Elm St- Northampton Massachusetts

21473730 Dated: April 22, 2016. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Elm St-Relocate SO pole 18, 10 feet west of existing location, which is approximately 47 feet west of the centerline of the intersection of College Lane.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____ 20 _____, at _____ o'clock, M
at _____ a public hearing was held on the petition of _____

NATIONAL GRID

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the _____ of the City of Massachusetts, on the _____ day of 20 and recorded with the records of location orders of the said City, Book _____, and Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk

Electer

In the City of Northampton Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

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Massachusetts City/Town Clerk. 20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____ 20 _____, at _____ o'clock, M
at _____ a public hearing was held on the petition of _____

NATIONAL GRID

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City/Town Clerk.

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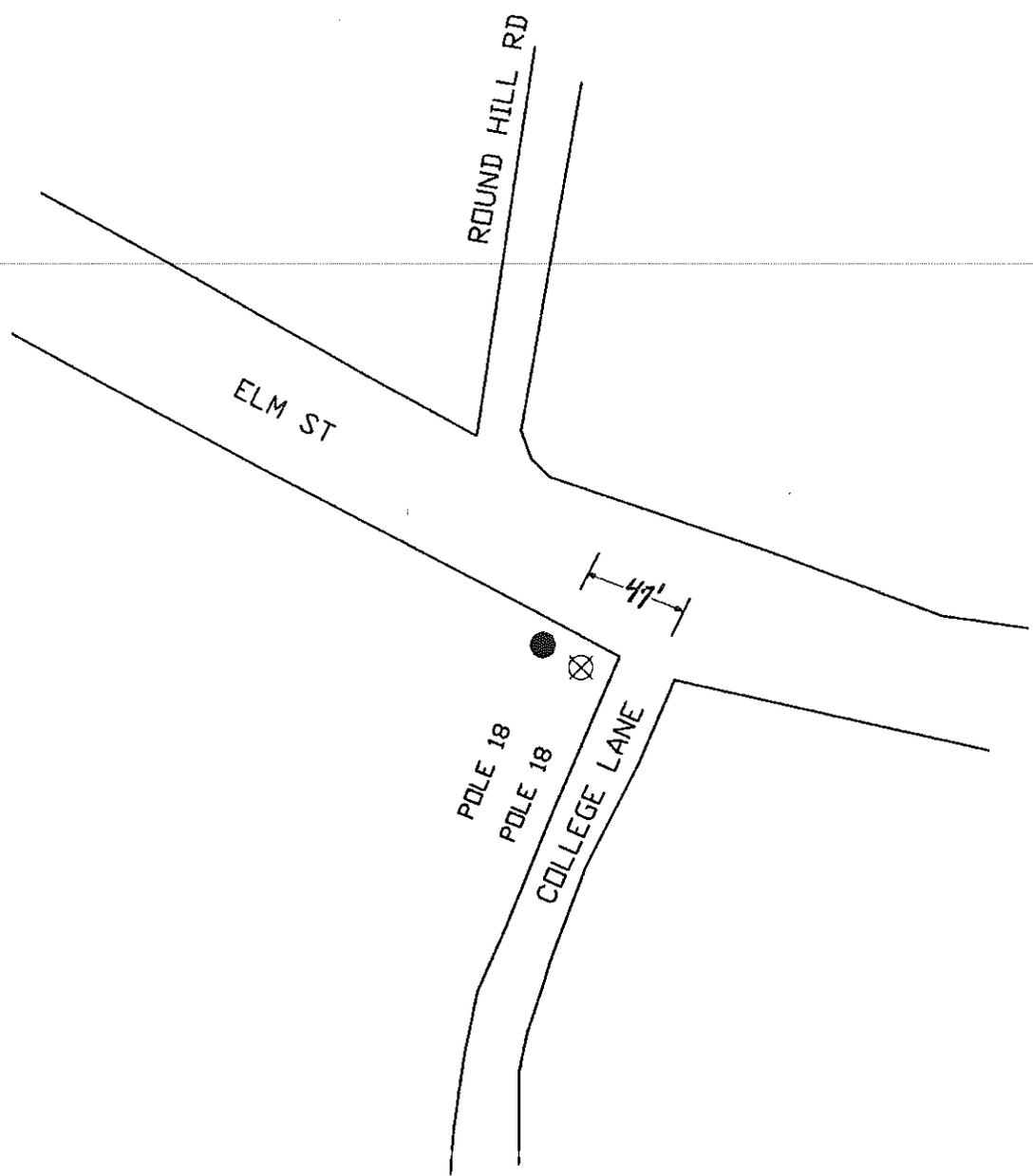
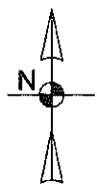
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the _____ of the City of Massachusetts, on the _____ day of 20 and recorded with the records of location orders of the said City, Book _____, and Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

50



POLE PETITION

nationalgrid

- Proposed NGRID Pole Locations
- Existing NGRID Pole Locations
- Proposed J.O. Pole Locations
- Existing J.O. Pole Locations
- Existing Telephone Co. Pole Locations
- Existing NGRID Pole Location To Be Made J.O.
- Existing Pole Locations To Be Removed

Date: 4/18/16

Plan Number: 21473730

To Accompany Petition Dated:

To The: CITY Of NORTHAMPTON

For Proposed: Pole: 18 Location: ELM ST

Date Of Original Grant:

DISTANCES ARE APPROXIMATE



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
April 21, 2016

Roll Call

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:20 p.m. on a roll call the following City 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 6 Councilor Marianne L. LaBarge Ward 7 Councilor Alisa F. Klein.

The following City Councilor(s) was (were) absent: Ward 5 Councilor David A. Murphy

Public Hearing

Public Hearing: None

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor LaBarge announced that the Northampton Senior Center will be closed on April 25, 2015. All programs and classes will be cancelled. The Center is relocating its Fitness Center on that date.

Announcements

Councilor Dwight announced that the 2016 Memorial Day Parade will be held on Monday, May 30, 2016. Participants who wish to participate should respond by May 20, 2016.

Communications and Proclamations From the Mayor

Communications and Proclamations From the Mayor:

Mayor Narkewicz presented a proclamation recognizing Arbor Day on April 29, 2016. The proclamation was given to Lilly Lombard, Chair of the Public Shade Tree Committee.

Mayor Narkewicz showed a foam core board check from the Northampton Senior Services Department written to the City of Northampton which represents the value of all volunteer hours worked during the past year. The check was in the amount of \$344,705.02 and represents 11,836 hours worked by volunteers.

Resolutions

Resolutions:

16.047 A Resolution to Adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 - 2nd Reading

16.047 A Resolution to Adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 - 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge moved to approve the resolution in second reading; Councilor Carney seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following resolution passed second reading:

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.

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

16.049 A Resolution pertaining to Bottums Road - 2nd Reading

16.049 A Resolution pertaining to Bottums Road - 2nd Reading

Councilor Adams asked about the next steps; Councilor Dwight noted that the Department of Public Works will need to present an official order to the City Council for further processing.

Motion to approve in 2nd Reading

Councilor LaBarge moved to approve the resolution in second reading; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following resolution passed second reading:

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.

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

Presentations

Presentations:

Announcement of Living Wage:

Kitty Callaghan was present to discuss the annual living wage in Northampton. She noted that there was a resolution that was passed in the latter half of 2009. At that time the living wage was \$11.90 per hour. The resolution called for an annual review and update of the living wage; Ms. Callaghan is on hand tonight to give an update of the living wage for 2016 which is based on the Consumer Price Index. She reports that there is no significant increase in the living wage since last year; the living wage for 2016 is \$13.18. The CPI only increased 1/10 of 1% which amounted to 1 penny. The primary reason for no change is due to lower energy costs.

Consent Agenda

Consent Agenda

Feeding Tube Records removed from Consent Agenda

Councilor Dwight asked to remove Feeding Tube Records from the posted consent agenda as he has a potential conflict.

Motion to approve Consent Agenda

Councilor O'Donnell moved to approve the remaining consent agenda; Councilor Carney seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following items were included on the approved consent agenda:

Minutes of the City Council Meeting of April 7, 2016

16.054 Approval of Annual Petition for Second Hand Dealer Licenses

Snail Trail Groundings (2015 & 2016 Renewals) with a business address of 7 Main Street, Florence
Roz's Place with a business address of 6 Bridge Street
Jack Speyer Antiques with a business address of 416 North Main Street, Leeds
Cancer Connection with a business address of 375 South Street

Consent Agenda continued

Norman E. Menard with a business address of 25 Garfield Avenue
The Vintage Cellar with a business address of 11 Bridge Street, Basement
Kids Stuff with a business address of 90 Maple Street, Florence
Antiques Corner with a business address of 5 Market Street
Urban Exchange with a business address of 233 Main Street
Stuart F. Solomon Antiques with a business address of 28 North Maple Street, Florence
The Family Jewels with a business address of 56 Green Street

16.057 Approval of Annual Petition for Junk Dealer Licenses

Norman E. Menard with a business address of 26 Garfield Street
Richard & Sharon Huntley with a business address of 254 Easthampton Road

16.055 Approval of Annual Petition for Pool Tables

Packards of 14 Masonic Street (Weekday & Sunday Licenses)

16.058 Approval of Annual Petition for Taxi Cab Licenses

Mercedes Cab Co., Inc. d/b/a Funky Cab with a business address of 376 Easthampton Road
(1 petition)

Cosmic Cab with a business address of 78 Conz Street (5 petitions)

16.056 Approval of Annual Petition for Trucks

Bill Willard, Inc. with a business address of 1010 Ryan Road, Florence

Motion to approve license petition for Feeding Tube Records

Councilor Sciarra moved to approve the petition for a second hand dealer license from Feeding Tube Records with a business address of 221 Pine Street, Florence; Councilor Klein seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Abstention (Councilor Dwight) and 1 Absent (Councilor Murphy)

Motion Carried

Recess for Committee on Finance Meeting

At 7:36 p.m. the City Council recessed for the Committee on Finance meeting. The City Council reconvened at 7:56 p.m.

