CITY COUNCIL

CITY OF NORTHAMPTON

MASSACHUSETTS

Councilors:

- President William H. Dwight, At-Large
- Vice-President Ryan R. O'Donnell, Ward 3
- Vacant, 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 19, 2016
Meeting Time: 7:00pm

1. Public Comment

2. Roll Call

3. Public Hearings

A. 7:05 pm 16.059 Public Hearing Regarding Petition from National Grid to Relocate a Pole on Elm Street

Documents: 16.059_PolePetition-ElmSt_Relocation.pdf, 16.059PolePetition-No.21437370-Eng-MemoElmStreet.pdf

B. **Announcement of Public Hearing**

The following Public Hearing is hereby advertised in accordance with The Charter of Northampton, Massachusetts, Article 7 Finance and Fiscal Procedures, Section 7-4: Action on the Operating Budget, (a) Public Hearing:

BY ORDER OF THE CITY COUNCIL, a Public Hearing to be held on Thursday**, June 2, 2016 at 7:05 p.m.** in the City Council Chambers located in the Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, MA. The City Council will consider the Proposed **FY2016** Budget, and hear all persons who wish to be heard thereon.

4. Recognition and One-Minute Announcements by Councilors

5. Communications and Proclamations from the Mayor

A. FY2017 Budget Message

6. Resolutions

A. 16.077 A Resolution to affirm the City's non-discrimination policy and in support of equality of access in public places - 2nd Reading

Documents: 16.077_Resolution_Equality.pdf

7. Presentations

8. Recess for City Council Committee on City Services (See Separate Agenda)

9. Consent Agenda

A. Approve Minutes of the May 5, 2016 City Council Meeting

Documents: CCMinutes_May5_2016.pdf

B. Approve (16.059) Petition from National Grid to Relocate a Pole on Elm Street

Documents: 16.059_PolePetition-ElmSt_Relocation.pdf, 16.059PolePetition-No.21437370-Eng-MemoElmStreet.pdf

C. **16.080 Approve Petitions for Second Hand Dealers Licenses**

The Back Alley Antiques & Collectibles located at 238 Bridge Street

Ryan's Jewelers located at 14 Strong Avenue

Modern Myths, Inc. located at 34 Bridge Street

Documents: 16.080_Appointments.pdf

D. **Approve Appointment of Donna LaScaleia as the Director of Public Works (16.075)**

Documents: 16.075_LaScaleiaDPWDirector.pdf

E. **16.064 Petition to discontinue a portion of Elm Street - Refer to the Public Works Commission**

Documents: 16.064_ElmStreetPetitiontoDiscontinue.pdf

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

11. **Financial Orders**

A. **16.081 To appropriate $39,353.78 for related infrastructure upgrades relative to the replacement of the city's VOIP system - 1st Reading**

Documents: 16.081_VOIP.pdf

B. **16.082 Financial Order to authorize Look Park to apply for a PARC grant and authorize related borrowing - 1st Reading**

Documents: 16.082_LookPark_PARC.pdf

C. **Financial Orders regarding Community Preservation Committee Recommendations for Funding - 1st Reading**

16.083 Stained Glass Window Restoration, First Churches of Northampton: $213,000

16.084 Saw Mill Hills Open Space Acquisition, Northampton Conservation Commission: $72,000

16.085 Historic Scenic Curtain Restoration, Academy of

Music: $44,785

16.086 Supportive Housing for Homeless Youth, Friends of Hampshire County Homeless Individuals: $275,000

16.087 Conservation Fund, Northampton Conservation Commission: $30,000

16.088 Fitzgerald Lake Invasive Plant Control, Broad Brook Coalition $12,800

16.089 Shepherd Barn Dendrochronolgy Study, Historic Northampton: $2,300

16.090 Pulaski Park Renovation and Expansion, Northampton Department of Public Works: $805,400

Documents: 16.083-16.090_CoverLetter.pdf, 16.083_Stained_Glass.pdf, 16.084_SawMillHillsOpenSpaceAcquisition.pdf, 16.085_AOM_Curtain.pdf, 16.086_Housing.pdf, 16.087_ProtectOpenSpace.pdf, 16.088_FitzgeraldLakeInvasivePlantControl.pdf, 16.089_ShepherdBarn.pdf, 16.090_PulaskiParkRenovation.pdf

D. **16.091 Financial Order to allow the City's Tree Warden to accept gifts of $25,000 or less - 1st Reading**

Documents: 16.091_Trees.pdf

E. **16.092 Order to rescind TIF previously granted to Grantham Group - 1st Reading**

Documents: 16.092_Rescind_TIF_Grantham_Group.pdf

F. **16.060 Financial Order regarding budgetary transfers between various department - 2nd Reading**

Documents: 16.060_BudgetaryTransfersFY16.pdf

G. **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 - 2nd Reading**

Documents: 16.063_PriorYearBill_8,135.36_Smith_Vocational.pdf

H. **16.066 Order to purchase land off of Reservoir Road - 2nd Reading**

Documents: 16.066_PurchaseLandReservoirRoad.pdf

I. **16.068 Order to purchase 55 +/- acres located between Glendale & Westhampton Roads - 2nd Reading**

Documents: 16.068KensingtonEstatesLANDORDER.pdf

J. **16.069 Order to authorize the purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area - 2nd Reading**

Documents: 16.069_BrookwoodMarshKohlLANDORDER.pdf

K. **16.071 Financial Order to appropriate $32,356.31 from the GF Free Cash to NPS for federal eRate to support technology infrastructure - 2nd Reading**

Documents: 16.071_FreeCashToNPS_e_Rate.pdf

L. **16.072 Financial Order to Rescind Borrowing Authority for Land off of Easthampton Road (previously Approved in August, 2015) - 2nd Reading**

Documents: 16.072_RescindBorrowingAuthorityForLandOffOfEasthamptonRoad.pdf

M. **16.076 To appropriate $9,850 from the GF Free Cash for technical assistance to analyze broadband services - 2nd Reading**

Documents: 16.076_BroadbandFeasibility.pdf

12. 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 - 2nd Reading**

Documents: 16.065_HockanumFerryAndGolashOrdertoSurplus.pdf

B. **16.067 Order authorizing the Mayor to waive & decline the City's right of first refusal on property located on Rocky Hill Road - 2nd Reading**

Documents: 16.067_Right_Of_First_Refusal_Rocky_Hill_Road.pdf

13. Ordinances

A. **16.025 An Ordinance regarding parking on Center Street - 1st reading**

Positive recommendation from the Committee on Legislative Matters on May 9, 2016

Documents: 16.025_Report_Based_On_Committee_Feedback_Query.pdf, 16.025_Ordinance_Regarding_Parking_Center_Street.pdf

B. **16.061 An Ordinance to establish two one-hour parking spaces in Florence on Main Street - 1st Reading**

Positive Recommendation from the Committee on Legislative Matters on May 9, 2016

Documents: 16.061_Report_Based_On_Committee_Feedback_Query.pdf, 16.061_MainSt_Florence_Limited_Time_Parking.pdf

C. **16.062 An Ordinance to add a yield sign at Venturers Field Road - 1st Reading**

Positive Recommendation from the Committee on Legislative Matters on May 9, 2016

Documents: 16.062_Report_Based_On_Committee_Feedback_Query.pdf, 16.062_Stop_And_Yield_Intersections_Venturers_Field_Road.pdf

D. **16.034 Ordinance pertaining to water resources - 2nd Reading**

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

14. Updates from Council President & Committee Chairs

A. **Appointment of Enrollment Committee Member**

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

16. New Business

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

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 .

City/Town Clerk.

Massachusetts 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.

.....
.....
.....
.....

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

Electric

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 .

City/Town Clerk.

Massachusetts 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.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

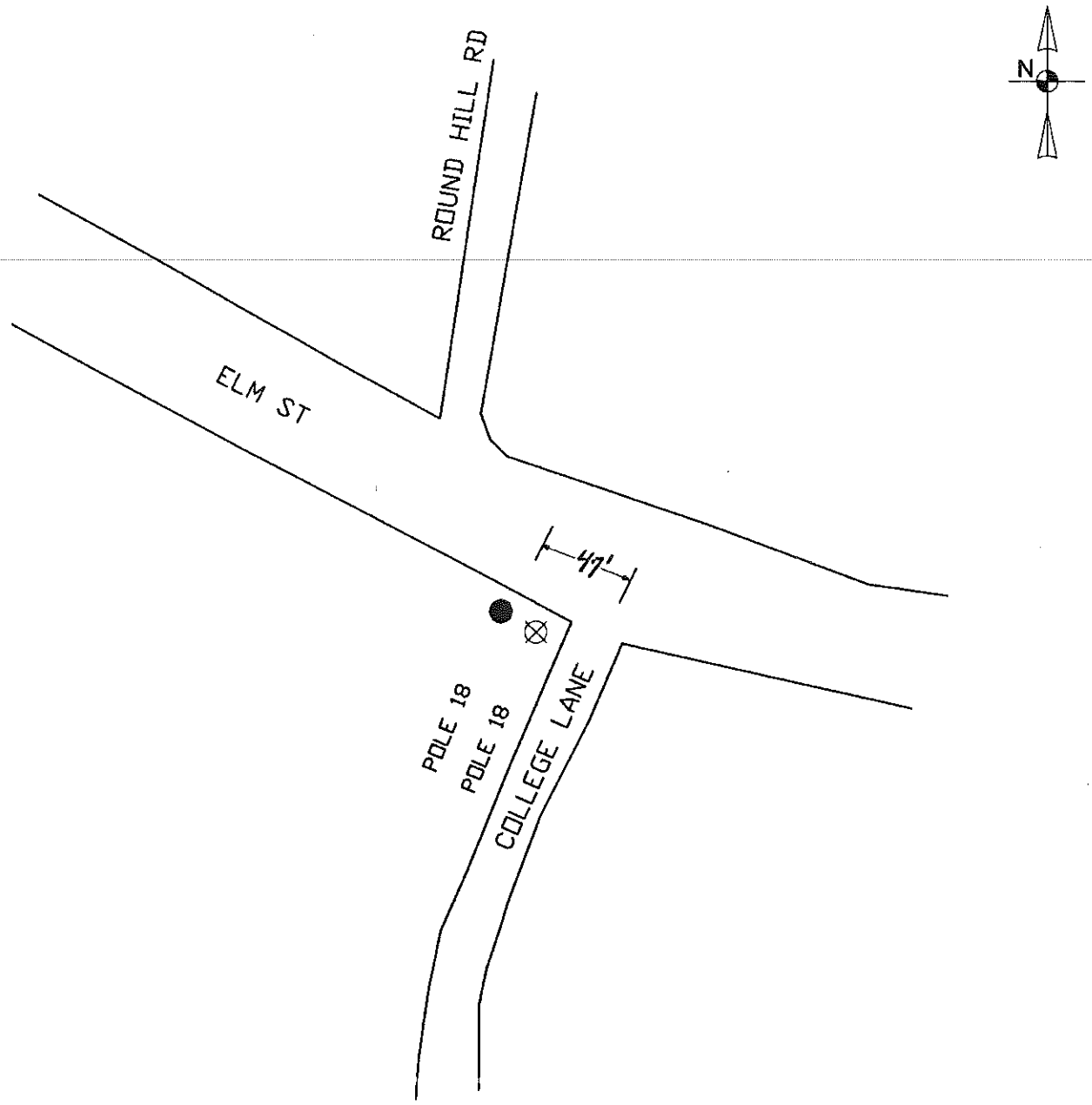
CERTIFICATE

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

- ● 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

DISTANCES ARE APPROXIMATE

nationalgrid

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:

CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060

413-587-1570
Fax 413-587-1576

Edward Huntley, P.E.
Director

Memorandum

To: Jim Laurila, P.E., City Engineer

From: Felix Harvey FH

Date: May 3, 2016

Re: National Grid Pole Petition #21437370 (Elm Street)

Jim:

I have reviewed DPW records and visited the site to view the proposed relocation of pole #18 on Elm Street just west of College Lane. The proposed relocation of pole #18 is part of a Smith College project. It is approximately 10 feet west and northerly of its current location and 47 feet west of the centerline line of College Lane. The alignment of the overhead wiring for three poles is shifting northerly as part of the project according to National Grid, and Smith College's proposed plan.

