



CITY COUNCIL
CITY OF NORTHAMPTON
MASSACHUSETTS

Councilors:

- President William H. Dwight, At-Large
- Vice-President Ryan R. O'Donnell, At-Large
- Maureen T. Carney, Ward 1
- Dennis P. Bidwell Ward 2
- Vacant, Ward 3
- 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: October 6, 2016
Meeting Time: 7:00pm

1. Public Comment

2. Roll Call

3. Public Hearings

A. 7:05 pm Public Hearing

The City Council will hold a public hearing to discuss the percentages of the local tax levy to be borne by each class of real and personal property within the City of Northampton for FY 2017 in accordance with Chapter 40, Section 56 of the Massachusetts General Laws.

Documents:

16.148_Memo_Tax_Classification_Hearing.pdf

16.148_TaxClassificationOrder_FY2017.pdf

B. 7:30 pm Public Hearing Regarding an Application For Fuel Storage @ Cumberland Farms in Florence

Pursuant to Mass. Gen. Laws ch. 148, sec. 13, notice is hereby given that the Northampton City Council will hold a Public Hearing regarding a Fuel Storage License Application submitted by Cumberland Farms of 100 Crossing Boulevard, Framingham, MA 01702. The land affected by the application is located at 53 and 55 Main Street, Florence, Parcel ID Map 17 C, Lot 197 and Map 23 A, Lot 077. The Application seeks to amend the existing Fuel Storage License to allow a) for storage of 8,000 gallons of diesel product, Class II, in UST container, and b) for an additional 11,000 gallons of gasoline, Class IB, in UST container, for a total storage of 32,000 gallons of gasoline.

The Public Hearing to be held on Thursday, October 6, 2016, at 7:30 p.m., in the Council Chambers located in the Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, MA. The City Council will hear all persons who wish to be heard thereon.

4. Recognition and One-Minute Announcements by Councilors

5. Communications and Proclamations from the Mayor

6. Resolutions

7. Presentations

8. Consent Agenda

A. 7:30 pm 16.173 Approve Petition Regarding an Application For Fuel Storage @ Cumberland Farms in Florence

Fuel Storage License Application submitted by Cumberland Farms of 100 Crossing Boulevard, Framingham, MA 01702. The land affected by the application is located at 53 and 55 Main Street, Florence, Parcel ID Map 17 C, Lot 197 and Map 23 A, Lot 077. The Application seeks to amend the existing Fuel Storage License to allow a) for storage of 8,000 gallons of diesel product, Class II, in UST container, and b) for an additional 11,000 gallons of gasoline, Class IB, in UST container, for a total storage of 32,000 gallons of gasoline.

Documents:

16.173_CumberlandFarmsPlans.pdf
16.173_FuelStorageApplication-CumberlandFarms.pdf

B. 16.174 Appointment to the Community Preservation Commission - Refer to Committee on City Services

Anne Dewitt Brooks will replace Debin Bruce as the Planning Board Rep on the Community Preservation Commission.

Documents:

16.174_PlanningBoardRep_CPC.pdf
16.174_Submittal_Application_Anne_Dewitt_Brooks.pdf

**C. 16.154 Approve Appointments to Committees
Positive recommendation from the Committee on City Services on October 3, 2016**

Conservation Commission:

Lisa Fusco, 130 Cross Path Road, Northampton, term September 2016 - June 2019

Housing Partnership

Richard Abuza, 245 Chestnut St., Florence, term July 2016 - June 2019
(Reappointment)

Alison Brauner, 19 Market St., Apt. B, Northampton, term September 2016 - June 2019

Human Rights Commission:

Karen Bellavance-Grace, 19 Church St., Northampton, term September 2016 - June 2019

Davina Miller, 33 Summer St., Northampton, term September 2016 - June 2019

Public Shade Tree Commission:

Todd Ford, 78 Fern St., Florence, term July 2016 - June 2019 (Reappointment)

Marilyn Castriotta, 79 West St., Northampton, term July 2016 - June 2019
(Reappointment)

Documents:

16.154_AppointmentsToCommittees.pdf

D. 16.167 - Approve appointments to various committees

- - -

Positive recommendation from the Committee on City Services on October 3, 2016

Arts Council:

- Joseph Pesce, 685 Ryan Road, Florence – term October 2016 – June 2019

Board of Assessors

- Denny Nolan, 319 Elm Street, Northampton – term October 2016 – June 2019
- Margo Welch, 143 Main Street, Northampton – term July 2016 – June 2019 (reappointment)

Planning Board:

- Euripedes De Oliveira , Associate Member, 9 Washington Place, Northampton – term October 2016 – June 2019

Documents:

[16.167_Appointments.pdf](#)

E. Approve Minutes of September 15, 2016 Meeting

Documents:

[sep-15_201609221618.pdf](#)

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

10. Financial Orders

A. 16.148 An Order to approve the FY2017 Residential Factor & tax levy percentages - 1st Reading

Documents:

[16.148_TaxClassificationOrder_FY2017.pdf](#)
[16.148_Memo_Tax_Classification_Hearing.pdf](#)

B. 16.168 A Financial Order to authorize payment of prior year bills - DPW - 1st Reading

Documents:

[16.168_PriorYearBills_DPW.pdf](#)

C. 16.169 A Financial Order to amend prior authorization for borrowing on a River Road Retaining Wall project -Request 2 Readings

Documents:

[16.169_RiverRoadRetainingWall.pdf](#)

[16.169_RiverRoadRetainingWallMemo.pdf](#)

D. 16.170 A Financial Order to accept a donation from the Florence Mercantile totaling \$2,350 for the completion of the Trinity Park Fountain Project - Request 2 Readings

Documents:

[16.170_Trinity_Row_Fountain.pdf](#)

E. 16.176 A Financial Order to authorize budgetary transfers to be made for wage adjustments in the Fire Department - Request 2 Readings

Documents:

[16.176_Wage_Adjustments_Fire.pdf](#)

F. 16.157 A Financial Order to authorize payment of a previous year bill to Comcast in the amount of \$154.83 - 2nd Reading

Documents:

[16.157_Comcast_Bill.pdf](#)

11. Orders

A. 16.171 A Warrant for an election to be held November 8, 2016 - Request 2 Readings

Documents:

[16.171_StateElectionWarrant_November_8_2016.pdf](#)

12. Ordinances

A. **16.135 An Ordinance Relative to a bus stop on Main Street 312-114 - 2nd Reading**

Positive recommendation from the Committee on Legislative Matters on September 12, 2016

Documents:

[16.135 Ordinance 312-109 Bus Stop on Main St.pdf](#)

B. **16.136 An Ordinance relative to parking on Old South Street 312-109 - 2nd Reading**

Positive recommendation from the Committee on Legislative Matters on 9/12/2016

Documents:

[16.136 Ordinance 312-109 Metered Parking on Old South \(1\).pdf](#)

C. **16.172 An Ordinance to To amend list of enforcing officers and penalties for noncriminal disposition from Chapter 40-5 of the Code Book - Refer to Committee on Legislative Matters**

Documents:

[16.172.pdf](#)

D. **16.175 An Ordinance to amend Schedule III: Limited-Time Parking from Chapter 312 of the Code Book - Refer to Committee on Legislative Matters**

Documents:

[16.175_Ordinance_Parking_King_Street.pdf](#)

13. Updates from Council President & Committee Chairs

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

15. New Business

Contact: *P. Powers*
Administrative Assistant to the City Council
(413) 587-1210

ppowers@northamptonma.gov



**CITY OF NORTHAMPTON
MASSACHUSETTS**

Municipal Building
210 Main Street, Room 5
Northampton, Massachusetts 01060

BOARD OF ASSESSORS

Joan C. Sarafin, Principal Assessor
Margo E. Welch, Assessor

TELEPHONE
(413) 587-1200 (413) 587-1202
(413) 587-1203 (413) 587-1289 FAX

October 3, 2016

Mayor David J. Narkewicz
City of Northampton
210 Main Street
Northampton, MA 01060

Dear Mayor Narkewicz:

Attached please find information for the City of Northampton Fiscal Year 2017 Tax Classification Hearing. The Board of Assessors recommend a single tax. The estimated tax rate of \$16.73 per thousand for Fiscal Year 2017 is based upon an assessed value of \$3,326,705,710 and a tax levy of \$ 55,641,932. The estimated tax rate is an increase from the current tax rate of \$16.16 per thousand. This increase is a result of an increase in real property values, an increase in the tax levy capacity and an increase in payments for debt excluded debt.

The maximum allowable levy for Fiscal Year 2016 was \$ 53,149,405 and the maximum allowable levy for Fiscal Year 2017 is \$55,641,932, an increase of \$2,492,527 in the tax levy. The tax levy increase is a result of the annual 2.5% increase of \$ 1,309,776, new growth of \$847,701 and an increase in payments for debt excluded debt of \$335,050. Principal and interest on the three debt excluded projects (Fire Station, High School and Police Station) totals \$1,093,417. It should be noted that the Fire Station debt exclusion ends in Fiscal Year 2019, and the High School debt exclusion ends in Fiscal Year 2020.

Municipalities in Massachusetts are required to classify real estate into four classes, according to use: residential, open space, commercial and industrial. Municipalities that are certified as assessing property at its full and fair cash value may elect to shift the tax burden among the major property classes within certain limits established by law. The adoption of either a single tax rate or a split tax rate simply determines, within limits calculated by the Department of Revenue, what percentage of the tax burden is to be borne by each property class. Chapter 40, Section 56 states that the allocation of the tax levy is determined by the city council together with the mayor's approval in a city.

Selection of a single tax rate (or the factor of 1) means that all four property classes will pay the same tax rate. However, the law allows the option to shift the tax burden among the classes. Municipalities have the option of whether to tax all classes of property at their full and fair cash valuation share of the tax levy, which results in a single tax rate, or to reduce the share of the tax levy paid by the residential and open space property owners and shift those taxes to commercial, industrial and personal property taxpayers, which results in a split tax rate.

The adopted factor cannot be less than the minimum residential factor (MRF) calculated by DOR. The MRF represents the maximum shift allowed in the tax levy for the year and establishes the parameters for local decision making.

Single Tax Rate: A residential factor of "1" results in the taxation of all property at the same rate. Each property class pays its full and fair cash valuation share of the tax levy, e.g., if the value of all residential properties make up 80 percent of the total assessed valuation, residential taxpayers will pay 80 percent of the tax levy.

Split Tax Rate: A residential factor of less than "1" reduces the share of the tax levy paid by the Residential and Open Space (RO) classes and increases the share paid by the Commercial, Industrial and Personal Property (CIP) classes. The result is two tax rates: one for RO properties and a second, higher rate for CIP properties. Conversely, a factor greater than "1" may be adopted, which would have the opposite effect. The following chart shows the assessed values by class for the City of Northampton since FY2003 during which a single tax rate has been in effect.

Property Classification - City of Northampton, MA FY2003 - FY2017										
Fiscal Year	Residential Value	Open Space Value	Commercial Value	Industrial Value	Personal Property Value	Total Assessed Value	% of Total Value	CIP as % of Total Value	Tax Rate	
2003	1,355,760,630	0	282,643,460	67,648,040	63,355,150	1,769,407,280	76.62	23.38	16.40	
2004	1,783,131,940	0	365,222,430	77,250,292	54,954,130	2,280,558,792	78.19	21.81	13.38	
2005	1,965,674,420	0	372,988,500	78,060,852	56,176,720	2,472,900,492	79.49	20.51	12.85	
2006	2,264,423,450	0	380,792,180	78,904,576	58,787,660	2,782,907,866	81.37	18.63	11.73	
2007	2,551,795,390	0	456,957,224	87,621,493	63,714,410	3,160,088,517	80.75	19.25	10.89	
2008	2,584,193,700	0	445,059,900	87,313,700	77,019,250	3,193,586,550	80.92	19.08	11.20	
2009	2,600,716,350	0	457,643,110	88,915,090	92,914,550	3,240,189,100	80.26	19.74	11.48	
2010	2,570,772,410	0	451,555,850	84,013,220	87,213,650	3,193,555,130	80.50	19.50	12.64	
2011	2,582,527,470	0	451,435,010	87,770,590	90,998,620	3,212,731,690	80.38	19.62	12.96	
2012	2,596,822,400	0	449,401,900	98,382,400	93,293,090	3,237,899,790	80.20	19.80	13.35	
2013	2,545,566,821	0	443,776,768	106,125,503	87,450,390	3,182,919,482	79.98	20.02	14.23	
2014	2,564,491,750	0	458,039,890	104,104,840	87,386,900	3,214,023,380	79.79	20.21	15.39	
2015	2,591,076,188	0	476,973,450	103,683,900	87,310,540	3,259,044,078	79.50	20.50	15.80	
2016	2,623,226,938	0	477,511,976	103,481,726	84,166,120	3,288,386,760	79.77	20.23	16.16	
2017	2,657,183,160	0	480,864,920	103,145,150	85,512,480	3,326,705,710	79.87	20.13	16.73	

Sincerely,



Joan C. Sarafin
Principal Assessor

FISCAL YEAR 2017 VALUES BY CLASSIFICATION

	Total Valuation	Percentage		Total
Residential	2,657,183,160	79.87	79.87%	RO
Open Space	0	0.00%	0	
Commercial	480,864,920	14.45%		
Industrial	103,145,150	3.10%	20.13%	Total CIP
Personal Property	85,512,480	2.57%		
TOTAL:	3,326,705,710		100.00%	
Maximum Share of Levy for CIP		30.20%	(1.50 x 20.13%)	
Minimum Share of Levy for RO		69.80%	(100% - 30.20%)	
Minimum Residential Factor		87.40%	(69.80% / 79.87%)	

Residential Properties – may be of three types:

- A. Owner-occupied and primary residence of taxpayer
- B. Non owner-occupied, including rental single family, rental portions of multi-family dwellings, apartment complexes, and second homes
- C. Vacant, residential zoned land

Open Space – Northampton does not use this optional classification category

Commercial Properties – these include stores, office buildings and all vacant land classified as forestland, (Chapter 61) farmland (Chapter 61A), and recreational land (Chapter 61B)

Personal Property – this includes all property owned by unincorporated property owners. Incorporated property owners pay only on property used in the conduct of business. Some major accounts are Western Electrical Company, New England Telephone Company, Comcast, and Bay State Gas Company. All of these companies pay taxes based on the value of poles, wires, and conduits. Utilities pay 57% of the Personal Property total tax.

ALLOCATION OF THE TAX LEVY

The law allows a community to provide some relief to Residential (R) and Open Space (O) classes by adding to the Commercial (C), Industrial (I), and Personal Property (P) classes, an amount up to 150% of their portion of the levy. The percentage arrived at is called the Minimum Residential Factor (MRF).

For FY 2017 the MRF would be 87.4016, representing a reduction of 12.59% for the R and O classes. In the past, the City has used 100% as the MRF, which resulted in no shift of the burden and a uniform tax rate for all classes.

TAX RATE A FACTOR OF 87.4016

Factor of 1 - Even Tax Rate		Residential Rate - \$14.62	
Average House	303,705	Average House	303,705
Even Tax Rate	x 16.73	Factor of	x 14.62
	5,080.98	87.4016	4,440.16

\$640.82 less for average house

Factor of 1 - Even Tax Rate		Commercial Rate - \$25.09	
Average Commercial	620,000	Average Commercial	620,000
Even Tax Rate	x 16.73	Factor of	x 25.09
	10,372.60	87.4016	15,555.80

\$5,183.20 increase for average commercial property

Factor of 1 - Even Tax Rate		Industrial Rate - \$25.09	
Average Industrial	650,100	Average Industrial	650,100
Even Tax Rate	x 16.73	Factor of	x 25.09
	10,876.17	87.4016	16,311.00

\$5,434.84 increase for average industrial property

This factor lowers the residential rate by \$2.11. In return the commercial rate goes up to compensate for what is lost in residential taxes. The commercial rate would be \$25.09 a \$8.36 increase.

City of Northampton
MASSACHUSETTS

In City Council October 6, 2016

Upon recommendation of Mayor David J. Narkewicz

O-16.148

An Order

To approve the FY2017 Residential Factor & tax levy percentages

Ordered, that

The Northampton City Council approves for Fiscal Year 2017 a Residential Factor of One (1) and the attached tax levy percentages.

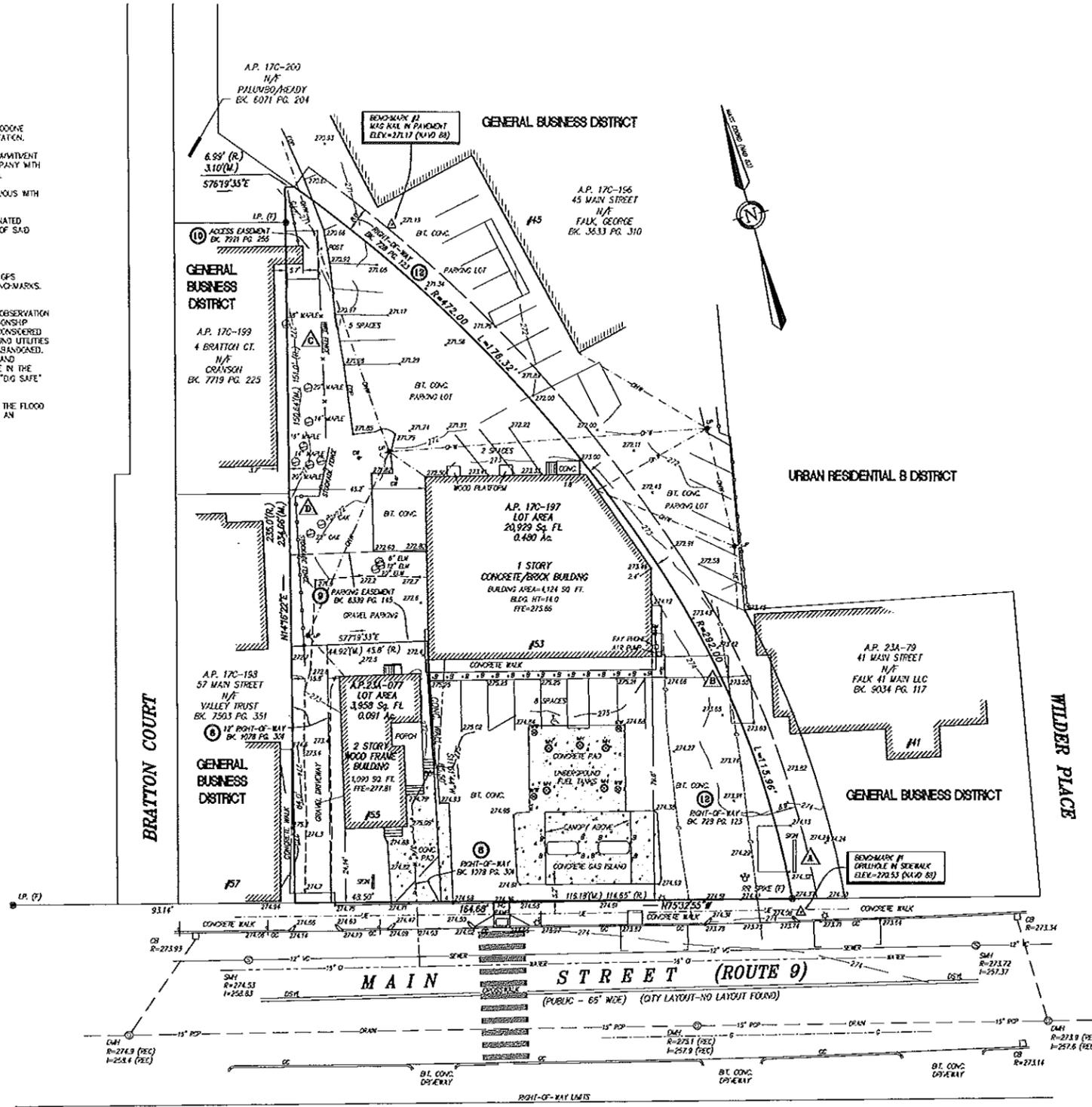
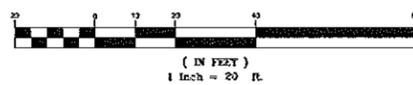
GENERAL NOTES

- CURRENT OWNER OF RECORD:
VSH REALTY INC.
SITE ADDRESS: 53 MAIN STREET, FLORENCE, MA
ASSESSORS MAP 17C LOT 197
DEED REFERENCE: BOOK 1632 PAGE 273
- JAMES G. MALLOUK
SITE ADDRESS: 55 MAIN STREET, FLORENCE, MA
ASSESSORS MAP 23A LOT 077
DEED REFERENCE: BOOK 8221 PAGE 287
- THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY OODNE SURVEY & MAPPING ON AUGUST 27, 2015. SURVEY BY TRAVEL 56 TOTAL STATION.
- THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN COMMITMENT FOR TITLE INSURANCE, AS ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF AUGUST 11, 2015 (#53) AND AUGUST 13, 2015 (#55).
- THE TRACTS AND PARCELS OF LAND DEPICTED ON THIS SURVEY ARE CONTIGUOUS WITH NO GAPS OR GORES BETWEEN RESPECTIVE PARCELS.
- PROPERTIES SHOWN HEREON HAVE DIRECT ACCESS TO MAIN STREET A DESIGNATED PUBLIC WAY. THERE ARE NO PROPERTY LINES LOCATED WITHIN THE BOUNDS OF SAID STREETS.
- NORTHAMPTON ZONING DISTRICT: GENERAL BUSINESS (GB)
- THE VERTICAL POSITIONS SHOWN ON THIS PLAN ARE BASED ON NAD83 RTK GPS NETWORK AND IS SUBJECT TO FURTHER ADJUSTMENT TO ANY LOCAL NOS BENCHMARKS. THE VERTICAL DATUM IS RELATIVE TO NAVD 1988.
- UTILITY NOTE: LOCATION OF UTILITIES SHOWN HEREON WERE DETERMINED BY OBSERVATION OF ABOVE GROUND EVIDENCE TOGETHER WITH PLANS OF RECORD. THE RELATIONSHIP BETWEEN ACTUAL FIELD LOCATION AND LOCATION SHOWN HEREON MUST BE CONSIDERED APPROXIMATE. THE SURVEYOR MAKES NO WARRANTIES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED ON THIS PLAN. BEFORE CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233.
- FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 250157 0002 A WHICH BEARS AN EFFECTIVE DATE OF APRIL 3, 1978.

LEGEND

- EXISTING BUILDING
- GAS LINE/GAS VALVE
- OVERHEAD WIRES
- WATER LINE/WATER GATE
- SEWER LINE/SEWER MANHOLE
- FENCE
- MAJOR CONTOUR
- MINOR CONTOUR
- BOLLARD
- CATCH BASIN
- FIRE HYDRANT
- GAS METER
- LIGHT POLE
- UTILITY POLE
- OUT WIRE
- SIGN
- HANDICAP PARKING
- MONITORING WELL
- ASSESSORS PARCEL
- DEED BOOK/PAGE
- BITUMINOUS CONCRETE
- CONCRETE SURFACE
- CONCRETE CURB
- DOUBLE SOLID YELLOW LINE
- GRANITE CURB
- CHAIN LINK FENCE
- EDGE OF PAVEMENT
- FOUND
- NOW OR FORMERLY
- SCHEDULE B EXCEPTION ITEM
- ENVIRONMENT STRIKE

GRAPHIC SCALE



SURVEY OBSERVATIONS

- SIGN OWNED BY FALK LOCATED WITH RIGHT-OF-WAY AS SHOWN.
- NO PARKING STRIPING EXTENDS OVER PROPERTY LINE AS SHOWN.
- WIRE FENCE LOCATED ON SURVEYED PROPERTY BY 10.5 FEET AS SHOWN.
- STOCKADE FENCE LOCATED ON SURVEYED PROPERTY FEET AS SHOWN.