Financial Orders

16.051 A Financial Order authorizing the payment of two previous year bills from the DPW - 1st Reading

16.051 A Financial Order authorizing the payment of two previous year bills from the DPW - 1st Reading

Motion to approve in 1st Reading

Councilor LaBarge moved to approve the financial order in 1st reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

See minutes of May 5, 2016 for second reading

16.052 Financial Order regarding gift donation of \$10,000 for Improvements to City Council Chambers - 1st Reading

16.052 Financial Order regarding gift donation of \$10,000 for Improvements to City Council Chambers - 1st Reading

Councilor LaBarge thanked D.A. Sullivan for making a donation of \$10,000 for upgrades to the City Council Chambers. Councilor Carney also thanked D. A. Sullivan and suggested recognizing the gift in some way. Councilor Adams disagreed that memorializing the gift is a form of advertising for the firm.

Motion to approve in 1st Reading

Councilor LaBarge moved to approve the financial order in 1st reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 7 Yes, 1 No (Councilor O'Donnell), 1 Absent (Councilor Murphy).

Motion Carried

See minutes of May 5, 2016 for second reading

16.053 Financial Order To appropriate \$46,798 from free cash to match funds for the Massachusetts Department of Conservation and Recreation Urban Forestry - 1st Reading

16.053 Financial Order To appropriate \$46,798 from free cash to match funds for the Massachusetts Department of Conservation and Recreation Urban Forestry - 1st Reading

Councilor Klein commented that this is an incredible use of city funds; two years ago she took part in the inventory of City trees that was headed by Lilly Lombard. She indicated that it time to do an evidence based scientific inventory; this grant will allow for this to happen. The City has taken great strides to increase and diversify the City's public shade trees and this is another way that the City can show its commitment to the importance of strategic public shade tree program.

Councilor Bidwell was also complimentary of the City's efforts to enhance the public shade tree program in the past few years.

Councilor Adams is glad that this order came on the heels of the ordinance that the Council passed recently regarding public shade trees; the current administration is doing all it can for this important issue.

Motion to approve in 1st Reading

Councilor LaBarge moved to approve the financial order in 1st reading; Councilor Adams seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

See minutes of May 5, 2016 for second reading

16.030 Financial Order to establish water & sewer rates for FY2017 - 2nd Reading

16.030 Financial Order to establish water & sewer rates for FY2017 - 2nd Reading

Councilor Adams recognizes that there are critical infrastructure needs that the City must pay for; however, he believes that this can be done using the current rate structure. He believes that the current structure makes it more affordable for renters to live in Northampton and for businesses to succeed. He thinks that all needed revenues should be raised by using the current rate structure. One of the goals is to create greater equity; he requested information about how the proposed structure will impact various users, including residential, commercial, government, and tax exempt. He was told that that information was not available. He believes the goal of water conservation is important, however, even the DPW Acting Director noted that there will be no significant increase in water conservation because the citizens conserve so well already. Councilor Adams believes the process used to create the new structure was "awful". Last year he supported freezing rates so that the citizens could catch up; at that time the newly proposed structure was not discussed and he never thought that the revised structure would be the response. Money to pay for the consultants was not in the budget. The Council had no part in meetings that took place with the consultants from April 2015 – January 2016. If the Council had known about this proposal back in August of 2015, the process might have looked different. He is not supporting the rate structure because he believes it is not in the best interest of Northampton.

Councilor LaBarge thanked the Mayor for setting up the meeting with the Chamber of Commerce. She believes it was a great meeting; she received calls after the meeting stating that the Mayor did a great job. There was hefty debate going on during the meeting, however, that is part of debating. Councilor LaBarge thanked the Chamber of Commerce and the Department of Public Works, the Mayor and his Staff for putting the presentation in place. She recalled that the Mayor had four goals with the program: to promote conservation, to help people who are economically disadvantaged, to improve equity among different types of customers. She is also aware that the Mayor plans to delay implementation of the Fire Suppression Service Fee until the next fiscal year. She thanked the Mayor for listening to people when they voice their concerns. She will be supporting the order 100%.

Councilor Dwight pointed out that the Council will not be voting any fixed fees, only the volumetric rates.

Councilor Bidwell noted that the Mayor's decision to delay implementation of the fire suppression service fees for a year is the reason he will be supporting the order. He was an enthusiastic supporter from the start, especially the tiered rate structure. He believes that it was appropriate to take a pause in the action to learn more about it, and to ask the Mayor to meet with the business community. The Mayor did what was asked of him: he adjusted the volumetric rates and he delayed implementation of the fire suppression fees. The consultants pointed out that this is not a perfect process; there are so many objectives that the program address and he recognizes that some of them are going to be in conflict with one another. There is no perfect solution. He wishes that there was a better solution to the multi-tenant issue and wishes that there was earlier involvement by the City Council. But he believes that the process has been transparent since January 2016 and that the Mayor has responded to constituent concerns, so on balance he is supporting the order.

16.030 continued

Councilor Sciarra noted that this is a new responsibility for the City Council. Last year was the first year when the public really had a chance to be part of the conversation. She notes that at last year's public discussion members of the public spoke out that an increase in rate from \$5.58 to \$5.74 was going to be too much for their budget. This increase was going to be implemented using the flat rate structure. There was at that time a call to freeze the rate while the rate structure was studied to see if there was a more equitable way to structure the rates. She noted that the moratorium was partly lead by Councilor Adams who said he would vote "no" on a flat rate increase though he acknowledged that an increase was necessary, just as he does now. She recalled that he commented that the increase was not fair to the "powerless and not wealthy". His wish was granted, a study was conducted, a different rate is now being proposed, and that structure supports those residents that were to be burdened by a flat rate increase. But now, Councilor Adams is supporting the exact flat rate structure that he opposed last year. Councilor Sciarra has not heard any evidence that the new rate structure will hurt renters, however, she has heard evidence to the contrary after speaking to a landlord who owns a building with a 3/4" meter. His building has ten units; when he used the on-line calculator, he noted that he would have a small decrease in his rate; this landlord would get to spread the fixed rate charges over the ten units, something that single family owners don't get to do. She doesn't see how a flat rate helps renters at all. She notes that the proposed rates are less than last year's proposed rates. The process has been transparent and Councilor Sciarra believes that the proposed rates are more equitable and fair.

Councilor Adams noted that last year he was happy when the Mayor froze the rates after taxpayers spoke out and said that they needed to catch up. At no point did he ever say that the structure should be changed. He has never opposed the flat rate structure.

Councilor O'Donnell asked the Council to focus on the volumetric rates and to be wary of straying beyond that. He supports a tiered rate structure because he thinks it is fairer. No system is perfect. He noted that last year, not everyone had a problem with the proposed rates last year. This year, not every business has a problem with the proposed tiered structure. There has been thoughtful debate on both sides. Neither system of setting rates is perfect, for example, the Council doesn't get to vote on the fixed fees. He believes this should change next year. He believes that what should be weighed in the proposed system versus the current system is what is the effect on 5% of the largest users in the city? It is not true that every business will be largely impacted by this. Regarding the 95% of the users, most of whom are residents of the city, returning to a flat rate would drive up the bill for those users. If you want to bring costs down for 5%, then you will need to bring the rate up for 95% of the users. He noted that a senior citizen on a fixed income should not have to pay the same rate as Coca-Cola.

Councilor Carney appreciates the work that went into developing the proposal. It was a good use of the funds to look at the rate structure. She looked at the underpinnings concerning why the tiered system is a fairer system. The cost of providing a system for the larger users is a higher than the cost of providing a system for the smaller users. What the tiered system does is it takes that into consideration; small users are credited for conserving while large users compensate for have a much larger impact on the system. Large users are the reason why the City must have a robust infrastructure. A company like Coca-Cola uses 25% of the water and they have a much larger effect on the system than the smaller users. It is for this reason that Councilor Carney believes that the proposed rate structure is much fairer.

Councilor Dwight noted that the thrust of the conversation is on "equity". He noted that 53% of the consumed water in Northampton is done by 5% of the largest users. Arguably you could say that our system needs to be twice as big so that those customers can consume that amount of water. Taken on the face of it, 95% of the customers have subsidized the flat rate. Patrick Boughn wrote a letter comparing it to a gas tax. In his letter he noted that a motorcycle rider is paying the same rate of tax on gas as a large truck driver even though the footprint on the infrastructure for a motorcycle is a lot smaller. The City has a single payer tax rate and Councilor Dwight believes that this is one way that the City can attract and retain businesses. Water is a different issue. Larger consumers have within their capacity to pass increases on to consumers

Councilor LaBarge remarked that a business owner had stated that the Mayor doesn't run a business, however, Councilor LaBarge believes that the City is a business and that the Mayor is responsible for putting things in place to pay bills, just like a business. The City has many responsibilities. She believes that the proposed structure is the right way to go. Many residents in her ward pleaded not to increase rates last year largely due to the fact that residents had received two stormwater utility bills as the company that the City hired was late on getting the bills out. The City is a very large business and the Council has the responsibility to make sure that the City has enough money to pay its bills.

Councilor Adams noted that the last time there was a legal issue; Councilor Adams wondered whether the vote on water rates was an up or down vote like the administrative orders, because the order has already been amended. If it were only an up or down vote, then Councilor Adams wondered if the amendment was legal. Attorney Seewald explained

16.030 continued

that the vote is either up or down, "Yes" or "No". The Council has no authority to amend what the Mayor has put forth on its own, just as the Council has no authority to re-write administrative orders. As he understood the process, the Mayor requested a modification to the proposed order after the first reading. However the motion was "couched", this was a request of the Mayor to modify or amend his order. What came before the Council, however it was styled, whether a request to amend, based on the Mayor's request, or to substitute, he believes that it was within the right of the Council to take the request from the Mayor and act on it. The Council could have refused to allow the Mayor to substitute or amend the original order that he originally submitted. It would then be up to the Mayor whether to withdraw and re-submit the order. The Council, as Attorney Seewald understood, ceded to the Mayor's request to modify the order that he submitted. Having allowed the Mayor to amend or modify or substitute the order now means that it is modified order that the Council will determine via a "yes" or "No" vote.