There are underground city utilities on the south side of Elm Street in the vicinity of the proposed new pole location, some of which (sewer and drain) are also proposed to be relocated as part of the project. It is my recommendation that the relocated pole be placed a minimum of 5 feet from the new sewer alignment. Other than this recommendation, I do not see any other issues for the DPW with this petition.

Approved
JM

CITY OF NORTHAMPTON
MASSACHUSETTS

In the City Council, May 5th, 2016
Upon the Recommendation of Councilor Ryan R. O'Donnell

R-16.077
A RESOLUTION

TO AFFIRM THE CITY'S NON-DISCRIMINATION POLICY AND IN SUPPORT OF EQUALITY OF ACCESS IN PUBLIC PLACES

WHEREAS, The City of Northampton is guided by a fundamental and compelling interest to protect the civil rights of all its citizens and visitors, support public policies that prohibit unjust discrimination, and promote a society characterized by freedom and equality; and

WHEREAS, A free and equal society is one in which all people may access public places, including commercial space such as restaurants, hotels, and theaters as well as public space such as municipal buildings, parks and public transportation, among others, on equal terms; and

WHEREAS, In 2011 the Massachusetts legislature extended protections against discrimination on the basis of gender identity in matters of housing, employment, credit and education, but not in matters relative to public accommodations such as those described above; and

WHEREAS, Today, legislation currently before the legislature would close this gap in state law and extend such protections to all people to prohibit discrimination in matters of public accommodations on the basis of gender identity and guarantee equal access to public places regardless of gender identity;

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

1. Affirms that it is the policy of the City of Northampton that no person shall unjustly discriminate against any person belonging to a protected category, including age, ancestry or national origin, color, creed, family or marital status,

gender identity, genetic information, mental or physical ability, race, religion, sex, sexual orientation, socioeconomic status or veteran status, relative to any essential public matter involving goods, services, or access that are generally available to all people, including education, employment, health care, housing, municipal services and public accommodations.

2. Affirms that it is the policy of the City of Northampton that no one shall refuse to grant admission to and full enjoyment of any public accommodation within the City of Northampton to a person consistent with that person's gender identity.

3. Supports the expeditious enactment of state legislation to extend protections against discrimination in matters of public accommodation on the basis of gender identity.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to Governor Charles Baker, Senate President Stanley Rosenberg, Speaker of the House Robert DeLeo, State Representative Peter Kocot, as well as Northampton's federal representatives.

CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
May 5, 2016

Roll Call

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:10 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 5 Councilor David A. Murphy
Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein.

The following City Councilor(s) was (were) absent: None

Public Hearing

Public Hearing:

Public Hearing Announced

Councilor Dwight announced 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).

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor Bidwell announced that on Saturday, May 8, 2016 @ Smith Vocational and Agricultural High School from 9 am – 1 pm the Northampton Education Foundation will be holding its annual plant sale. The proceeds all go to books for the public schools.

Announcements

Councilor Bidwell announced that the Springfield Regional Chamber will be holding a roundtable discussion on Creating a Western Massachusetts Renaissance on Wednesday, May 11, 2016. The panel will include Rick Sullivan of Western Mass Economic Development Council. The event will begin at 7:15 am.

Councilor Sciarra announced that the Committee on Community Resources is having a series of forums on the downtown economy. The first on will be Monday, May 16 at 5:30 p.m. in City Council Chambers. The focus will be on Business Owners. Other forums will be held as follows: June 20, 2016 @ 5:30 p.m. for Downtown Workers & Residents; June 27, 2016 @ 1:00 pm for Downtown Workers; and July 18, 2018 @ 5:30 pm for Property Owners, Leasing, Arts & Tourism. All forums will be held in City Council Chambers. For further information see the City Council Web page regarding Committee Study Requests.

Councilor Dwight announced that the City Council will be holding annual Budget Hearings on May 25th and 26th. Councilor Dwight will not be present; Councilor O'Donnell will be presiding over the meeting. All councilors are requested to submit to the Administrative Assistant their preferences for departments that they would like to present at the Budget Hearings.

Communications and Proclamations From the Mayor

Communications and Proclamations From the Mayor:

Mayor Narkewicz announced that the Mayor's Office is interested in getting community input regarding the LED Streetlight project. Several test lamp fixtures have been installed, including different bulb types. There is a page on the City website where people can complete a survey about their preferred lighting choice. The webpage also contains information regarding where the sample light sources are installed and can be viewed prior to completing the survey.

Resolutions

Resolutions:

16.077 A Resolution to affirm the City's non-discrimination policy and in support of

16.077 A Resolution to affirm the City's non-discrimination policy and in support of equality of access in public places - 1st Reading

equality of access in public places - 1st Reading

Motion to approve in 1st reading

Councilor O'Donnell moved to approve the resolution in first reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Councilor O'Donnell noted that in 2011 the City Council approved a resolution in support of the last expansion of civil rights protections at the state level for gender identity in matters of education, housing, employment and credit. However, at that time there was a carve out that did not extend protections for people on the basis of gender identity in matters of public accommodations. Public accommodation is anywhere you might go that is not in your house. Therefore, this would include restaurants, hotels, shopping malls, etc. About seventeen or so states have non-discrimination laws in place, however, Massachusetts is the only state with carve outs for no protections for people in matters of public accommodations. The purpose of the resolution is to affirm that we would like the state legislature to act and for the Governor to sign legislation to close the loophole in our state's civil rights law.

Councilor LaBarge thinks Northampton is known for its great diversity. She has not heard of any places where there were problems, so she had concerns regarding the language in the proposed resolution. Northampton doesn't allow hate crimes, and is very protective with anyone who lives or visits the City.

Councilor O'Donnell explained that our democracies and our freedoms are not just about our government, but about our whole society. People need to go about their lives without fear of harassment or discrimination. The City of Northampton has shown by example how that is possible. He looks upon this resolution as a way to lead by example and show the state that this is a good thing to do. With this resolution the City will reaffirm its policy on human rights, but the biggest use of this will be to assert the City's opinion regarding state legislation; what Northampton gets right, Councilor O'Donnell would like to see extended to the rest of the Commonwealth.

Councilor LaBarge noted that the Human Rights Commission was established to promote awareness about the importance of diversity; the Police Department is very good; neighbors watch neighbors and hate crimes, while an issue four years ago, do not seem to be a current problem. She understands that Councilor O'Donnell wants the Governor to include public places and so forth.

Councilor Dwight commented that the State Senate has advanced their Bill out of committee; Senator Stan Rosenberg has posted this information on his website. The Bill is now pending in the Legislature. This resolution reaffirms our commitment to see that there is fairness, justice and equity and not just give lip service.

Councilor Carney thanked Councilor O'Donnell for bringing the resolution forward. She notes that the timing coincides with the Pride Parade Day on Saturday, May 8, 2016. This will be the 35th annual event in Northampton. It will be a great day of recognition for gay, lesbian, bisexual and transgender people across the City.

Motion Carried

See minutes of May 19, 2016 for second reading.

Presentations

Presentations: None

Consent Agenda

Consent Agenda

Motion to approve consent agenda

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

Motion Carried

The following items were included on the 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, and the Planning Board (16.064)

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 (16.070)

Approve Application for Second Hand Dealer's License for Sekhmet, LLC d/b/a Find located at 42 Maple Street, Florence (16.074)

	Approve Application for Weekday & Sunday Bowling License for Northampton Bowl located at 525 Pleasant Street (16.073) Refer appointment of Director of Public Works candidate Donna LaScaleia to the City Council Committee on City Services (16.075) 16.078 Refer Appointments to the City Council Committee on City Services as follows: • Board of Health: Re-Appointment of Joanne Levin • Central Business Architecture Committee: Appointment of Bridget Goggins and Melissa Frydlo • Community Preservation Committee: Re-Appointment of Brian Adams • Conservation Commission: Re-Appointment of C. Mason Maronn and Appointment of Jason Perry • Council on Aging: Re-Appointment of Robert Montague • Disability Commission: Re-Appointment of James Winston • Energy & Sustainability Commission: Re-Aappointment of Mary Biddle, Adin Maynard & Scott Silver • Planning Board: Move Dan Felten from Associate Member to Full Member
Recess for Committee on Finance Meeting	**At 7:30 p.m. the City Council recessed for the Committee on Finance meeting. The City Council reconvened at 8:30 p.m.**
Financial Orders	**Financial Orders:**
16.060 Financial Order regarding budgetary transfers between various department - 1st Reading	**16.060 Financial Order regarding budgetary transfers between various department - 1st Reading**
Motion to approve in 1st reading	Councilor O'Donnell moved to approve the order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See minutes of May 19, 2016 for second reading.**
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	**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**
Motion to approve in 1st reading	Councilor LaBarge moved to approve the order in first reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See minutes of May 19, 2016 for second reading.**
16.066 Order to purchase land off of Reservoir Road - 1st Reading	**16.066 Order to purchase land off of Reservoir Road - 1st Reading**
Motion to approve in 1st reading	Councilor LaBarge moved to approve the order in first reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See minutes of May 19, 2016 for second reading.**

16.068 Order to purchase 55 +/- acres located between Glendale & Westhampton Roads - 1st Reading	**16.068 Order to purchase 55 +/- acres located between Glendale & Westhampton Roads - 1st Reading**
Motion to approve in 1st reading	Councilor LaBarge moved to approve the order in first reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See Minutes of May 19, 2016 for second reading.**
16.069 Order to authorize the purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area - 1st Reading	**16.069 Order to authorize the purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area - 1st Reading** Councilor Murphy does not support the order as he believes that taking developable land off the tax rolls is not in the best interest of the City. Councilor Bidwell will be voting "no" as he agrees with Councilor Murphy. The land in question appears to have water and sewer access; if he learns more between first and second reading he might change his mind, but for the time being he will not be supporting the order.
Motion to approve in 1st reading	Councilor Adams agrees with Councilors Bidwell and Murphy.
Motion Carried	Councilor Klein moved to approve the order in first reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 6 Yes, 3 No (Adams, Bidwell, Murphy). **See minutes of May 19, 2016 for second reading.**
16.071 Financial Order to appropriate $32,356.31 from the GF Free Cash to NPS for federal eRate to support technology infrastructure - 1st Reading	**16.071 Financial Order to appropriate $32,356.31 from the GF Free Cash to NPS for federal eRate to support technology infrastructure - 1st Reading** Councilor O'Donnell moved to correct the spelling of the word "thru" to "through" and that the title is corrected to reflect "NPS", not "NPPS". Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.
Motion to approve in 1st reading	Councilor O'Donnell moved to approve the order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See minutes of May 19, 2016 for second reading.**
16.072 Financial Order to Rescind Borrowing Authority for Land off of Easthampton Road (previously Approved in August, 2015) - 1st Reading	**16.072 Financial Order to Rescind Borrowing Authority for Land off of Easthampton Road (previously Approved in August, 2015) - 1st Reading**
Motion to approve in 1st reading	Councilor Bidwell moved to approve the order in first reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

16.072 Continued

Motion Carried

See minutes of May 19, 2016 for second reading.