PROPERTY DESCRIPTION

RECORD DESCRIPTION (#53 MAIN STREET)
COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED AUGUST 11, 2015.

A CERTAIN PARCEL OF LAND WITH THE BUILDINGS THEREON SITUATED ON THE NORTHERLY SIDE OF MAIN STREET IN THE VILLAGE OF FLORENCE, IN THE NORTHAMPTON, MASSACHUSETTS AND BEING DESIGNATED AS "BERNARD FLEMING, 21, 112 S.F. +/- AS SHOWN ON A PLAN ENTITLED "PLAN OF LAND IN FLORENCE, NORTHAMPTON, MASSACHUSETTS PREPARED FOR V.S.H. REALTY, INC." DATED APRIL 6, 1972, ALMER HUNTLEY, JR. AND ASSOCIATES, INC. REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS RECORDED IN PLAN BOOK 81, PAGE 55, AND BOUNDED AND DESCRIBED AS FOLLOWS:

SOUTHERLY BY MAIN STREET 114.65 FEET.

WESTERLY BY LAND OF LENA E. MCCARTHY AS SHOWN ON SAID PLAN 65.50 FEET, SOUTHERLY ASIN BY LAND OF SAO LENA E. MCCARTHY 45.60 FEET.

WESTERLY ASIN BY LAND OF ALBERT AND CARRE O. WESSE AND LAND OF MARGARET BERNARD AS SHOWN ON SAID PLAN 151.00 FEET.

NORTHERLY BY LAND OF WALTER D. AND MARY E. SPENGLER AS SHOWN ON SAID PLAN 6.99 FEET AND, NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY BY LAND OF JAMES C. AND BERNICE W. PHELPS-SRUR TRACK BY TWO LINES AS SHOWN ON SAID PLAN MEASURING 176.33 FEET AND 114.45 FEET RESPECTIVELY.

SAID PREMISES ARE CONVEYED WITH THE BENEFIT OF A RIGHT-OF-WAY TO BE USED FOR ANY AND ALL PURPOSES AND AT ALL SEASONS OF THE YEAR OVER A STRIP OF LAND 12 FEET WIDE ALONG THE WESTERLY PORTION OF THE LOT DESIGNATED "LENA E. MCCARTHY AND ADJOINING LAND OF ALBERT AND CARRE O. WESSE FROM MAIN STREET, THE ENTIRE LENGTH TO THE ABOVE DESCRIBED LAND.

ALSO WITH THE BENEFIT OF A RIGHT-OF-WAY TO BE USED FOR ANY AND ALL PURPOSES AND AT ALL SEASONS OF THE YEAR OVER A TRIANGULAR STRIP OF LAND MEASURING 15 FEET ON MAIN STREET AND 15 FEET BY THE BOUNDARY LINE OF THE ABOVE DESCRIBED PREMISES AND LAND OF LENA E. MCCARTHY, ALL AS SHOWN ON THE ABOVE DESCRIBED PLAN AND BEING THE SAME RIGHT-OF-WAY RESERVED BY BERNARD L. FLEMING IN HIS DEED TO GEORGE F. MCCARTHY AND LENA E. MCCARTHY DATED SEPTEMBER 18, 1950 ONLY RECORDED WITH SAID DEEDS IN BOOK 1078, PAGE 301.

GRANTING ALL THE RIGHTS, EASEMENTS, AND INTEREST CONVEYED IN A DEED TO ARTHUR D. FORTER HIS HEIRS AND ASSONS FROM THE CENTRAL OIL AND GAS COMPANY, DATED JANUARY 4, 1917 AND RECORDED WITH SAID DEEDS IN BOOK 728, PAGE 123 TOGETHER WITH THE RIGHTS RESERVED BY WALTER K. HONES AND WALLACE A. HONES IN THEIR DEED TO THE INTERNATIONAL SILVER COMPANY DATED AUGUST 1, 1929, RECORDED WITH SAID DEEDS IN BOOK 857, PAGE 215.

RECORD DESCRIPTION (#55 MAIN STREET)
COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED AUGUST 13, 2015.

A CERTAIN TRACT OF LAND, WITH THE BUILDINGS THEREON, SITUATED ON THE NORTHERLY SIDE OF MAIN STREET, IN THE VILLAGE OF FLORENCE, IN NORTHAMPTON, MASSACHUSETTS, AND BEING THAT TRACT SHOWN ON PLAN ENTITLED, "PLAN OF LAND IN FLORENCE, MASS., BELONGING TO BERNARD FLEMING, SCALE 1" = 100 FEET, DATED 6/2/50, DAVIS ENG. CO., INC., ATTYS., C.E. W.C.", WHICH PLAN IS RECORDED WITH HAMPSHIRE COUNTY REGISTER OF DEEDS. FURTHER REFERENCE MAY BE HAD TO SAID PLAN FOR A MORE PARTICULAR DESCRIPTION OF THE BOUNDARIES OF SAID PROPERTY. SAID PROPERTY IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMONING ON THE NORTHERLY SIDE OF MAIN STREET AT LAND NOW OR FORMERLY OF ONE WESSE; THENCE NORTHEASTERLY ALONG LAND NOW OR FORMERLY OF SAO WESSE TO A CORNER MARKED BY AN IRON PIN A DISTANCE OF EIGHT-FOUR (84) FEET; THENCE

EASTERLY ALONG LAND NOW OR FORMERLY OF ONE FLEMING TO A CORNER MARKED BY AN IRON PIN A DISTANCE OF FORTY-FIVE AND EIGHT-TENTHS (45.8) FEET; THENCE

SOUTHERLY ALONG LAND NOW OR FORMERLY OF SAO FLEMING TO MAIN STREET A DISTANCE OF EIGHTY-FIVE AND FIVE TENTHS (85.5) FEET; THENCE

WESTERLY ALONG SAID MAIN STREET TO THE PLACE OF BEGINNING A DISTANCE OF FORTY-EIGHT AND FIVE-TENTHS (48.5) FEET MORE OR LESS.

SURVEY DESCRIPTION (#53 MAIN STREET)

A CERTAIN PARCEL OF LAND SITUATED ON THE NORTHERLY SIDE OF MAIN STREET IN THE VILLAGE OF FLORENCE, IN THE CITY OF NORTHAMPTON, MASSACHUSETTS AND BEING SHOWN ON A PLAN ENTITLED "PLAN OF LAND IN FLORENCE, NORTHAMPTON, MASSACHUSETTS PREPARED FOR V.S.H. REALTY, INC." DATED APRIL 6, 1972, RECORDED IN PLAN BOOK 81, PAGE 55, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF MAIN STREET WHICH POINT IS THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE N 75°32'55" W A DISTANCE OF 115.14';

THENCE N 11°51'44" E A DISTANCE OF 65.50';

THENCE N 77°18'33" W A DISTANCE OF 44.92';

THENCE N 14°18'22" E A DISTANCE OF 150.64';

THENCE S 78°19'23" E A DISTANCE OF 31.00';

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 472.00', WITH AN ARC LENGTH OF 176.33';

THENCE ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 232.00', WITH AN ARC LENGTH OF 115.65' TO THE POINT OF BEGINNING, HAVING AN AREA OF 20,929 SQUARE FEET OR 0.480 ACRES

SURVEY DESCRIPTION (#55 MAIN STREET)

A CERTAIN TRACT OF LAND SITUATED ON THE NORTHERLY SIDE OF MAIN STREET, IN THE VILLAGE OF FLORENCE, IN NORTHAMPTON, HAMPSHIRE COUNTY, MASSACHUSETTS, AND BEING SHOWN ON PLAN ENTITLED, "PLAN OF LAND IN FLORENCE, MASS., BELONGING TO BERNARD FLEMING, DATED, 6/2/50, WHICH PLAN IS RECORDED WITH HAMPSHIRE COUNTY REGISTER OF DEEDS IN PLAN BOOK 36, PAGE 15, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF MAIN STREET WHICH POINT IS THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE N 75°32'55" W A DISTANCE OF 43.52';

THENCE N 14°18'22" E A DISTANCE OF 84.00';

THENCE S 77°19'23" E A DISTANCE OF 44.92';

THENCE S 11°51'44" E A DISTANCE OF 65.50';

WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 3,958 SQUARE FEET OR 0.091 ACRES

EXCEPTIONS - SCHEDULE B, SECTION 2

- #53 MAIN STREET**
- EXCEPTIONS FROM COVERAGE, SCHEDULE B SECTION 2, COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED AUGUST 11, 2015.
- NOTE: EXCEPTION ITEMS NOT LISTED BELOW ARE STANDARD TITLE EXCEPTIONS AND/OR ARE NOT MATTERS OR ISSUES THAT PERTAIN TO THIS SURVEY.
- RIGHTS OF OTHERS TO USE RIGHTS OF WAY RESERVED IN A DEED DATED SEPTEMBER 18, 1950 RECORDED IN BOOK 1078, PAGE 301. (AFFECTS PROPERTY AS SHOWN)
 - EASEMENT AGREEMENT AND RIGHT OF FIRST REFUSAL BETWEEN CUMBERLAND FARMS, INC. TO JAMES G. MALLOUK AND LOUISE S. MALLOUK DATED AUGUST 2, 2001 RECORDED IN BOOK 6333, PAGE 145. (AFFECTS PROPERTY AS SHOWN)
 - DECLARATION OF ADDRESS EASEMENT, COVENANTS AND CONDITIONS BY AND BETWEEN CUMBERLAND FARMS, INC. AND CHRISTOPHER A. KENNEDY RECORDED ON JULY 23, 2004 IN BOOK 7921, PAGE 255. (AFFECTS PROPERTY AS SHOWN)
 - DECISION OF THE ZONING BOARD OF APPEALS OF THE CITY OF NORTHAMPTON RECORDED ON OCTOBER 11, 2012 IN BOOK 11074, PAGE 222. (PERTAINS TO MATTERS OF LAND USE AND CANNOT BE SHOWN)
 - RIGHT TO USE A RIGHT OF WAY OVER AN EIGHT (8) FOOT STRIP ADJACENT TO A RAILROAD TRACK AND RIGHT TO USE SIDERACK AS SET FORTH IN A DEED DATED JANUARY 4, 1917 RECORDED IN BOOK 728, PAGE 123 AND POSSIBLE REQUIREMENT TO OBTAIN EASEMENT PURSUANT TO M.G.L. C. 43 SECTION 54A FROM THE SUCCESSOR OF THE NEW YORK NEW HAVEN & HARTFORD RAILROAD. (AFFECTS PROPERTY AS SHOWN)
- #55 MAIN STREET**
- EXCEPTIONS FROM COVERAGE, SCHEDULE B SECTION 2, COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED AUGUST 13, 2015.
- RIGHTS OF WAY RESERVED IN A DEED OF BERNARD L. FLEMING TO GEORGE F. MCCARTHY AND LENA E. MCCARTHY DATED SEPTEMBER 18, 1950 AND RECORDED IN BOOK 1078, PAGE 301. (AFFECTS PROPERTY AS SHOWN)
 - EASEMENT AGREEMENT AND RIGHT OF FIRST REFUSAL BETWEEN CUMBERLAND FARMS AND JAMES G. MALLOUK AND LOUISE S. MALLOUK DATED AUGUST 2, 2001 AND RECORDED IN BOOK 6333, PAGE 145. (AFFECTS PROPERTY AS SHOWN)
 - DECISION OF NORTHAMPTON ZONING BOARD OF APPEALS DATED AUGUST 23, 2001 AND RECORDED IN BOOK 6426, PAGE 66. (PERTAINS TO MATTERS OF LAND USE AND CANNOT BE SHOWN)

REVISIONS:

REV	DATE	COMMENT
1		
2		
3		
4		
5		

PREPARED BY:

ODONE SURVEY & MAPPING

SURVEYING - MAPPING - PLANNING & CONSULTING

291 Main Street, Suite 5
Northborough, MA 01532
Tel: 508-351-6922 Fax: 508-351-6533

SURVEYOR'S CERTIFICATE

TO: CUMBERLAND FARMS INC., HUNDEY ALLEN AND SMOOK LLP AND FIRST AMERICAN TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, (WHICH IS ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 7(a), 7(b), 7(c), 8, 9, 11(b), 13, 15-19 OF TABLE A THEREIN).

THE FIELD WORK WAS COMPLETED ON AUGUST 27, 2015.

GLENN D. OODNE, JR.
REGISTERED LAND SURVEYOR NO. 45068
COMMONWEALTH OF MASSACHUSETTS

PREPARED FOR:

Cumberland FARMS

100 CROSSING BOULEVARD
FRAMINGHAM, MA 01702

PROJECT LOCATION:

53 & 55 MAIN STREET
FLORENCE, MA 01662

RAZE & REBUILD
STORE # STATION V#

CIVIL ENGINEER:

CIVIL DESIGN GROUP, LLC

21 HIGH STREET, SUITE 207
NORTH ANDOVER, MA 01845
www.cdesigninc.com
p: 978-794-5400 f: 978-914-6161

SHEET:

ALTA/ACSM LAND TITLE SURVEY

CFG 02.0

DATE: OCTOBER 16, 2015

DWG FILE: 0834-01A

PROJECT NO. 20150384



FUEL GUIDELINES

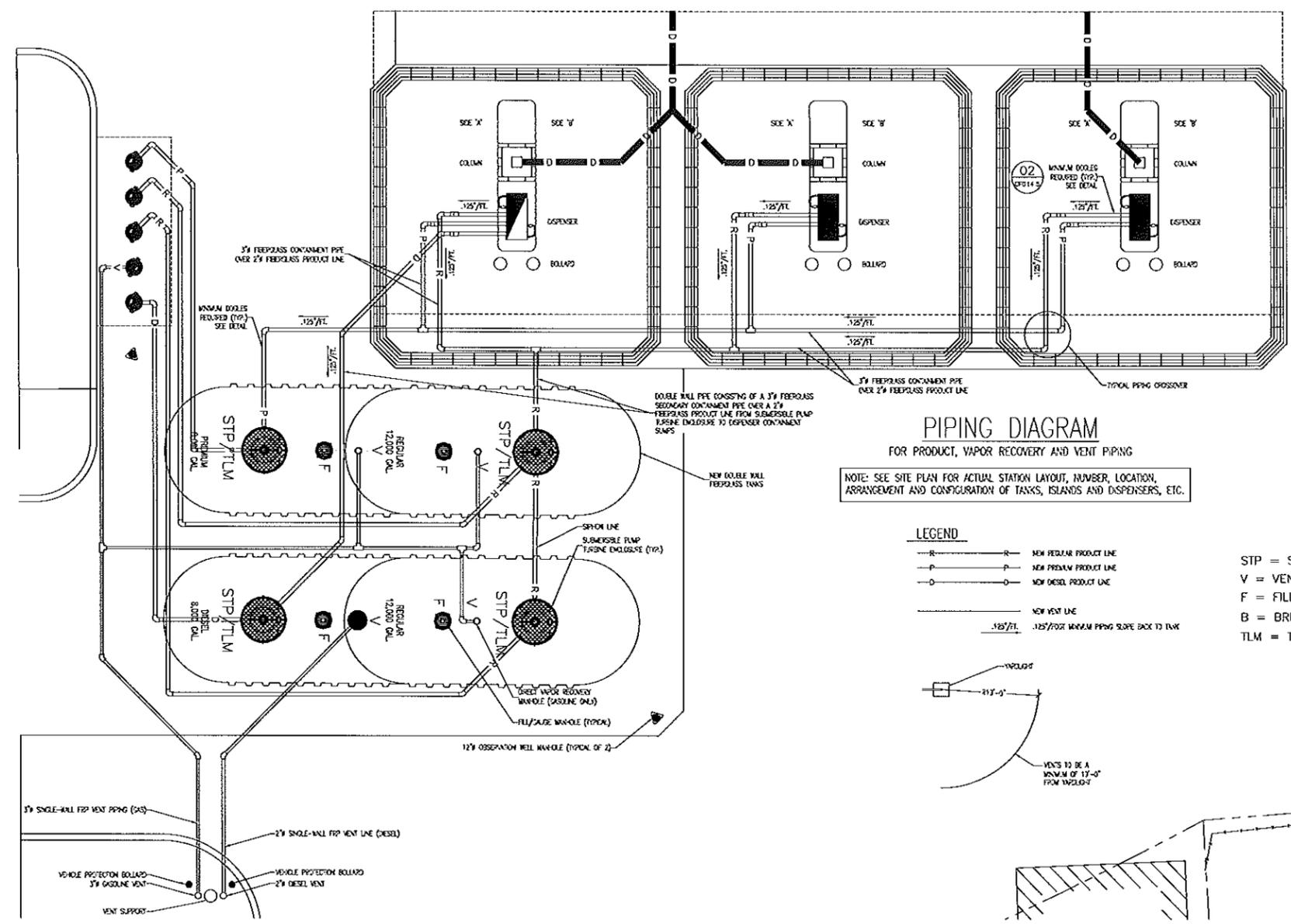
CSI - 20,000 (12/8 SPLIT) GALLON TANKS

(7 DISPENSERS OR LESS)

SHEET INDEX	DWG. NO
UST COVER SHEET	CFG14.0
MATERIAL LIST	CFG14.1
TANK INSTALLATION DETAILS	CFG14.2
TANK INSTALLATION DETAILS	CFG14.3
SUMP & PIPING DETAILS	CFG14.4
TANK INSTALLATION DETAILS	CFG14.5
TANK INSTALLATION DETAILS	CFG14.6
REMOTE FILL DETAILS	CFG14.7

GENERAL UST SYSTEM NOTES:

- THE UNDERGROUND STORAGE SYSTEM WILL BE TESTED BY THE CERTIFIED TANK INSTALLER PRIOR TO BACKFILLING AS FOLLOWS:
 - PRODUCT PIPING (NON-FERROUS UG)**
THE FOLLOWING TESTS SHALL BE CERTIFIED BY THE INSTALLER PRIOR TO BACKFILLING AND COPIES OF THE RESULTS SHALL BE PROVIDED TO THE OWNER AT THE TIME OF BACKFILL INSPECTION.
 - PRIMARY LINE:**
VISUALLY INSPECT ALL JOINTS FOR PROPER INSERTION AND ADHESIVE COURE PRIOR TO PRESSURIZING THE SYSTEM. A GAP BETWEEN THE ADHESIVE BEAD AND THE FITTING SHOULD INDICATE THAT THE POSSIBILITY OF JOINT FAILURE EXISTS. MAKE ANY NECESSARY REPAIRS BEFORE PRESSURIZING THE PIPING SYSTEM. CHECK THE INTEGRITY OF THE JOINTS BY PRESSURIZING THE SYSTEM TO 25 PSIG AND HOLDING THE PRESSURE FOR A MINIMUM OF ONE HOUR. SOUP ALL JOINTS TO TEST FOR LEAKS. IF THERE ARE NO LEAKS, RAISE THE LINE PRESSURE IN THE SYSTEM TO A MAXIMUM OF 50 PSIG. MAINTAIN THE PRESSURE FOR AT LEAST ONE HOUR AND SOUP ALL JOINTS TO CHECK FOR LEAKS. AFTER THE PIPING HAS PASSED THE 50 PSIG PRESSURE TEST, REDUCE THE PRESSURE TO 25 PSIG AND MAINTAIN UNTIL ALL PAGING HAS BEEN COMPLETED.
 - SECONDARY LINE:**
PERFORM AN AIR TEST AT 10 PSIG AND MAINTAIN THE PRESSURE FOR A MINIMUM PERIOD OF ONE HOUR, OR LONG ENOUGH TO SOUP ALL JOINTS. BEFORE BACKFILL THE CONTRACTOR SHALL MAINTAIN THE REQUIRED PRESSURE FOR A MINIMUM OF 2 HOURS AFTER THE BACKFILL PROCESS HAS BEEN COMPLETED. THE RESULTS OF THIS POST BACKFILL TEST SHALL BE CERTIFIED BY THE INSTALLER AND RESULTS SHALL BE PROVIDED TO THE OWNER WITHIN 30 DAYS OF THE TEST.
 - LEAKS:**
EACH NEW TANK SHALL BE PRESSION TIGHTNESS TESTED BY A QUALIFIED TECHNICIAN IN ACCORDANCE WITH THE STATE REGULATIONS.
 - VENT PIPING:**
THE FOLLOWING TEST SHALL BE CERTIFIED BY THE INSTALLER PRIOR TO BACKFILLING AND COPIES OF THE RESULTS SHALL BE PROVIDED TO THE OWNER AT THE TIME OF BACKFILL INSPECTION.
 - PERFORM AN AIR TEST AT 10 PSIG AND MAINTAIN THE PRESSURE FOR A MINIMUM PERIOD OF 10 MINUTES BEFORE BACKFILL.
 - WARNING: DO NOT AIR TEST LINES THAT HAVE CONTAINED HAZARDOUS, FLAMMABLE, OR COMBUSTIBLE LIQUIDS OR VAPORS UNLESS THEY ARE PULPED AND MADE SAFE BEFOREHAND. IF PULPING IS NOT FEASIBLE, AN INERT GAS SUCH AS NITROGEN OR HELIUM MAY BE USED TO PRESSURIZE THE PIPING.
 - DISPENSER SUMPS AND TANK SLUICES:**
THE FOLLOWING TEST SHALL BE CERTIFIED BY THE INSTALLER PRIOR TO BACKFILLING AND COPIES OF THE RESULTS SHALL BE PROVIDED TO THE OWNER AT THE TIME OF BACKFILL INSPECTION.
 - NEW TANK SLUICES:**
THE CERTIFIED TANK INSTALLER SHALL TEST THE NEW TANK SLUICE FOR TIGHTNESS IN ACCORDANCE WITH CONTAINMENT SOLUTIONS HYDROSTATIC TESTING REQUIREMENTS, AS FOLLOWS:
 - FILL TUBING ENCLOSURE WITH WATER AT LEAST 3" ABOVE JOINT SEAL. (NOTES SEALED AND WATER-TIGHT TUBING ENCLOSURES WILL HAVE TWO (2) JOINT SEALS.)
 - RECORD THE LIQUID LEVEL.
 - WAIT 24 HOURS.
 - REMEASURE AND RECORD THE LIQUID LEVEL. A LIQUID CHANGE MORE THAN 1/4" INDICATES A POSSIBLE LEAK.
 - NEW DISPENSER SUMPS:**
THE CERTIFIED TANK INSTALLER SHALL TEST THE NEW DISPENSER SUMPS FOR TIGHTNESS, AS FOLLOWS:
 - A. TO TEST FIELD INSTALLED FITTINGS, ADD ENOUGH BACKFILL UNDER THE LID BOX SO ITS WEIGHT IS COMPLETELY SUPPORTED. DO NOT ALLOW ISLAND SUPPORTS TO HOLD ALL THE WEIGHT. THE BOX WILL BECOME EXTREMELY HEAVY.
 - B. FILL THE BOX WITH WATER TO 2 INCHES ABOVE THE HIGHEST FITTING. AFTER 3 HOURS, MAKE A VISUAL INSPECTION OF THE EXTERIOR OF THE BOX. IF THERE ARE NO LEAKS, PROCEED TO REMOVE THE WATER WITH AN APPROPRIATE PUMP. DO NOT DRILL A HOLE AND PLAN TO PATCH THE HOLE.
- SPILL CONTAINMENT EQUIPMENT**
THE FOLLOWING TEST SHALL BE CERTIFIED BY THE INSTALLER AND RESULTS SHALL BE PROVIDED TO THE OWNER AT THE TIME OF BACKFILL INSPECTION.
 - FILLS & STAGE 1 - 5 GALLON EMOD INJECTION SPILL CONTAINERS - ETV CERTIFIED (EMOD INJECTION A1104619/A11055 - REV07)**
 - EMOD INJECTION DOUBLE SEAL CONTAINMENT MANIFOLD ARE VACUUM TESTED, BOTH PRIMARY AND SECONDARY, PRIOR TO SHIPMENT, TO ENSURE THAT NO DAMAGE HAS OCCURRED DURING SHIPMENT OR INSTALLATION. THE FOLLOWING TEST IS A 0.200, ON-SITE METHOD TO VERIFY THE INTEGRITY OF THE PRIMARY AND SECONDARY CONTAINMENTS.
 - SECONDARY INTEGRITY TEST
 - REMOVE THE DIPSTICK OR GAUGE FROM THE INSPECTION PORT AND INSTALL THE TEST ADAPTER P/N 43433 (INCLUDED WITH THE VACUUM APPARATUS).
 - ATTACH AIR PRESSURE SOURCE TO AIR PRESSURE REGULATOR ON VACUUM APPARATUS.
 - SLOWLY APPLY VACUUM OF 30" WATER COLUMN TO THE INTERSTITIAL SPACE, BY MOVING THE TIDDLE SWITCH WAT 30 SECONDS. READILY 30" WATER COLUMN.
 - IF THE REMAINING VACUUM AFTER 1 MINUTE IS 25" WATER COLUMN (1.3" MERCURY) OR GREATER, BOTH THE PRIMARY AND THE SECONDARY CONTAINMENT VESSELS ARE TIGHT.
 - IF THE TEST FAILS, ALLOW THE BELLOWS TO EQUILIBRATE FOR ONE MINUTE AND REPEAT TEST, STARTING AT STEP 3.
 - IF TEST FAILS A SECOND TIME, REFER TO EMOD INJECTION RETAIL TEST PROCEDURES TP-150 AND TP-151.
 - REPLACE COMPONENTS OR REPAIR AS NECESSARY.
 - REINSTALL DIPSTICK (OR PUSH BUTTON TEST PORT ASSEMBLY, IF OF SENSOR MODEL).
 - OVERFILL PREVENTION VALVE - (EVS CERTIFIED (EMOD INJECTION 11000R GUARDIAN))**
 - ONCE THE SEAL-ALL SEALANT HAS CURED FOR A MINIMUM OF 24 HOURS AND BEFORE INSTALLING THE A11000R OVERFILL PREVENTION VALVE INTO THE UNDERGROUND STORAGE TANK, A LEAK TIGHTNESS TEST MUST BE PERFORMED.
 - BEGIN BY SEALING BOTH ENDS OF THE A11000R OVERFILL PREVENTION VALVE WITH INFLATABLE PLUMBER'S PLUGS. APPLY A MAXIMUM PRESSURE OF 2 INCHES OF WATER COLUMN. SHOULD THE LEAK RATE EXCEED THE ALLOWABLE LIMIT OF 0.17 OPI, LOCATE THE LEAK POINT BY SPRAYING SOAP SOLUTION ALONG THE OUTSIDE OF THE A11000R OVERFILL PREVENTION VALVE.
 - DO NOT EXCEED THE MAXIMUM PRESSURE OF 2 INCHES OF WATER COLUMN. THIS WILL DAMAGE THE A1100 OVERFILL PREVENTION VALVE AND RESULT IN VOIDING THE WARRANTY.
- THE CONTRACTOR SHALL CALL DISABE AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION.
- ALL CONSTRUCTION AND EQUIPMENT MUST CONFORM TO THE APPLICABLE REGULATIONS AND CODES OF THE MUNICIPALITY, STATE, AND THE NFPA.
- CONTRACTOR SHALL PROVIDE AT LEAST 5 DAYS ADVANCE NOTICE TO THE STATE, THE LOCAL FIRE DEPARTMENT, AND THE ENGINEER TO INSPECT THE INSTALLATION PRIOR TO FINAL BACKFILL.
- CONTRACTOR TO VERIFY WITH OWNER THE PRODUCT PIPING LAYOUT AS SHOWN ON THIS PLAN PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL ADJUST GRACES AS REQUIRED OVER THE TANK MAT TO ENSURE THAT STOPWATER RUNOFF STAYS AWAY FROM ALL SURFACE MANHOLES.



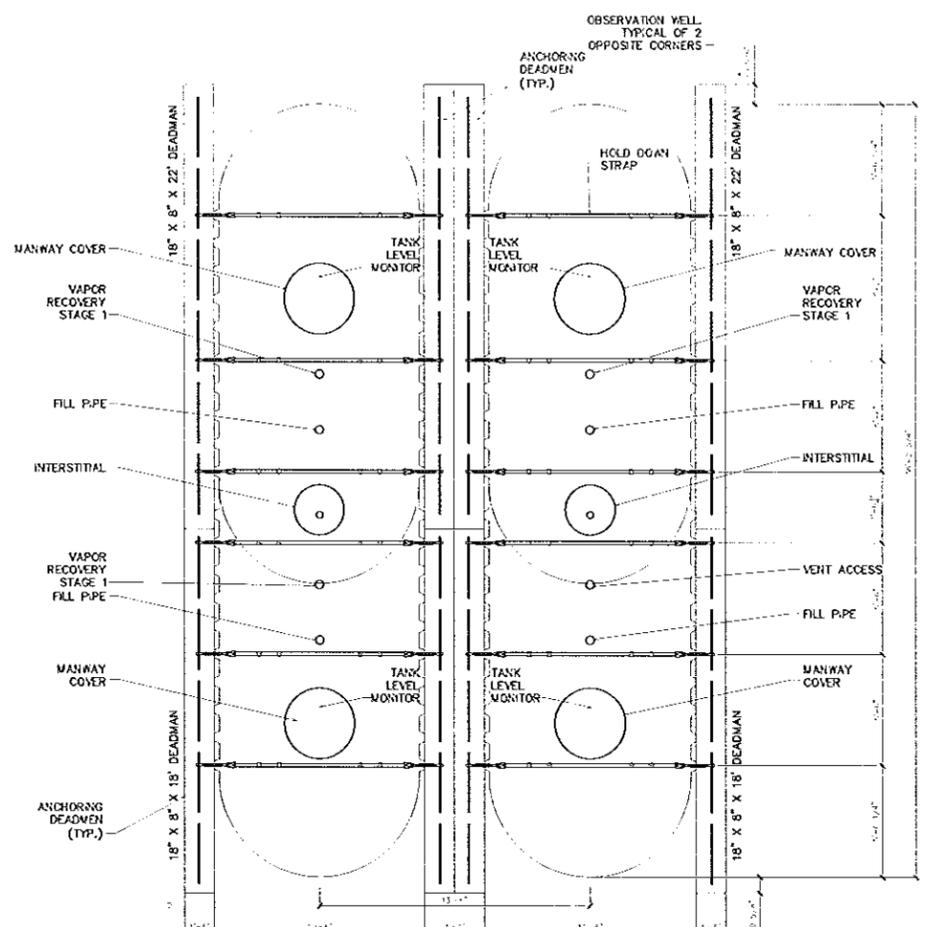
01 TYPICAL TANK & PIPING LAYOUT - IN LINE OPTION
SCALE: N.T.S.

THESE TYPICAL TANK & PIPING LAYOUTS ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. THE SITE ENGINEER SHALL REPLACE THESE TYPICAL LAYOUTS WITH A SITE SPECIFIC TANK & PIPING LAYOUT FOR EACH PROJECT. THIS PLAN SHALL ALSO INCLUDE OTHER SITE UTILITIES TO AVOID CONFLICTS WITH FUEL PIPING.

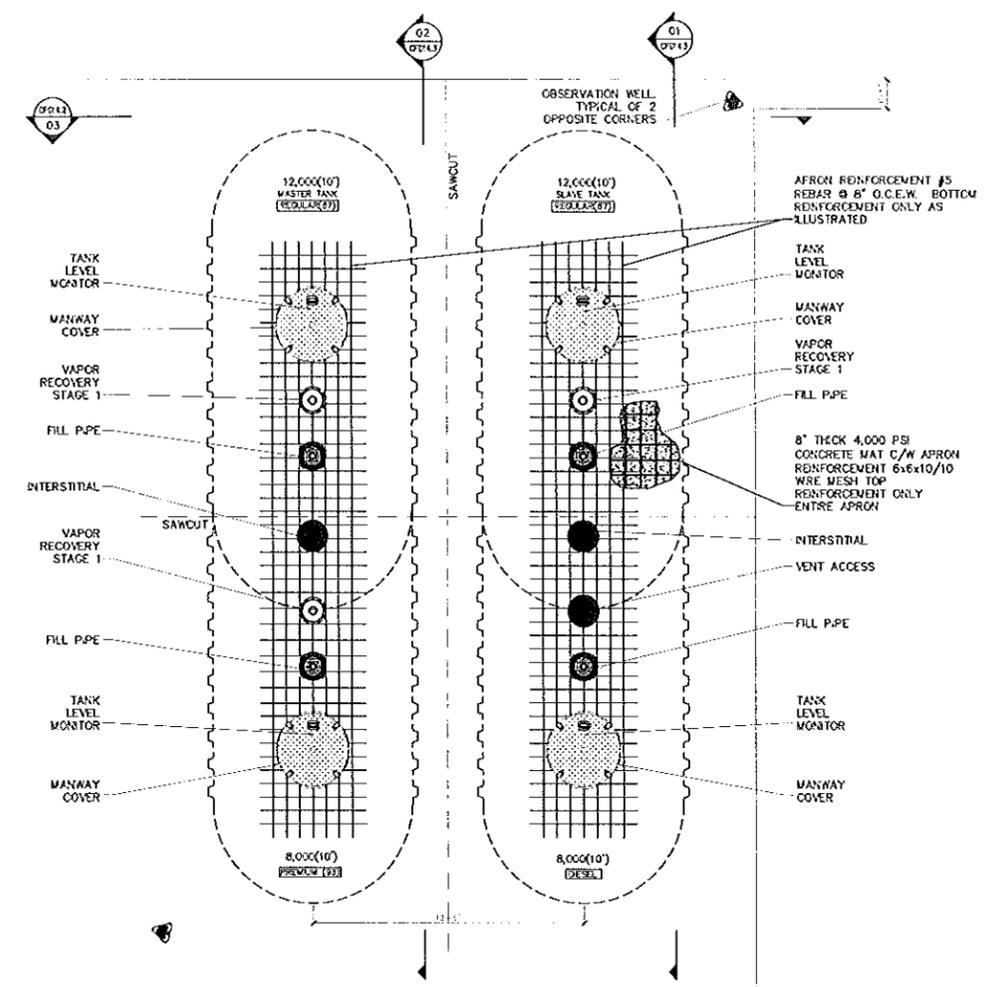
REVISIONS				V# n/a
NO.	DATE	REV. BY.	DESCRIPTION	Store# n/a
				Gas Station# n/a

53 & 55 MAIN STREET, FLORENCE, MA
 CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR:
TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS
 SCALE: AS NOTED
 DATE: 07/22/2019
 FILE: 091218-4-WALDFP14.0
 DRAWN BY:
 CUMBERLAND FARMS, INC.
 100 CROSSING BOULEVARD
 FLORENCE, MA 01702
 UST COVER SHEET
 WHF PROJECT NO. 346314 SHEET 1 OF 8

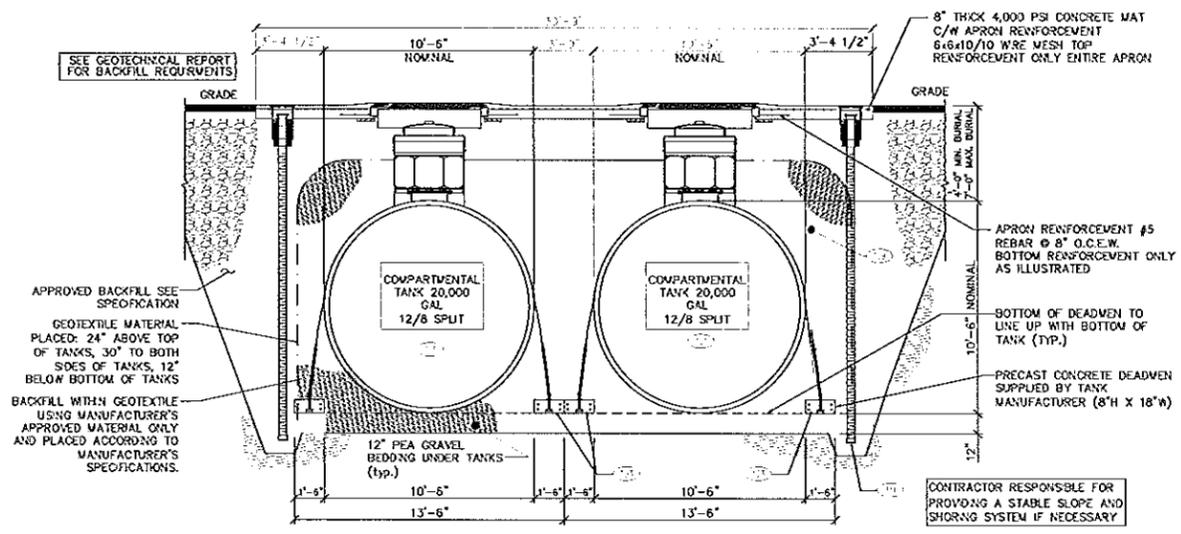
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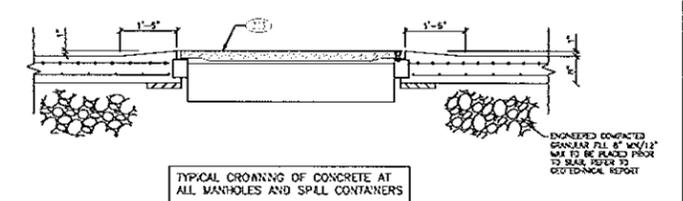
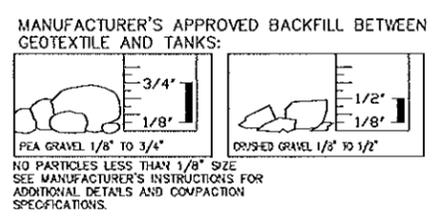
01 TANK DEADMAN ANCHORING PLAN
 CFG14.2 SCALE: 1/4" = 1'-0"



02 TANK TOP APRON - PLAN VIEW
 CFG14.2 SCALE: 1/4" = 1'-0"



03 TANK FIELD CROSS SECTION
 CFG14.2 SCALE: 1/4" = 1'-0"



04 TYPICAL CROWNING DETAIL
 CFG14.2 SCALE: 3/4" = 1'-0"

REVISIONS			
NO.	DATE	REV. BY	DESCRIPTION

53 & 55 MAIN STREET, FLORENCE, MA
 CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR
TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS

SCALE: AS NOTED
 DATE: 07/27/2015
 FILE: 0212-5-02-02142

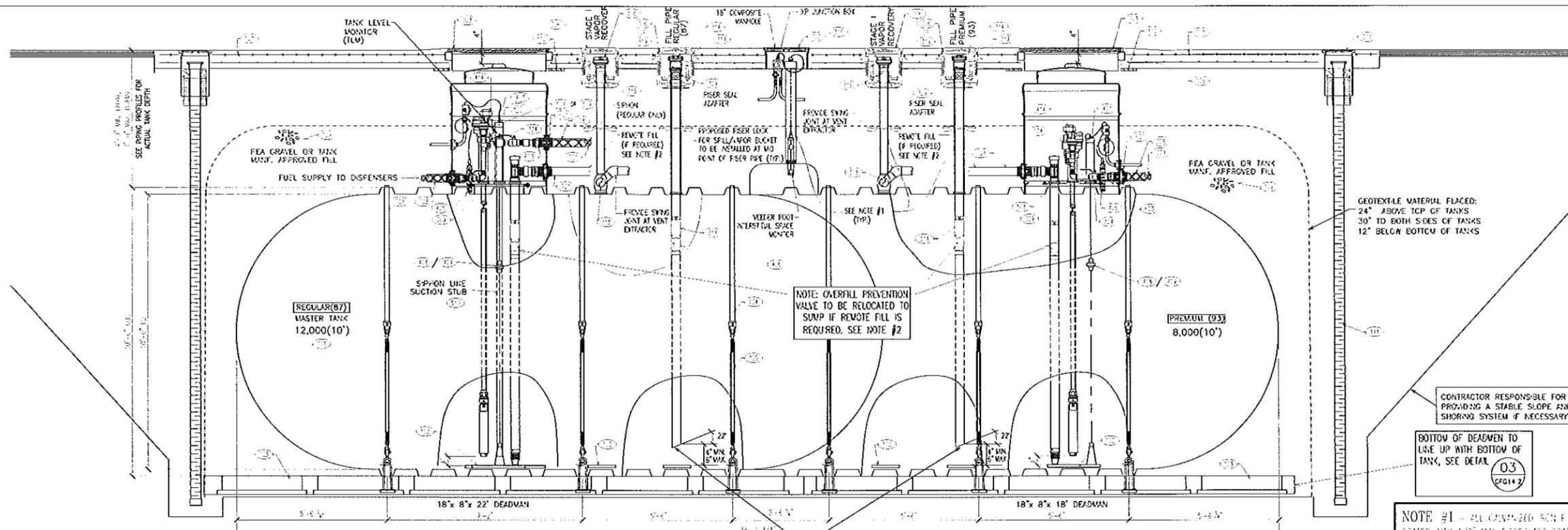
Cumberland
 FARMAS
 CUMBERLAND FARMS, INC.
 100 Crossing Boulevard
 Framingham, MA 01702

TANK INSTALLATION DETAILS
 CFG14.2

V# n/a
 Store# n/a
 Gas Station# n/a

DRAWN BY:

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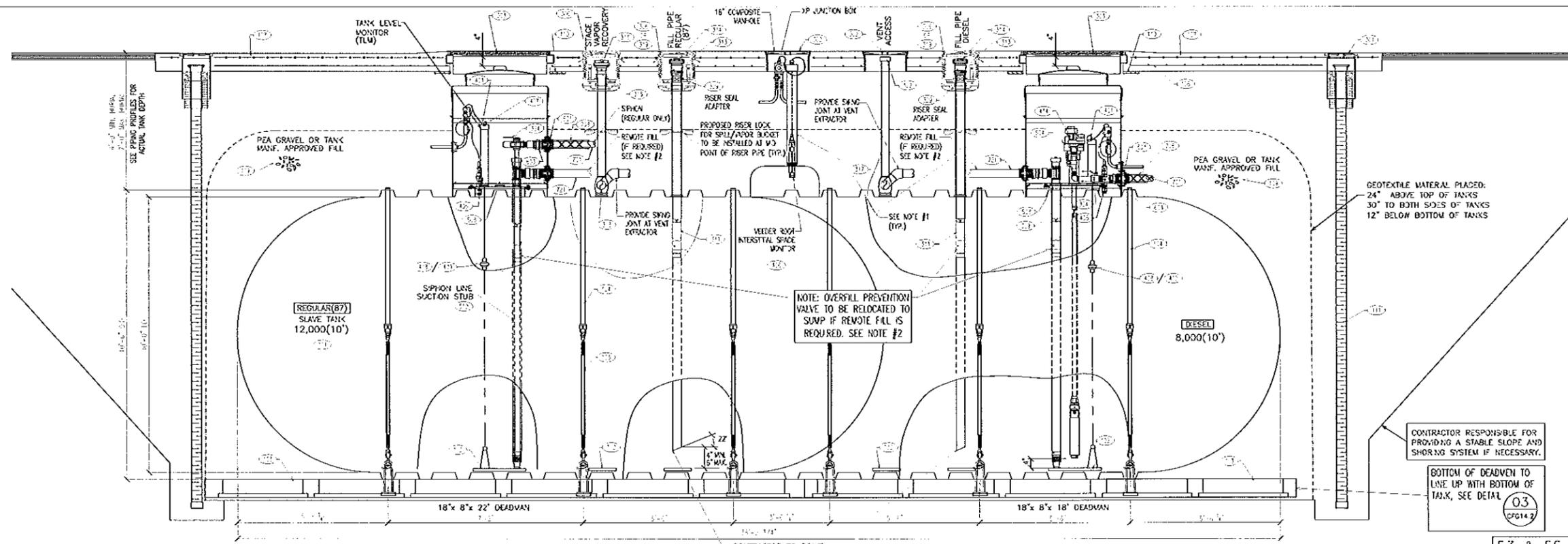
01 20,000 GAL TANK ELEVATION - 12,000 GAL REGULAR / 8,000 PREMIUM
 SCALE: 1/2" = 1'-0"

CONTRACTOR RESPONSIBLE FOR PROVIDING A STABLE SLOPE AND SHORING SYSTEM IF NECESSARY.

BOTTOM OF DEADMEN TO LINE UP WITH BOTTOM OF TANK, SEE DETAIL 03 CFG14.2

NOTE #1 - ALL OVERFILL VALVE PIPING IN CONTACT WITH DEADMEN SHALL BE COATED WITH 1/2" MIN. FIBERGLASS COATING OR 1/2" MIN. FIBERGLASS LINING-TYP.

NOTE #2 - SEE SHEET CFG14.7 FOR REMOTE FILL/VENT DETAILS IF REQUIRED.



02 20,000 GAL TANK ELEVATION - 12,000 GAL REGULAR / 8,000 DIESEL
 SCALE: 1/2" = 1'-0"

CONTRACTOR RESPONSIBLE FOR PROVIDING A STABLE SLOPE AND SHORING SYSTEM IF NECESSARY.