Councilor Dwight read from the Minutes of the April 7, 2016 City council Meeting, "Councilor Carney moved to amend the order to reflect the revised rates introduced by the Mayor and Councilor Sciarra seconded".

Councilor Carney recalled that she had asked at that point what would be appropriate, whether to accept the Mayor's proposed revisions or to amend, and that there was a little bit of discussion around this issue.

Councilor Adams wanted clarification about which orders the Council can or cannot amend. Councilor Seewald could not opine on all financial orders, however, he could speak to the very specific order that the Mayor asked to be revised. He believes that it makes no difference whether the Council makes a motion to substitute or a motion to amend. The Mayor submitted a proposal, he asked that the proposal to be amended, the Council ceded to the Mayor's request to amend. The point is that the amendment could not have been made without the Mayor's request. The Council didn't have to grant the Mayor's request.

Councilor Adams said this didn't make sense to him. Either the Council can amend the order or not.

Councilor O'Donnell noted that there is nothing preventing the Mayor to submit the rates in a different form, such as a resolution.

Mayor Narkewicz recalled that on April 2, 2015 he submitted an order to the Council that was ultimately amended. Other administrative items, like appointments, are voted upon in the form of a memo and the Mayor wondered it perhaps presenting the rates in a different form might perhaps help to avoid confusion.

Councilor Bidwell stated that to him it was clear that a question was asked of the Council and the Council answered. He understands that the Council cannot amend an order put forward by the Mayor, however the Council can decide to accept a change to an order that the Mayor has put forward.

Councilor Adams would accept the Mayor withdrawing the order and present the order in the correct form. When asked what the correct form might look like, Councilor Adams said an unamended order, a revised order that the Council did not amend. What is before the Council is an amended order. Councilor Dwight asked Councilor Adams if he would be comfortable voting to accept the revisions proposed by the Mayor. Councilor Adams said, "Sure". What he really wants is an answer to the question about which order can and cannot be amended.

Motion to accept the revised proposal

Councilor Carney motioned to accept the Mayor's revised proposal. Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 7 Yes, 1 No (Councilor Adams), 1 Absent (Councilor Murphy).

Motion Carried

Councilor Dwight noted that built into the rate structure currently is that larger users pay per use and have a separate sewer meter. This is different than how the sewer charges are for other customers where sewer charges are imposed based on 100% of the water consumption.

Councilor LaBarge thanked Councilor Adams noting that he has the right to ask.

Motion to approve in 2nd Reading

Councilor LaBarge moved to approve the financial order in 2nd reading; Councilor Bidwell seconded the motion. The motion was approved on a roll call vote of 7 Yes, 1 No (Councilor Adams), 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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 \$4.36 per CCF

Tier 2 consumption: >16 CCF \$5.82 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

Enrolled

Rules suspended, passed two readings and enrolled.

16.037 Financial
Order for FY17
Capital Plan -
\$225,000 for LED
Streetlights
Project - 2nd
Reading

16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project - 2nd Reading

Motion to
approve in 2nd
Reading

Councilor LaBarge moved to approve the financial order in 2nd reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled

16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 I-NET and Technology - 2nd Reading

16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 I-NET and Technology - 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge 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 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center - 2nd Reading

16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center - 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge 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 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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

16.039 continued hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Enrolled Rules suspended, passed two readings and enrolled.

16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements - 2nd Reading

Motion to approve in 2nd Reading Councilor Bidwell moved to approve the financial order in 2nd reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried The following order passed second reading:

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.

Enrolled Rules suspended, passed two readings and enrolled.

16.041 Financial Order to appropriate \$500,000 for Street Resurfacing and to authorize borrowing and issuance of bonds, etc. - 2nd Reading

Motion to approve in 2nd Reading Councilor LaBarge moved to approve the financial order in 2nd reading; Councilor Bidwell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried The following order passed second reading:

16.041 continued

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.

Enrolled

Rules suspended, passed two readings and enrolled.

16.042 Financial
Order to replace
VOIP system -
2nd Reading

16.042 Financial Order to replace VOIP system - 2nd Reading

Councilor Adams asked whether the entire system was in need of repair or if it was possible to save money by replacing the most worn parts of the system. Mayor Narkewicz explained that the server is beginning to have problems. The system is no longer supported by the manufacturer and parts are no longer available. If the server unit is not replaced, then the entire phone system can go down. There have been some experiences with this already.

Motion to
approve in 2nd
Reading

Councilor LaBarge moved to approve the financial order in 2nd reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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.

16.042 continued

Enrolled

Rules suspended, passed two readings and enrolled.

16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 2nd Reading

16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 2nd Reading

Motion to approve in 2nd Reading

Councilor O'Donnell moved to approve the financial order in 2nd reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 2nd Reading

16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge 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 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

Upon the recommendation of the Mayor

16.044
AN ORDER
To appropriate \$275,000 from FY 16 Free Cash to NPS Projects

Ordered, that:

16.044 continued

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	\$ 15,000
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
Northampton Public Schools – Chimney Repairs at Leeds	\$ 25,000

TOTAL: \$275,000

Enrolled

Rules suspended, passed two readings and enrolled.

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

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

Councilor Klein commented that she was not present for the first vote, however, she has been working with the Leeds Civic Association around the signage that would make it possible to do a walking tour throughout Leeds. She believes that it is a good use of CPA funds.

Motion to approve in 2nd Reading

Councilor O'Donnell moved to approve the financial order in 2nd reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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).

16.045
Continued

Rules suspended, passed two readings and enrolled.

Enrolled

16.046 A
Financial Order
Authorizing the
Mayor to
Execute a Lease
Agreement with
NCTV - 2nd
Reading

16.046 A Financial Order Authorizing the Mayor to Execute a Lease Agreement with NCTV - 2nd Reading

Motion to
approve in 2nd
Reading

Councilor LaBarge moved to approve the financial order in 2nd reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

Orders

Orders: None

Ordinances

Ordinances

16.048 An
Ordinance to
Provide for
Limited Time
Parking on King
Street by
revising Section
312-104
Schedule III of
City Code -1st
Reading

16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code -1st Reading

Councilor O'Donnell explained that this ordinance was introduced by the Transportation and Parking Commission. If it passes, this ordinance would create the first 15 minute parking space on King Street in front of where the new Goggins Real Estate building is located. Many other businesses are in that general vicinity that would benefit from that 15 minute free space.

Motion to
approve in 1st
Reading

Councilor O'Donnell moved to approve the ordinance in 1st Reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Motion Carried

See minutes of May 5, 2016 for second reading.

Updates from Council President and Committee Chairs

Updates from Council President and Committee Chairs

None

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

Adjourn

At 8:58 p.m., a motion to adjourn was made by Councilor LaBarge and seconded by Councilor O'Donnell. The vote to adjourn passed on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Murphy).

Attest:  Administrative Assistant to the City Council

2015-2016 City Council Roll Call Record

Record of City Council Votes for April 21, 2016

		Adams	Bitwell	Carney	Dwight	Klein	Labarge	Murphy	O'Donnell	Satara	Total	
	Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:20 p.m.	Present	Present	Present	Present	Present	Present	Absent	Present	Present	8 Present, 1 Absent	
	16.051 A Financial Order authorizing the payment of two previous year bills from the DPW - 1st Reading	Yes	Yes	Yes	Yes	Yes	Motion to Approve	Absent	Second Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.062 Financial Order regarding gift donation of \$10,000 for improvements to City Council Chambers - 1st Reading	Yes	Yes	Second Yes	Yes	Yes	Motion to Approve	Absent	No	Yes	Motion Carried 7 Yes, 1 No, 1 Absent	
	16.053 Financial Order To appropriate \$46,798 from free cash to match funds for the Massachusetts Department of Conservation and Recreation Urban Forestry - 1st Reading	Second Yes	Yes	Yes	Yes	Yes	Motion to Approve	Absent	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.030 Financial Order to establish water & sewer rates for FY2017	Motion to accept revised proposal Councilor Carney moved to accept the Mayor's revised proposal. Councilor Labarge seconded the motion. The motion was approved on a voice vote of 7 Yes, 1 No (Councilor Adams), 1 Absent (Councilor Murphy). Absent										
	16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project	No	Second Yes	Yes	Yes	Yes	Motion to Approve	Absent	Yes	Yes	Motion Carried 7 Yes, 1 No, 1 Absent	
	16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 26201- NET and Technology	Yes	Yes	Yes	Yes	Yes	Motion to Approve	Absent	Second Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center	Yes	Yes	Yes	Yes	Yes	Motion to Approve	Absent	Second Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements	Yes	Motion to Approve	Yes	Yes	Yes	Second Yes	Absent	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.041 Financial Order to appropriate \$500,000 for Street Resurfacing and to authorize borrowing and issuance of bonds, etc.	Yes	Second Yes	Yes	Yes	Yes	Motion to Approve	Absent	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.042 Financial Order to replace VOIP system - 2nd Reading	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve	Absent	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	
	16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 2nd Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Absent	Motion to Approve	Yes	Motion Carried 8 Yes, 0 No, 1 Absent	

2015-2016 City Council Roll Call Record

Record of City Council Votes for April 21, 2016		Adams	Bidwell	Carney	Dwight	Klein	Labarge	Murphy	O'Donnell	Sclatta	Total
16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 2nd Reading	2nd Reading	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Absent	Second Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent
16.045 Financial Order to appropriate \$2,860 from CPA funding to Leeds Historic Walking Tour Project - 2nd Reading	2nd Reading	Yes	Yes	Second Yes	Yes	Yes	Yes	Absent	Motion to Approve Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent
16.046 A Financial Order Authorizing the Mayor to Execute a Lease Agreement with NCTV - 2nd Reading	2nd Reading	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Absent	Yes	Yes	Motion Carried 8 Yes, 0 No, 1 Absent
16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - 1st Reading	1st Reading	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Motion to Approve Yes	Second Yes	Motion Carried 8 Yes, 0 No, 1 Absent

At 8:58 p.m. Councilor Labarge motioned to adjourn; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent.