16.076 Financial Order to appropriate $9,850 from the GF Free Cash for technical assistance to analyze broadband services - 1st Reading

16.076 Financial Order to appropriate $9,850 from the GF Free Cash for technical assistance to analyze broadband services - 1st Reading

Motion to approve in 1st reading

Councilor O'Donnell moved to approve the order in first reading; Councilor Bidwell seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

See minutes of May 19, 2016 for second reading.

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

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

Motion to approve in 2nd reading

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

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

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

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

Motion to approve in 2nd reading

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

Motion Carried

The following order passed second reading:

Upon recommendation of the Mayor

Ordered, that

16.052 Continued

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.

Enrolled

Rules suspended, passed two readings and enrolled.

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

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

Motion to approve in 2nd reading

Councilor LaBarge moved to approve the order In second reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following order passed second reading:

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.

Enrolled

Rules suspended, passed two readings and enrolled.

Orders	Orders
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	**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** Councilor Sciarra asked whether transferring the land to the Federal Government will impact the City's ability to access the land in an emergency situation. Mayor Narkewicz assured the Council that law enforcement agencies can still access the land in the case of a public emergency. Otherwise the City would need to coordinate with the proper agency to access the land.
Motion to approve in 1st reading	
Motion Carried	Councilor O'Donnell moved to approve the order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No. **See minutes of May 19, 2016 for second reading.**
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	**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**
Motion to approve in 1st reading	Councilor LaBarge moved to approve the order in first reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.
Motion Carried	**See minutes of May 19, 2016 for second reading.**
Ordinance	**Ordinances**
16.034 Ordinance pertaining to water resources – 1st Reading	**16.034 Ordinance pertaining to water resources – 1st Reading** Councilor O'Donnell explained that this is an ordinance that would make it unlawful for future City Councils or Mayors to seek to privatize the City's water system. The reason for this is due primarily to what has happened in other communities across the country and across the state. In any given community there might be mounting maintenance needs to the water infrastructure that may make privatization look like an attractive alternative. Private companies may claim that they can do a better job at a lesser cost, however, there are numerous examples where this has not worked out the way it was planned. The Association for Public Policy Analysis and Management states that it is rare that a community will see cost savings associated with privatizing water infrastructure. What you do see is a misalignment of incentives. No longer is health and safety of the public the number one priority. Profit becomes the number one priority. Also, there is a lack of public accountability. Privatizing water infrastructure would mean eliminating democratic accountability and misaligning incentives which should be aligned such that the people of the City are served first. Examples of where this has gone wrong include the City of Atlanta which signed a 20-year lease with United Water. Atlanta terminated the agreement in the first four years due to poor service characterized by unresponsiveness, epidemic water main breaks, "boil your water" alerts, and brown water from taps. etc. Indianapolis had the same kind of experience. The City of Lynn, Massachusetts once had privatized water from a company called Veolia. The company eliminated the use of an important chemical that was used to treat the water and the result was an unbearable stench for a period of time. The City of Gloucester, Massachusetts had to pay a large fine to the State because city officials failed to recognize a bacterial problem and because of lax oversight by the City of its private contractor. The City of Plymouth, Mass. sued Veolia after the City experienced water main breaks that cost over $2 million. The City believes that the breaks were the direct result of failure by the company to properly maintain the wastewater collection system. The person who is running the utility has every incentive to cut cost; Councilor O'Donnell feels that something as basic as water should remain owned by the public.

16.034 Continued

Councilor Klein thanked Councilor O'Donnell and the Mayor for introducing this ordinance that deals with a basic human right. She feels it is the responsibility of the City to insure that the water is safe and healthy, and that it is good for all of the residents, and that it will remain that way for future generations. Water is a public resource and as such it should be maintained by municipalities that have the public's health and well-being in mind. When private companies control resources, profit motives take precedence. Another example of a City that chose to privatize its water infrastructure is Hoboken, New Jersey. The company that was chosen, called, Suez, failed to provide the necessary upgrades to the City's infrastructure that within less than a week in March, there were two devastating water main breaks that caused large portions of the city to be without water for several days. The American Legislative Exchange Council (ALEC) is working hand-in-hand with private companies to privatize things like education and water; Councilor Klein noted that corporate lobbyists are attempting to create legislation that is looking to promote private industry over public management. Organizations like ALEC say that it is more cost effective to privatize systems, however, it has been proven through research that this is untrue. Councilor Klein notes that it is important to align the City's values with the needs of its citizens.

Councilor Bidwell supports the ordinance and believes it is a forward looking measure. He believes that Northampton should be one of those communities that make its water infrastructure unavailable for privatization.

Councilor Adams does not support the ordinance as he believes that this would preclude the City from certain opportunities. He believes that the proper safeguards are already in place. He agrees that everyone should have water and that they have a right to it. He was one of the people to vote to close the landfill to put the solar array above it. He wonders if this could be used to prevent that in the future. This is one of his concerns; when we do this we might be preventing good opportunities in the future.. Jonathan Goldman who is a Northampton citizen and a former member of the Youth Commission wrote a letter to some of the councilors. Councilor Adams read several passages from Mr. Goldman's report. In it he states that he has put a great amount of research into this and concludes that not all private ownership models pose problems often associated with non-public ownership. Mr. Goldman reports that the most comprehensive study done by the Association for Public Policy Analysis and Management (2010) found that when comparing all successes and failures of private ownership, there is little to no harm from shifting ownership of water resources and sometimes there is significant benefit. Mr. Goldman feels that passing an ordinance that affects the ability of future City Councils to take an action in dire situations would be irresponsible. Mr. Goldman cited 2002 150-page assessment by the National Research Council on the privatization of water in the US which gives several examples of when creating a ban, like that proposed in the ordinance could be potentially harmful. He feels that while private ownership can sometimes be detrimental, leasing has proven to be effective across the country and has few of the other problems of private ownership. Councilor Adams finds the ordinance shortsighted and illegalizes future opportunities for the City. Since leases and sales require City Council approval, he believes that the proper safeguards are already in place. Councilor Adams points out that Solicitor Seewald has ruled in several instances that City Council cannot by ordinance require the Executive Branch to do anything or order it to not do anything. Sometimes that has been his position; an example of that would be two years ago when the Mayor issued his executive policy on immigration protection. Councilor Adams drafted an ordinance that was deemed illegal by Solicitor Seewald because the City Council cannot mandate a certain policy of the Executive Branch. Earlier this year Solicitor Seewald told the City Council that they did not have the authority to regulate parking spaces near a building controlled by the Executive Branch. This ordinance tells the DPW that it cannot sell, lease, or transfer the water infrastructure. Councilor Adams feels this is clearly the legislature putting a limitation on the Executive Branch. Councilor Adams believes that the Solicitor needs to figure out what the charter means, especially with respect to the separation of powers. His rulings have been inconsistent; he ignores his previous opinions when he finds its convenient and when he wants to give the Mayor whatever he wants. His interpretation of what is legal depends on who is asking the question.

Councilor O'Donnell thanked Councilor Adams for his comments. The report by the Association for Public Policy Analysis and Management is about the cost difference. The report says that there is no cost difference between public and private models. It also states that overall private ownership offers more incentives for cost reduction but these incentives can induce quality erosion. The other report that is cited, from National Research Council states that private operators being under contract are often farther removed from local politics which has the advantage of less political intervention in matters of technical management that can lead to less transparency and accountability. To the question whether this ordinance will "tie our hands", Councilor O'Donnell stated that if the City were ever in an emergency situation, there could always be a vote to modify or repeal the ordinance. There would be nothing preventing the Council from taking action in the case of an emergency. Regarding the question of leasing, Councilor O'Donnell states that nothing in the ordinance prevents the City from seeking outside (consultant) help on issues regarding its infrastructure. For example, the City could retain a private water meter reading service. This would not be equivalent to relinquishing control of the infrastructure. There is nothing to

16.034 Continued

prevent the City Council from setting broad policy about its water infrastructure.

Councilor LaBarge had concerns, especially with the mention of the landfill because the City is looking at putting solar in the landfill. Mayor Narkewicz stated that the City is leasing out the capped portion of the landfill, but that this is not part of the water or sewer system. Councilor LaBarge noted that the Barnes Aqua filter is located on this property. Mayor Narkewicz noted that this ordinance would not affect the landfill in any way.

Councilor Murphy made a motion to move the question; Councilor Adams seconded the motion. The motion was approved on a voice vote (and a show of hands) of 5 Yes, 4 No (Councilors Sciarra, O'Donnell, Dwight and Klein).

Councilor LaBarge requested an opinion from the City Solicitor relative to the legality of the ordinance as she is concerned about what she was hearing from Councilors Adams and O'Donnell. The opinion could be expressed in writing or the Solicitor could attend the next City Council meeting. Councilor Dwight agreed to follow up.

Councilor Adams asked that he compare this to other opinions that he has given; Councilor Dwight will ask for the Solicitor's opinion on this one issue; if Councilor Adams has concerns relative to other opinions he has given, he should pursue them himself.

Motion to approve in 1st Reading

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

Motion Carried

See minutes of May 19, 2016 for second reading.

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

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

Councilor O'Donnell noted that this is an example where the City Council has set policy about public property.

Councilor Adams noted that the Solicitor should be asked his opinion about this ordinance. Depending on who asks and what day it is, the Solicitor will give his opinion.

Motion to approve in 2nd reading

Councilor O'Donnell moved to approve the ordinance in second reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 9 Yes, 0 No.

Motion Carried

The following ordinance passed second reading:

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

Ordained and Enrolled

Rules suspended, passed two readings, ordained and enrolled.

