Committee on Public Works & Utilities and the Northampton City Council

Committee Members:
Councilor Dennis P. Bidwell
Councilor William H. Dwight
Councilor David A. Murphy
(Vacant)

MEETING AGENDA

Date: June 27, 2016Time: 4:15 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call**

2. **Public Comment**

3. **Approve Minutes of the Previous Meeting**
   Minutes of March 28, 2016

   Documents:

   Committee_Public_Works_And_Utilities_Meeting_Minutes_March_28_2016.pdf

4. **Items Referred to Committee**

   A. **16.064 Petition to discontinue a portion of Elm Street - Referred to Committee on 5/5/2016**

   Documents:

   16.064_201604281609.pdf

   B. **16.110 Petition to accept a portion of Pleasant Street/Route 5 - Referred to Committeee on June 2, 2016**

   Documents:

   16.110_PleasantStreetAcceptancePetition.pdf

5. **New Business**

   A. **Discussion Regarding Potential Committee Consolidation**

6. **Adjourn**

Prepared By:
P. Powers, Administrative Assistant to the City Council
413.587.1210; ppowers@northamptonma.gov

Committee on Public Works & Utilities and the Northampton City Council

Committee Members:
Councilor Jesse M. Adams
Councilor Dennis P. Bidwell
Councilor William H. Dwight
Councilor David A. Murphy

MEETING MINUTES
Date: March 28, 2016
Time: 4:00 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 4:02 p.m. Councilor Adams called the meeting to order. Present at the meeting were: Councilors Adams, Dwight, Bidwell and Murphy. Also present from the City Council was Councilor Ryan R. O'Donnell. No other members of the City Council were present.
2. **Public Comment:** None
3. **Approve Minutes of Previous Meeting:** Councilor Dwight moved to approve the meeting minutes of February 29, 2016; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.
4. **Items Referred to Committee**
    a. **16.026 Petition from Northampton Residents to Accept Bottums Road as a Public Way - Referred to Committee on Feb. 4, 2016**

    Councilor Dwight recounted that previously the City Council was asked to accept Bottums Road by petition. The measure passed first reading but failed second reading. Subsequent information was provided by the DPW about the viability of Bottums Road as a city street. A number of residents contacted Councilor Dwight to ask if this could be revisited. This required the process to start all over again. Councilor Dwight attended the public hearing held by the Board of Public Works on March 23, 2016. There, information was given about the public access turnaround that had been made so that plowing and other maintenance of the street could be on-going. This turnaround has also been agreed to by the residents of the street. Everyone on the road concurred; after the hearing the BPW voted to accept Bottums Road as a city street with one abstention. The committee

reviewed the Planning Board's recommendation of Feb. 25, 2016 in which they voted unanimously not to recommend making Bottums Road a public street. The Planning Board recommendation was read into the record by the Administrative Assistant.

Councilor Murphy reviewed why the city was considering making private streets public ways. He noted that there is case law whereby it has been determined that the use of public funds to benefit private interests, including road maintenance and plowing, were prohibited by law. The specific example cited was in the town of Wellfleet. Northampton went through and determined that there were several private streets in which city services were provided; Bottums Road was one such street. There were many other "built-to-code" streets that were not accepted as well; half of Hillcrest Drive was one example. For over 100 years the residents, as well as the city, thought all of the roads were public ways. At the beginning of the process of street acceptances, the standard was set pretty high. By the end of the process, the standards had been revised. Councilor Murphy feels that the Council cannot discriminate against this street.

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

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

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

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

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

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

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

Councilor Murphy moved to return the petition back to the full city council with a positive recommendation; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 3 Yes, 1 No (Councilor Adams).

b. 16.034 Ordinance Pertaining to Water Resources - Referred to Committee on March 3, 2016

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.

Councilor Murphy moved to return the ordinance back to the full city council with a positive recommendation; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. **New Business:** None
6. **Adjourn:** At 4:40 p.m. Councilor Murphy moved to adjourn the meeting; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By:
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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: [signature]
Michael W. Howard
Vice President for Finance and Administration

Diana Randall
40 State Street

[signature] 128 Baker Hill Rd

[signature] 301 Sylvester Rd
Florence MA 01063

[signature] 100 Washington Avenue

[signature] 123 South St. No. 2
Melissa Fayle Northampton, MA 01060

[signature] 66 Roe Avenue

Gary Hartwell, 419 Riverside Dr.
Florence, MA 01062

[signature] John Garber
18 Perkins Ave.