BOTTOM OF DEADMEN TO LINE UP WITH BOTTOM OF TANK, SEE DETAIL 03 CFG14.2

REVISIONS			
NO.	DATE	REV. BY.	DESCRIPTION

53 & 55 MAIN STREET, FLORENCE, MA

CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR

TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS

V# n/a
 Store# n/a
 Gas Station# n/a

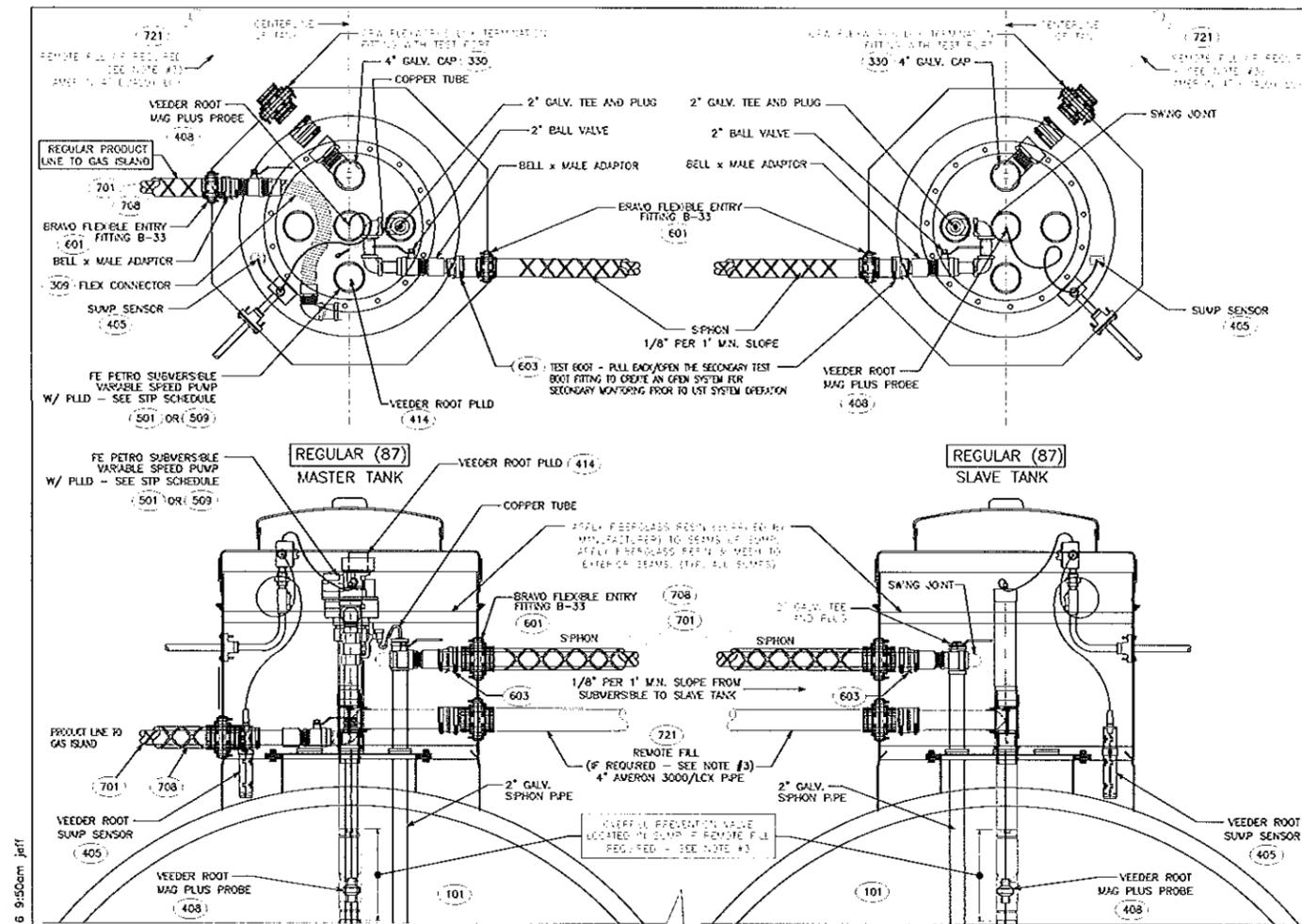
Cumberland
 FARMERS

CUMBERLAND FARMS, INC.
 100 Crossing Boulevard
 Framingham, MA 01702

SCALE: AS NOTED
 DATE: 07/27/2016
 FILE: 01012-4-wr-00143
 DRAWN BY: [Signature]

TWO INSTALLATION DETAILS 14.5

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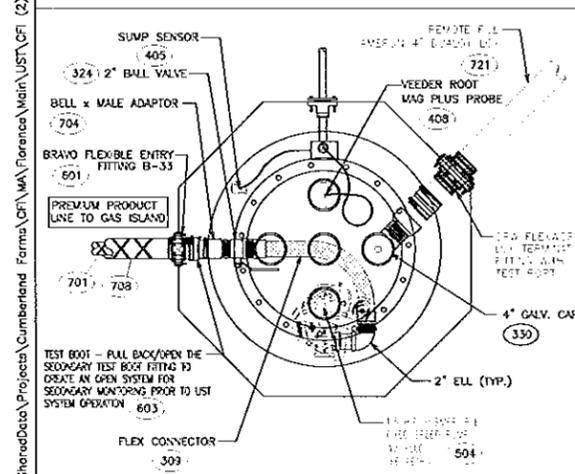


STP SCHEDULE

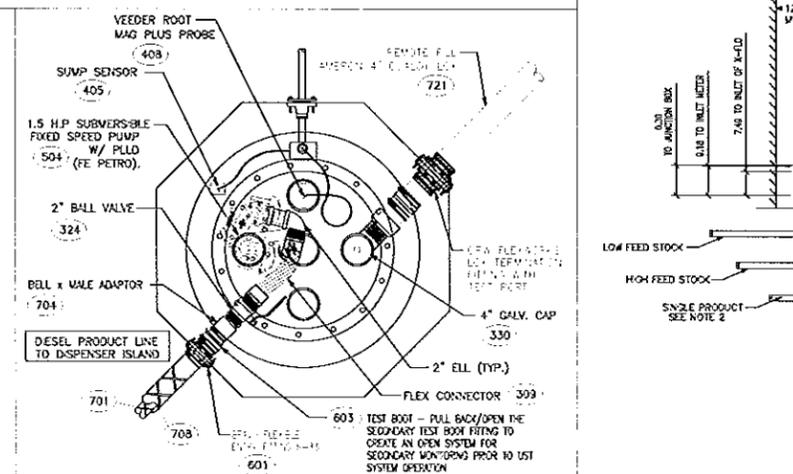
ITEM	QTY	UNIT	DESCRIPTION
1	1	EA	2" BALL VALVE
2	1	EA	BELL x MALE ADAPTOR
3	1	EA	BRAVO FLEXIBLE ENTRY FITTING B-33
4	1	EA	VEEDER ROOT MAG PLUS PROBE
5	1	EA	SUMP SENSOR
6	1	EA	2" GALV. SYPHON PIPE
7	1	EA	4" GALV. CAP
8	1	EA	2" ELL (TYP.)
9	1	EA	VEEDER ROOT PILD
10	1	EA	1.5 HP SUBVERSIBLE FIXED SPEED PUMP
11	1	EA	2" BALL VALVE
12	1	EA	BELL x MALE ADAPTOR
13	1	EA	VEEDER ROOT MAG PLUS PROBE
14	1	EA	SUMP SENSOR
15	1	EA	2" GALV. SYPHON PIPE
16	1	EA	4" GALV. CAP
17	1	EA	2" ELL (TYP.)
18	1	EA	VEEDER ROOT PILD
19	1	EA	1.5 HP SUBVERSIBLE FIXED SPEED PUMP
20	1	EA	2" BALL VALVE
21	1	EA	BELL x MALE ADAPTOR
22	1	EA	VEEDER ROOT MAG PLUS PROBE
23	1	EA	SUMP SENSOR
24	1	EA	2" GALV. SYPHON PIPE
25	1	EA	4" GALV. CAP
26	1	EA	2" ELL (TYP.)
27	1	EA	VEEDER ROOT PILD

NOTES:
 1. LOCATION OF FITTINGS AS SHOWN FOR PRODUCT PIPING, SYPHON BAR AND REMOTE FILLS ARE ILLUSTRATIVE ONLY. SEE SITE SPECIFIC PIPING PLAN FOR ACTUAL PIPING LAYOUT.
 3. IF SITE LAYOUT REQUIRES REMOTE FILLS, SEE SHEET CFG14.7 FOR ADDITIONAL REMOTE FILL DETAILS

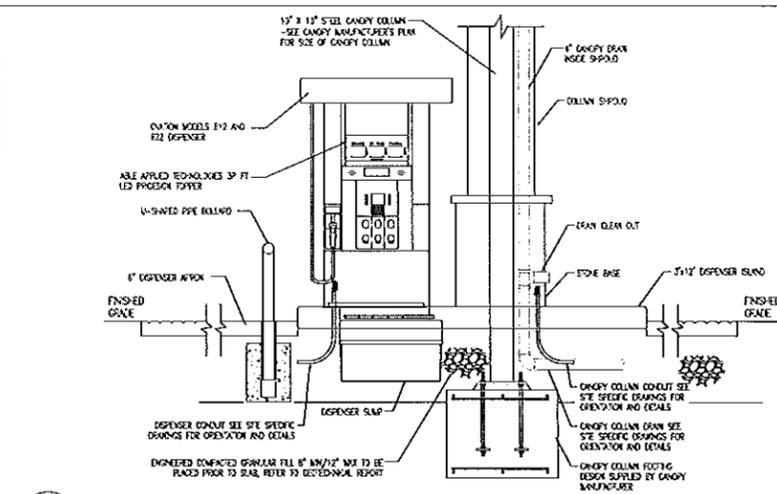
01 TYPICAL REGULAR TANK SUMP PLANS
 CFG14.4 SCALE: 1/2" = 1'-0"



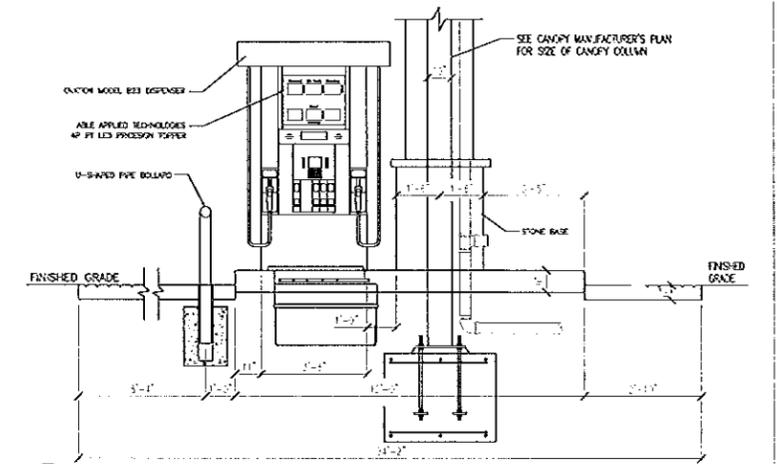
06 TYPICAL PREMIUM TANK SUMP PLAN
 CFG14.4 SCALE: 1/2" = 1'-0"



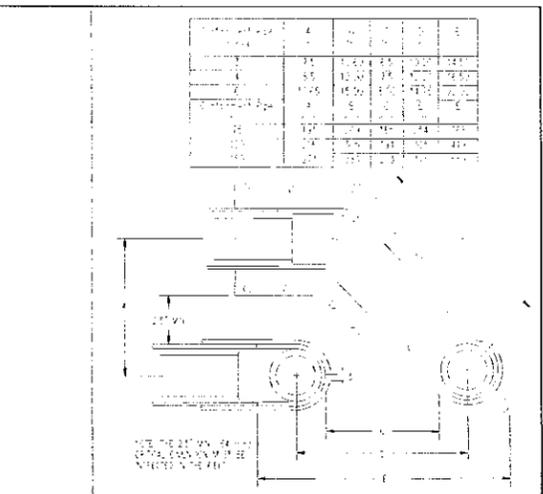
07 TYPICAL DIESEL TANK SUMP PLAN
 CFG14.4 SCALE: 1/2" = 1'-0"



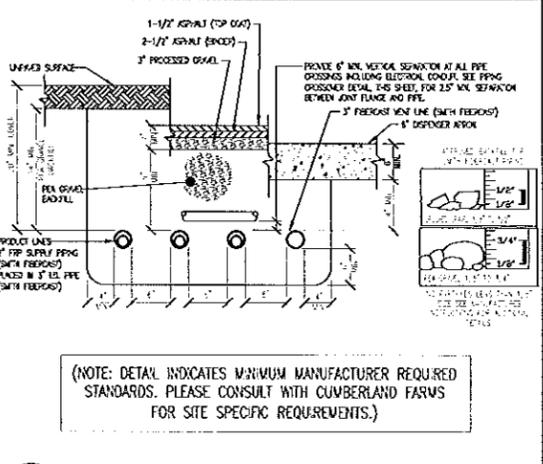
02 DISPENSER ELEVATION LABELS
 CFG14.4 SCALE: 1/2" = 1'-0"



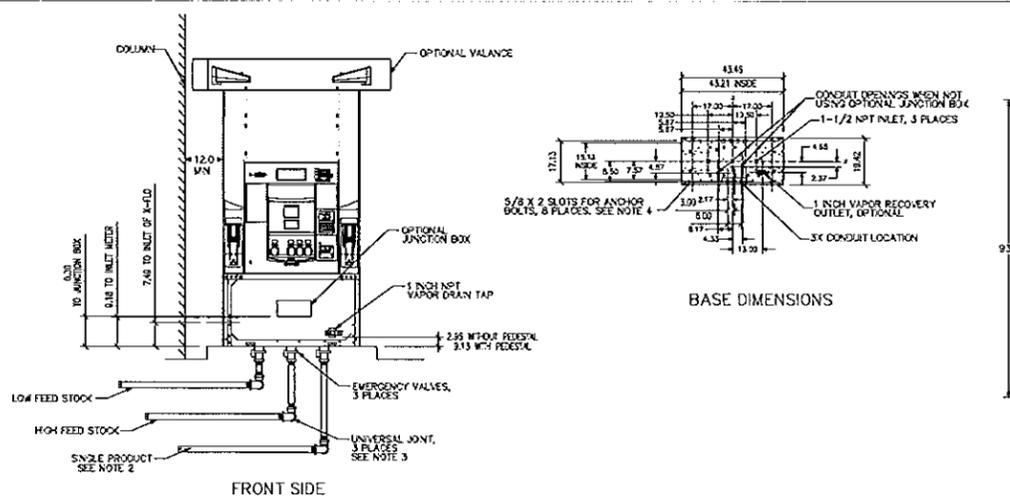
04 DISPENSER ELEVATION DIMENSIONS
 CFG14.4 SCALE: N.T.S.



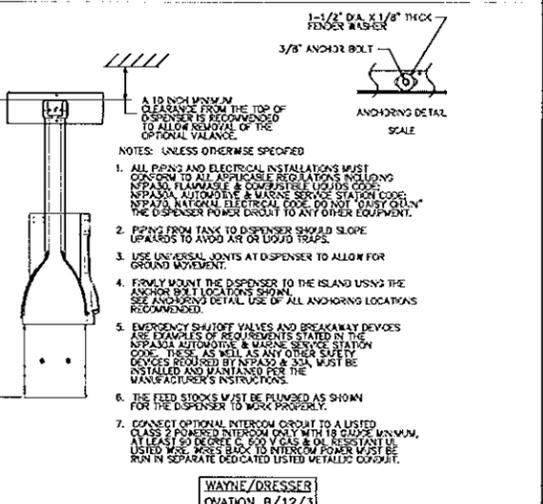
03 PIPING CROSSOVER DETAIL
 CFG14.4 NOT TO SCALE



05 TYPICAL TRENCH DETAILS
 CFG14.4 SCALE: 1/2" = 1'-0"



08 DISPENSER FOOTING DETAIL
 CFG14.4 NOT TO SCALE



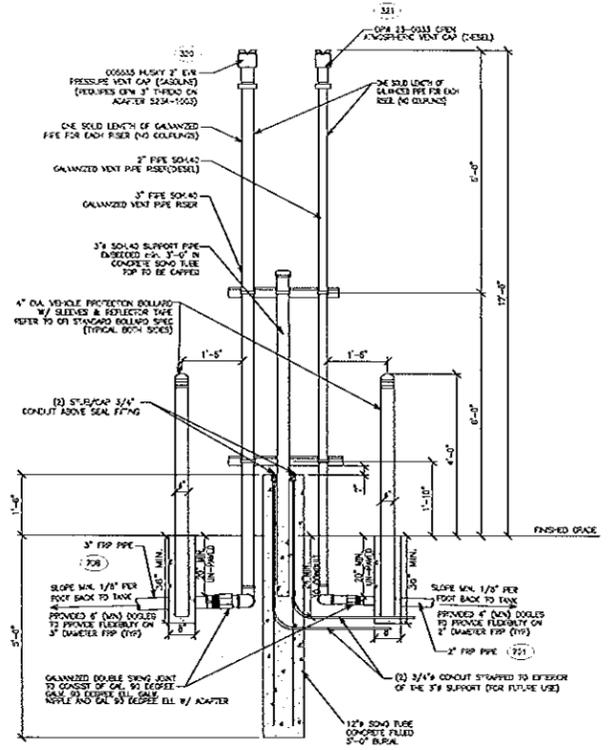
09 ANCHORING DETAIL
 SCALE: AS NOTED

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REVISIONS

NO	DATE	REV. BY	DESCRIPTION

WAYNE/DRESSER
 QWATION 8/12/3
 53 & 55 MAIN STREET, FLORENCE, MA
 CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR:
TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS
 SCALE: AS NOTED
 DATE: 07/27/2015
 CUMBERLAND FARMS, INC.
 100 Crossing Boulevard
 Framingham, MA 01702
 FILE: 01 004-4-02714
 DRAWN BY:



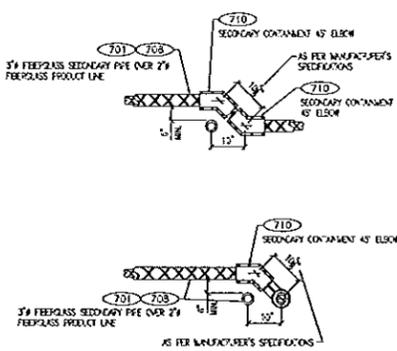
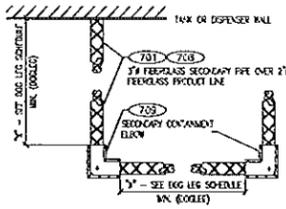
NOTE
 1) ALL GALVANIZED STEEL PIPE IN CONTACT WITH BACKFILL SHALL BE COATED WITH 1/8" FIBERGLASS COATING, 1/8" EPOXY RESIN.
 2) ALL PIPE, SUPPORTS AND HARDWARE TO BE GALVANIZED.

01 VENT CLUSTER ELEVATION DETAIL
 CFG14.5 SCALE: 1/2" = 1'-0"

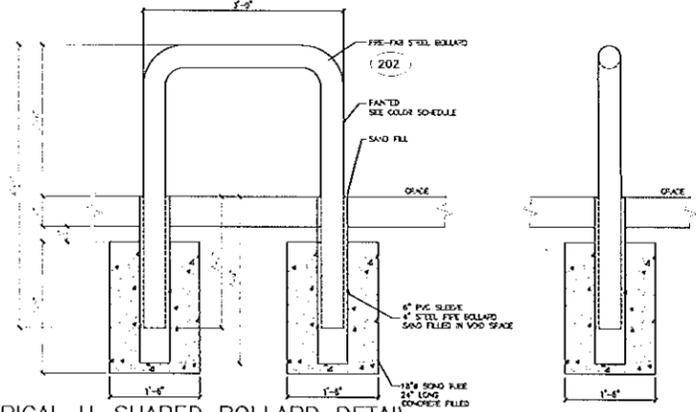
DOG LEG SCHEDULE

FIP DOG LEGS TO BE PROVIDED AT EACH CONNECTION TO A FIXED POINT (TANK, DISPENSER, VENT) PER THE FOLLOWING SCHEDULE:

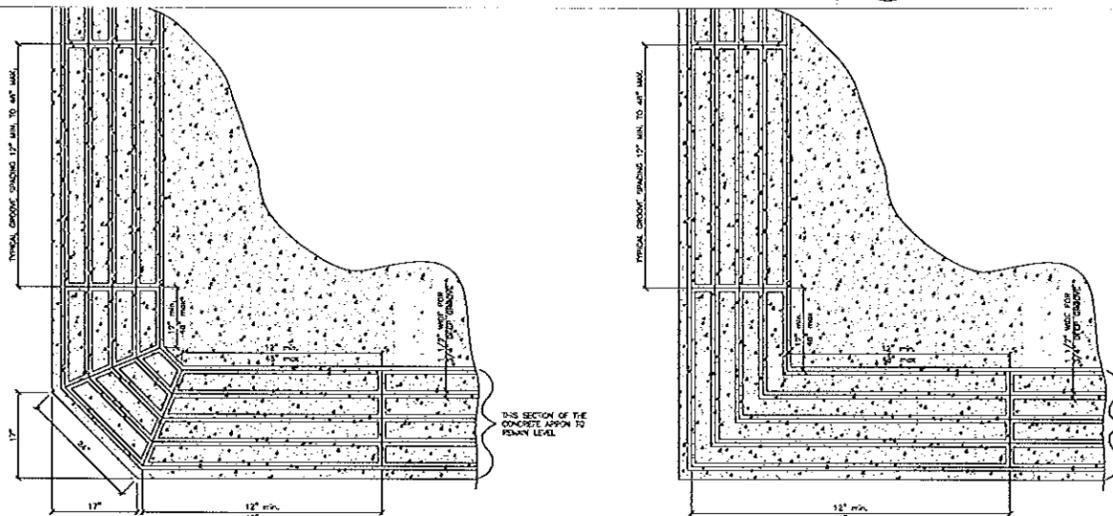
NOMINAL PIPE SIZE	MAX. DOG LEG LENGTH (ft)
2"	45"
3"	60"
4"	65"



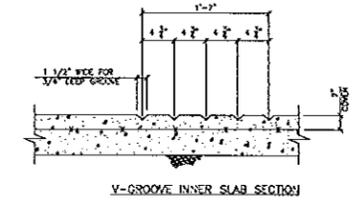
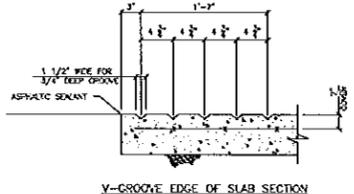
02 TYPICAL PIPING DOGLEG AND CROSSOVER DETAILS
 CFG14.5 SCALE: N.T.S.