16.061 An Ordinance to establish two one-hour parking spaces in Florence on Main St. - Refer to the Committee on Legislative Matters	**16.061 An Ordinance to establish two one-hour parking spaces in Florence on Main St. - Refer to the Committee on Legislative Matters**
Motion to refer **Motion Carried**	Councilor O'Donnell moved to refer the ordinance to committee; Councilor Klein seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.
16.062 an Ordinance to add a yield sign at Venturers Field Road - Refer to the Committee on Legislative Matters	**16.062 an Ordinance to add a yield sign at Venturers Field Road - Refer to the Committee on Legislative Matters**
Motion to refer **Motion Carried**	Councilor Klein moved to refer the ordinance to committee; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.
Updates from Council President and Committee Chairs	**Updates from Council President and Committee Chairs:** Councilor Dwight noted that the Pride March will be Saturday, May 8, 2016.
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	**Adjourn** At 9:20 p.m., a motion to adjourn was made by Councilor Bidwell and seconded by Councilor O'Donnell. The vote to adjourn passed on a voice vote of 9 Yes, 0 No. Attest: Pamela C. Bruce, Administrative Assistant to the City Council

2015-2016 City Council Roll Call Record											
Record of City Council Votes for May 5, 2016		Adams	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciarra	Total
Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:10 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present, 0 Absent
16.077 A Resolution to affirm the City's non-discrimination policy and in support of equality of access in public places	1st Reading	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Motion Carried 9 Yes, 0 No
16.060 Financial Order regarding budgetary transfers between various department	1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 9 Yes, 0 No
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	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
16.066 Order to purchase land off of Reservoir Road	1st Reading	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
16.068 Order to purchase 55 +/- acres located between Glendale & Westhampton Roads	1st Reading	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
16.069 Order to authorize the purchase of 110 +/- acres to add to the Brookwood Marsh Conservation Area	1st Reading	No	No	Yes	Yes	Motion to Approve Yes	Yes	No	Second Yes	Yes	Motion Carried 6 Yes, 3 No
16.071 Financial Order to appropriate $32,356.31 from the GF Free Cash to NPS for federal eRate to support technology infrastructure	Motion to Amend	Motion to correct the spelling of "thru" to "through" and to change "NPPS" to NPS" in order title made by Councilor O'Donnell and seconded by Councilor Bidwell. The motion was approved on a voice vote.									Motion Carried 9 Yes, 0 No
	1st Reading	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 9 Yes, 0 No
16.072 Financial Order to Rescind Borrowing Authority for Land off of Easthampton Road (previously Approved in August, 2015)	1st Reading	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion Carried 9 Yes, 0 No
16.076 To appropriate $9,850 from the GF Free Cash for technical assistance to analyze broadband services - 1st Reading	1st Reading	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 9 Yes, 0 No
16.051 A Financial Order authorizing the payment of two previous year bills from the DPW - 2nd Reading	2nd Reading	Yes	Second Yes	Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

2015-2016 City Council Roll Call Record											
Record of City Council Votes for May 5, 2016		Adams	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sclarra	Total
16.052 Financial Order regarding gift donation of $10,000 for improvements to City Council Chambers - 2nd Reading	2nd Reading	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	No	Yes	Motion Carried 8 Yes, 1 No
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	2nd Reading	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
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	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 9 Yes, 0 No
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	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
16.034 Ordinance Pertaining to Water Resources	Motion to Move the Question	Motion to move the question made by Councilor Murphy and seconded by Councilor _____. The motion was approved on a voice vote.									Motion Carried 5 Yes, 4 No
	1st Reading	No	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 8 Yes, 1 No
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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Motion Carried 9 Yes, 0 No

At 9:20 p.m. Councilor Bidwell motioned to adjourn; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.

Recorded By:

Pamela L. Powers, Administrative Assistant to the City Council

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

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 .

City/Town Clerk.

Massachusetts 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.

.....
.....
.....
.....

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

Electric

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 .

City/Town Clerk.

Massachusetts 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.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

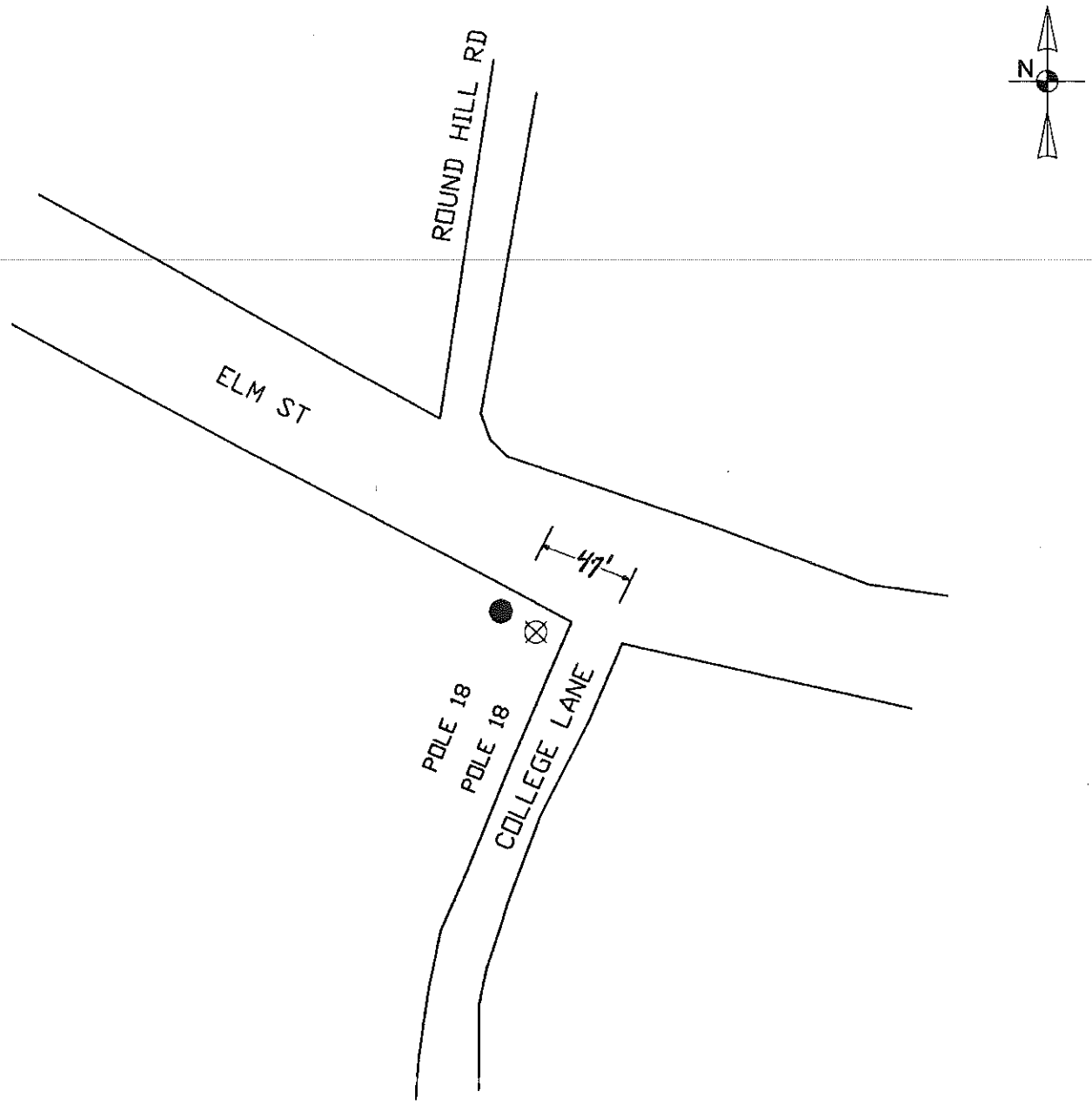
CERTIFICATE

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

- ● 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

DISTANCES ARE APPROXIMATE

nationalgrid

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:

CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060

413-587-1570
Fax 413-587-1576

Edward Huntley, P.E.
Director

Memorandum

To: Jim Laurila, P.E., City Engineer

From: Felix Harvey FH

Date: May 3, 2016

Re: National Grid Pole Petition #21437370 (Elm Street)

Jim:

I have reviewed DPW records and visited the site to view the proposed relocation of pole #18 on Elm Street just west of College Lane. The proposed relocation of pole #18 is part of a Smith College project. It is approximately 10 feet west and northerly of its current location and 47 feet west of the centerline line of College Lane. The alignment of the overhead wiring for three poles is shifting northerly as part of the project according to National Grid, and Smith College's proposed plan.

There are underground city utilities on the south side of Elm Street in the vicinity of the proposed new pole location, some of which (sewer and drain) are also proposed to be relocated as part of the project. It is my recommendation that the relocated pole be placed a minimum of 5 feet from the new sewer alignment. Other than this recommendation, I do not see any other issues for the DPW with this petition.

Approved
JM

Pd 82506
5/9/16

NORTHAMPTON, MASS., May 9, 2016

RENEWAL

To the Honorable City Council of the City of Northampton:

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

Name of Business: The Back Alley Antiques and Collectibales

Type of License: Secondhand Dealer

Location: 238 Bridge Street

(Sign Here) [signature]

No. 20 Street Oakdale Place, Easthampton, MA

In City Council, _____

Referred to Committee on Licenses.

ATTEST:

_____
City Clerk

In City Council, _____

In Committee on Licenses, _____
Voted to recommend that Petition ____be

_____ granted _____

ATTEST:

_____
Clerk

Voted that Petition be _____ granted.

Attest: _____ *City Clerk*

16.080

CITY OF NORTHAMPTON
PERMIT DENIAL FORM

TO: TAX COLLECTOR, TREASURER (Circle Appropriate Staff Person)

REQUESTED BY: Wendy Mazza, City Clerk DATE: May 9, 2016

Name of Person, Corporation, or Business: THE BACK ALLEY ANTIQUES AND COLLECTIBLES.

Location/Address of Property or Service: NORTHAMPTON

Business: 238 BRIDGE STREET, NORTHAMPTON, MA

Home: 20 OAKDALE PLACE, EASTHAMPTON, MA –OWNER-ANDREA CLARK

Parcel: 23A-214-001

Personal Property No.: 17175

Your prompt attention is appreciated.

(DO NOT WRITE BELOW THIS LINE – TAX COLLECTOR'S TREASURER'S OFFICE USE ONLY)

Please list below any tax, assessed to your office, that is unpaid for twelve (12) months or more after its due date, unless there is a pending abatement or appeal before the appellate Tax Board, for the person, corporation, or business entity noted above:

16.080
SIGNED: DATED: 5/11/16

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

* Signature of Individual

By: Corporate Officer

012 44 8485

** Social Security # Voluntary
or Federal Identification Number

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

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

5/9/16
Pd 25 CK#1495

NORTHAMPTON, MASS., May 9, 2016

RENEWAL

To the Honorable City Council of the City of Northampton:

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

Name of Business: Ryans Jewelers

Type of License: Secondhand Dealer

Location: 14 Strong Avenue

(Sign Here) [signature]

No. 14 Street Strong Ave

In City Council, _____

Referred to Committee on Licenses.

ATTEST:

_____
City Clerk

In City Council, _____

In Committee on Licenses, _____
Voted to recommend that Petition ____be

_____ granted _____

ATTEST:

_____
Clerk

Voted that Petition be _____ granted.

Attest: _____ *City Clerk*

16.080

CITY OF NORTHAMPTON
PERMIT DENIAL FORM

TO: TAX COLLECTOR, TREASURER (Circle Appropriate Staff Person)

REQUESTED BY: Wendy Mazza, City Clerk DATE: May 9, 2016

Name of Person, Corporation, or Business: RYANS JEWELERS

Location/Address of Property or Service: NORTHAMPTON

Business: 14 STRONG AVE, NORTHAMPTON, MA

Home: 1 ACORN ROAD, HOLYOKE, MA

Parcel: 32A-153-014

Personal Property No.: N/A

Your prompt attention is appreciated.

(DO NOT WRITE BELOW THIS LINE – TAX COLLECTOR'S TREASURER'S OFFICE USE ONLY)

Please list below any tax, assessed to your office, that is unpaid for twelve (12) months or more after its due date, unless there is a pending abatement or appeal before the appellate Tax Board, for the person, corporation, or business entity noted above:

no tax assessed for personal property.
at this time.

SIGNED: [signature] DATED: 6/11/16

16.080

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

* Signature of Individual

By: Corporate Officer

011-54-5499

** Social Security # Voluntary
or Federal Identification Number

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

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

5/13/16
Pd 25 CK#2554

NORTHAMPTON, MASS., May 13, 2016

RENEWAL

To the Honorable City Council of the City of Northampton:

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

Name of Business: Modern Myths, INC.

Type of License: Secondhand Dealer

Location: 34 Bridge Street

(Sign Here) [signature]

No. 34 Street Bridge

In City Council, _____

Referred to Committee on Licenses.