[signature] 25 Gregory Lane
Florence, MA

[signature] David C Bloomberg
86 Vernon St
Northam

[signature] 103 West St
Northampton

[signature] 54 Prospect St
Northampton 01060

[signature]
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

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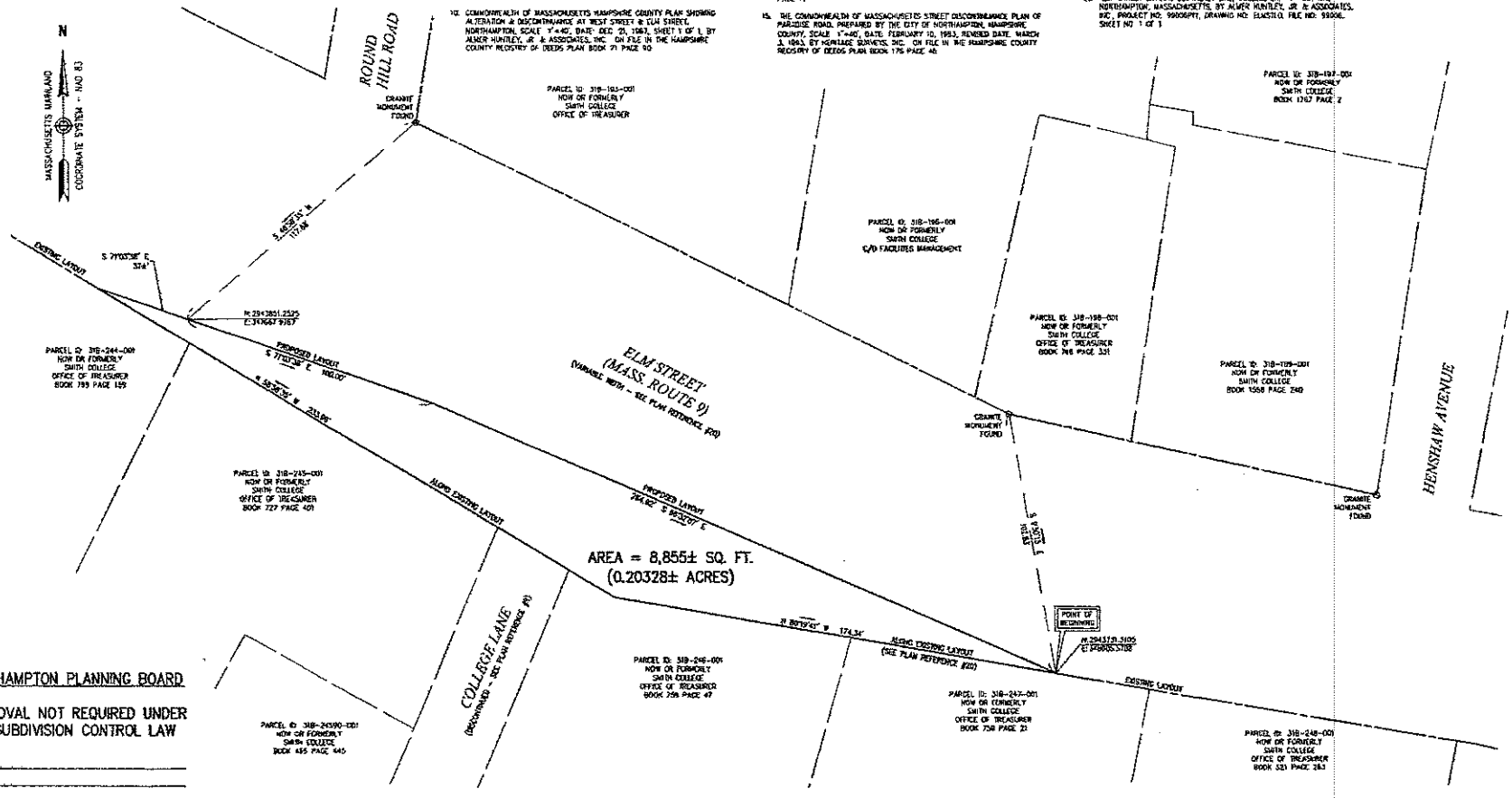
One Federal Street
Building 103-3N
Springfield, MA 01105
413.747.7133



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

PETITION FOR ACCEPTANCE AS A CITY STREET

WE THE UNDERSIGNED inhabitants of the City of Northampton hereby formally petition the Northampton City Council to accept Pleasant Street/Route 5 in the area roughly between Holyoke Street and Hockanum Road, as a city street layout as shown on plans being recorded by the Massachusetts Department of Transportation (MassDOT) at the Registry of Deeds and incorporated herein by reference.

This will allow the roadway to be converted from a road that is essentially a highway to a city street, allowing eventual traffic calming, pedestrian and bicycle safety, green infrastructure, and parking improvements.

Signatures of inhabitants of the City of Northampton (minimum of six)

Name	Signature	Street Address
WAYNE FEIDEN	Wayne Feiden	57 Olander Dr., Northampton
JAMES THOMPSON	[illegible]	29 PLEASANT ST, NORTHAMPTON
Carolyn Misch	Carolyn J Misch	123 Massasoit ST Nth.
Aleta DeLisle	Aleta DeLisle	201 South St. Northampton
Lyn Simmons	[illegible]	1075 Westhampton Rd, Florence MA
MARIANNE LABARGE	Marianne Labarge	698 WESTHAMPTON RD, FLO. MASS