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

Etheredge & Steuer, P.C.
ATTORNEYS AT LAW
64 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS 01060

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*Also Admitted in California

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FAX (413) 585-8406
ed@noholaw.com
ss@noholaw.com
elizabeth@noholaw.com

April 28, 2016

HAND DELIVERED

Wendy Mazza, City Clerk
City of Northampton
210 Main Street
Northampton, MA 01060

Re: Petition for Street Layout Discontinuance
M.G.L. c. 82, §21

Dear Wendy:

I enclose an original Petition for Discontinuance of a Portion of Elm Street and attached Plan, signed by the fee owner, the Trustees of the Smith College, and thirteen residents of the City of Northampton. I also enclose nine (9) copies of the Petition and Plan.

Very truly yours,


Edward D. Etheredge

EDE/kap
Enc.

cc: Wayne Feiden, Dir.
Alan Seewald, Esq.
Diana Randall, Project Manager

**PETITION FOR DISCONTINUANCE OF
A PORTION OF ELM STREET
NORTHAMPTON, MASSACHUSETTS**

TO: CITY COUNCIL
CITY OF NORTHAMPTON

WHEREAS The Trustees of The Smith College (the "College") are the owners in fee of the property on the southerly side of Elm Street at the intersection of the private way known as College Lane; and

WHEREAS the College plans to make improvements to the entrance to College Lane, and straighten and replace the bituminous sidewalk on the College's property within the existing street layout of Elm Street; and

WHEREAS the public convenience and necessity no longer requires the public repair and right of way over the 8,855 square foot "bump out" at the intersection of College Lane with Elm Street; now

THEREFORE, We the undersigned residents of the City of Northampton and The Trustees of The Smith College request that the portion of the layout of the public way known as Elm Street containing 8,855 square feet, all as shown on the Discontinuance Plan of a Portion of the Layout of Elm Street, and attached to this Petition, be discontinued in accord with M.G.L. c. 82, §21 and Sections 19-42 and 19-43 of the Code of Ordinances of the City of Northampton:

This Petition for a Discontinuance of a portion of Elm Street is based upon the following:

1. The portion of Elm Street proposed for discontinuance is entirely within the property owned by The Trustees of The Smith College.
2. The proposed discontinuance would relocate the monumented entrance to College Lane and relocate the sidewalk to a safer and more visible intersection with Elm Street as well as straighten and repair the sidewalk.

WHEREFORE, We the undersigned residents of the City of Northampton respectfully request the City Council of the City of Northampton discontinue the attached and described portion of Elm Street.

April 25, 2016

THE TRUSTEES OF
THE SMITH COLLEGE

By:



Michael W. Howard
Vice President for Finance and Administration

Diana Randall
40 State Street

Vincent Florence 301 Sylvester Rd
FLORENCE, MA 01063
123 SOUTH ST. No. 2

Melanie Taylor NORTHAMPTON, MA 01060

Gary Hartman, 419 RIVERSIDE DR.
FLORENCE, MA 01062

Ken King 25 GREGORY LANE
FLORENCE, MA

Rob San 103 WEST ST
NORTHAMPTON

George Amelio 54 Prospect St
Northampton 01060

Elizabeth Bonica
406 N FARMER RD
FLORENCE MA 01062

Edward Edwards 128 Baker Hill Rd

Shelley Steu 100 Washington Avenue

Paul Weinberg 600 West Avenue
18 Perkins Ave.

MC ANDY DAVID C BLOOMBERG
86 VERNON ST
Northampton



RuthAnn McCloud <rmccloud@smith.edu>

FW: Elm Street Discontinuance Petition

1 message

Ed Etheredge <ed@noholaw.com>
 To: "rmccloud@smith.edu" <rmccloud@smith.edu>
 Cc: Diana Randall <drandall@smith.edu>

Tue, Apr 26, 2016 at 9:27 AM

Hi Ruth Ann,

Below is a copy of the email that I had copied Mike on last week. I probably should have sent it directly to him. I need you to print the Petition and get Mike to sign it and have Diana Randall, the Project manager pick it up and get it to me. It is for the project moving the entrance to College Lane up to the intersection with Elm Street. If Mike has any questions he can call me. Thanks, Ed

Edward D. Etheredge
 Etheredge & Steuer PC
 64 Gothic Street Suite 2
 Northampton MA 01060
 Tel: 413-584-1600
 Fax: 413-585-8406
 ed@noholaw.com

*Ed,
 Signed Petition
 for your use.
 Diana Randall
 4/26/2016*

From: Ed Etheredge
Sent: Tuesday, April 19, 2016 11:59 AM
To: 'Diana Randall' <drandall@smith.edu>
Cc: 'Mike Howard' <mwhoward@smith.edu>
Subject: Elm Street Discontinuance Petition

Hi Diana,

Attached is the Elm Street Partial Discontinuance Petition. I have copied Michael Howard with this email. If Michael (or President McCarthy) will print and sign for Smith and return the petition to me, I will collect a few more signatures of Northampton residents (ten is the required minimum) and then file the Petition with the Northampton City Council to start this process. If you are the person who is returning the Petition to me you can collect a few signatures from your office of Northampton residents (signature and street name and number on the same line). I am happy to collect the rest in my office before filing. If you have any questions let me know. Ed

Edward D. Etheredge
 Etheredge & Steuer PC
 64 Gothic Street Suite 2



FP-027

The Commonwealth of Massachusetts
 Executive Office of Public Safety & Security
 Department of Fire Services
 P.O. Box 1025 ~ State Road
 Hallow, Massachusetts 01775
 (978) 567-3100 Fax: (978) 567-3199



Application/Permit for Supervised Display of Fireworks

This form shall be used as the application and permit for all supervised display of fireworks in the Commonwealth of Massachusetts.

A copy of this application and required documentation must be submitted to the head of the local fire department **at least twenty (20) days in advance of the proposed date of display** as required by 527 CMR 1.00 Section 1.12.8.39.2.2(1).

Required Documentation to be Submitted

- Diagram/site plan showing points where fireworks are to be discharged, location/distance to the audience, buildings, highways, overhead obstructions, etc. (handwritten maps are not acceptable; Maps must be Google, Bing, GIS)
- The number and description of the fireworks/pyrotechnics including the diameter of the shells.
- A copy of the natural barrier letter from the State Fire Marshal's Office (if applicable).
- FAA, Coast Guard, or other agency approvals/notifications

One copy of this form and required documentation must be forwarded by the Head of the Fire Department to the State Fire Marshal (by email dfs.licensing@state.ma.us, fax, or mail) not later than five (5) days after receipt of said application as required by 527 CMR 1.00 Section 1.12.8.39.2.2(4).

Name of Sponsor: Northampton Family Fourth Committee, Inc. Phone #: 413.586.0888
 Address of Sponsor: 40 Keyes Street - PO Box 60092 - Florence, MA 60092
 Location of Display (GPS coordinates): 42°20'49.50"N / 41°41'17.84"W Look Park Gazebo Area
 Nearest GPS Street Address to display set up: Look Park Service Road - Northampton, MA 01062
 Date Show is to be Held: June 25, 2016 From: 9:15PM a.m. / p.m. to: 9:30PM a.m. / p.m.
 Rain Date (if applicable): June 26, 2016 From: 9:15PM a.m. / p.m. to: 9:30PM a.m. / p.m.
 Fireworks/Special Effects Company: Pyrotecnico Fireworks, Inc. Phone #: 800.458.4656
 Current Users Certificate Number: PY-001012 Date of Expiration: 01.14.2017
 Name of Competent Operator: William T. Willard
 Certificate of Competency #: FW-000252 Expiration Date: 11.09.16
 Company Supplying Fireworks: (if different from applicant user certificate listed above): _____

Application/Permit for Supervised Display of Fireworks

Manner and Location of Storage of Fireworks Prior to Display:

On site in an approved DOT truck rental locked and secured.

Signature of Competent Operator: _____

Thomas Spencer

Date: April 27, 2016

I hereby certify that the competent operator named above has my approval and that in my opinion, the display described will be of such character, so located, discharged or fired as not to be hazardous to property or to endanger any person or persons. (G.L. Chapter 148, §39A)

- There are no changes to the natural barrier approval (no new developments, etc...)

Restrictions:

Chief officer required at the site upon the arrival
of product. Engine company required for the shooting
of fireworks.

Signature of Head of Fire Department: _____

Juan M. Nishid

Date: April 28 2016

This permit will expire at midnight on June 26 2016

One copy of this form must be forwarded to the State Fire Marshal (electronically, mail or fax) no more than five (5) days after receipt of said application by the head of the fire department as required by 527 CMR 1.00 Section 1.12.8.39.2.2 (4).