ATTEST:

_____
City Clerk

In City Council, May 19, 2016

In Committee on Licenses, _____
Voted to recommend that Petition ____be

_____ granted _____

ATTEST:

_____
Clerk

Voted that Petition be _____ granted.

Attest: _____ *City Clerk*

16.080

CITY OF NORTHAMPTON
PERMIT DENIAL FORM

TO: TAX COLLECTOR, TREASURER (Circle Appropriate Staff Person)

REQUESTED BY: Wendy Mazza, City Clerk DATE: May 13, 2016

Name of Person, Corporation, or Business: MODERN MYTHIS, INC.

Location/Address of Property or Service: NORTHAMPTON

Business: 34 BRIDGE STREET, NORTHAMPTON

Home: N/A

Parcel: N/A

Personal Property No.: 7007 70007

Your prompt attention is appreciated.

(DO NOT WRITE BELOW THIS LINE – TAX COLLECTOR'S TREASURER'S OFFICE USE ONLY)

Please list below any tax, assessed to your office, that is unpaid for twelve (12) months or more after its due date, unless there is a pending abatement or appeal before the appellate Tax Board, for the person, corporation, or business entity noted above:

SIGNED: DATED: 5/14/16

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

* Signature of Individual

By: Corporate Officer

90-0084827

** Social Security # Voluntary
or Federal Identification Number

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

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

MAYOR DAVID J. NARKEWICZ

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

MEMORANDUM

DATE: May 2, 2016

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointment of Director of Public Works

I am appointing Donna LaScaleia to the position of Director of Public Works. Ms. LaScaleia's career spans utility, facilities management, and construction fields. She most recently held the job of Superintendent/Operations Supervisor for Green Mountain Power in southern Vermont. Prior to that position Ms. LaScaleia worked as Director of Facilities Management at World Learning/SIT Graduate Institute, a 30 building, 200+ acre international college. I am submitting this appointment to the City Council in accordance with the Northampton Charter § 2-10.

cc: City Clerk, Wendy Mazza

Donna LaScaleia

Professional Experience:

Superintendent/Operations Supervisor, Brattleboro and Wilmington Districts
Central Vermont Public Service/Green Mountain Power
Brattleboro and Wilmington, VT
October 2011-November 2015
Responsibilities included:

- Management of all daily district operations for Vermont's largest electric utility, including line crew and tree crew supervision - approximately 25,000 customers, 8 substations and 1,500+ line miles of infrastructure over +/- 700 square miles
- Emergency restoration management of contractors and internal and external resources, 24/7 storm and emergency dispatching in cooperation with municipal and state officials
- Managing compliance with OSHA, VOSHA and relevant federal/state safety regulations, conducting safety briefings and inspections and establishing clearance and procedures for restricted work
- Conception, coordination, management and scheduling of multiple and simultaneous capital reconstruction projects, from budget development/estimation to construction oversight to final execution
- Scheduling and tracking of daily routine work through work management software
- Supervision of union and non-union employees, and interpretation and subsequent operational implementation/management of collective bargaining agreement
- Facility management for district garages and facilities, including coordination and supervision of maintenance on all mechanical systems—HVAC units, fire pumps, generators
- Oversight of hazardous waste treatment and disposal, MSDS documentation, and associated regulatory record keeping requirements
- Fleet and inventory and warehouse management, including material purchasing and establishment of appropriate stock levels for projects and daily operations
- Coordination and implementation of training for switching certifications, environmental regulation compliance, substations and new equipment
- Field design work for new customer and capital installations, including mapping, surveying and coordination with telephone company and third party attachees
- Vegetation management and coordination of distribution and transmission line clearance, and maintenance trimming with third party contractor
- Payroll, billing, capital/operating budget management
- Verification and management of switching orders and processes for both transmission and distribution systems
- Customer service and outreach, PR appearances, speeches and interviews

Director of Facilities Management
World Learning/SIT Graduate Institute
Brattleboro, VT
March 2008-October 2011
Responsibilities included:

- Oversight of all daily buildings and grounds facilities operations for 30 building, 200+ acre college campus in Southern Vermont
- Supervision of maintenance and custodial staff, including payroll, performance evaluations and coordination of all necessary training
- Management, preventive maintenance and code compliance for all mechanical systems and equipment: HVAC, fire, security, refrigeration, elevators and all utility distribution, including private water/sewer and electrical
- Oversight of expansion of electrical and water/sewer infrastructure upgrades in cooperation with municipal officials
- Planned and coordinated upgrades to boilers, chillers and fire pumps, and oversaw installation of standby generators as part of emergency preparedness multi-year plan
- Management of snow removal, storm planning, athletic fields and all landscaping
- Project management from conception to final execution for outside contractors, including acting as general contractor for scheduling and coordination purposes
- Fleet, equipment and inventory/warehouse management, including capital vehicle and equipment purchases
- Implementation of computerized work management system to streamline and organize work/service order requests
- Environmental compliance, including training, material management, waste disposal and MSDS tracking
- Creation of deferred maintenance plan and strategic initiatives
- Development and management of operating budget and annually variable capital budget
- Spearheaded new sustainability efforts and continued with existing programs - recycling, composting, alternative energy strategies, facility upgrades
- Interfaced with VEIC to procure grants for energy efficiency upgrades - coordinated overhaul of campus HVAC, lighting and refrigeration systems
- Coordination of special events - graduation, international student exchange programs, concerts, food festivals

Journeyman Electrician
IBEW Local 103
Boston, MA
June 2003-May 2008
Responsibilities included:

- Building industrial and commercial electrical installations
- Installing and troubleshooting fire alarm and security systems
- Purchasing and electrical inventory management for "Liberty Place" project - a 33 story luxury high rise with attached parking garage in Chinatown
- Jobs included: MAYTEP, Boston Convention Center, South Station, Quincy Market, Harvard University and the MBTA

Education:

B.A., Economics, Boston College 1999
Boston, MA

Professional licensure:

Master electrician, NH, VT and MA
CDL-A with endorsements

References available upon request

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

(413) 584-1600

EDWARD D. ETHEREDGE
SHELLEY STEUER*▲
ELIZABETH WROBLICKA▲

*Also Admitted in New York
▲Also Admitted in California

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

16.064

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

Edward J. Shanahan 128 Baker Hill Rd

301 Sylvester Rd
Florence MA 01062

Shelley Stone 100 Washington Avenue

123 SOUTH ST. No. 2
Melissa Fayle NORTHAMPTON, MA 01060

Paul Wembay 66 Prospect Avenue

Jean Garrett
18 Pearl Ave.

Greg Hartman, 419 RIVERSIDE DR.
FLORENCE, MA 01062

25 GREGORY LANE
FLORENCE, MA

David C Bloomberg
86 Vernon St
Northampton

103 WEST ST
NORTHAMPTON

54 Prospect ST
Northampton 01060

406 N Farms Rd
Florence MA 01062

16.064

SMITH COLLEGE

RuthAnn McCloud <rmccloud@smith.edu>

FW: Elm Street Discontinuance Petition

1 message

Ed Etheredge <ed@noholaw.com> Tue, Apr 26, 2016 at 9:27 AM
To: "rmccloud@smith.edu" <rmccloud@smith.edu>
Cc: Diana Randall <drandall@smith.edu>