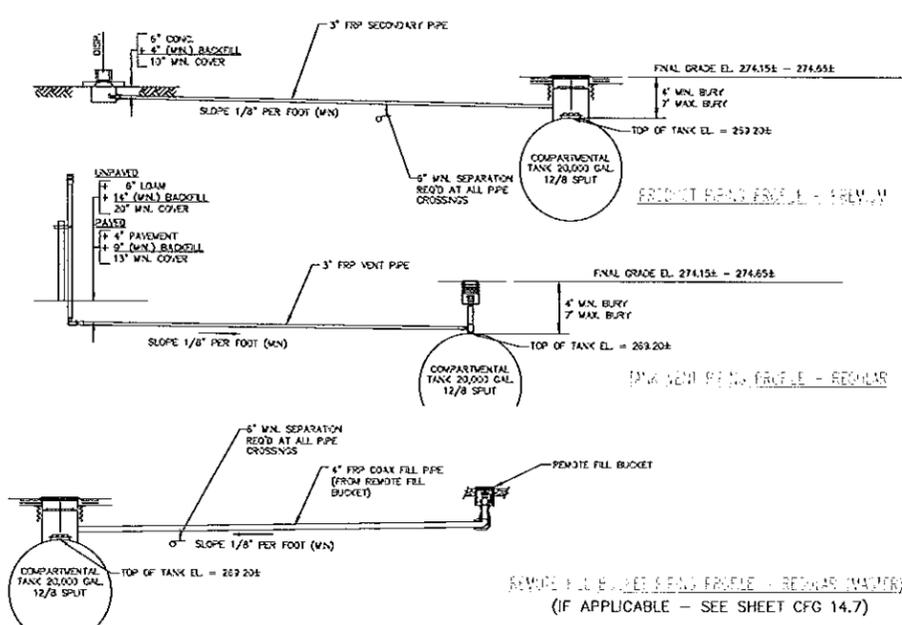
03 TYPICAL U-SHAPED BOLLARD DETAIL
 CFG14.5 SCALE: 3/4" = 1'-0"



NOTE:
 1. THE POSITIVE LIMITING BARRIER TO BE 3 CONTINUOUS 'Y' GROOVES
 1 1/2" WIDE x 3/4" DEEP, ON A 3/4" CENTER WITH CROSS INTERCONNECTING GROOVES EQUALLY SPACED ON MIN. 12" MAX. 48" CENTERS.
 2. 'Y' GROOVES SHALL BE TROWELED IN CONCRETE SLAB.
 3. 'Y' GROOVES SHALL BE A CONSTANT WIDTH AND DEPTH FOR THE ENTIRE APPROX.
 4. GROOVES MUST BE KEPT CLEAN OF DIRT AND DEBRIS.
 5. GENERAL CONTRACTOR TO REFER TO THE FIRE SUPPRESSION PLAN FOR FLB PLACEMENT.



04 POSITIVE LIMITING BARRIER DETAILS
 CFG14.5 SCALE: N.T.S.

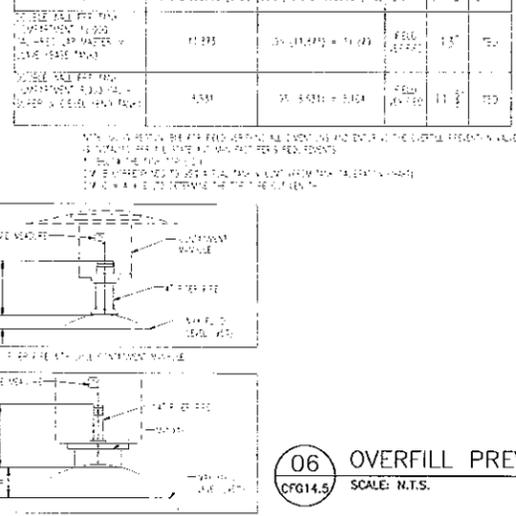
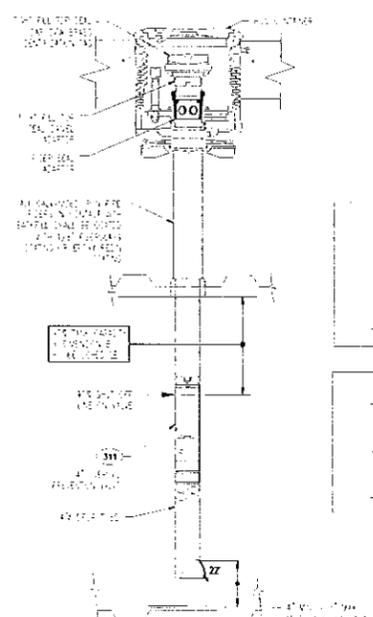


05 PIPING PROFILES
 CFG14.5 SCALE: N.T.S.

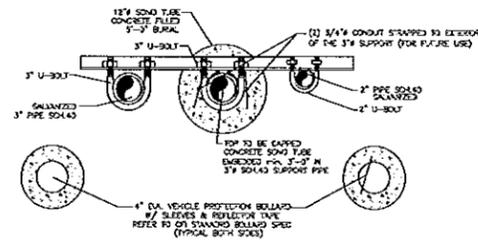
IF SITE LAYOUT REQUIRES REMOVE FILL, SEE SHEET CFG14.7 FOR OVERFILL PREVENTION VALVE SCHEDULE

OVERFILL PREVENTION VALVE SCHEDULE

TYPE	NOMINAL VALVE SIZE (IN)	NOMINAL VALVE TYPE	VALVE MATERIAL	VALVE SIZE (IN)	VALVE TYPE
REGULAR	12/8	12/8 SPLIT	REGULAR	12/8	REGULAR
REGULAR (MAXIMUM)	12/8	12/8 SPLIT	REGULAR	12/8	REGULAR



06 OVERFILL PREVENTION VALVE
 CFG14.5 SCALE: N.T.S.

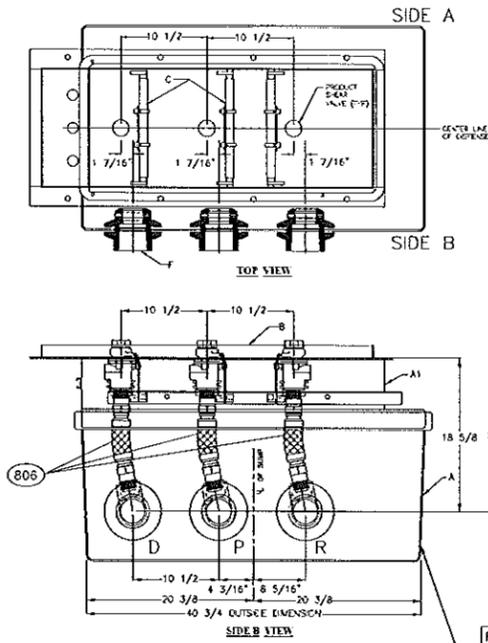


07 VENT STACK PLAN VIEW
 CFG14.5 SCALE: 1/2" = 1'-0"

REVISIONS

NO.	DATE	REV. BY.	DESCRIPTION

53 & 55 MAIN STREET, FLORENCE, MA
 CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR:
TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS
 SCALE: AS NOTED
 DATE: 07/27/2015
 STORE# n/a
 GAS STATION# n/a
Cumberland
 F.A.R.M.S.
 CUMBERLAND FARMS, INC.
 100 CRASHING BOULEVARD
 FRAMINGHAM, MA 01702
 FILE: 09-012-0-04-00143
 DRAWN BY:
 TANK INSTALLATION DETAILS
 CFG14.5



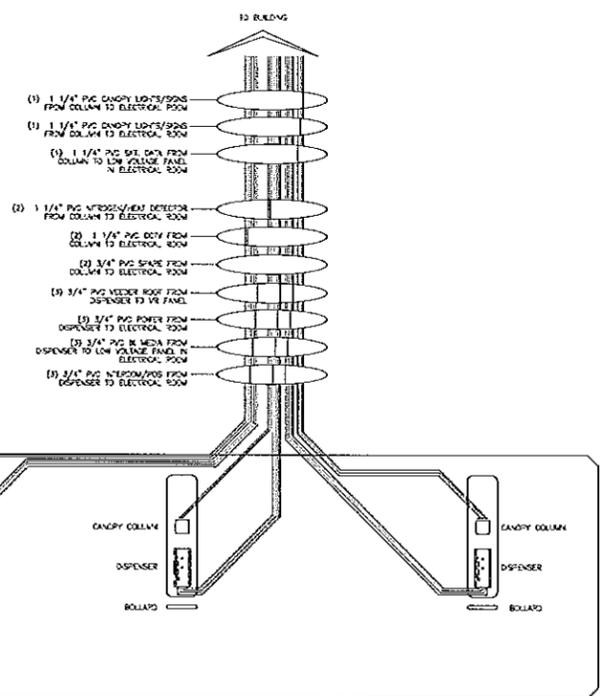
NO	QTY	PART DESCRIPTION	(E. XXXXX)
A1	1	2000 BLIND UNION FG TOP	
A	1	8-2000 EDGE TIE LEGS	
B	1	F250 UPPER FRAME - SPECIAL	
C	1	ANCHOR BOLTS	
D	1	WELDED SEALS	
E	3	BRV-2000-250	

NOTES:
 1. THIS DRAWING IS PROVIDED AS A GENERAL GUIDE TO THE INSTALLATION AND ALIGNMENT OF THE DISPENSER SUMP AND ITS ALLOWED TOLERANCES. SINCE EVERY INSTALLATION IS UNIQUE, IT IS THE RESPONSIBILITY OF THE INSTALLING CONTRACTOR TO CHECK PLANS AND PRODUCT SPECIFICATIONS, FIELD VERIFY EXISTING SITES, INSTALL PER MANUFACTURER'S INSTALLATION MANUAL.
 2. SHEAR, FLEX AND FIP FIRE DOWN FOR ILLUSTRATIVE PURPOSES.

FIBERGLASS DISPENSER SUMP
 (3+0) BLENDER = 2 BONDED FITTINGS (801)
 (3+1) BLENDER = 3 BONDED FITTINGS (802)
 R = REGULAR
 P = PREMIUM
 D = DIESEL (IF APPLICABLE)

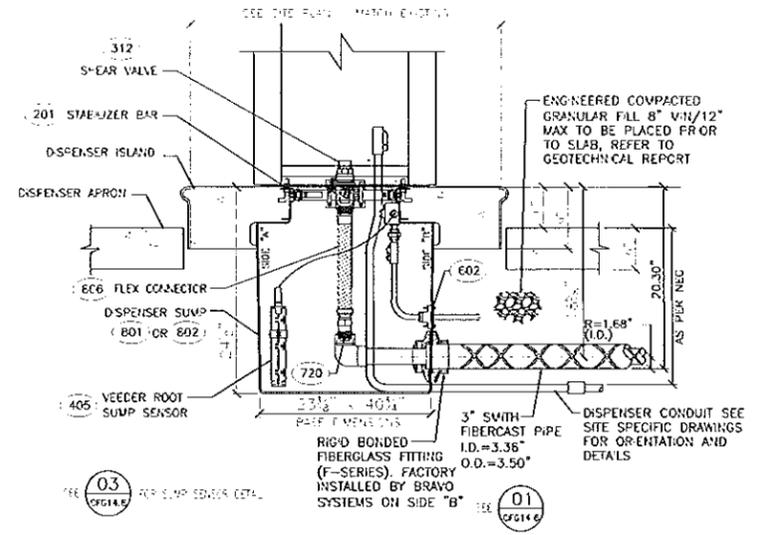
01 TYPICAL DISPENSER SUMP ELEVATIONS
 CFG14.6 SCALE: N.T.S.

- CONDUIT #1**
 • DISPENSER DATA (COMMUNICATIONS) - OMNI WIRE (BELDIN WIRE IN FLORIDA)
 • DISPENSER DATA (CARD READER) - OMNI WIRE (BELDIN WIRE IN FLORIDA)
 • INTERCOM - OMNI WIRE (BELDIN WIRE IN FLORIDA)
- CONDUIT #2**
 • VEEDER ROOT - OMNI WIRE
- CONDUIT #3**
 • DISPENSER VGA SCREEN - BELDIN WIRE (#7928A)
- CONDUIT #4**
 • DISPENSER POWER

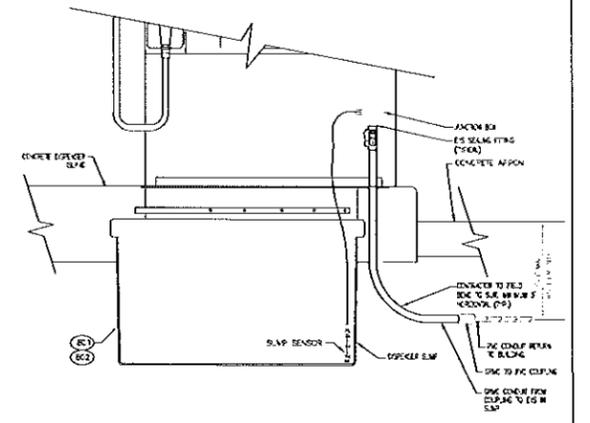


ELECTRICAL DIAGRAM
 FOR TANK AND DISPENSER ISLANDS
 NOTE: SEE SITE PLAN FOR ACTUAL STATION LAYOUT, NUMBER, LOCATION, ARRANGEMENT AND CONFIGURATION OF TANKS, ISLANDS AND DISPENSERS, ETC.

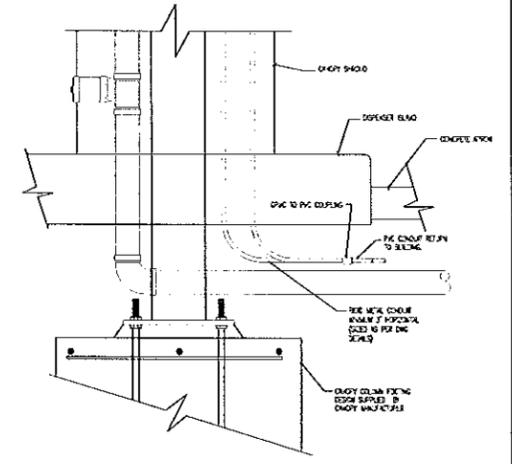
06 TYPICAL ELECTRICAL CONDUIT LAYOUT
 CFG14.6 SCALE: N.T.S.



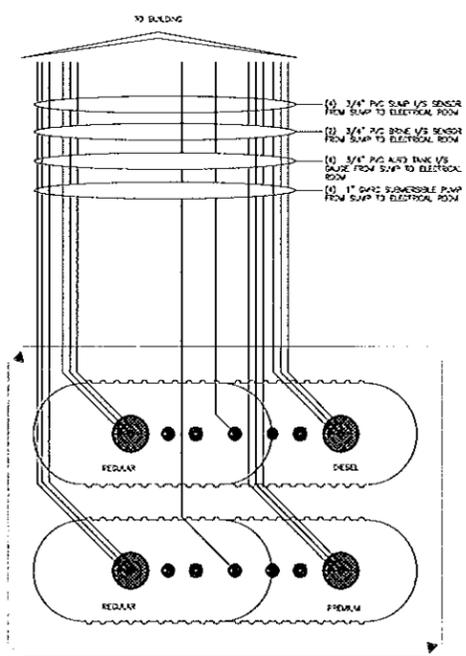
02 TYPICAL DISPENSER SUMP DETAILS
 CFG14.6 SCALE: 1/2" = 1'-0"



03 TYPICAL DISPENSER CONDUIT DETAILS
 CFG14.6 SCALE: N.T.S.



04 COLUMN DETAIL
 CFG14.6 SCALE: N.T.S.



05 VENT STACK DETAIL
 CFG14.6 SCALE: N.T.S.

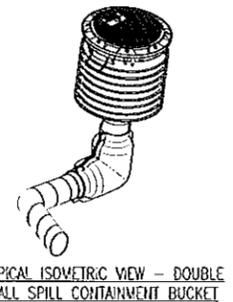
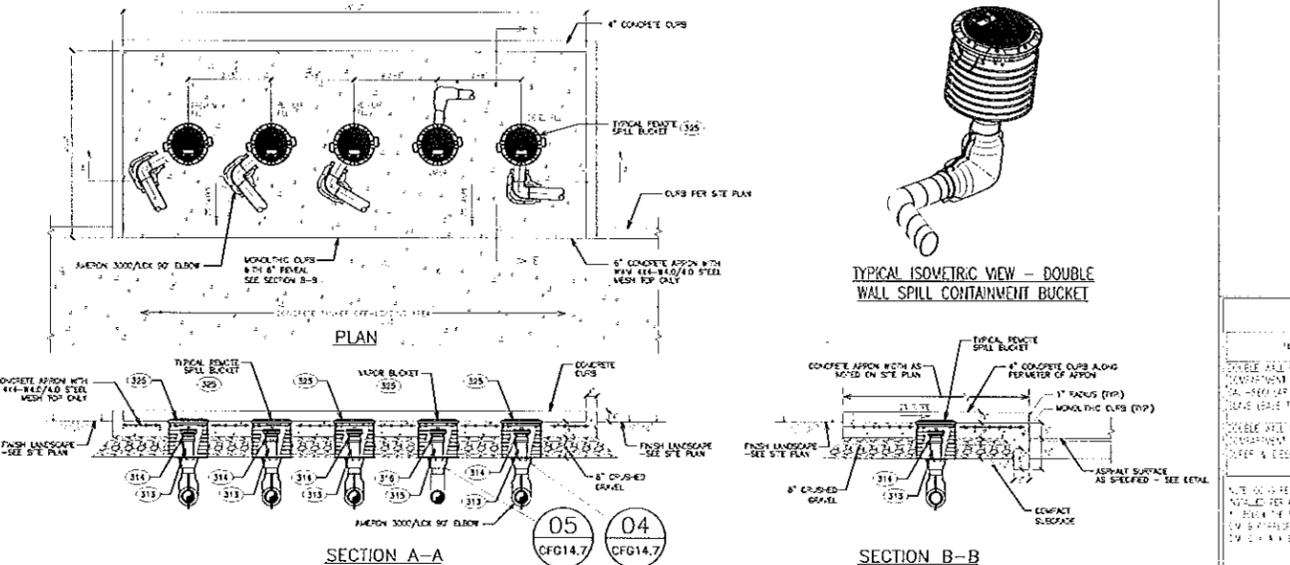
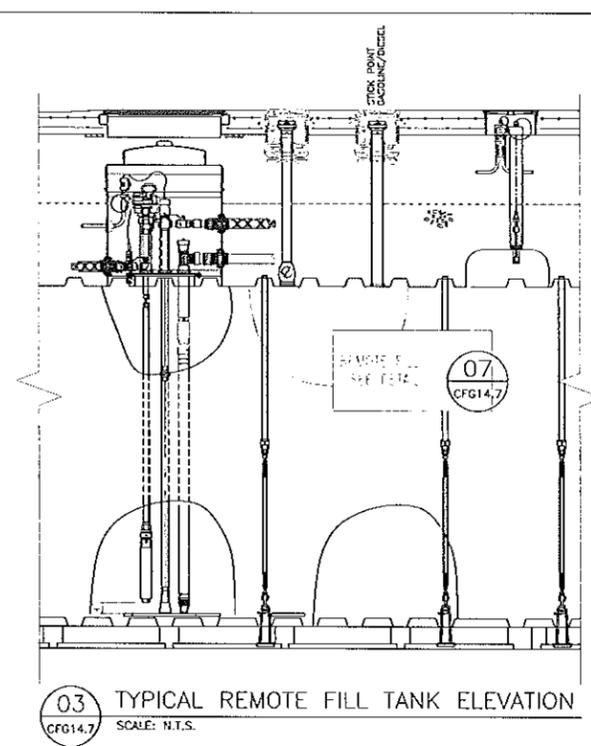
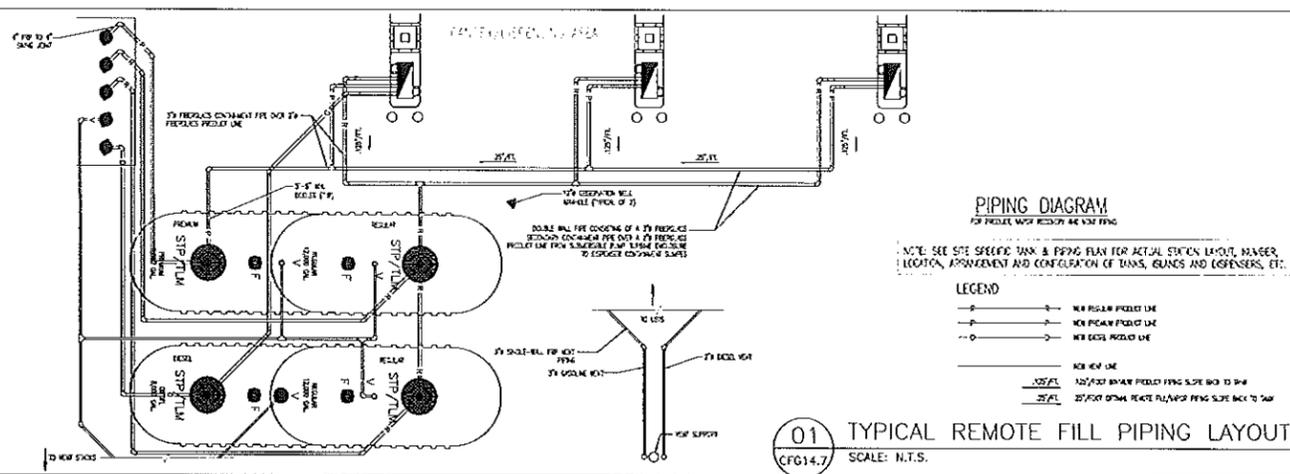
3/4" CONDUIT REQUIRED FOR AIR MACHINE AND AREA LIGHTS FROM ELECTRICAL ROOM TO LIGHTS SHOWN ON SITE PLAN. QUANTITY TO BE COORDINATED WITH SITE PLAN.

3/4" PVC SPIRAL FLEX VENT RISER TO VEEDER ROOT. EXACT LOCATION TO BE DETERMINED IN FIELD.
 3/4" PVC SPIRAL FLEX VENT RISER TO ELECTRIC ROOM. EXACT LOCATION TO BE DETERMINED IN FIELD.