For Fire Department Use Only

Before the Show

- Review DEP advisory on perchlorates
- Verify active license and company information at www.mass.gov/dfs (License Lookup)

Day of Show

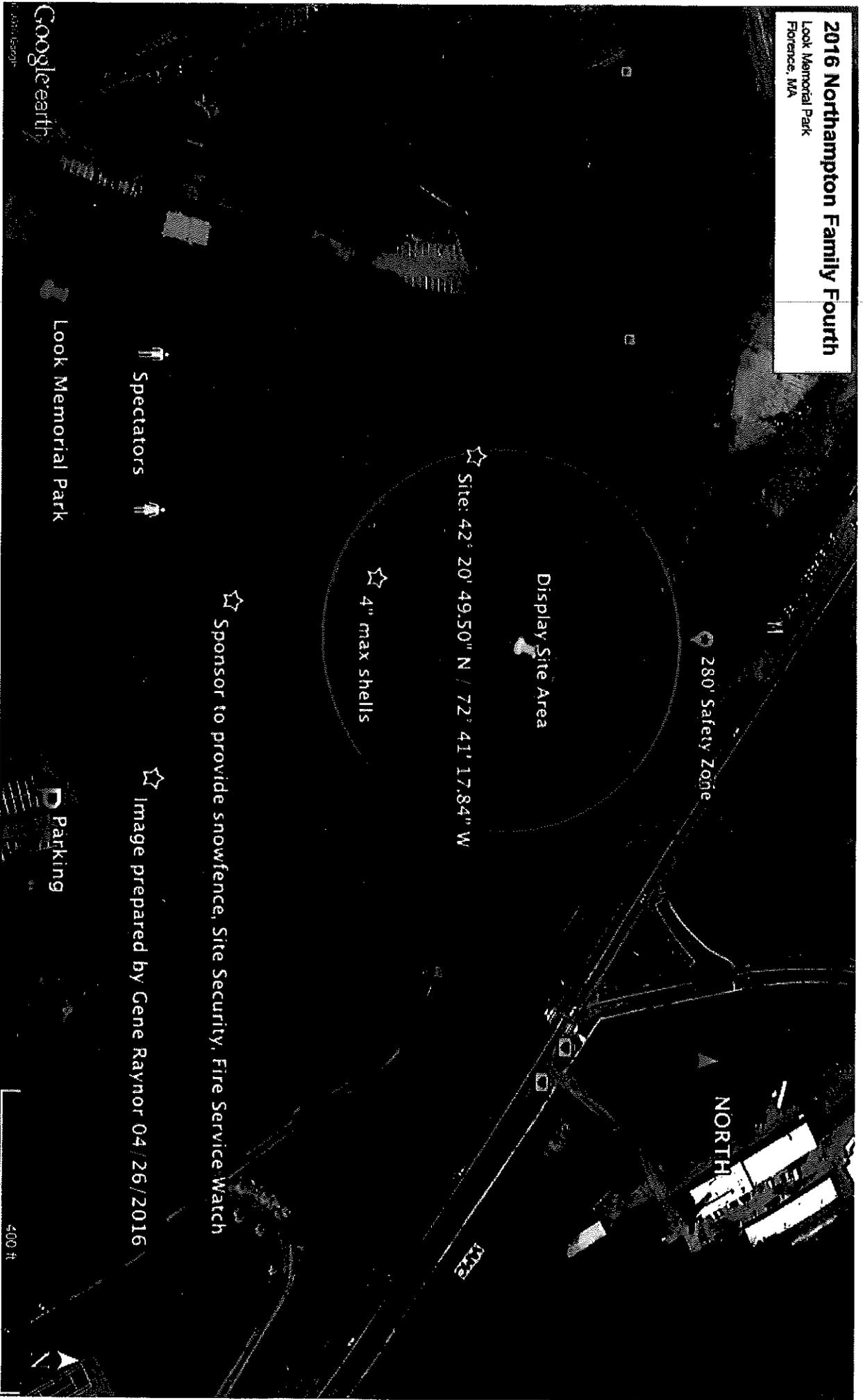
- Pre show site inspection: Establish secured area with a suitable barrier such as snow fencing or equivalent (caution tape is not sufficient). Natural barriers, as approved by SFMO, have not changed. Secured area must be established and maintained from the arrival of the fireworks until the completion of the display.
- If using racks, determine that the rack placement conforms to the approved site.
- Check racks for correct spacing and stability. Check angling of mortars.
- If not using racks, determine that mortar tubes are sufficiently buried. Check angling of mortars.
- Determine weather and wind conditions just prior to display. If necessary conduct a test shot.
- All fireworks shall be fired electrically.

Following the Show

- A competent operator must ensure a search is made for any unignited shells and related materials immediately following the display and at the first available daylight.
- Upon completion of the search, a competent operator shall report all findings to the head of the local fire department.

2016 Northampton Family Fourth

Look Memorial Park
Florence, MA



Display Site Area

280' Safety Zone

Site: 42° 20' 49.50" N / 72° 41' 17.84" W

4" max shells

Sponsor to provide snowfence, Site Security, Fire Service Watch

Image prepared by Gene Raynor 04/26/2016

Spectators

Look Memorial Park

Parking

Google earth

500 ft

Massachusetts Display Inventory

Customer Name: Northampton Family Fourth Committee, Inc.

Address: 40 Keyes St. – PO Box 60092

City, State, Zip: Florence MA 01062

Display Date: 6.25.16 / Rain Date: 6.26.16

Display Location: Frank Newhall Look Memorial Park Gazebo Area –
Northampton, MA

Preloaded Box Barrages:

Special Effects (fountains strobe pots, etc):

Candles:

2.5-inch Shells: 560

3-inch Shells: 288

4-inch Shells: 450

5-inch Shells:

6-inch Shells:

8-inch Shells:

10-inch Shells:

Other:

Show will be electrically fired

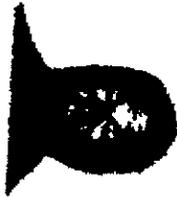
4-inch Max Shell / Total Aerial Shells: 1298

Department of State Services

FW-000262

Fireworks Certificate of Competency

BILL WILLARD
31 South Road
Westhampton MA 01827



Expiration Date
11/03/2016

State Fire Marshal

State Fire Marshal



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-8100 Fax: (978) 567-3121



COPY

Approval of Natural Barriers
 527 CMR 2.08 (3) (c)

Date of Inspection/Approval: May 2, 2011

Location of Display: Look Park, Northampton Ma

Type of Natural Barrier: Woods, Embankment

This letter constitutes approval of natural barriers as provided in 527 CMR 2.08 (3) (c). This approval is granted subject to the following terms and limitations.

1. It is the responsibility of the competent operator (CO) to insure that the distance from the mortars to the outer edge of the natural barriers is no less than the distance specified in NFPA 1123(2010 Edition) Table 5.1.3.1
2. It is the responsibility of the competent operator (CO) to insure that all areas not protected by an approved natural barrier are protected as provided in 527 CMR 2.08 (3) (b).
3. It is the responsibility of the competent operator (CO) to insure that any openings in the natural barrier e.g.: paths, trails etc. are secured as provided in 527 CMR 2.08 (3) (b).
4. It is the responsibility of the competent operator (CO) to insure that adequate provisions are made so that no watercraft may enter the restricted area specified in NFPA 1123(2010 Edition) Table 5.1.3.1
5. This letter shall be deemed to be part of any Permit issued for the display of fireworks at the location specified above. 527 CMR 2.04 (4) (g).
6. This approval does not constitute a waiver of any of the requirements or responsibilities specified in Chapter 148 or 527 CMR 2.

Approved:

Compliance Officer
 Code Compliance & Enforcement Unit
 Division of Fire Safety



U.S. Department
of Transportation
**Federal Aviation
Administration**

Eastern Service Center

1701 Columbia Avenue
College Park, Georgia 30337

April 13, 2016

rflowers@pyrotecnico.com

Dear Pyrotecnico:

We received your request for your proposed fireworks display for: **Northampton Family Fourth Committee, Inc.**

Location of Show: **Northampton, MA**

Date of the show: **June 25, 2016**

Rain Date: **June 26, 2016**

Approximate start time: **9:15 p.m.**

Duration of Firework Display: **15 minutes**

Height of Fireworks: **400 feet**

Steps to be taken by Fireworks Company

- Contact Lockheed Martin Flight Service at (877) 487-6867 at least 48 hours (but no more than 72 hours) prior to the event to issue a Notice to Airmen (NOTAM) if the fireworks are 500 feet or above.
- Fireworks staff should remain vigilant to ensure that no aircraft are in the area prior to beginning the fireworks display.

Our office has no objection to this event provided all the above notifications and precautions are met.

This letter disposes of the Federal Aviation Administration's interest in this matter but should not be construed as superseding or invalidating any existing rules or regulations promulgated by any other federal, state, county, or municipal government, which may be required for this display.

If you have any questions concerning this event, please contact Bruce Hopkins at (404) 305-5574 or email at bruce.ctr.hopkins@faa.gov.

Sincerely,

Ryan W. Almasy
Manager, Operations Support Group
Eastern Service Center
Air Traffic Organization

Enclosure



U.S. Department
of Transportation

Eastern Service Center
Operations Support Group
AJV-E2

1701 Columbia Ave.
College Park, GA 30337

REQUEST FOR FIREWORKS DISPLAY

Company Name: Pyrotecnico

Email Address of Person Submitting Request: rflowers@yprotecnico.com

Event Name: Northampton Family Fourth Committee, Inc.