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

16.064

RESERVED FOR REGISTRY USE ONLY

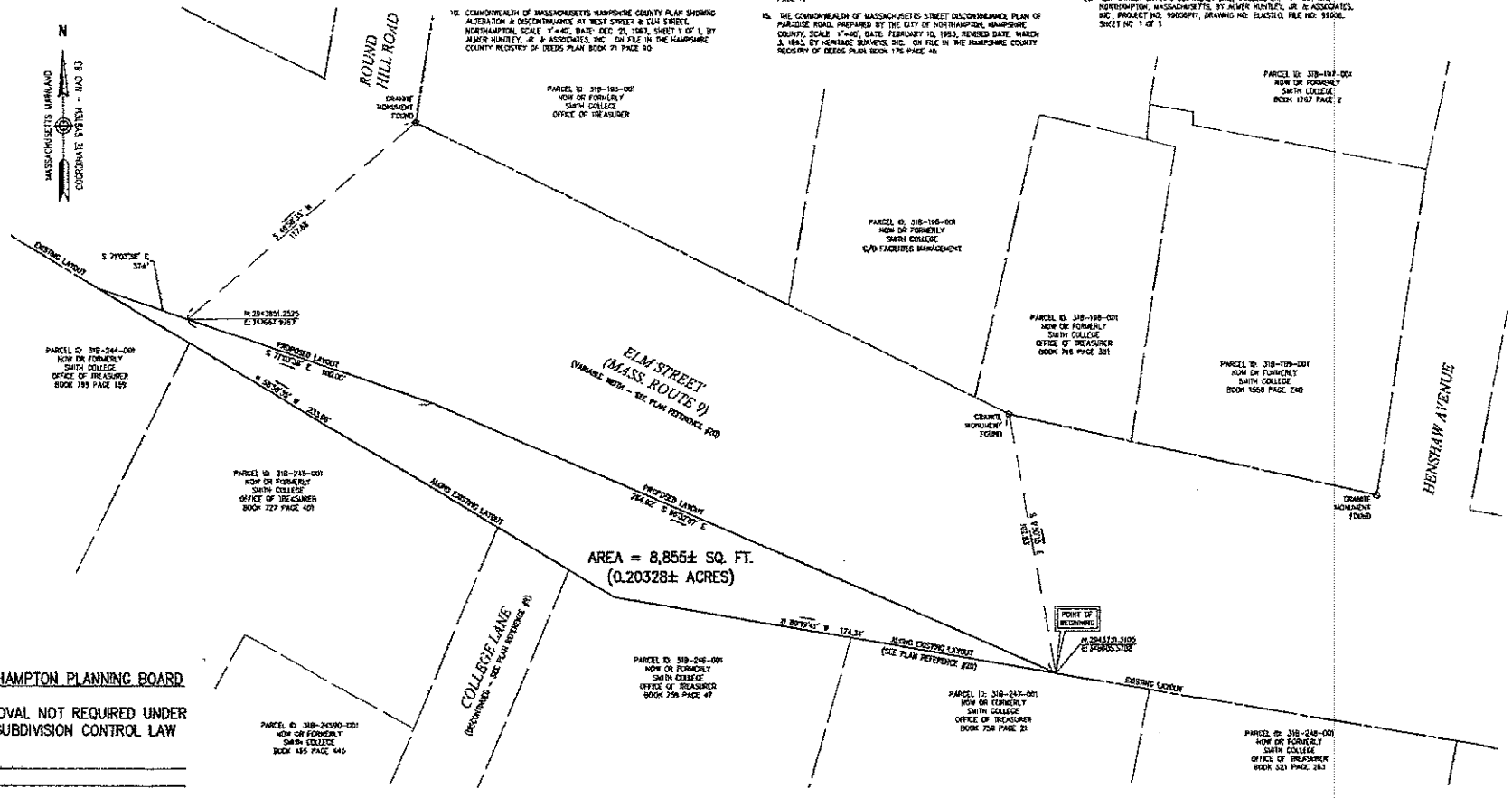
Plan References

1. SKETCH OF MEADOW LOT, ELM STREET, NORTHAMPTON, MASS., SCALE: 16 FEET =1 INCH, FEB. 3, 1915, BY S.E. DAVIS, C.E. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 4 PAGE 56
2. MAP OF THE HOME LOTS OF THE FIRST SETTLERS OF NORTHAMPTON COMPILED FROM THE EARLIEST TOWN RECORDS BY JAMES R. TRUMBULL ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 18 PAGE 4
3. PLAN OF LAND 149 AND 153 ELM STREET, NORTHAMPTON, MASS., SCALE: 1 INCH=20 FEET, NOV 1934, BY DAVIS ENGINEERING CO. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 19 PAGE 63.
4. PLAN AND PROFILE PROPOSED NEW STREET ON LAND OF W. N. LANDWORTHY, NORTHAMPTON, MASS., SCALE: HOR. 1 INCH=40 FEET, VER. 1 INCH=10 FEET, NORTHAMPTON MASS., FEB. 23RD 1938, BY DAVIS ENGINEERING CO. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 22 PAGE 24
5. PLAN OF NO. 115 ELM STREET NORTHAMPTON, MASS., SCALE: 1 INCH=30 FEET, NORTHAMPTON, MASS., MAR 12TH, 1941, BY DAVIS ENG. CO. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 24 PAGE 41.
6. PLAN OF LOT IN NORTHAMPTON, MASS. BELONGING TO GLENN E. GROVER, SCALE: 1 INCH=40 FEET, NORTHAMPTON, MASS., JUNE 9TH, 1941, BY DAVIS ENGINEERING CO. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 25 PAGE 27A.
7. PLAN OF LAND IN NORTHAMPTON, MASS. FORMERLY OF OSCAR W. EDWARDS, SCALE: 1 INCH ABOUT 80 FEET, NORTHAMPTON, MASS. JUNE 11TH, 1943, BY DAVIS ENG. CO. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 25 PAGE 7A
8. THE COMMONWEALTH OF MASSACHUSETTS, PLAN OF ROAD IN THE CITY OF NORTHAMPTON, HAMPSHIRE COUNTY. LAID OUT BY THE COUNTY COMMISSIONERS, SCALE: 40 FEET TO THE INCH, PLAN JUNE 14, 1957, BY FRANCIS P. RYAN, CITY ENGINEER. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 52 PAGE 62.
9. COMMONWEALTH OF MASSACHUSETTS PLAN OF COLLEGE LANE STREET DISCONTINUANCE BY THE HAMPSHIRE COUNTY COMMISSIONERS, JULY 7TH, 1916, BY ALMER HUNTLEY, JR. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 68 PAGE 109.
10. COMMONWEALTH OF MASSACHUSETTS HAMPSHIRE COUNTY PLAN SHOWING ALTERATION & DISCONTINUANCE AT WEST STREET & ELM STREET, NORTHAMPTON, SCALE: 1"=40', DATE: DEC. 23, 1983, SHEET 1 OF 1, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 71 PAGE 90
11. PLAN OF LAND IN NORTHAMPTON, MASS. BELONGING TO STONELEIGH-BURNHAM SCHOOL, SCALE: 1"=20', DATE: OCT. 1, 1958, SHEET 1 OF 1, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 73 PAGE 15
12. LAND IN NORTHAMPTON, MASS. SURVEYED FOR NORTHAMPTON MEDICAL BUILDING, INC., SCALE: 1"=40', DATE: NOV. 21, 1966, SHEET 1 OF 1, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 74 PAGE 107
13. PLAN OF LAND IN NORTHAMPTON, MASSACHUSETTS SURVEYED FOR DONALD R. & BARBARA J. WANDERTON, SCALE: 1"=30', DATE: JAN. 17, 1972, SHEET 1 OF 1, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 80 PAGE 66
14. PLAN OF LAND IN NORTHAMPTON, MASSACHUSETTS SURVEYED FOR NORTHAMPTON PINE REST, INC., SCALE: 1"=40', DATE: MARCH 5, 1981, JOB NO. 110-077-1, SHEET 1 OF 1, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 97A PAGE 72
15. THE COMMONWEALTH OF MASSACHUSETTS STREET DISCONTINUANCE PLAN OF PARADISE ROAD, PREPARED BY THE CITY OF NORTHAMPTON, HAMPSHIRE COUNTY, SCALE 1"=40', DATE: FEBRUARY 10, 1983, REVISED DATE: MARCH 3, 1983, BY HERITAGE SURVEYS, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 176 PAGE 40
16. PLAN OF LAND IN NORTHAMPTON, MASSACHUSETTS SURVEYED FOR 4 WASHINGTON, LLC, SCALE: 1"=10', DATE: OCTOBER 12, 2006, JOB # 5931-080601, DWG # 5931JE01, MAP # 5931-061003, BY HERITAGE SURVEYS, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 242 PAGE 85.
17. "SUBDIVISION APPROVAL NOT REQUIRED" PLAN OF LAND IN NORTHAMPTON, MASSACHUSETTS PREPARED FOR CAROL R. MEDIA, SCALE: 1"=20', NOVEMBER 19, 2013, BY HAROLD L. EATON AND ASSOCIATES, INC. ON FILE IN THE HAMPSHIRE COUNTY REGISTRY OF DEEDS PLAN BOOK 234 PAGE 23
18. CITY BLOCK PLAN 12, CITY ENGINEERING DEPT., NORTHAMPTON, MASS. DEPICTING ELM STREET AT ITS INTERSECTION WITH COLLEGE LANE, ROUND HILL ROAD, AND HENSHAW AVENUE.
19. CITY BLOCK PLAN 14, CITY ENGINEERING DEPT., NORTHAMPTON, MASS. DEPICTING ELM STREET AT ITS INTERSECTION WITH KENSINGTON AVENUE, CRESCENT STREET, PARADISE ROAD, AND ROUND HILL ROAD
20. ELM STREET LAYOUT, SOUTHERLY LINE, COLLEGE LN. TO WEST ST., NORTHAMPTON, MASSACHUSETTS, BY ALMER HUNTLEY, JR. & ASSOCIATES, INC., PROJECT NO. 99006PFT, DRAWING NO. ELM3010, FILE NO. 99006L, SHEET NO 1 OF 1

vhb.com

vhb

One Federal Street
Building 103-3N
Springfield, MA 01105
413.747.7133



General Notes

THE PROPERTY LINES DEPICTED ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY VHB BETWEEN JANUARY AND FEBRUARY, 2016. ABUTTING PARCEL LINES WERE COMPILED FROM LOCAL ASSESSOR'S PLANS AND FROM PREVIOUS PLANS AND DEEDS OF RECORD WHO HAS NOT PERFORMED A FIELD SURVEY TO VERIFY THE ABUTTING PROPERTY LINES.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. ACCORDINGLY, ALL ENCUMBRANCES MAY NOT BE DEPICTED.

HORIZONTAL DATUM IS BASED ON MASSACHUSETTS MAINLAND STATE PLANE COORDINATE SYSTEM, NAD 83 AND WERE DETERMINED USING GPS SURVEY METHODS.

20 0 20 40
SCALE IN FEET

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

SIGNED, CHRISTOPHER C. DARGATH, P.L.S. #41664 DATE

CHRISTOPHER C. DARGATH
HAMPSHIRE
MASSACHUSETTS
41664
LAND SURVEYOR

NORTHAMPTON PLANNING BOARD

APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW

DATE: _____

THE ABOVE ENDORSEMENT IS NOT A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

City of Northampton
Elm Street
Hampshire County
Commonwealth of Massachusetts

Review April 7, 2016

Discontinuance Plan
of a Portion of the Layout
of Elm Street

ANR-1

1 1

32947.00

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Mayor

16.081
AN ORDER
To appropriate $39,353.78 for related infrastructure upgrades relative to the replacement of the city's VOIP system

Ordered, that:

the City Council appropriate $39,353.78 from the I-NET Access and Technology Fund (Fund 2620) to be used for related infrastructure upgrades relative to the replacement of the city's VOIP system, and necessary to provide resiliency and redundancy for the city's vital public communication systems.

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of Mayor David J. Narkewicz

16.082
AN ORDER
Authorize Look Park to apply for a PARC grant and authorize related borrowing

Ordered, that:

An order to file and accept grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Parkland Acquisitions and Renovations program for improvements to Look Memorial Park

WHEREAS: Look Memorial Park is a city and region-wide asset and park improvements are consistent with the priority for recreation improvements and heritage landscape preservation in the **Northampton Open Space, Recreation and Multiuse Trail Plan: 2011-2018**;

WHEREAS: Look Memorial Park was deeded to the City of Northampton, under the management of a Board of Trustees, with the condition that it "shall be used forever as a park and for no other purpose," thereby consistent with Article 97 of the Amendments to the Massachusetts Constitution: and

WHEREAS: Planned Look Memorial Park improvements to their fountain, water spray park and bathrooms and related energy and water efficiency improvements will enhance the recreation experience; and

WHEREAS: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parklands Acquisitions and Renovations for Communities Grant (PARC) program (301 CMR 5.00); The PARC is a reimbursement program which requires that the City demonstrate that it has all of the funds necessary to improve park properties prior to state reimbursement; and

NOW, THEREFORE BE IT ORDERED,
That City Council appropriates and authorizes the City Treasurer, with the approval of the Mayor, to borrow $625,000, over 15 years, under M.G.L. c.44B, §11, M.G.L c.44 §8C, or any other enabling authority, for the purpose of improvement of public parks and playgrounds on said property, and the Mayor be authorized to file on behalf of the City of Northampton any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the PARC Act (Chapter 933 Acts of 1977, as amended) and/or any others in any way connected with the scope of this Article, and the Mayor be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the City of Northampton to effect said renovation.

And that the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant.

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

May 12, 2016

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

Re: Community Preservation Committee Recommendations for Funding

Chairman Dwight and City Councilors,

In January, 2016 the Community Preservation Committee (CPC) began reviewing project proposals submitted for CPA funding. After extensive review including applicant presentations, public comment sessions and committee deliberation the CPC unanimously voted to recommend eight funding requests totaling $1,455,285. Collectively, these projects will leverage just over one and a half million dollars from other funding sources, including state and federal grants, private contributions, and volunteer work.

Complete CPA applications that include detailed information about each project recommended are available at www.archive.northamptonma.gov:8080/WebLink8/0/fol/527862/Row1.aspx, and meeting minutes, information about the CPA, and other project materials can be accessed on the CPC's webpage: www.northamptonma.gov/1048/Community-Preservation-Committee.

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

Projects Recommended for Funding:

Stained Glass Window Restoration, First Churches of Northampton: $213,000
These funds will be used to restore two of the historic stained glass windows in the church sanctuary: The Tiffany window, which was gifted to the Church by the Parsons family in 1899, and the Rose window, which faces Main Street.

Saw Mill Hills Open Space Acquisition, Northampton Conservation Commission: $72,000
This acquisition will add 22 acres to the Saw Mill Hills in Leeds: 3 acres on the western side of Reservoir Road with direct water access, and 19 acres of bluff and views overlooking the reservoir.

Historic Scenic Curtain Restoration, Academy of Music: $44,785
This project will allow the Academy to restore a scenic curtain depicting a Northampton scene that was recently found stapled to the back of the main stage curtain. It is thought to be the largest remaining historic curtain on the East Coast.

Supportive Housing for Homeless Youth, Friends of Hampshire County Homeless Individuals: $275,000
CPA funds will be used to contribute to the purchase price of a house in Northampton that will provide up to eight units of housing and support service for unaccompanied homeless youth. Homeless individuals between 18 and 25 face a gap in housing services that this home will help to address.