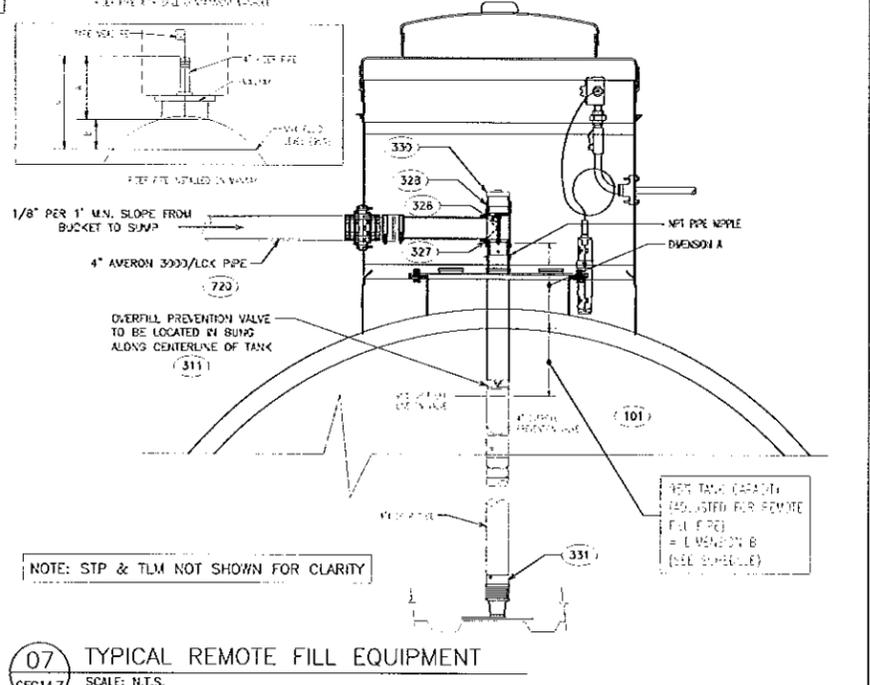
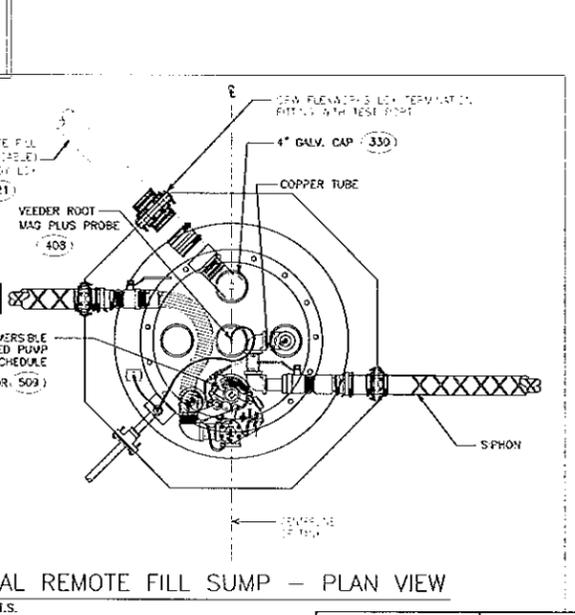
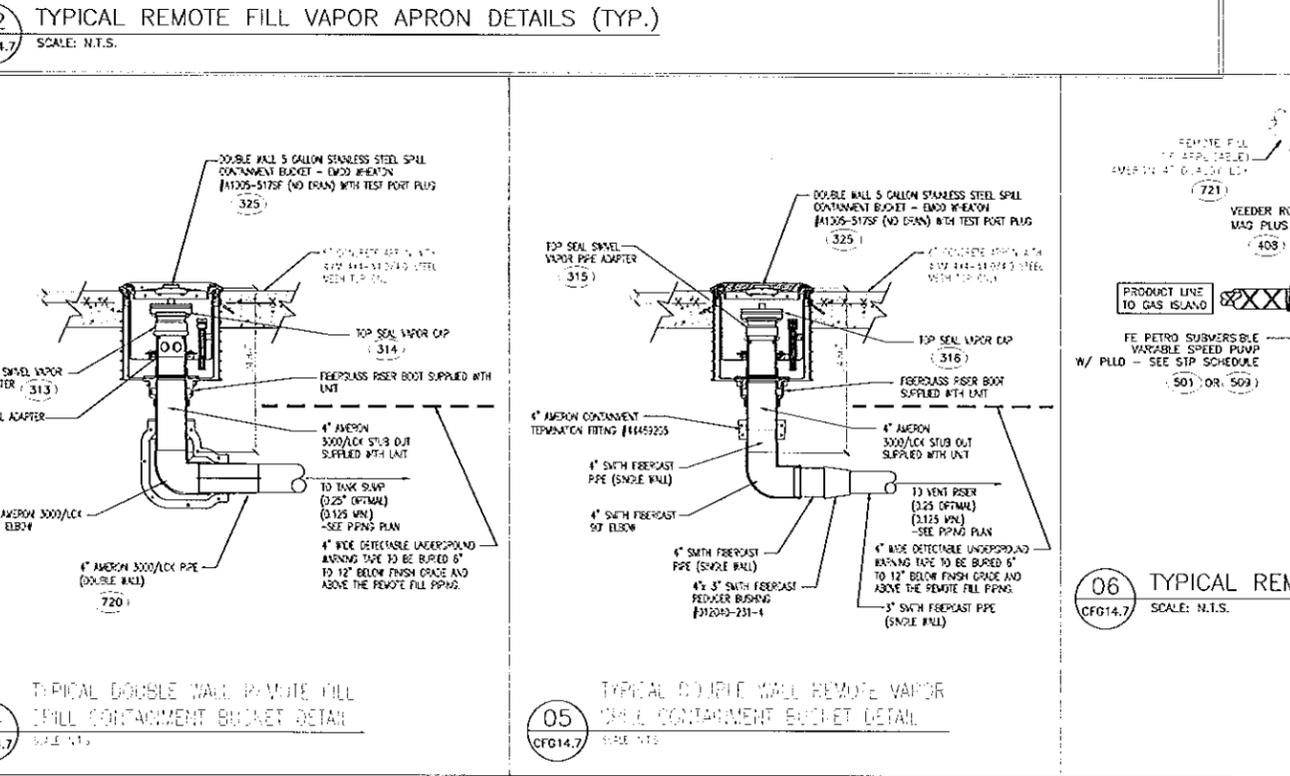
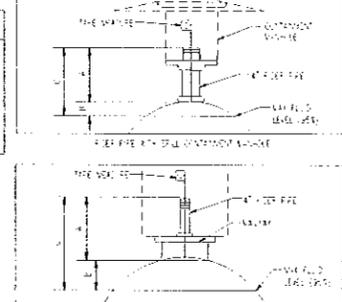
REVISIONS			
NO	DATE	REV. BY	DESCRIPTION

V# n/a
 Store# n/a
 Gas Station# n/a

53 & 55 MAIN STREET, FLORENCE, MA
 CSI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR
TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS
 SCALE: AS NOTED
 DATE: 07/27/2015
 FILE: 0112-Suppl_0514.6
Cumberland FARMS
 CUMBERLAND FARMS, INC.
 100 Crossing Boulevard
 Framingham, MA 01702
 DRAWN BY:
TANK INSTALLATION DETAILS CFG14.6



ITEM	QTY	DESCRIPTION	UNIT	QTY	DESCRIPTION	UNIT	QTY	DESCRIPTION	UNIT
1	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET
2	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET	1	DOUBLE WALL PERMIT CONTAINMENT BUCKET - 20,000 GALS - SEE PIPING & ELECTRICAL (SEE PLAN)	BUCKET



\\SERVER1\SharedData\Projects\Cumberland Farms\CF14\VA\Florence\Main\US\CF14_7_729\16_B560m.dwg

53 & 55 MAIN STREET, FLORENCE, MA

CFI - DOUBLE WALL FIBERGLASS TANK INSTALLATION FOR

TWO (2) 20,000 (12/8 SPLIT) GALLON TANKS

SCALE: AS NOTED

DATE: 07/27/2015

FILE: 0102-010215

DRAWN BY:

Cumberland

CUMBERLAND FARMS, INC.
100 Crossing Boulevard
Framingham, MA 01702

REMOTE FILL DETAILS CFI14.7

WHF PROJECT NO. 346314 SHEET 8 OF 8

REVISIONS				V# n/a
NO.	DATE	REV. BY.	DESCRIPTION	Store# n/a
				Gas Station# n/a



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts

City/Town of NORTHAMPTON

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates
LAT.
LONG.
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 53 and 55 Main Street Map 17C, Lot 197; Map 23A, Lot 077
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc. (53 Main Street) ; James Mailloux (55 Main Street) (see attached authorization)

Applicant: Cumberland Farms, Inc.

Address of Applicant: 100 Crossing Boulevard, Framingham, MA 01702

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

4/20/1922; 4/5/1923; 3/5/1931; 9/7/1933; 8/22/1935; 10/17/1946

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline*	IB	20,000	gal.	UST
Gasoline**	IB	12,000	gal.	UST
Diesel**	II	8,000	gal.	UST

SEE ATTACHED

~~*compartment tank~~

~~**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)~~

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Senior Pipeline Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen Sousa Date 8/9/2016 Name Kathleen A. Sousa, Senior Pipeline Mgr
Kathleen A. Sousa

Fire Department Use Only

I, Duane Nichols, Head of the Northampton Fire Department endorse this application with my

Approval Disapproval

Duane Nichols
Signature of Head of the Fire Department

9-26-16
Date

Recommendations: _____

Application to Amend Flammable & Combustible Liquids Flammable Gases & Solids Application for
 Cumberland Farms
 53/55 Main Street, Florence

CURRENT CONDITIONS					
TANK	PRODUCT	CLASS	MAXIMUM QUANTITY	UNITS	CONTAINER
1	Gasoline	IB	7,000	Gallons	UST
2	Gasoline	IB	7,000	Gallons	UST
3	Gasoline	IB	7,000	Gallons	UST
			Total = 21,000	Gallons	
REVISED CONDITIONS					
TANK	PRODUCT	CLASS	MAXIMUM QUANTITY	UNITS	CONTAINER
1	Gasoline	IB	20,000	Gallons	UST
2 Compartment A	Gasoline	IB	12,000	Gallons	UST
2 Compartment B	Diesel	II	8,000	Gallons	UST
			Total = 40,000	Gallons	
The revised conditions represent an increase of 19,000 gallons to the existing license.					

EXHIBIT A

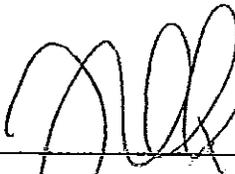
LEGAL DESCRIPTION OF PROPERTY

Next 3 pages

EXHIBIT B

To Whom It May Concern:

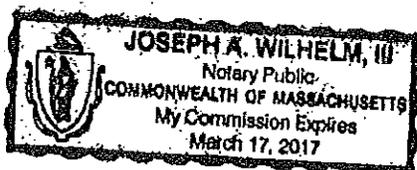
JAMES MAILLOUX (the "Owner") is the owner of the property located at 55 Main Street, Florence, Massachusetts (the "Property"). The Owner hereby authorizes Cumberland Farms, Inc., and/or their agents, including, but not limited to, Hinckley, Allen & Snyder, LLP and any engineering or architecture firm that the above may designate, to execute, submit and prosecute applications and any applicable materials to the Town of Florence, Massachusetts boards, commissions, agencies and the like (including, without limitation, zoning boards, planning boards and the [City/Town] Council) on behalf of the Owner, for the purpose of obtaining municipal permits and approvals and property rezonings for the development of the Property.

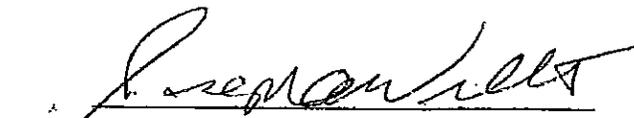


JAMES MAILLOUX

State of MA
County of Hampshire

Personally appeared the above-named JAMES MAILLOUX before me this 20th day of July, 2015, known to be the person whose name is subscribed to the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.



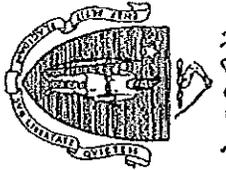


Notary Public/Justice of the Peace
My Commission Expires: 3-17-17

J.M.



#2009 K lorence



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION

1010 COMMONWEALTH AVENUE, BOSTON

DUPLICATE

Northampton Oct. 1, 1946
(City or Town) (Date)

LICENSE

In accordance with the provisions of Chapter 149 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land 53 Main Street, Florence
Owner of land Cumberland Street, Florence
Address 777 Dedham Street, Canton, MA 02021

Number of buildings or other structures to which this license applies One
Occupancy or use of such buildings
Total capacity of tanks in gallons:—Aboveground Underground 21, 100
Kind of fluid to be stored in tanks Gasoline

Restrictions—If any:
"A true copy
Attest: [Signature] /s/ John P. Foley, City Clerk
City Clerk (Signature of licensing authority)

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED PLACE ON THE LAND FOR WHICH IT IS GRANTED

#2009

**Guidelines for Municipal Officials on the
Issuance and or Reconstruction of Licenses Granted under
Massachusetts General Law, Chapter 148 § 13**

PURPOSE

This guidance document is to clarify the requirements and procedures for the issuance of Licenses for the storage of flammables, combustibles and explosives. As you know, Massachusetts General Law Chapter 148, Section 13 requires land on which buildings or structures (such as storage tanks) that contain certain quantities of these products *be licensed*. This license is granted by local licensing authorities.

527 CMR 1.00 Table 1.12.8.50 specifies the quantities of each material which require a license.

A license is granted by a local licensing authority and then is recorded in the office of the city or town clerk. From the time of its granting by the licensing authority, a license is deemed a grant attached to the land. A license is not a personal privilege. A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license.

Massachusetts General Law Chapter 148, Section 13 establishes the procedure under which local licensing authorities may grant licenses for the storage of flammable combustibles and explosives on the land. City and town clerks are required to maintain records of licenses that have been granted. Licenses must provide particulars on the license in such detail that the quantity of material, any restrictions imposed on storage, and the location of the licensed land will always be a matter of public record.

Chapter 148 establishes no set format for a license to store flammable, combustible and explosives granted in accordance with Massachusetts General Law, Chapter 148, Section 13. It is prudent that all licenses *in whatever format* contain *as a minimum* the following information:

- The date the license was issued;
- The location of the land (Street, Number, Assessors Map and Parcel ID);
- Owner of the land
- Address of the owner of the land

- Maximum quantity of storage containers (all containers are considered full for the purpose of licensing and permitting).
- Type material to be stored (flammables, combustibles, fireworks, LP-gas, explosives) and the maximum quantity of each class of material;
- Restrictions, if any;
- The signature of the licensing authority;
- A statement that the license must be posted on the licensed land.

A license upon being granted must be filed with the office of the city or town clerk within the jurisdiction of the granting authority and shall become a record available to the public.

If Original License Cannot Be Found

There are occasions when licenses granted and records of licenses granted in the past may not be currently available. There are also instances where the original local license granting authority may also not be the same or currently available.

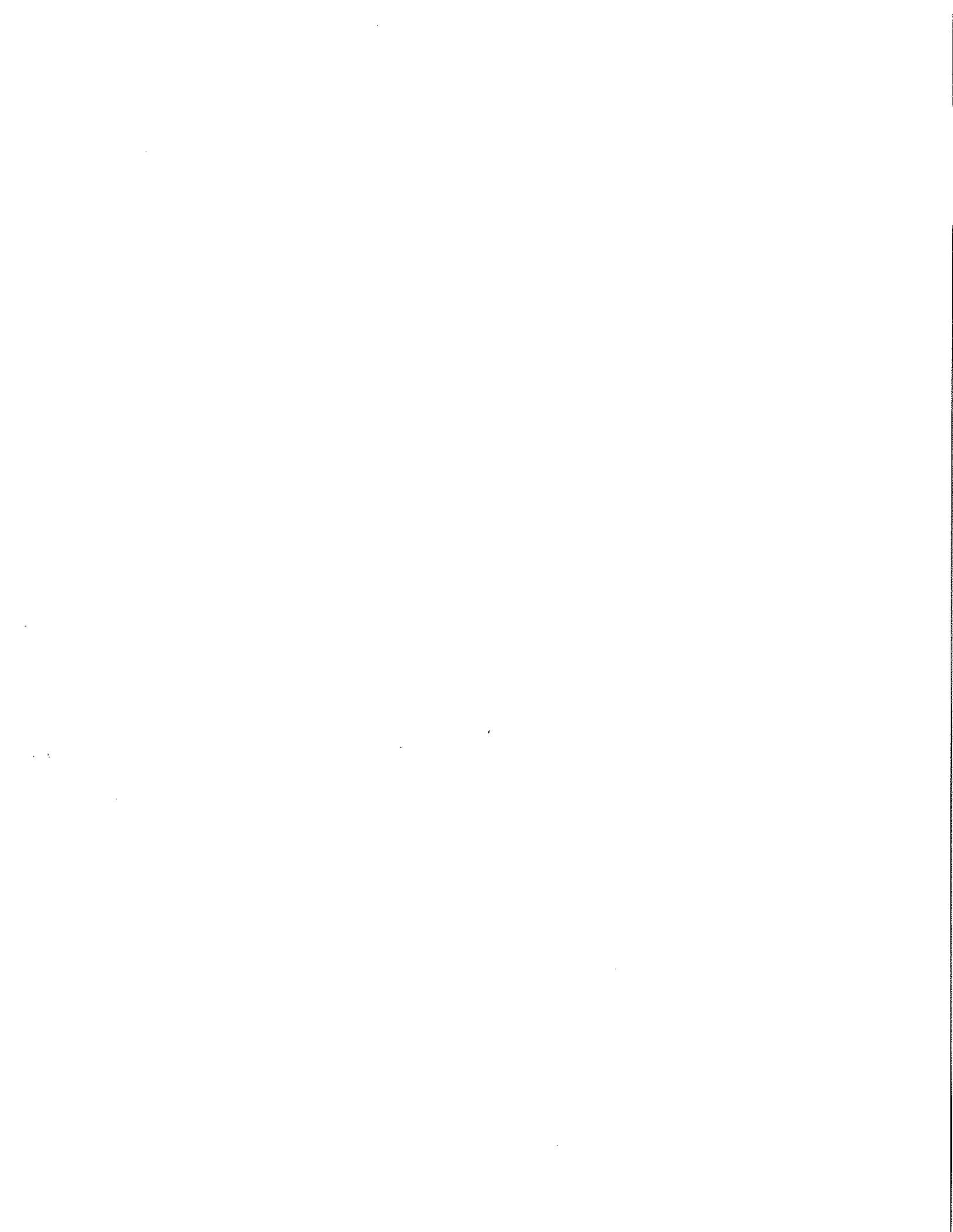
In these instances, if the city or town having jurisdiction recognizes the validity of such license. The following procedure may be used as *the next best available evidence of the existence of a previously granted license*.

This evidence may consist of a reconstruction of a license from available information or records on file with the office of the city or town clerk by the clerk, or the office of the local licensing authority by the local licensing authority, that tend to compel a prudent person to believe that a license has been granted in the past encompassing the stated terms of the license.

This reconstructed information should contain that information previously detailed in this policy.

Upon license reconstruction, this information shall become *the* license and shall be recorded as a license in the records of the city or town clerk which shall then become a matter of public record. This recording will serve as the license required by Massachusetts General Law, Chapter 148, Section 13, for the storage of flammables, combustibles and explosives on the land.

Land may only have one license for the storage of flammables and combustibles and explosives. Adding additional quantities of materials or changing the category of material is accomplished by amending the existing license. When a license is reconstructed, the date of the reconstructed license then become the license date. The current license shall contain the total aggregate capacity for which the land has been licensed.



2.00 SITE DESCRIPTION

2.10 - SITE LOCATION AND SETTING

The site is located at 53 Main Street in Florence, Massachusetts with UTM coordinates of 691788mE and 4689455mN. The property is owned by VSH Realty of Canton, Massachusetts and is currently operated as a Gulf Gasoline Station and Cumberland Farms Convenience Store (Store #2009). The site, consisting of approximately 21,374 square feet of land, supports a one-story building which contains a Cumberland Farms convenience store, Atilla's Pizza restaurant, and Medicine Shoppe pharmacy. The site is serviced by municipal water and sewer. Properties located within a one-half mile radius of the site are serviced by municipal water.

Land use adjacent to the site includes: a commercial building to the east; a residence to the west; a commercial building to the north; and a restaurant, a residence, and a parking lot to the south across Main Street.

No Areas of Critical Environmental Concern, Sole Source Aquifers, or habitats of Species of Special Concern or Threatened or Endangered Species are present within 500 feet of the site. No municipal drinking water supplies or known private groundwater production wells are located within 500 feet of the site. No Zone II Areas, Interim Wellhead Protection Areas or Zone A areas are located within 500 feet of the site. The area in the vicinity of the site is not considered to be a potentially productive aquifer.

2.20 - SITE HISTORY

According to Sanborn Maps, Northampton City Street Directories, and Northampton City Hall records, the site was originally developed for use as a residence in the early 1900's. The property was redeveloped in 1922 for use as a service garage and gasoline station. Previous occupants include:

in duplicate 40 milliliter (ml) teflon septa vials for volatile organic compound analysis by EPA Method 624 and in one liter glass containers for total petroleum hydrocarbon analysis by Gas Chromatography (GC). Groundwater samples collected from wells ECS-1 and ECS-4 were also collected in one liter plastic containers for soluble lead analysis. The vials were preserved with concentrated hydrochloric acid and the metals samples were field filtered and preserved with nitric acid. All samples were refrigerated on-site and during transport to Massachusetts certified laboratories following chain of custody protocols. Laboratory reports are included as Appendix E and results are summarized in Table 5.

A sample from each monitoring well was collected for on-site testing of temperature, pH, specific conductance, and to permit observation of pertinent characteristics such as the presence of odor or sheen. The Field Sampling Log is included as Appendix D.

3.80 - UNDERGROUND STORAGE TANK REMOVAL OBSERVATIONS

On April 29, 1996, ECS observed the removal of one 8,000 gallon, single-walled, steel gasoline tank. On the following day, two 8,000 gallon, single-walled steel tanks were excavated and removed from the excavation. The USTs, which were approximately 26 years old, were in good condition upon removal. No holes were observed in the tanks, and little rusting and pitting was observed. Groundwater was not encountered in the UST excavation. Soils surrounding and beneath the tanks exhibiting PID readings of greater than 50 ppm were excavated and stockpiled on and under polyethylene sheeting in a "contaminated stockpile" for subsequent off-site disposal. Several tons of soil removed from areas beneath the distribution lines for the tanks to the pump island had PID readings ranging from 100 to 160 ppm. The DEP was notified on May 1, 1996 based on PID readings greater than 100 ppm. The UST work was performed under the existing DEP tracking number for the site as a continuation of the IRA.

The new gasoline USTs were to be placed into the former UST excavation. Upon completion of the limits of the new UST excavation, soil samples were collected for laboratory analysis. Composite

Florence Garage (1922-1936); Flemings Garage (1936-1955); Henry's Welding (1950-1962); Fleming's Electrical Appliances (1956-1962); and Fleming's TV Repair (1970-1972). The site has been occupied by a Cumberland Farms Convenience Store and Gulf Gasoline Station since 1973. Underground storage of gasoline has been permitted for the site since 1922.