Display Date: June 25, 2016 Rain Date: June 26, 2016

Display Start Time: 9:15PM

Duration of Fireworks Display: 15 minutes

Max Height of Fireworks 400 Feet

City or Town and State (Physical Address): Northampton, MA

Latitude: 42°20'49.50 (North) Longitude: 72°41'17.84 (West)

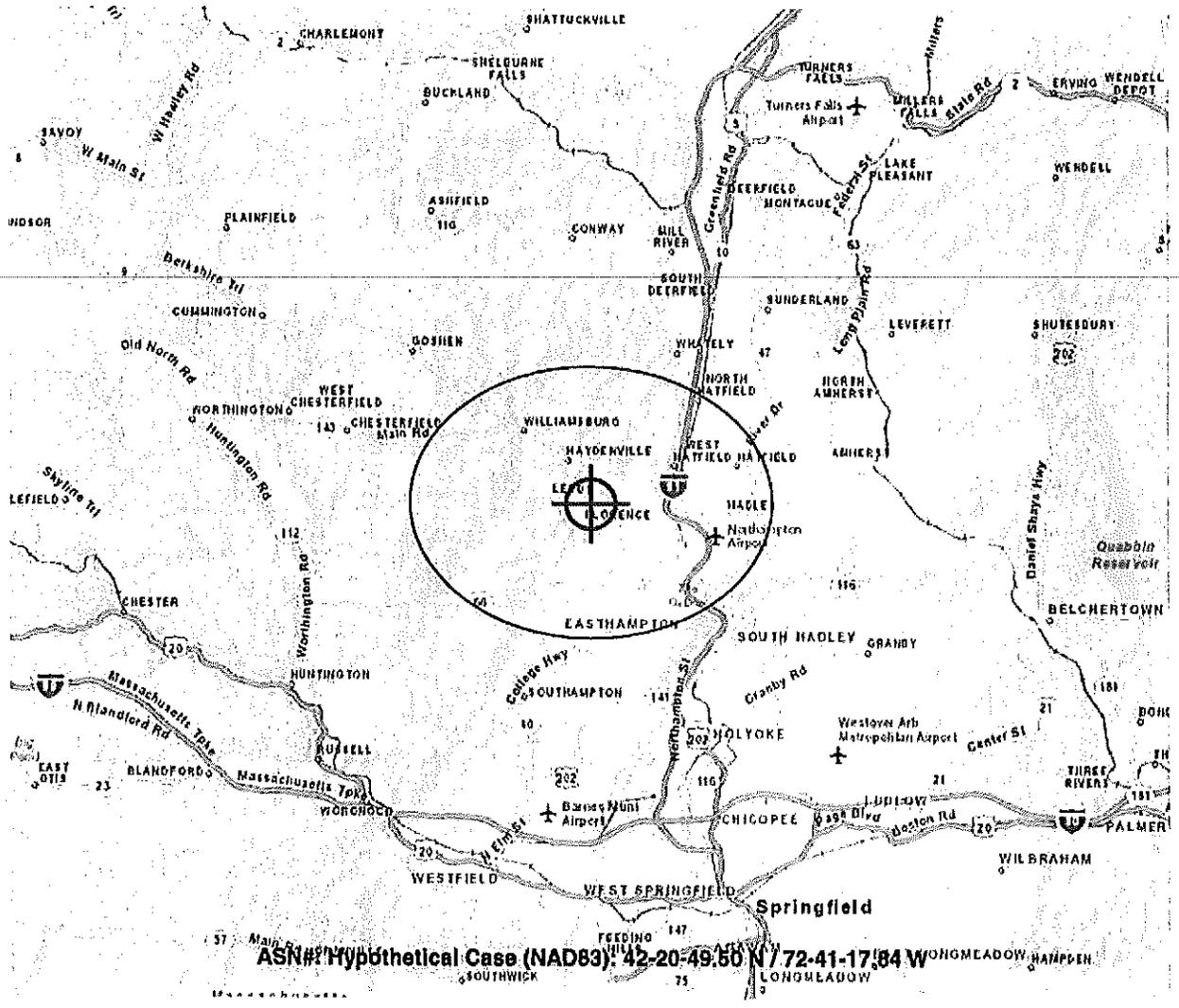
List the Closest Public Use Airport Within 25 Nautical Miles of the Display if the Fireworks

Will Reach or Exceed 500 Ft. _____

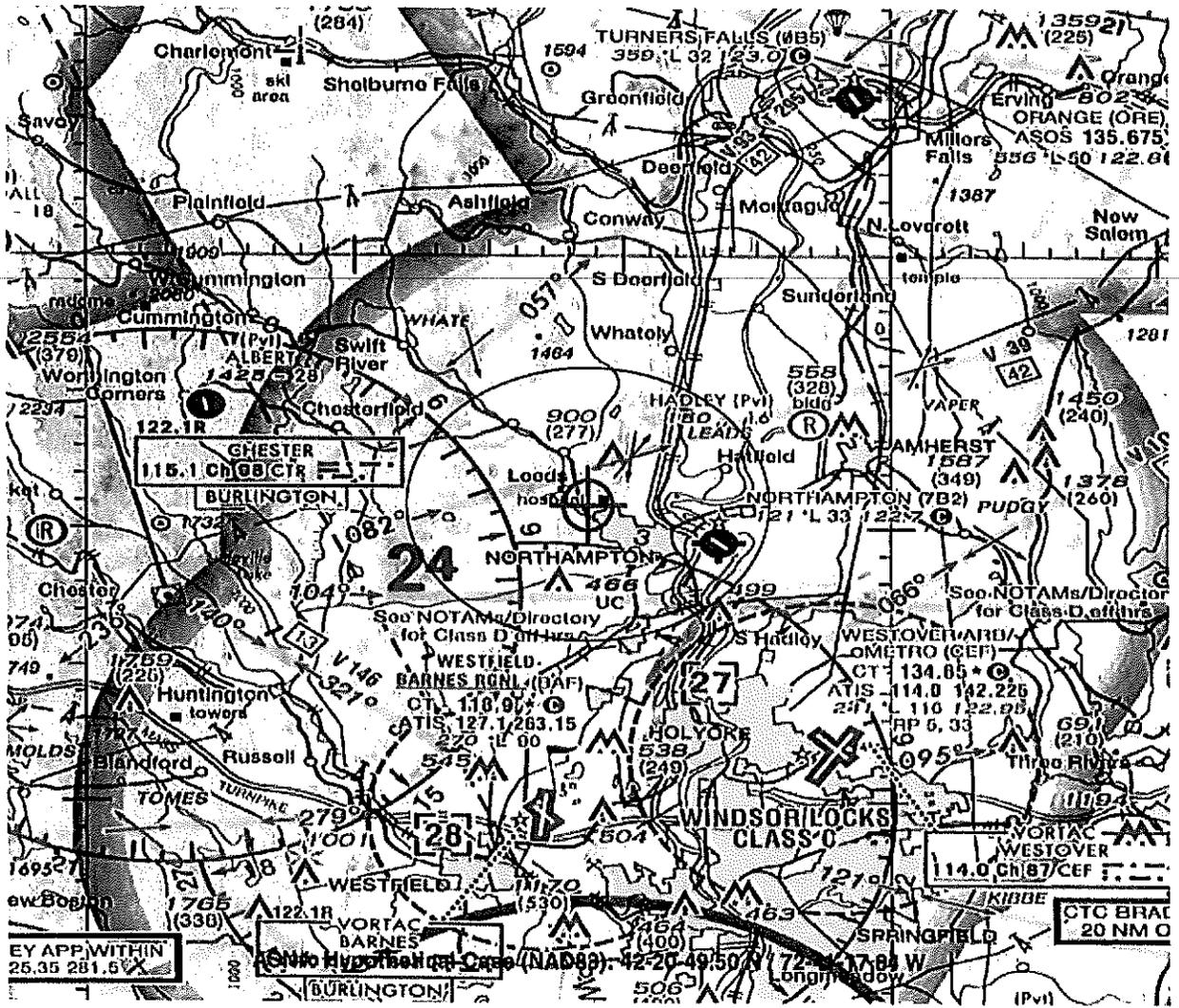
Special Notes: _____

Please email your request to:

9-ATO-ESA-OSG-Fireworks@faa.gov



ASN# Hypothetical Case (NAD83): 42-20-49.50 N / 72-41-17.84 W



**VERIFICATION CERTIFICATE FOR
INDEFINITE TERM SURETY BOND**

THIS IS TO CERTIFY that Bond No. 21BSBFX8422 issued by Hartford Fire Insurance Company dated this 1 day of February, 2011, in the amount of Dollars (\$15,000.00), on behalf of S. Vitale Pyrotechnic Ind. Inc., dba Pyrotecnico (as Principal), and in favor of The Commonwealth of Massachusetts (as Obligee), covers a term which began on the 1 day of February, 2011, and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond remains in effect, subject to all its agreements, conditions and limitations.

Signed, sealed and dated Dec. 14, 2015

Hartford Fire Insurance Company

BY:


Mark W. Edwards, II
Attorney-in-Fact

2/1/2016 to 2/1/2017

*Use current or renewal date.

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 Bond T-4
 One Hartford Plaza
 Hartford, Connecticut 06155
 call: 888-266-3488 or fax: 860-767-6836

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 21-250036

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of Unlimited :

R.E. Daniels, Shelby E. Daniels of Pensacola FL, Robert Read Davis of Atlanta GA, Robert M. Verdin of Metairie LA, Christopher C. Gardner of Union MS, Mark W. Edwards II, Alisa B. Ferris, Robert R. Freel, Ronald B. Giadrosich, Jeffrey M. Wilson, Evondia H. Woessner of BIRMINGHAM, Alabama

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009, the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Wesley W. Cowling

Wesley W. Cowling, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }
 COUNTY OF HARTFORD } ss. Hartford

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard

Kathleen T. Maynard
 Notary Public

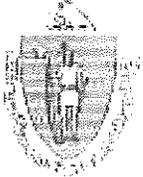
My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of Dec. 14, 2015.
 Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Vice President



The Commonwealth of Massachusetts

Department of Fire Services

Pyrotechnic User Certificate

PY-001012

This is to certify that in accordance with all Massachusetts laws and regulations a
Pyrotechnic User Certificate is hereby issued to:

Expiration Date: 01/14/2017

Restrictions or Secondary License Type:

**S. Vitale Pyrotechnic Ind. Inc. d/b/a/
Pyrotecnico
PO Box 149
New Castle PA 16103**

State Fire Marshal

A handwritten signature in black ink, appearing to read "Stephen C. ...".