Conservation Fund, Northampton Conservation Commission: $30,000
This fund creates opportunities for protection of open space and agricultural parcels in Northampton by allowing for fast action on time-sensitive real estate opportunities. The Fund creates an at-hand resource to conduct necessary due diligence work prior to acquisitions.

Fitzgerald Lake Invasive Plant Control, Broad Brook Coalition $12,800
These funds will allow BBC to continue efforts to control and eliminate several different species of invasive plants that are damaging critical habitats essential to the health of native wildlife and plants, including endangered species.

Shepherd Barn Dendrochronolgy Study, Historic Northampton: $2,300
CPA funds will be used to conduct a dendrochronology wood-dating study of the Shepherd Barn at historic Northampton, which will be used in preparation for a full restoration project of the structure.

Pulaski Park Renovation and Expansion, Northampton Department of Public Works: $805,400
CPA funds will be used to continue design and construction of Pulaski Park. This phase includes construction of the Overlook Expansion that will create new park space to the rear of the existing park. The Committee recommends bonding for a portion of this project..

Thank you,

Brian Adams
Chair, City of Northampton Community Preservation Committee

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Community Preservation Committee

16.083

AN ORDER

To Use CPA Funds to restore two of the historic stained glass windows located in First Churches of Northampton

Ordered, that:

WHEREAS, First Churches of Northampton submitted an application for Community Preservation Act funding for restoration of 12 historic stained glass windows located in the sanctuary of the First Churches of Northampton;

WHEREAS, CPA funds will be used to restore an important historic resource that is valued by the community and the region, on which Mass Historic holds a permanent preservation restriction;

WHEREAS, the project will enable these important historic artifacts to remain in Northampton;

WHEREAS, in addition to being an important historic resource, First Churches provides valuable social services and meeting space to at least 27 different organizations and the community at large on a monthly basis;

WHEREAS, all work will be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties;

WHEREAS, on April 20, 2016 the Northampton Community Preservation Committee voted unanimously to recommend that $213,000 in Community Preservation Act funds be used to support the restoration of two of the stained glass windows; the Tiffany and Rose, that were included in the application.

NOW, THEREFORE BE IT ORDERED,

That $213,000 be appropriated from Community Preservation Act funding to First Churches of Northampton for restoration of the Tiffany and Rose stained glass windows. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $6,870.72 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932) and $206,129.28 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of The Community Preservation Committee

16.084
AN ORDER
To use CPA funds to add 22 acres to the Saw Mill Hills in Leeds

Ordered, that:

WHEREAS, the Northampton Conservation Commission and Northampton Office of Planning and Sustainability submitted a CPA application for the Saw Mill Hills to Water's Edge project. This will fund the purchase of a 22-acre parcel adjacent to and overlooking the Roberts Meadow Reservoir for permanent protection.

WHEREAS, the parcel serves an important wildlife connection that will preserve a natural link between the Saw Mill Hills Conservation Area/Roberts Hill and the Roberts Meadow Reservoir.

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multiuse Trail Plan to protect open space and provide for passive recreation.

WHEREAS, on April 20, 2016, the Northampton Community Preservation Committee voted unanimously to recommend that $72,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That $72,000 be appropriated from Community Preservation Act funding to the Northampton Conservation Commission and Northampton Office of Planning and Sustainability for the Saw Mill Hills to Water's Edge project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $72,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of The Community Preservation Committee

16.085
AN ORDER
To use CPA funds to allow the Academy of Music to restore a scenic curtain

Ordered, that:

WHEREAS, the Academy of Music submitted a CPA application for the Historic Curtain preservation project;

WHEREAS, the 1913 Maurice Tuttle curtain is the largest known historic scenic curtain on the east coast, and represents a scene from Northampton's history;

WHEREAS, restoration of the curtain will allow it to be viewed by visitors to the Academy during events and free historic tours;

WHEREAS, on April 20, 2016, the Northampton Community Preservation Committee voted unanimously to recommend that $44,785 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That **$**44,785 be appropriated from Community Preservation Act funding to the Academy of Music for the Historic Curtain preservation project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $44,785 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of The Community Preservation Committee

16.086
AN ORDER
To Use CPA Funds toward the purchase price of a house in Northampton up to eight units of housing & support service for unaccompanied homeless youth.

Ordered, that:

WHEREAS, Friends of Hampshire County Homeless Individuals submitted an application for Community Preservation Act funding for the Housing for Homeless Youth project.

WHEREAS, currently this population faces a gap in supportive housing services in Northampton and nearby despite being a high risk group.

WHEREAS, the Western Massachusetts Network to End Homelessness has declared unaccompanied homeless youth a priority in its regional plan.

WHEREAS, CPA funds will leverage up to $475,000 of funds from other sources.

WHEREAS, on April 20, 2016, the Northampton Community Preservation Committee, voted unanimously to recommend that $275,000 in Community Preservation Act funds be used to support this project.

WHEREAS, CPA funds will be used towards the purchase of the building, and operation will be turned over to an experienced service organization for management.

NOW, THEREFORE BE IT ORDERED,

That **$**275,000 be appropriated from Community Preservation Act funding to Friends of Hampshire County Homeless Individuals for the Housing for Homeless Youth project for creation of 6 to 8 affordable housing units. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $150,000.10 is appropriated from the CPA Affordable Housing Reserve (account #2344930-359933) and $124,999.90 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Community Preservation Committee

16.087
AN ORDER
To Provide CPA funds that will be used for fast action on time sensitive real estate opportunities

Ordered, that:

WHEREAS, the Northampton Conservation Commission submitted an application for Community Preservation Act funding for the Conservation Fund.

WHEREAS, the fund makes possible increased acquisition or protection of open space parcels in Northampton by supporting fast action on time-sensitive real estate opportunities.

WHEREAS, the project may leverage additional public and/or private funds.

WHEREAS, the project meets the goals of the Northampton Sustainability Plan for protection of open space and agricultural lands.

WHEREAS, the applicant has used these funds effectively in the past towards the protection of several hundred acres of open space, reflecting the goals established by the Community Preservation Committee.

WHEREAS, all land purchases will be reviewed and approved by the Conservation Commission and the City Council.

WHEREAS, on April 20, 2016, the Northampton Community Preservation Committee, voted unanimously to recommend $30,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That **$**30,000 be appropriated from Community Preservation Act funding to the Northampton Conservation Fund. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $30,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Community Preservation Committee

16.088
AN ORDER
To use CPA funds to allow BBC to continue efforts to control & eliminate several different species of invasive plants that are damaging critical habitats essential to the health of native wildlife and plants, including endangered species

Ordered, that:

WHEREAS, the Broad Brook Coalition submitted an application for Community Preservation Act funding for continued removal of invasive plants within the Fitzgerald Lake Conservation Area.

WHEREAS, the main targets of this project are (1) Spotted and Brown Knapweeds on the dam and in Cooke's Pasture, (2) Glossy Buckthorn in Cooke's Pasture, and (3) Black Swallow-wort in Cooke's Pasture.

WHEREAS, the project's control and removal of invasive plants meets goals established by the Northampton Open Space Recreation and Multi-Use Trail Plan and Rediscovering Northampton, and will protect habitat areas of rare and endangered plant species.

WHEREAS, the applicant has used these funds effectively in the past.

WHEREAS, on April 20, 2016, the Northampton Community Preservation Committee, voted unanimously to recommend $12,800 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That $12,800 be appropriated from Community Preservation Act funding to the Fitzgerald Lake Invasive Plant Eradication Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $12,800 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of The Community Preservation Committee

16.089
AN ORDER
To use funds to conduct a dendrochronology wood-dating study of the Shepherd Barn

Ordered, that:

WHEREAS, Historic Northampton, Inc. submitted an application for Community Preservation Act funding for continued work to restore, renovate and stabilize the Shepherd Barn at 66 Bridge St, and protect historic artifacts, and that application was revised to address a small portion of necessary documentation before the project can begin;

WHEREAS, CPA funds will be used to complete dendrochronolgy research and secure the barn in preparation for the full restoration project ;

WHEREAS, CPA funds will be used to help secure an important historic resource that is valued by the community and the region, on which the City holds a permanent preservation restriction;

WHEREAS, all work will be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties;

WHEREAS, on April 20, 2016 the Northampton Community Preservation Committee, voted unanimously to recommend that $2,300 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That **$**2,300 be appropriated from Community Preservation Act funding to Historic Northampton, Inc. for dendrochronolgy and immediate stabilization work at the Shepherd Barn. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $2,300 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of The Community Preservation Committee

16.090
AN ORDER
To use CPA funds to continue design & construction of Pulaski Park

Ordered, that:

WHEREAS, the Northampton Department of Public Works submitted an application for Community Preservation Act funding for continued work toward renovation of Pulaski Park, specifically the Overlook Expansion and the area to the rear of the Academy of Music.

WHEREAS, Pulaski Park is an important downtown resource, and the project will create a vibrant downtown greenspace.

WHEREAS, the project meets the goals of the Sustainable Northampton Plan and the Open Space, Recreation and Multiuse Plans.

WHEREAS, the Department of Public Works received extensive public input about the design of the Park, and the selected design reflects that process.

WHEREAS, the City Council and CPA in 2013, 2014 and 2015 granted $1,898,500 in CPA funds to support the design and development of design plans and construction for the project, which broke ground in Fall, 2015.

WHEREAS, on May 4, 2016, the Northampton Community Preservation Committee, voted unanimously to recommend that $805,400 in CPA funds be used to support this phase of the project.

NOW, THEREFORE BE IT ORDERED,

That $805,400 be appropriated from Community Preservation Act funding to the Northampton Department of Public Works for additional funding for the Pulaski Park Renovation Project, for overlook expansion and area to the rear of the Academy. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $130,400 is appropriated from the CPA Budgeted Reserve (account #2344930-359930) and that the City Treasurer with the approval of the Mayor is authorized to borrow up to $675,000, over 10 years, under G.L. c.44B, §11 or any other enabling authority, and the debt repayment is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Mayor

16.091
AN ORDER
To allow the City of Northampton's Tree Warden,
to accept gifts of tangible personal property with a fair market value of $25,000 or less

Ordered, that:

WHEREAS, the City of Northampton recognizes 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 public wishes to supplement the city's efforts by providing donations of trees and tree-related equipment and supplies;

WHEREAS, Massachusetts General Laws C. 44 s.53A1/2 provides that acceptance of gifts of tangible personal property requires a vote of the City Council and approval of the Mayor; and

WHEREAS, it is in the best interests of the City to streamline the process by which gifts up to a certain value may be accepted and placed into service for the community;

Now Therefore Be It Ordered,

The City Council hereby authorizes the City of Northampton's Tree Warden, with the approval of the Mayor, to accept gifts of tangible personal property with a fair market value of $25,000 or less from the federal government, a charitable foundation, a private corporation or similar statutory entity, individual, or from the commonwealth or any political subdivision thereof. The Tree Warden shall use such gifts for the restricted purpose provided by the donor or, if no restriction is attached to the gift, for such other purposes as the Tree Warden deems advisable.

City of Northampton
Massachusetts

In City Council May 19, 2016
Upon the recommendation of the Mayor

16.092
AN ORDER
To Rescind TIF previously granted to the Grantham Group

Ordered, that:

Whereas, on March 7, 2013, the City Council granted a Tax Increment Financing (TIF) Plan to the Grantham Group for the assisted living project know as Christopher Heights;

Whereas, the vote authorized the Mayor to execute and implement a TIF agreement and that agreement was not executed by mutual agreement of the City and the Grantham Group;

Whereas, the Commonwealth of Massachusetts has requested that the city rescind its authorization for this project;

Therefore be it ordered, that the vote taken by the City Council on March 7, 2013 to grant a TIF to the Grantham Group is hereby rescinded.