2.30 - EXISTING AND REASONABLY FORESEEABLE LAND USES

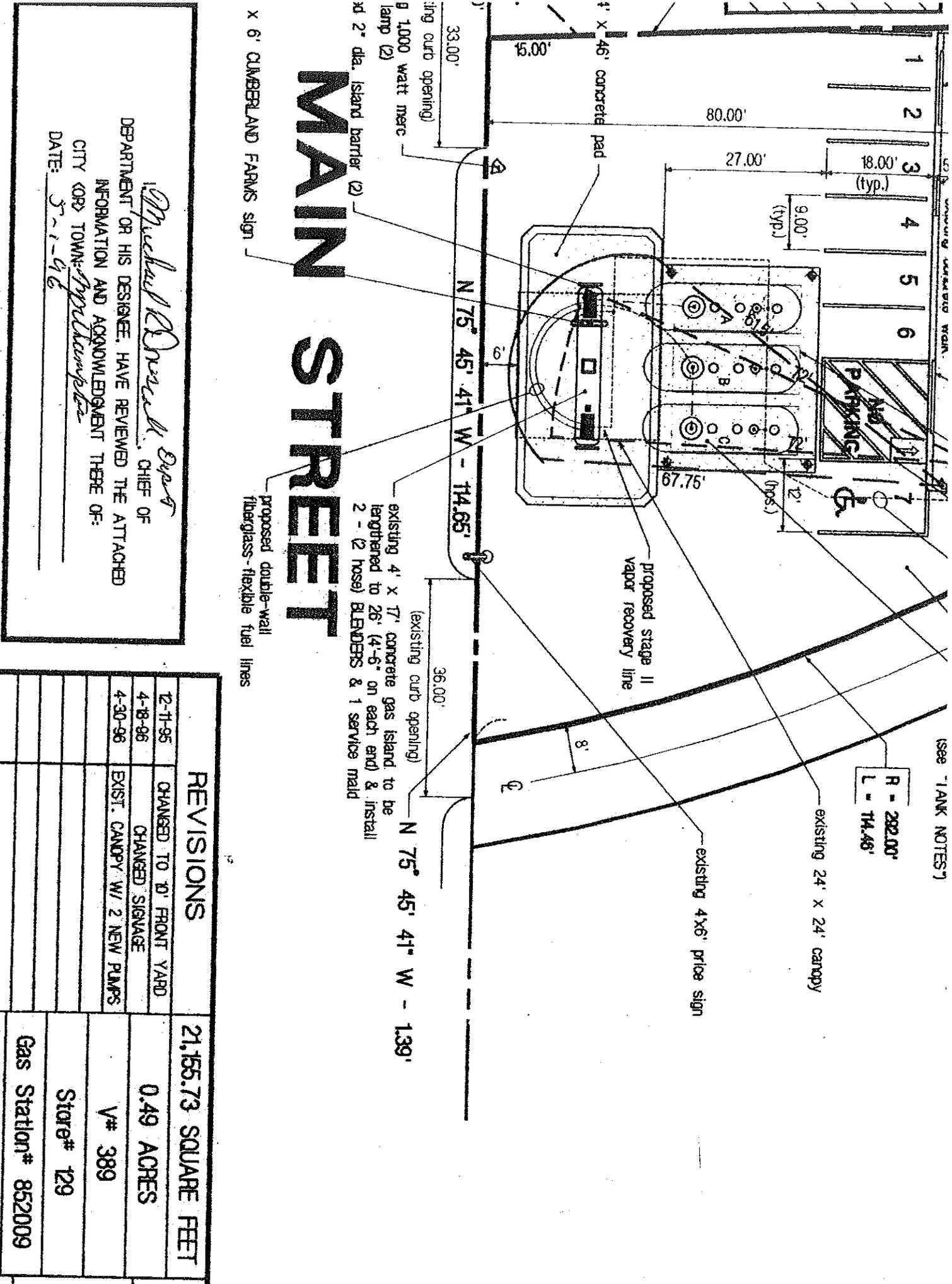
The site is currently operated as a Gulf Gasoline Station, a Cumberland Farms Convenience Store, Atilla's Pizza, and The Medicine Shoppe Pharmacy. The underground storage tank (UST) system was replaced in April and May, 1996; therefore, it is anticipated that the property will be used as a gasoline station in the future. There area, however, no restrictions in site use and it is possible that the site could be used for residential purposes in the future.

(see "PLAN NOTES")

R = 282.00'
L = 74.46'

existing 24' x 24' canopy

existing 4x6' price sign



MAIN STREET

x 6' CUMBERLAND FARMS sign

proposed double-wall fiberglass-flexible fuel lines

existing 4' x 7' concrete gas island to be lengthened to 26' (4'-6\" on each end) & install 2 - (2 hose) BLENDERS & 1 service maid

proposed stage II vapor recovery line

Michael D. Powell, Esq.
CHIEF OF
DEPARTMENT OF HIS DESIGNER, HAVE REVIEWED THE ATTACHED
INFORMATION AND ACKNOWLEDGMENT THERE OF:
CITY (OR) TOWN: *Spokane*
DATE: *5-1-96*

REVISIONS

21,155.73 SQUARE FEET

12-1-95	CHANGED TO 0' FRONT YARD
4-18-96	CHANGED SIGNAGE
4-30-96	EXIST. CANOPY W/ 2 NEW PUMPS

0.49 ACRES

V# 389

Store# 129

Gas Station# 852009

1596-639



FLORENCE -
NORTHAMPTON

V-389

The Commonwealth of Massachusetts



Department of Public Safety—Division of Fire Prevention
1010 COMMONWEALTH AVE., BOSTON

REGISTRATION

...Northampton..... MAR 18 1976 19.....
(City or Town) (Date)

This is to certify that.....V.S.H. Realty, Inc.....has, in accordance with the provisions of Chapter 148, Section 13, of the General Laws, filed with me a certificate of registration setting forth that...V.S.H. Realty, Inc.....is the holder of the license granted

4/5/23, 4/20/22, 3/5/31, 9/7/33, 19..... for the lawful use of the building(s) or other structure(s) situated or to be situated at.....53 Main Street, Florence.....
10/17/46 8/22/35
(Street and Number)

as related to the KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES.

.....
(Signature and Official Title) City Clerk

Note: A certificate of registration must be filed on or before April 30th of each year.

(THIS REGISTRATION MUST BE CONSPICUOUSLY POSTED ON THE PREMISES.)

The Commonwealth of Massachusetts

Department of Public Safety—Division of Fire Prevention
1010 COMMONWEALTH AVE., BOSTON

1996

REGISTRATION

MAY 3 1996

Northampton 19
(City or Town) (Day)

This is to certify that Cumberland Farms, Inc. has, in accordance with the provisions of Chapter 148, Section 13, of the General Laws, filed with me a certificate of registration setting forth that Cumberland Farms, Inc. is the holder of the license granted 4/5/23; 4/20/22; 3/5/31; 9/7/33 19 for the lawful use of the building(s) or other structure(s) 8/22/33; 10/17/40 situated at 53 Main Street, (5), Northampton, Mass.

as related to the KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES.

Justin Spawell
(Signature and Printed Title) CITY CLERK

Note: A certificate of registration must be filed on or before April 30th of each year.

(THIS REGISTRATION MUST BE CONSPICUOUSLY POSTED ON THE PREMISES.)

Form 190-1

2009





Eileen & Alice Brady

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DATE & TIME	STATUS OF ITEM	LOCATION
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September 27, 2016 , 7:54 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Scott Lupin, Jeff & Amy Sadrowski

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September 27, 2016 , 7:55 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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September 27, 2016 , 7:54 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Postal Product:

Features:
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September 27, 2016 , 7:53 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Product & Tracking Information

Postal Product:

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DATE & TIME	STATUS OF ITEM	LOCATION
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September 27, 2016, 7:53 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Tracking Number: 7015166000106761540

Product & Tracking Information

Postal Product:

Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
September 28, 2016 , 7:42 am	Arrived at USPS Facility	SHREWSBURY, MA 01546

Your item arrived at our USPS facility in SHREWSBURY, MA 01546 on September 28, 2016 at 7:42 am. The item is currently in transit to the destination.

September 27, 2016 , 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101
September 27, 2016 , 7:52 pm	Arrived at USPS Facility	HARTFORD, CT 06101

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Tracking Number: 70151660000106761533

Updated Delivery Day: Wednesday, September 28, 2016

Product & Tracking Information

Postal Product:

Features:
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Available Actions

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DATE & TIME	STATUS OF ITEM	LOCATION
September 28, 2016 , 10:54 am	Notice Left (No Authorized Recipient Available)	FLORENCE, MA 01062

We attempted to deliver your item at 10:54 am on September 28, 2016 in FLORENCE, MA 01062 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by October 13, 2016 then it will be returned to sender.

September 28, 2016 , 8:36 am	Out for Delivery	EASTHAMPTON, MA 01027
September 28, 2016 , 8:26 am	Sorting Complete	EASTHAMPTON, MA 01027
September 28, 2016 , 8:23 am	Arrived at Unit	EASTHAMPTON, MA 01027

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Tracking (or receipt) number

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Product & Tracking Information

Postal Product:

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DATE & TIME	STATUS OF ITEM	LOCATION
September 27, 2016 , 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101

Your item departed our USPS facility in HARTFORD, CT 06101 on September 27, 2016 at 10:19 pm. The item is currently in transit to the destination.

September 27, 2016 , 7:56 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Tracking Number: 7015168000106761519

Product & Tracking Information

Postal Product:

Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
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September 27, 2016 , 7:56 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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September 27, 2016 , 7:55 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Tracking Number: 7015166000106761496

Product & Tracking Information

Postal Product:

Features:
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Available Actions

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Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
September 27, 2016, 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101

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September 27, 2016, 7:53 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Tracking Number: 7015166000106761489

Product & Tracking Information

Postal Product: . Features: Certified Mail™

Available Actions

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DATE & TIME	STATUS OF ITEM	LOCATION
September 27, 2016 , 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101

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September 27, 2016 , 7:54 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Tracking Number: 7015166000106761472

Product & Tracking Information

Postal Product: Features:
Certified Mail™

Available Actions

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DATE & TIME	STATUS OF ITEM	LOCATION
September 27, 2016 , 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101

Your item departed our USPS facility in HARTFORD, CT 06101 on September 27, 2016 at 10:19 pm. The item is currently in transit to the destination.

September 27, 2016 , 7:53 pm	Arrived at USPS Facility	HARTFORD, CT 06101
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Product & Tracking Information

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Features:
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Available Actions

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DATE & TIME	STATUS OF ITEM	LOCATION
September 27, 2016 , 10:19 pm	Departed USPS Facility	HARTFORD, CT 06101

Your item departed our USPS facility in HARTFORD, CT 06101 on September 27, 2016 at 10:19 pm. The item is currently in transit to the destination.

September 27, 2016 , 7:54 pm	Arrived at USPS Facility	HARTFORD, CT 06101
------------------------------	--------------------------	--------------------

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 Street and Apt. No., or PO Box No. _____
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9127

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Postage \$	
Total Postage and Fees \$	
Sent To <u>Eram Brady Alice Brady</u> Street and Apt. No., or PO Box No.	
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Postage \$	
Total Postage and Fees \$	
Sent To <u>Jason Baird</u> Street and Apt. No., or PO Box No.	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <u>Judi Pepin Jeff Sedunski</u> Street and Apt. No., or PO Box No.	
City, State, ZIP+4® <u>Jay Sedunski</u>	

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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <u>Scott Norris / Sana Krotkov</u> Street and Apt. No., or PO Box No.	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
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Sent To <u>Lisa Palumbo / Greg Erand</u>	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
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**City of
Northampton**

Pamela Powers <ppowers@northamptonma.gov>

CPC rep from Planning Board

1 message

Carolyn Misch <cmisch@northamptonma.gov>

Mon, Sep 26, 2016 at 11:22 AM

To: Pamela Powers <ppowers@northamptonma.gov>

Cc: Bridget Rodrigue <brodrigue@northamptonma.gov>, Sarah LaValley <slavalley@northamptonma.gov>

Pam-

The Planning Board voted last week for Debin Bruce to step off CPC and for Anne Dewitt Brooks to be Planning Board rep on the CPC>

Let me know if I need to do anything else.

Carolyn Misch, AICP

*Senior Land Use Planner/Permits Manager
City of Northampton Office of Planning & Sustainability
210 Main St, Room 11
Northampton, MA 01060
413-587-1287
cmisch@northamptonma.gov
www.northamptonma.gov/plan*





Fwd: Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

Mayor of Northampton Mass. <mayor@northamptonma.gov>
To: Pamela Powers <ppowers@northamptonma.gov>

Tue, Oct 4, 2016 at 11:25 AM

Here it is!

----- Forwarded message -----

From: <noreply@civicplus.com>

Date: Sat, Aug 1, 2015 at 1:37 PM

Subject: Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

To: mayor@northamptonma.gov

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Ann
Last Name	Brooks
Address1	20 Bridge Road, #1
Address2	<i>Field not completed.</i>
City	Northampton
State	MA
Zip	01062
Home Phone	413/727-3955
Work Phone	<i>Field not completed.</i>
Cell Phone	804/640-4055
Occupation & Place of Employment	retired
Email	acdbrooks@gmail.com

Sex	<i>Field not completed.</i>
Years Lived in Northampton	three
Age	<i>Field not completed.</i>
Racial / Ethnic Background	<i>Field not completed.</i>
Boards and Committees	Transportation & Parking Commission
Please list "other" board or committee of interest	<i>Field not completed.</i>
What skills and experience will you bring to this committee assignment?	planning education
Are you currently serving or have you served on any city committee?	Yes
Please list other city committees you have served on	Planning/Bike and Pedestrian
<p>Required: Please read the following, by signing below you state that you understand and agree. <i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p>	
Signature	Ann DeWitt Brooks
Date	8/1/2015

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—
Lyn N. Simmons, Chief of Staff
Cyndi Murphy, Executive Assistant
Bridget Rodrigue, Mayoral Assistant
Office of Mayor David J. Narkewicz
City of Northampton
210 Main Street, Room 12
Northampton MA 01060

413-587-1249 phone
413-587-1275 fax
www.northamptonma.gov



MAYOR DAVID J. NARKEWICZ

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

DATE: August 30, 2016

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

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

Conservation Commission:

- Lisa Fusco, 130 Cross Path Road, Northampton – term September 2016 - June 2019

Housing Partnership:

- Richard Abuza, 245 Chestnut Street, Florence – term July 2016 – June 2019 (reappointment)
- Alison Brauner, 19 Market Street Apt. B, Northampton – term September 2016 – June 2019

Human Rights Commission:

- Karen Bellavance-Grace, 19 Church Street, Northampton – term September 2016 – June 2019
- Davina Miller, 33 Summer Street, Northampton – term September 2016 – June 2019

Public Shade Tree Commission:

- Todd Ford, 78 Fern Street, Florence – term July 2016 – June 2019 (reappointment)
- Marilyn Castriotta, 79 West Street, Northampton – term July 2016 – June 2019 (reappointment)

Cc: City Clerk, Wendy Mazza



City of
Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>

Sat, May 14, 2016 at 9:37 AM

To: mayor@northamptonma.gov

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Lisa
Last Name	Fusco
Title, if applicable	<i>Field not completed.</i>
Address1	130 Cross Path Road
Address2	<i>Field not completed.</i>
City	Northampton
State	MA
Zip	01060
Home Phone	413-218-7823
Work Phone	Same
Cell Phone	Same
Occupation & Place of Employment	Semi-retired
Email	lifusco@comcast.net
Sex	Female
Years Lived in Northampton	12
Age	50 - 59
Racial / Ethnic Background	Caucasian
Boards and Committees	Conservation Commission, Planning Board
Please list "other" board or	<i>Field not completed.</i>

committee of interest

What skills and experience will you bring to this committee assignment? Environmental Police Officer, 20 years, retired in 2008. BA in Mass Communications MS in Criminal Justice

Are you currently serving or have you served on any city committee? Yes

Please list other city committees you have served on Conservation Commission 4 1/2 years

Required: Please read the following; by signing below you state that you understand and agree.

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

Signature Lisa L. Fusco

Date 5/14/2016

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**City of Northampton
Application for Appointment to
Boards, Committees and Commissions**

Name: Richard Abuza
 Address: 245 Chestnut St Florence
 Email: abuza@comcast.net
 Home Phone: 586-4499 Work: 586 8681 Cell: 537 5309
 Occupation: Property mgr Years lived in Northampton: 42

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

Agricultural Commission	License Commission
Almoners, Board of	Municipal Affordable Housing Trust Fund Board of Trustees
Arts Council	Parks and Recreation Commission
Assessors, Board of	Planning Board
Central Business Architecture Committee	Public Shade Tree Commission
Community Preservation Committee	Public Works Commission
Conservation Commission	Redevelopment Authority
Council on Aging	Registrars, Board of
Disability Commission	Transportation & Parking Commission
Energy & Sustainability Commission	Trust Fund Committee
Health, Board of	Youth Commission
<u>Historical Commission</u>	Zoning Board of Appeals
<u>Housing Partnership</u>	
Human Rights Commission	

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

(attach additional sheet or resume if necessary)

long time current member of Housing Partnership, local property manager
local business owner

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

*(*if yes please state what committee)* Housing Partnership, Redevelopment Authority

Required: Please read the following, by signing below you state that you understand and agree:

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

SIGNATURE

[Handwritten Signature]

DATE

6/4/16

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

OPTIONAL INFORMATION

*This information will be used for diversity purposes only.
Complete it only if you wish to do so.*

Age:

Under 29 ___ 30-39 ___ 40-49 ___ 50-59 ___ 60-69 70 plus ___

Sex: M F ___ Racial/Ethnic Background White



City of
Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>

Mon, Aug 29, 2016 at 10:47 AM

To: mayor@northamptonma.gov

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Alison
Last Name	Brauner
Title, if applicable	<i>Field not completed.</i>
Address1	19 Market Street
Address2	Apt. B
City	Northampton
State	MA
Zip	01060
Home Phone	<i>Field not completed.</i>
Work Phone	<i>Field not completed.</i>
Cell Phone	7813451175
Occupation & Place of Employment	Assistant Director- Cathedral in the Night/Episcopal Diocese of Western MA
Email	alisonbrauner@gmail.com
Sex	Female
Years Lived in Northampton	1
Age	Under 29
Racial / Ethnic Background	<i>Field not completed.</i>
Boards and Committees	Housing Partnership
Please list "other" board or	<i>Field not completed.</i>

committee of interest

What skills and experience will you bring to this committee assignment?

I work primarily with people experiencing homelessness or who are living in public housing. My hope is to bring the personal stories and experiences of people to the Housing Partnership Committee in order to expand our understanding of the needs related to housing in Northampton.

Are you currently serving or have you served on any city committee?

No

Please list other city committees you have served on

Field not completed.

Required: Please read the following, by signing below you state that you understand and agree.

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

Signature

Alison

Date

8/29/2016

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City of Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>
To: mayor@northamptonma.gov

Tue, Aug 23, 2016 at 1:21 PM

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Karen
Last Name	Bellavance-Grace
Title, if applicable	<i>Field not completed.</i>
Address 1	19 Church Street
Address 2	<i>Field not completed.</i>
City	Northampton
State	MA
Zip	01060
Home Phone	413-923-8010
Work Phone	<i>Field not completed.</i>
Cell Phone	<i>Field not completed.</i>
Occupation & Place of Employment	Unitarian Universalist Association, New England Region
Email	wren.bg@gmail.com
Sex	Female
Years Lived in Northampton	27
Age	50 - 59
Racial / Ethnic Background	<i>Field not completed.</i>
Boards and Committees	Community Preservation Committee, Human Rights Commission

Please list "other" board or committee of interest *Field not completed.*

What skills and experience will you bring to this committee assignment? I bring the experience of working in municipal government and other non-profit organizations, which require an understanding of organizational systems and how change happens within them. I have been involved in social justice and civil rights work locally since arriving in the Pioneer Valley. I bring a deep love and respect for the City of Northampton and the home it has provided for me and for my children, and a deep desire to give back to the community in a way that may ensure that the gifts and promise of Northampton remain for generations to come.

Are you currently serving or have you served on any city committee? No

Please list other city committees you have served on *Field not completed.*

Required: Please read the following, by signing below you state that you understand and agree.

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

Signature Karen Bellavance-Grace

Date 8/23/2016

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City of Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>
To: mayor@northamptonma.gov

Tue, Aug 23, 2016 at 8:25 PM

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Davina
Last Name	Miller ¹
Title, if applicable	Field not completed.
Address 1	33 Summer St
Address 2	Field not completed.
City	Northampton
State	MA
Zip	01060
Home Phone	1413 586 1077
Work Phone	1413 5841992
Cell Phone	1413 896 4868
Occupation & Place of Employment	Self employed clinical social worker. 57 Gothic St., Northampton, MA 01060
Email	davinamiller@gmail.com
Sex	Female
Years Lived in Northampton	31
Age	60 - 69
Racial / Ethnic Background	Caucasian
Boards and Committees	Human Rights Commission
Please list "other" board or	Energy and Sustainability Commission

committee of interest

What skills and experience will you bring to this committee assignment? Many years of experience as a psychotherapist. 12 years on the Northampton School Committee. I like to think I am fairly sensible.

Are you currently serving or have you served on any city committee? Yes

Please list other city committees you have served on School Committee

Required: Please read the following, by signing below you state that you understand and agree.

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

Signature Davina Miller

Date 8/23/2016

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City of
Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>

Wed, Aug 17, 2016 at 4:21 PM

To: mayor@northamptonma.gov

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Todd
Last Name	Ford
Title, if applicable	Field not completed.
Address 1	78 Fem St.
Address 2	Field not completed.
City	Florence
State	Massachusetts
Zip	01062
Home Phone	4132075612
Work Phone	4132075612
Cell Phone	4132075612
Occupation & Place of Employment	Hampshire Council of Governments
Email	todddford@gmail.com
Sex	Male
Years Lived in Northampton	5
Age	Field not completed.
Racial / Ethnic Background	Field not completed.
Boards and Committees	Public Shade Tree Commission
Please list "other" board or	Field not completed.

committee of interest

What skills and experience will you bring to this committee assignment? See previous application

Are you currently serving or have you served on any city committee? Yes

Please list other city committees you have served on Public shade tree commission and bike and pedestrian sub committee

Required: Please read the following, by signing below you state that you understand and agree.

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

Signature Todd ford

Date 8/17/2016

Email not displaying correctly? View it in your browser.



City of Northampton

Application for Appointment to Boards, Committees and Commissions

Name: Marilyn Castrionta
 Address: 79 West Street, Northampton, MA 01060
 Email: mcastrionta1@antioch.edu
 Home Phone: _____ Work: _____ Cell: 617-576-0810
 Occupation: Program Manager Years lived in Northampton: 1 year, 8 months
Center for Climate Change and Community Resilience

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

Agricultural Commission	License Commission
Almoners, Board of	Municipal Affordable Housing Trust Fund Board of Trustees
Arts Council	Parks and Recreation Commission
Assessors, Board of	Planning Board
Central Business Architecture Committee	<u>Public Shade Tree Commission</u>
Community Preservation Committee	Public Works Commission
Conservation Commission	Redevelopment Authority
Council on Aging	Registrars, Board of
Disability Commission	Transportation & Parking Commission
Energy & Sustainability Commission	Trust Fund Committee
Health, Board of	Youth Commission
Historical Commission	Zoning Board of Appeals
Housing Partnership	
Human Rights Commission	

Mayor's Office
 AUG 17 2016
 Northampton MA

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

(attach additional sheet or resume if necessary)

- Conservation biology (master of science)
- Land conservation stewardship
- program management, event management, public outreach and education.