Post in a conspicuous place. Verify the status of this Certificate at www.mass.gov/dfs

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Contact: ATF Correspondence To: 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number: 8-PA-073-23-8J-12122
Issued by: Chief, Federal Explosives Licensing Center (FELC) <i>Christopher R. Keever</i>	Expiration Date: September 1, 2018

Type of License or Permit: PYROTECNICO

Business Address (Changes? Notify the FELC at least 10 days before the move.)
**299 WILSON RD
 NEW CASTLE, PA 16101-**

Type of License or Permit: 23-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement Licensee or permittee named above shall use a copy of this license or permit to assist a purveyor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. <u>The signature on each copy must be an original signature.</u> A faxed, scanned or e-mailed copy of the license or permit with a signature deemed to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true and correct copy of a license or permit issued to the licensee or permittee named above to engage in the business operations specified above under "Type of License or Permit."	Mailing Address (Changes? Notify the FELC of any changes.) PYROTECNICO FIREWORKS INC PYROTECNICO PO BOX 149 NEW CASTLE, PA 16103-0149
Licensee/Permittee Responsible Person Signature: <i>Stephen Vitale</i> Printed Name: Stephen Vitale	Position/Title: <i>President/CEO</i> Date: <i>11-2-2015</i>

ATF Form 5400.14/5400.15 Part 1 Revised October 2011

Federal Explosives License (FEL) Customer Service Information

National Explosives Licensing Center (FELC)
 244 Needy Road
 Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
 Fax Number: (304) 616-4401
 E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse, child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for the benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Here \curvearrowright

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: PYROTECNICO FIREWORKS INC

Business Name: PYROTECNICO

License/Permit Number: 8-PA-073-23-8J-12122

License/Permit Type: 23-IMPORTER OF EXPLOSIVES

Expiration Date: September 1, 2018

Note: Not Valid for the Sale or Other Disposition of Explosives.

City of Northampton

MASSACHUSETTS

In City Council

May 5, 2016

Upon recommendation of the Mayor

O-16.060

An Order

For Budgetary Transfers between Various Accounts

Ordered, that

the following FY2016 budgetary transfers be and hereby are made:

Department		Description	Org	Object	Transfer From:	Transfer To:
City Council	PS	Salaries Permanent	11111	511000		1,130
Information Technology	PS	Salaries Permanent	11551	511000		9,150
Planning & Sustainability	PS	Salaries Permanent	11751	511000		621
Parking Maintenance	PS	Salaries Permanent	14811	511000		6,541
Veterans	PS	Salaries Permanent	15431	511000		2,675
Arts & Culture	PS	Salaries Permanent	16991	511000		6
Reserve for Personnel	PS	Wage Adjustment	19491	519700		1,754
Parking Maintenance	OM	NBID Assessment	14813	569400	(6,541)	
Medical Insurance	PS	Employee Insurance Benefits	19141	519400	(15,336)	
City Council	OM	Travel	11112	571001		2,100
Arts and Culture	OM	Telephone	16992	534100		540
Interest on Municipal Debt	OM	Interest on Notes	17503	592500	(2,640)	
TOTAL:					(24,517)	24,517

City of Northampton
MASSACHUSETTS

In City Council

May 5, 2016

Upon recommendation of the Mayor

16.063

AN ORDER

**To authorize payment of a prior fiscal year bill for
Smith Vocational and Agricultural School**

BE IT ORDERED

the Council authorize payment of a prior fiscal year bill (FY2015) from Smith Vocational and Agricultural School for \$8,135.36 owed to Durham School Services for Transportation Services.

City of Northampton
Massachusetts

In City Council April 21, 2016
Upon the recommendation of the Mayor

16.051
AN ORDER

To authorize payment of two prior year bills from the DPW

Ordered, that:

the Council authorize payment of two prior fiscal year bills (FY2015) from the DPW for \$582.38 and \$308.60 respectively.

City of Northampton
Massachusetts

In City Council April 21, 2016
Upon the recommendation of the Mayor

16.052

AN ORDER

Gift donation of \$10,000 for Improvements to City Council Chambers

Ordered, that:

The Northampton City Council gratefully accepts the donation of \$10,000, a gift to the City of Northampton from D.A. Sullivan and Sons, Inc., and in accordance with Massachusetts General Law Chapter 44, Section 53A approves using the gifted funds as requested by the donor, for improvements to Council Chambers.

City of Northampton
Massachusetts

In City Council April 21, 2016

Upon the recommendation of the Mayor

16.053

AN ORDER

To appropriate \$46,798 from free cash to match funds for the Massachusetts Department of Conservation and Recreation Urban Forestry Challenge Grant for Northampton.

Whereas,

the City of Northampton wishes to integrate urban forestry into its sustainable planning initiatives by recognizing the role that public shade trees play in reducing energy use, improving air quality, mitigating storm water, spawning retail activity, and enhancing quality of life;

Whereas,

the Mayor created a new Public Shade Tree Commission and appointed a Tree Warden to advance this important objective and increased the city's tree planting budget to support their work;

Whereas, a critical next step in their work plan is the creation of a comprehensive public shade tree inventory which can be used to guide re-planting efforts, develop an urban forestry management plan, and inform future policy recommendations;

Whereas,

the City has been awarded a grant from the Massachusetts Department of Conservation and Recreation which will provide \$30,000 toward this effort;

Whereas,

the City must provide matching funds for the project, which will be used to complete a professional and systematic inventory of approximately 8,000 shade trees and 1000 planting sites in our public rights of way.

Therefore, be it Ordered, that

\$ 46,798 be appropriated from the FY16 General Fund Undesignated Fund Balance (Free Cash) for the purpose of providing matching funds for the Massachusetts Department of Conservation and Recreation Urban Forestry Challenge Grant for Northampton.

City of Northampton

MASSACHUSETTS

In City Council, May 5, 2016

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

16.065

AN ORDER

To surplus property and authorize the Mayor to transfer the property to the USA for inclusion in the Conte Fish & Wildlife Refuge

Ordered, that

WHEREAS, The ***Open Space, Recreation and Multi-Use Plan: 2011-2018*** recommends preserving open space along the Connecticut River and the Connecticut River floodplain;

WHEREAS, On December 19, 2014, City Council authorized the City to accept a deed for two parcels adjacent to the flood control dikes and the historic Mill River (Map ID 39A-44 and 39A-71) and transfer 39A-071 to the USA for inclusion in the Conte National Fish and Wildlife Refuge;

WHEREAS, On August 13, 2015, City Council authorized the City to transfer a surplus city parcel on Hockanum Road (Map ID 39-18) to the USA for inclusion in the Conte Fish and Wildlife Refuge;

WHEREAS, The US Fish and Wildlife Service has expressed interest in the second parcel by the flood control dike (Map ID 39A-44) and a second parcel adjacent to the Hockanum Road parcel (Map ID 39-55);

WHEREAS, The Conservation Commission, Agriculture Commission, and Department of Public Works have all previously reviewed this request and support the transfer;

NOW, THEREFORE BE IT ORDERED,

The City Council finds said parcels (Map IDs 39-55 and 39A-44) surplus to City uses and authorizes the Mayor to transfer them to the USA for inclusion in the Conte Fish and Wildlife refuge.



City of Northampton
MASSACHUSETTS

In City Council, May 5, 2016

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

16.066
An Order
To Purchase Land off of Reservoir Road

Ordered, that

WHEREAS, The *Open Space, Recreation and Multi-Use Plan: 2011-2018* recommends protecting conservation land and unprotected gaps in the **Saw Mill Hills**; and

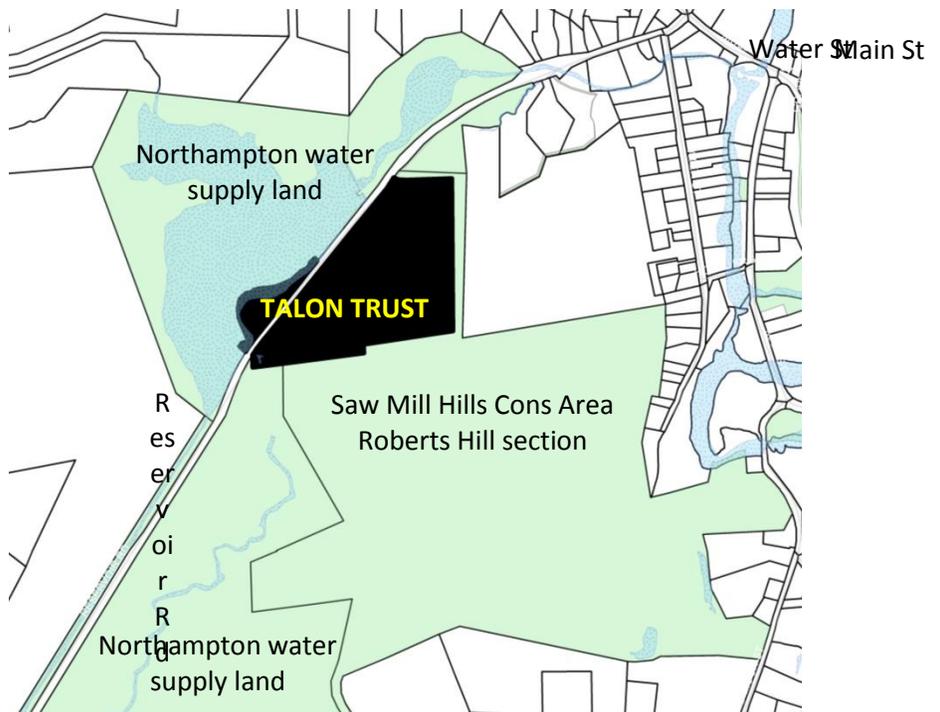
WHEREAS, Talon Trust has agreed to sell 20± acres off **Reservoir Road** (Map ID 10D-36), surrounded by conservation land on three sides and water supply land on one side, for \$150,000 to add to the Saw Mill Hills Conservation Area; and

WHEREAS, The land provides trail links, protects the city's drinking water system (current emergency reservoir), and provides wildlife links between upland areas, wetlands and water; and

WHEREAS, All funds will be drawn from CPA funds and current and past grants and donations; This Order includes no new appropriation.