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

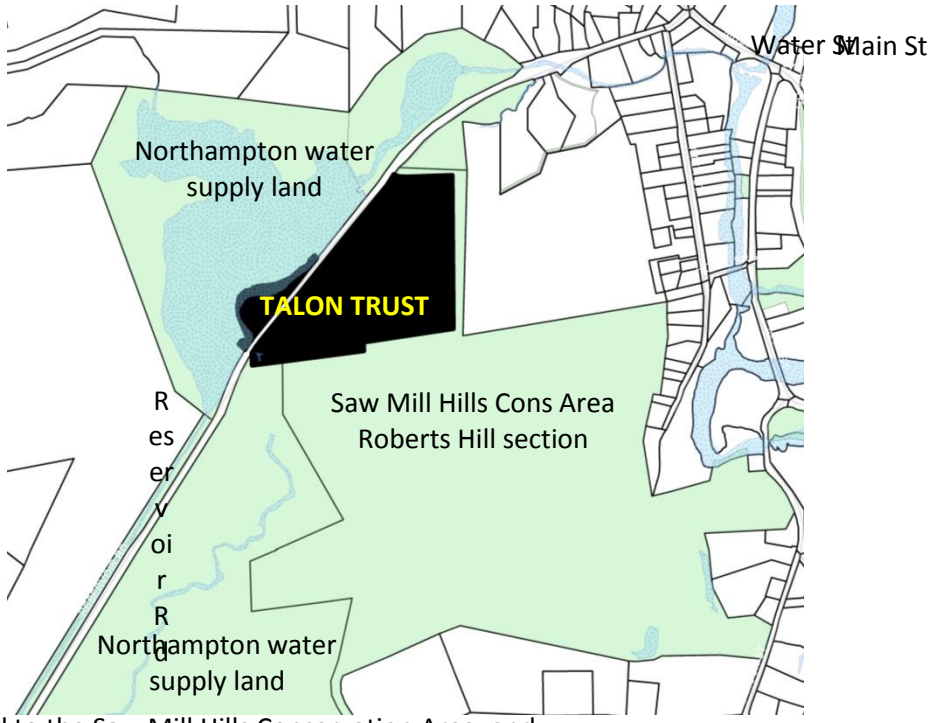
_____

In City Council, 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

16.068

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;

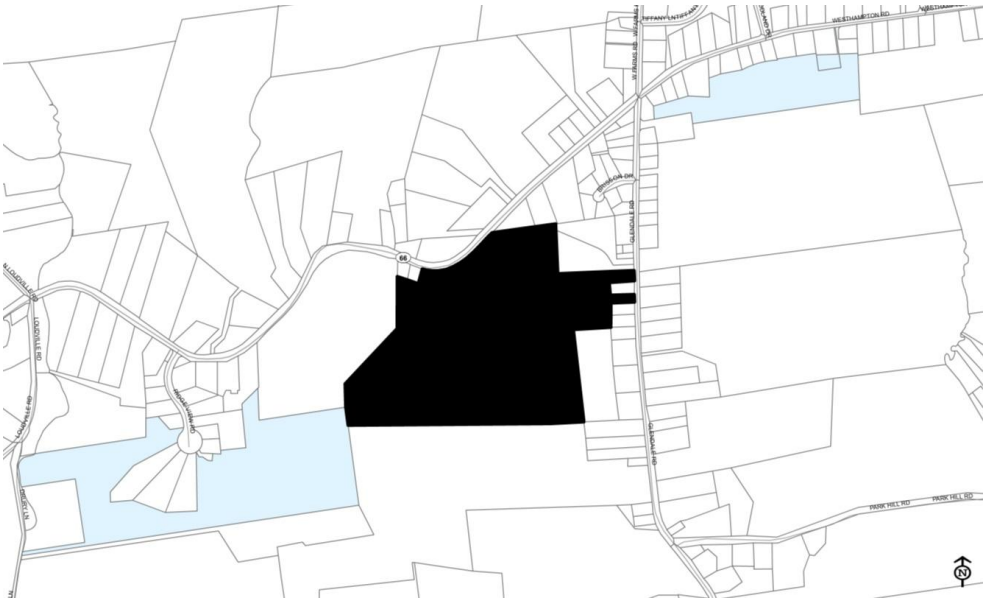
WHEREAS, The Massachusetts LAND Grant provides up to 64% reimbursement for acquisition of certain conservation areas and is a reimbursement program which requires that the City demonstrate that it has all of the funds necessary to acquire conservation properties prior to state reimbursement; and

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;

Further that $450,000 is appropriated for such acquisition; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow $450,000 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 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;

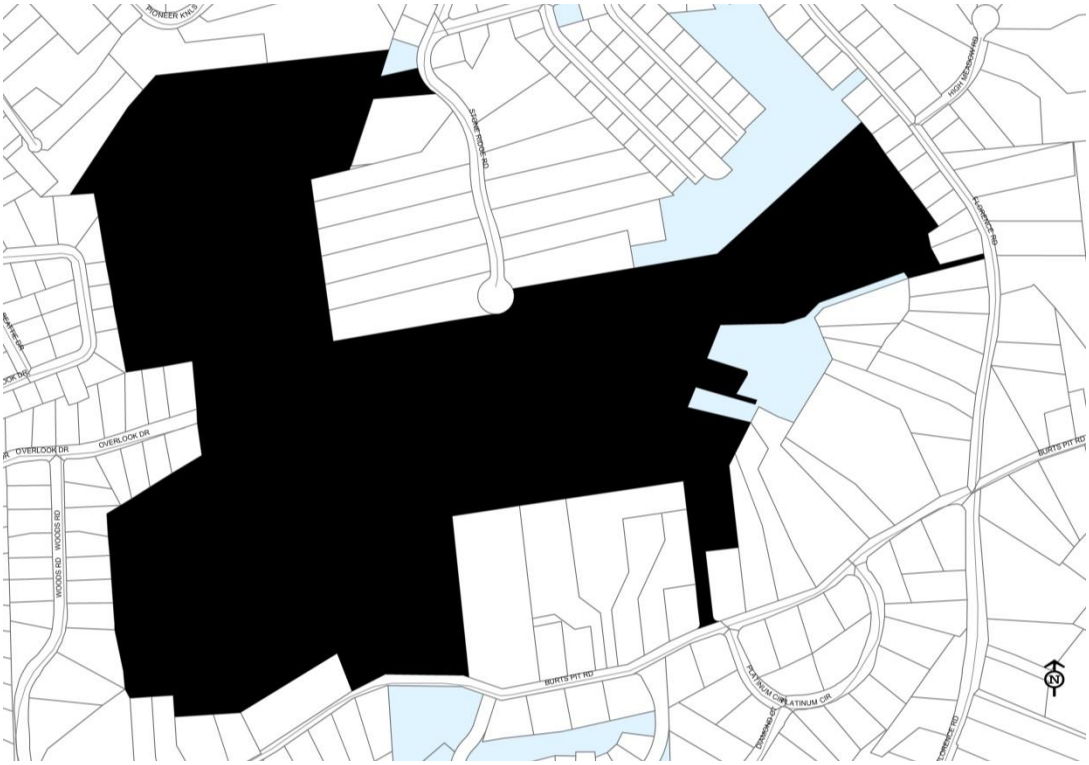
WHEREAS, The Massachusetts LAND Grant provides up to 64% reimbursement for acquisition of certain conservation areas and is a reimbursement program which requires that the City demonstrate that it has all of the funds necessary to acquire conservation properties prior to state reimbursement; and

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 City Council May 5, 2016

Upon recommendation of the Mayor

16.071

An Order

To appropriate $32,356.31 from the GF Free Cash to NPS for federal eRate to support technology infrastructure

Ordered, that

$32,356.31 be appropriated from the FY16 General Fund Undesignated Fund Balance (Free Cash) to the Northampton Public Schools to pass through to the school department their federal eRate funds for supporting technology infrastructure, said funds to be deposited into W1245132 587014.

.

City of Northampton
MASSACHUSETTS

In City Council May 5, 2016

Upon recommendation of the Mayor

16.072

An Order

to rescind borrowing authority on a LAND Grant vote taken August 13, 2015

Ordered, that

the $150,000 of borrowing authority authorized under the loan order approved on August 13, 2015 for the acquisition of land on Easthampton Road, to expand open space land preservation near the Arcadia Wildlife Santuary be rescinded, as the City has received a LAND Self-Help Act grant for the acquisition.

City of Northampton

MASSACHUSETTS

In City Council May 5, 2016

Upon recommendation of the Mayor

16.076
An Order
To appropriate $9,850 from the GF Free Cash for technical assistance to analyze broadband services

Ordered, that

$9,850 be appropriated from the FY16 General Fund Undesignated Fund Balance (Free Cash) for technical assistance to the City to analyze existing broadband services in the city and a Feasibility Study to address the possibility of Northampton providing broadband and broadband-enabled services to private enterprise customers in proximity to its existing municipal fiber network.

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

16.067

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

WHREAS, 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.

Committee Report on a Legislative Matter

Report Regarding: **16.025lm** **An Ordinance Regarding Parking on Center Street**

From:

Comm. on Legislative Matters

Date of Meeting 5 /9 /2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation

Yes:	3
No:	0
Absent:	
Abstain:	

Factors Considered:

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

Comments, Discussion & Debate:

Councilor O'Donnell noted that this item came forward to the Transportation and Parking Commission at the request of Chief Kasper. The space that the ordinance will remove is one that makes it difficult for emergency vehicles to move around. There was some discussion in Transportation & Parking as it is not desirable to remove parking spaces, however, ultimately, the question was moved and voted upon.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen
Upon the Recommendation of Chief Jody Kasper and Councilor Ryan O'Donnell.

16.025
AN ORDINANCE

RELATIVE TO PARKING NEAR THE POLICE STATION ON CENTER STREET

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

SECTION 1

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

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

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

SECTION 2

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

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

Center Street	**Northerly**	**A point 179 feet easterly from Center Court**	**A point 197 feet easterly from Center Court**

Committee Report on a Legislative Matter

Report Regarding: **16.061lm** **An Ordinance to establish two one-hour parking spaces in Florence on Main Street**

From:

Comm. on Legislative Matters

Date of Meeting 5 /9 /2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation

Yes:	3
No:	0
Absent:	
Abstain:	

Factors Considered:

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

Comments, Discussion & Debate:

By way of this ordinance, a new parking space will be added near the bank on Chestnut Street. This was recommended by the DPW and there is general interest amongst businesses to add these spaces. The space was measured by the Department of Public Works.

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

Committee Report on a Legislative Matter

Report Regarding: **16.062lm** **An Ordinance to add a yield sign at Venturers Field Road**

From:

Comm. on Legislative Matters

Date of Meeting 5 /9 /2016

Prepared By: P. Powers

Recommendation:

Positive Recommendation

Yes:	3
No:	0
Absent:	
Abstain:	

Factors Considered:

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

Comments, Discussion & Debate:

Councilor O'Donnell noted that there is currently a yield sign at the location identified by this ordinance. The sign was not supported by ordinance; this ordinance was written so that reality would be reflected in the code book.

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

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: **16.034pwu** **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 lead 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.

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.