NOW, THEREFORE BE IT ORDERED,

That the Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by Section 8C of Chapter 40 of the General Laws, the Community Preservation Act, and Article 97 of the Amendments to the Massachusetts Constitution, any fee, easement or conservation restriction as defined in Section 31 of Chapter 184 of the General Laws or



any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission and the Mayor are jointly authorized to grant conservation restrictions on any land so acquired.

City of Northampton

MASSACHUSETTS

In City Council, May 5, 2016

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

16.067

An Order

To Authorize the Mayor to Waive & Decline the City's Right of First Refusal on Property located on Rocky Hill Road

Ordered, that

WHEREAS, Joseph S. Popiokek, Jr. owns 14.429 acres on Rocky Hill Road (Map ID 37-90) in the Massachusetts recreation current use taxation program (MGL Chapter 61B); and

WHEREAS, Chapter 61B gives the city the right-of-first refusal to purchase the land when it is removed from Chapter 61B; and

WHEREAS, the property does not fit within the objectives of the Northampton Open Space, Recreation, and Multiuse Trail Plan;

NOW, THEREFORE BE IT ORDERED,

That the Mayor is authorized to waive and decline to assign the city's right of first refusal on the property.

City of Northampton

MASSACHUSETTS

In City Council, May 5, 2016

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

16.068

An Order

To Purchase 55 +/- acres located between Glendale & Westhampton Roads

Ordered, that

WHEREAS, The *Open Space and Recreation Plan: 2011-2018* recommends preserving open space and valuable wetlands and upland habitat to connect the Mineral Hills Conservation Area with West Farms and filling in gaps and missing teeth in the city's open space system and provided for multiuse trail opportunities;

WHEREAS, The owners of 55± acres located between Glendale and Westhampton Roads, the approved Kensington Estates subdivision, have agreed to sell their property for \$450,000;

WHEREAS, The City is working with the seller who may carve off some small amount of the land to lower the purchase price;

WHEREAS, The Massachusetts LAND Grant provides up to 64% reimbursement for acquisition of certain conservation areas and is a reimbursement program which requires that the City demonstrate that it has all of the funds necessary to acquire conservation properties prior to state reimbursement; and

Ordered, that

The Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired; and that the Conservation Commission is authorized to contract for and expend any federal, state, or other aid available for this project, including any grant from the Division of Conservation Services of the Executive Office of Energy and Environmental Affairs, under the LAND/Self-Help Act, MGL Chapter 132A, §11;

City of Northampton

MASSACHUSETTS

In City Council, May 5, 2016

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

16.069

An Order

Authorize purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area

Ordered, that

WHEREAS, The *Open Space and Recreation Plan: 2011-2018* recommends preserving open space on Burts Pit Road to preserve Northampton's only bog and rare species habitat and provide for an multiuse trail to serve the area;

WHEREAS, The owners of 110± acres located on Burts Pit Road, Stone Ridge Road and Overlook Drive have agreed to sell their property for \$500,000;

WHEREAS, The City is working with the seller who may carve off some small amount of the land to lower the purchase price;

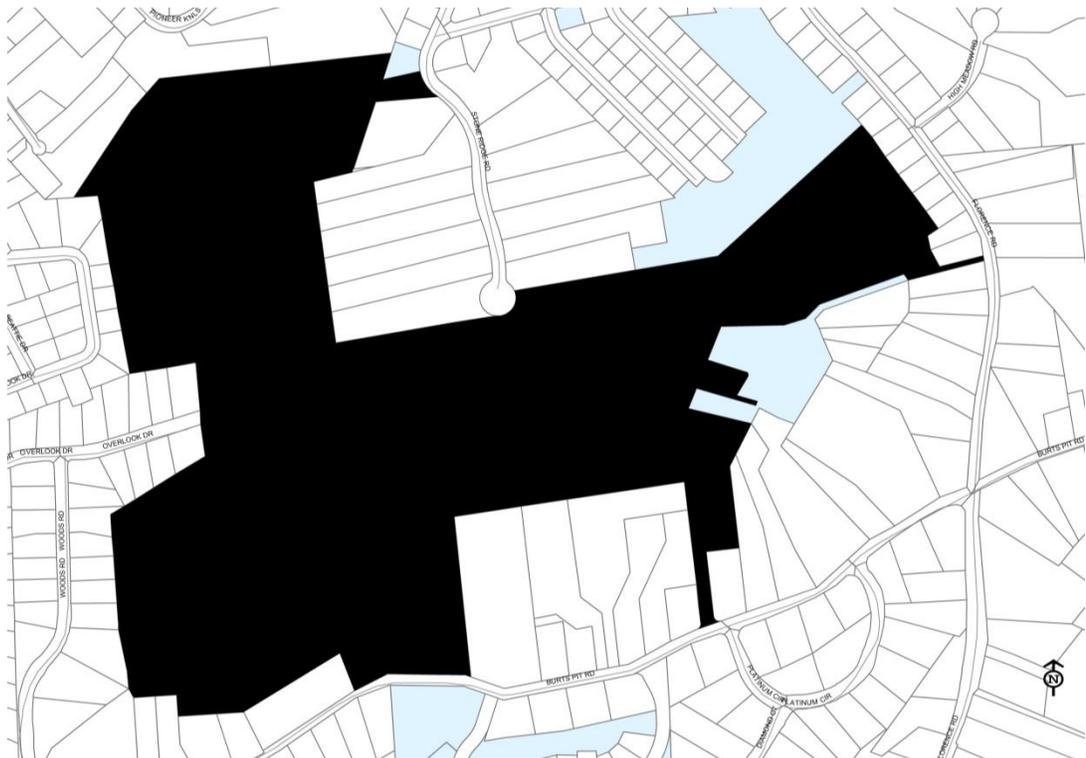
WHEREAS, The Massachusetts LAND Grant provides up to 64% reimbursement for acquisition of certain conservation areas and is a reimbursement program which requires that the City demonstrate that it has all of the funds necessary to acquire conservation properties prior to state reimbursement; and

Ordered, that

The Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired; and that the Conservation Commission is authorized to contract for and expend any federal, state, or other aid available for this project, including any grant from the Division of Conservation Services of the Executive Office of Energy and Environmental Affairs, under the LAND/Self-Help Act, MGL Chapter 132A, §11;

Further that \$500,000 is appropriated for such acquisition; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$500,000 under MGL c.44, §7(3); and that the Conservation Commission is authorized to contract for any federal, state, or other aid available for this project, including any grant from the Division of Conservation Services of the Executive Office of Environmental Affairs, under the LAND Self-Help Act, Chapter 132A, §11 of the General Laws;

Further that any grants, donations, or sales shall be used to reimburse open space funds used for the purchase.



**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 and Control 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 or leased by the City of Northampton and/or and controlled by the City of Northampton. Such resources and infrastructure and shall not be sold, leased or transferred into private ownership or control.

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: 16.034cr 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.

Committee Report on a Legislative Matter

Report Regarding: 16.034pwu 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: 16.034lm Ordinance Pertaining to Water Resources

From:

Comm. on Legislative Matters

Date of Meeting 4 /11/2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation as amended

Yes: 4

No: 0

Absent: 0

Abstain: 0

Factors Considered:

The Committee reviewed the ordinance, reports of other committees, and considered the information provided by City Councilor Ryan R. O'Donnell. Councilor O'Donnell presented an amendment that had been shared with the City Solicitor, Alan Seewald. Councilor O'Donnell indicated that the amendment had been recommended by the Solicitor.

Comments, Discussion & Debate:

The proposed changes don't modify the ordinance in any way, but rather clarifies that the public water resources and infrastructure of the City of Northampton shall be owned or leased by the City and controlled by the City and that such resources and infrastructure shall not be sold, leased or transferred into private ownership or control. The objective is that the City shall maintain total control over the entire water system infrastructure. The purpose of the ordinance in general is to make it unlawful to transfer control of the water infrastructure to private ownership. When asked whether there were leasing circumstances where the amendment applies, Councilor O'Donnell indicated that there is currently no existing example in which this amendment would apply. The amendment, however, looks to protect the City's interests in the future should it be necessary.

Councilor Adams noted that sometimes the City does lease to private companies or facilities, such as in the case of Ameresco leasing the former landfill station on Glendale Road. This ordinance would present an obstacle to the City if it does look to find a company to control the water infrastructure. Councilor O'Donnell noted that the intent was for the City to retain control over the water infrastructure, unless otherwise decided by voters.

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

Committee Report on a Legislative Matter

Report Regarding: 16.048Im

An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code

From:

Comm. on Legislative Matters

Date of Meeting

4 /11/2016

Prepared By:

P. Powers

Recommendation:

Positive Recommendation

Yes: 4

No: 0

Absent: 0

Abstain: 0

Factors Considered:

The Committee reviewed the ordinance and heard from Councilor Ryan R. O'Donnell

Comments, Discussion & Debate:

This item was approved by the Transportation and Parking Commission in November of 2015. It establishes a 15 minutes space in front of Bank of America on King Street. It came at the request of TPC member Patrick Goggins.

City of Northampton
Massachusetts

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

16.061

AN ORDINANCE

**To establish two one-hour parking spaces in Florence on Main St.,
on the southerly side, near Chestnut 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 modified to **ADD**:

Name of Street	Side	Time Limit/Hours; Days	From	To
Main Street (Florence)	Southerly	1 hr./9:00 a.m. to 6:00 p.m.; Monday through Saturday	A point 188 feet easterly from Chestnut Street	A point 228 feet easterly from Chestnut Street

City of Northampton
Massachusetts

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

16.062
AN ORDINANCE
To add a yield sign at Venturers Field Road at the intersection of
Henry Street and Montview Avenue

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

SECTION 1

That § 312-113(c) titled Schedule XII: Stop and Yield Intersections be modified to **ADD**:

Name of Street	Direction of Travel	At Intersection of
Venturers Field Road	Southwesterly	Henry Street and Montview Avenue