Are you currently serving or have you served on any City committee: _____ No Yes*
 (*If yes please state what committee) Public Shade Tree Commission

Required: Please read the following, by signing below you state that you understand and agree:
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SIGNATURE Marilyn Castrionta DATE 8/17/16

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

OPTIONAL INFORMATION

*This information will be used for diversity purposes only.
Complete it only if you wish to do so.*

Age:

Under 29 ___ 30-39 ___ 40-49 ___ 50-59 60-69 ___ 70 plus ___

Sex: M ___ F Racial/Ethnic Background Caucasian



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

DATE: September 13, 2016

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

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

Arts Council:

- Joseph Pesce, 685 Ryan Road, Florence – term October 2016 – June 2019

Board of Assessors:

- Denny Nolan, 319 Elm Street, Northampton – term October 2016 – June 2019
- Margo Welch, 143 Main Street, Northampton – term July 2016 – June 2019 (reappointment)

Planning Board:

- Euripedes De Oliveira, Associate Member, 9 Washington Place, Northampton – term October 2016 – June 2019

Cc: City Clerk, Wendy Mazza



**City of Northampton
Application for Appointment to
Boards, Committees and Commissions**

Name: JOSEPH PESCE
 Address: 685 RYAN RD. FLORENCE, MA.
 Email: pescejoseph@gmail.com
 Home Phone: Work: Cell: 617-866-0580
 Occupation: Sculptor Years lived in Northampton: 5

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

Agricultural Commission	License Commission
Almoners, Board of	Municipal Affordable Housing Trust Fund Board of Trustees
Arts Council	Parks and Recreation Commission
Assessors, Board of	Planning Board
Central Business Architecture Committee	Public Shade Tree Commission
Community Preservation Committee	Public Works Commission
Conservation Commission	Redevelopment Authority
Council on Aging	Registrars, Board of
Disability Commission	Transportation & Parking Commission
Energy & Sustainability Commission	Trust Fund Committee
Health, Board of	Youth Commission
Historical Commission	Zoning Board of Appeals
Housing Partnership	
Human Rights Commission	

What skills and experience will you bring to this Committee assignment:
(attach additional sheet or resume if necessary)

Are you currently serving or have you served on any City committee: No Yes*
*(*If yes please state what committee)*

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

SIGNATURE Joseph Pesce DATE July 20, 2016

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

OPTIONAL INFORMATION

*This information will be used for diversity purposes only.
Complete it only if you wish to do so.*

Age: Under 29 ___ 30-39 ___ 40-49 ___ 50-59 ___ 60-69 ___ 70 plus ___

Sex: M ___ F ___ Racial/Ethnic Background _____

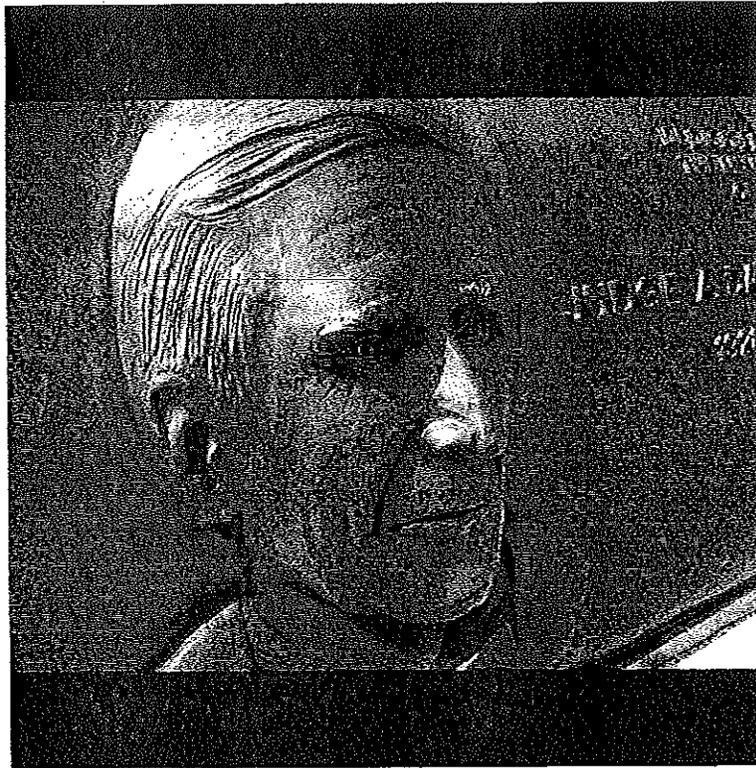
Joseph Pesce

685 Ryan Rd
Florence, MA. 01062

Studio Address:
Pygmalion Elements & Sculpture
150 Pleasant Street
Easthampton, MA. 01027

617-866-0580
email = pygmaliones@gmail.com
web = sculpture-props.com

EIN#45-377-2127



Public Art

- **Judge A. David Mazzone Memorial** – Deer Island, Boston, MA.

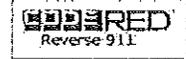
2003-04

Spirit and Minions – installation made for First Night Boston



Form Center

City of Northampton, Massachusetts



By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Application for Appointment to Boards, Committees and Commissions

BOARD OF ASSESSORS

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name*	Last Name*	Title, if applicable
DENNY	NOLAN	

Address1*
319 Elm St. NORTHAMPTON, MA. 01060

Address2
[Empty field]

City*	State*	Zip*

Home Phone	Work Phone	Cell Phone
→	→	413-626-2357

Occupation & Place of Employment
Realtor Denny Nolan R.E.

Email
<dnolan3170@yahoo.com>

Sex

This information is optional and will be used for diversity purposes only. Complete it only if you wish to do so.

- Male
- Female

Years Lived in Northampton

73

Age

This information is optional and will be used for diversity purposes only. Complete it only if you wish to do so.

- Under 29
- 30 - 39
- 40 - 49
- 50 - 59
- 60 - 69
- 70 plus

Racial / Ethnic Background

WHITE guy

This information is optional and will be used for diversity purposes only. Complete it only if you wish to do so.

Boards and Committees

Please indicate the boards and committees you have an interest serving on.

- Agricultural Commission
- Almoners, Board of
- Arts Council
- Assessors, Board of
- Central Business Architecture Committee
- Community Preservation Committee
- Conservation Commission
- Council on Aging
- Disability Commission
- Energy & Sustainability Commission
- Health, Board of
- Historical Commission
- Housing Partnership
- Human Rights Commission
- License Commission
- Municipal Affordable Housing Trust Fund Board of Trustees
- Parks and Recreation Commission
- Planning Board
- Public Shade Tree Commission
- Public Works Commission
- Redevelopment Authority
- Registrars, Board of
- Transportation & Parking Commission
- Trust Fund Committee
- Youth Commission
- Zoning Board of Appeals

Please list "other" board or committee of interest

What skills and experience will you bring to this committee assignment?*

Are you currently serving or have you served on any city committee?*

No

Yes

Please list other city committees you have served on

Chairman of Smith School School Board / Elm St Historic Dist
(founder)

Required: Please read the following, by signing below you state that you understand and agree.

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

Signature*

Denny Nolan

Date*

mm/dd/yyyy
8-24-2016

Receive email copy

Email address

<Dnolan3170@yahoo.com>

This field is not part of the form submission.

* indicates a required field



City of
Northampton

Pamela Powers <ppowers@northamptonma.gov>

Fwd: Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

Mayor of Northampton Mass. <mayor@northamptonma.gov>
To: Pamela Powers <ppowers@northamptonma.gov>

Tue, Sep 13, 2016 at 12:11 PM

Pam,

The Mayor has added Margo Welch to his memo. Here is here application and the updated memo.

Best,

Bridget

----- Forwarded message -----

From: <noreply@civicplus.com>

Date: Tue, Sep 13, 2016 at 11:45 AM

Subject: Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

To: mayor@northamptonma.gov

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	MARGO E.
Last Name	WELCH
Title, if applicable	Field not completed.
Address1	143 Main Street
Address2	Field not completed.
City	Northampton
State	MA
Zip	01060-3140
Home Phone	4132031032
Work Phone	4135863558

Cell Phone	4137752989
Occupation & Place of Employment	Attorney; self employed attorney under business name of Welch Law Offices located in Northampton
Email	margo.welch@verizon.net
Sex	Female
Years Lived in Northampton	born in Northampton, 46 yrs
Age	<i>Field not completed.</i>
Racial / Ethnic Background	caucasian
Boards and Committees	Assessors, Board of
Please list "other" board or committee of interest	<i>Field not completed.</i>
What skills and experience will you bring to this committee assignment?	Presently serving on Board of Assessors but term has run and would like Board appointment to be renewed and continue my service
Are you currently serving or have you served on any city committee?	Yes
Please list other city committees you have served on	Have also service on Council on Aging
<p>Required: Please read the following, by signing below you state that you understand and agree. <i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p>	
Signature	Margo E. Welch
Date	9/13/2016

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Lyn N. Simmons, Chief of Staff
Cyndi Murphy, Executive Assistant
Bridget Rodrigue, Mayoral Assistant
Office of Mayor David J. Narkewicz
City of Northampton
210 Main Street, Room 12
Northampton MA 01060
413-587-1249 phone
413-587-1275 fax
www.northamptonma.gov



Appointments to Committees #5.docx
34K



City of
Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Planning Board

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>
To: mayor@northamptonma.gov

Wed, Apr 27, 2016 at 1:33 AM

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Euripedes
Last Name	De Oliveira
Title, if applicable	Mr.
Address1	9 Washington Place
Address2	Field not completed.
City	Northampton
State	MA
Zip	01060
Home Phone	310-403-3898
Work Phone	310-403-3898
Cell Phone	310-403-3898
Occupation & Place of Employment	Urban Studies, Regional Planning, and International Development, Lecturer at California State University Northridge, and at the University of Massachusetts Amherst . PhD candidate in Regional Planning at University of Massachusetts Amherst.
Email	euriboj@msn.com
Sex	Male
Years Lived in Northampton	7

Age	50 - 59
Racial / Ethnic Background	Latino with Portugese ancestry
Boards and Committees	Planning Board
Please list "other" board or committee of interest	<i>Field not completed.</i>

What skills and experience will you bring to this committee assignment?

I have always been intrigued with the many aspects of urban life, and its complex array of cultures and behaviors, that I have experienced when living in rural towns or in the world-class city of Sao Paulo, Brazil, and Los Angeles, USA. I am a homeowner in Northampton and have a deep professional and personal interest in the city and its future, and would like to be considered for a member position in the Planning Board. My academic and professional interests are in the fields of urban studies, regional planning, and international development. I am a lecturer in these fields at both California State University Northridge, and University of Massachusetts Amherst. I am a Regional Planning PhD candidate at LARP/UMass, my dissertation concerns local planning and climate change. I lived in Santa Monica/CA, before moving to Northampton in 2009. Back then, as a resident I joined the Sustainable City Task Force, wherein we advised City Council and help to raise awareness in the community at large about sustainability and the city's Sustainable City Plan (SCP). We developed strategies to work with city stakeholders in the revision of the city's 10-years old SCP. I believe that one of my chief strengths is to reach out and engage with stakeholders and to work effectively with diverse audiences of people to accomplish my work. As you will note from my resume I speak three languages (English, Portuguese, and Spanish) and have a proven track record of communicating planning or technical concepts in layman's terms.

EDUCATIONAL BACKGROUND
 PhD Candidate 2015; University of Massachusetts Amherst (UMass); Planning and Climate Change Teaching Credential 2005, California State University Northridge (CSUN); High School Social Studies M.L.A. 2003 University of California, Los Angeles (UCLA); Latin American Studies M.U.P. 2002 University of California, Los Angeles (UCLA); Regional and International Development B.A. 2000 California State University Northridge (CSUN); Urban Studies and Planning

AWARD/GRANT GPEAN/ACSP grant for presentation at IV World Planning Schools Congress, Brazil (2016) University of Massachusetts Amherst's College Soc. Behavioral Sciences Online Fellowship (2015) Recipient of the 4-year grant under the DOE/FIPSE U.S. Brazil Consortia Program (2009-2015) University of Massachusetts Amherst's LARP grant for presentation at 54th ACSP Conference (2014) CSU Northridge's President Honor of Principal Investigator Achievements (2012, 2013, 2014) California State University (CSU) Chancellor's Doctoral Incentive Program (2009-2012) University

Massachusetts Amherst Graduate School's Externship Incentive Program (2009-2011) LANGUAGE SPOKEN Portuguese – native, English – fluent, and Spanish - proficient EMPLOYMENT HISTORY 2015 to present – Lecturer, Landscape Architecture and Regional Planning Department (UMass) Design and lecture summer online class: SUSTCOMM 205 Dynamics of Human Habitation. 2009 - 2015 – Principal Investigator, Brazil Higher Education Consortia (DOE/FIPSE) Conceptualization, curriculum development, coordination, and proposal writing leading to the 5-year grant award from Fund to Improve Post-Secondary Education FIPSE/U.S. Brazil Higher Ed. Consortia. 2007 - 2010 – International Special Program Director, College of Social & Behavioral Sciences (CSUN) Develop programmatic initiatives between CSUN and Brazilian academia, and state/local governments. 2005 – Program Development, Department of Urban Studies and Planning (URBS/CSUN) Design and coordination of student field-study to Curitiba, Brasília, Goiânia, and Rio de Janeiro (Brazil) 2002 to present – Lecturer, Department of Urban Studies and Planning (CSUN) Design, lead and lecture upper division online and live classes: URBS 350, URBS 310, and URBS 499. 2001-2002 Community Development Specialist, Association of Salvadorans of Los Angeles (ASOSAL) Provide in loco assistance to Salvadoran reconstruction projects in response to 2001-2002 earthquakes. 1998-1999 Project Manager Assistant, Community Development Commission of the County of Los Angeles" (LACDC), Economic Redevelopment Division (ER) Responsible for various specialized tasks including monitoring qualification and selection process for RFB and RFQ. 1994-2001 Independent Consultant, Southern California (USA), Provide consulting and report preparation services for commercial and industrial real estate appraisal. PUBLICATIONS De Oliveira, Euripedes (2014) "Framing Climate Change through a Layperson's Perspective: A Latin American Experience in the Brazilian Savanna – Cerrado" (Paper 1), in UPE 11 Conducir las Transformaciones urbanas; un debate sobre direcciones, orientaciones, estrategias y politicas que modelan la ciudad future; Abate, Carlos A. et al (Eds), Universidad Nacional de la Plata, La Plata, Argentina, E-Book, ISBN 978-950-34-1133-9, http://www.upe11.org/digital_book, vo. 1, 230-240. Cain, De Oliveira, Gagnon, Gill, Hill, et al (2009) "Town of Ludlow Master Plan: Part I - Envisioning 2030", LARP, University of Massachusetts Amherst, scholarworks@library.umass.edu, pp 246. Cain, De Oliveira, Gagnon, Gill, Hill, et al (2009) "Town of Ludlow Master Plan: Part II - Envisioning 2030", LARP, University of Massachusetts Amherst, scholarworks@library.umass.edu, pp 83. De Oliveira, Euripedes (2007) "Development Policies: Gender and the Santo André Experience, SP, Brazil", in Encruzilhada, University of California, UCLA, 33-39. CONFERENCES (papers presented) 2014 "Framing Climate Change through a Layperson's

Perspective: A Latin American Experience in the Brazilian Savanna – Cerrado" (Trilogy Paper 2), 54th ACSP, Philadelphia, PE, USA. 2014 "Framing Climate Change through a Layperson's Perspective: A Latin American Experience in the Brazilian Savanna – Cerrado" (Trilogy Paper 1), 11th Symposium of International Urban Planning and Environmental Association (UPE 11), La Plata, BA, Argentina. 2005 "Development Policies: Gender and the Santo André Experience, SP, Brazil", XXVIII Symposium on Portuguese Traditions: Europe, America, Africa, and Asia, UCLA, CA, USA. KEYNOTE SPEAKING 2013 Keynote speaker, "International Consortia Roles and the Global Citizenship Perspective", Federal University of Goiás UFG/IESA, GO, Brazil. 2008 Guest speaker, "Global Engagement and the International Education Exchange: A Case Study of California State University Northridge and the Goiás State, Brazil", XIII Conference of Southern California Brazilianists, UCLA, CA, USA. 2007 Guest speaker, "Brazil Gateway for Latin America: Building Partnerships", Five Colleges Network, UMass Amherst, MA, USA. 2006 Guest speaker, "Higher Education and Social Responsibility", XXIV National Forum for Education of Architecture and Urbanism (ENSEA), Catholic University of Goiás, Goiânia, Brazil. 2004 Guest speaker, "Gender Implications of Development Policies: The Case Study of the 'Integrated Program for Social Inclusion (PIIS)', Santo Andre, Brazil", IX Conference of Southern California Brazilianists, California State Fullerton, CA, USA. 2001 Keynote speaker, "The 30-year Planning of Curitiba, Brazil", Universidad Albert Einstein, Departments of Architecture and Social Sciences, San Salvador, El Salvador. COMMUNITY SERVICES 2015 – Focus group member for the Sustainable Design Assessment Team (SDAT), Northampton. 2008 - 2009 Researcher Associate at the LA and Latino/a Studies Program, Smith College, MA 2008 - Research Council for the "Geography Bulletin of Goiás/Boletim Goiano de Geografia" (IESA). 2007 – Presentation "CSUN's internationalization" at the annual Faculty Retreat. 2006 – 2007 Logistic support to Brazilian Consulate and CSUN to advance academic affairs with Brazil. 2004- 2005 Committee member of the Sustainable City Task Force (SCTF), City of Santa Monica, CA. 2000-2003 Executive Committee Member "Symposium of Portuguese Traditions", UCLA, CA MEMBERSHIP AND AFFILIATIONS: Association of Collegiate of Schools of Planning (ACSP); NAFSA (Association of International Educators); ACSP/GPEIG (Global Planning Educators Interest Group); Committee of the Symposium of Portuguese Traditions, UCLA; BRASA – Brazilian Studies Association; Southern California Brazilianists Association. RESEARCH INTEREST Planning for North American cities; climate change adaptation; participatory planning and civic engagement; Latin America's gender roles, social movements, and poverty; cross comparative studies of urban planning,

development strategies and collaborative networks in the Americas.

Are you currently serving or have you served on any city committee? No

Please list other city committees you have served on n/a

Required: Please read the following, by signing below you state that you understand and agree.

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Signature Euripedes De Oliveira

Date 4/28/2016

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CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
September 15, 2016

Roll Call

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

At-Large Councilor William H. Dwight At-Large Councilor Ryan R. O'Donnell
Ward 1 Councilor Maureen T. Carney Ward 3 (Vacant)
Ward 4 Councilor Gina-Louise Sciarra Ward 5 Councilor David A. Murphy
Ward 6 Councilor Marianne L. LaBerge Ward 7 Councilor Alisa F. Klein.

The following City Councilor(s) was (were) absent: Ward 2 Councilor Dennis P. Bidwell

Public Hearing

Public Hearing:

At 7:11 p.m. Councilor Dwight announced the following: The Northampton City Council will hold a public hearing on Thursday, October 6, 2016, at 7:05 p.m. in City Council Chambers, 212 Main Street, Northampton, MA to discuss the percentages of the local tax levy to be borne by each class of real and personal property within the City of Northampton for FY 2017 in accordance with Chapter 40, Section 56 of the Massachusetts General Laws.

Councilor Dwight explained that the tax factor is often discussed, and is different than the tax rate. Essentially it is how we divide tax burden among tax payers. The cities of Holyoke and Springfield have a split tax rate. In each of these cities, the commercial tax rate is higher than the residential tax rate. Northampton has a factor of one; everyone pays the same rate of taxes. There have been discussions going on for years about the tax rate, and is generally something that the public has been interested in. Those who wish to be heard on this issue can send their comments by mail, or can attend the public hearing.

At 7:13 p.m. Councilor Dwight announced the following: Pursuant to Mass. Gen. Laws ch. 148, sec. 13, notice is hereby given that the Northampton City Council will hold a Public Hearing regarding a Fuel Storage License Application submitted by Cumberland Farms of 100 Crossing Boulevard, Framingham, MA 01702. The land affected by the application is located at 53 and 55 Main Street, Florence, Parcel ID Map 17 C, Lot 197 and Map 23 A, Lot 077. The Application seeks to amend the existing Fuel Storage License to allow a) for storage of 8,000 gallons of diesel product, Class II, in UST container, and b) for an additional 11,000 gallons of gasoline, Class 1B, in UST container, for a total storage of 32,000 gallons of gasoline.

The Public Hearing to be held on Thursday, October 6, 2016, at 7:30 p.m., in the Council Chambers located in the Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, MA. The City Council will hear all persons who wish to be heard thereon.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor Sciarra announced that on Saturday, September 17, 2016 from 11am to 4 pm Jackson Street School will be having its first annual PTO carnival. The event is free and open to the public. There will be games, food, a dunk tank, raffles, etc. The proceeds will support enrichment opportunities at the school.

Councilor Klein announced that there will be two public forums concerning the effort to resettle refugees in Northampton. Sixteen house parties are scheduled. Everyone is invited to attend the public forums. The first one will be held Monday, September 19, 2016 at the JFK Middle School Cafeteria. The second one will be held Thursday, September 22, 2016 from 3 – 4 p.m. at the Northampton Senior Center. Representatives from Catholic Charities, members of the Northampton City Council and others will talk about the resettlement plans for 51 refugees. Councilor Dwight noted that the events will be an opportunity to express concerns and to be heard; this is an effort for complete transparency.

Report to Northampton City Council on Action Taken to Satisfy Committee Study Request on the Local Economy (Issued on March 3, 2016).

Councilor Sciarra explained that the report is a summary of the steps that the Committee took to fulfill the Committee Study Request. The request was to study the economy of downtown Northampton and Florence. The summary outlines the meetings that were held and includes links to various documents that were generated or received during the study request. At the September 19, 2016 meeting the Committee will be reviewing the data that has been received and will be looking at the themes and topics that emerged. The Committee will decide which topics to have a more in-depth deliberation about. They will then discuss recommendations that will be brought forward to the full City Council.

Councilor Dwight thanked the Committee for their work and he thanked the public for their participation. He was thankful to see so many people vested in the the workings and the prospects for downtown.

Communications and Proclamations From the Mayor

Communications and Proclamations From the Mayor:

None

Resolutions

Resolutions:

16.147 A Resolution Opposing Lifting the Cap on Commonwealth Charter Schools – 2nd Reading

16.147 A Resolution Opposing Lifting the Cap on Commonwealth Charter Schools – 2nd Reading

Councilor Sciarra commented that although she did not attend last week's meeting, she did watch the meeting. She noted that the conversation was spirited and thoughtful. From the discussion it was clear that there was agreement that the funding mechanism is flawed. She appreciated the creative approach that Councilor Murphy put forward for the longstanding problem, however the solution he proposed would not have an immediate effect. As new charters are founded, it would slowly bleed dry the district schools, not unlike what is happening now.. As a big supporter of public schools, and the wonderful work that they do to educate the kids and as a mother of two children who have just begun their school career, Councilor Sciarra is not willing to take a long-term gamble that raising the cap will address the issue. She does not see the gains of raising the cap, even for current charter school families. Councilor Sciarra thanked the sponsors for writing the resolution and noted that she will be voting to support it.

Councilor LaBarge commented that she said what she had to say two weeks ago. She will support the resolution tonight.

Councilor Murphy continues to be concerned because parents who want an alternative for their kids and are not wealthy enough to go to private school have no other options. Charter schools are really their only option. The Legislature will not make a change unless they have to. He doesn't believe that the system will have to hit rock bottom before a change will be made. The Legislature is affected by several large lobbying groups. Councilor Murphy is very proud of our schools and notes that he is a product of Northampton schools. He notes that the problem is statewide. There are many cities and towns where the public schools are not serving the needs of the community. These families need to have an alternative but won't if have one if they can't afford to go to a private school. Councilor Murphy will abstain from this vote.

Motion to approve 16.147 in 2nd Reading

Councilor O'Donnell moved to approve the resolution in second reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 6 Yes, 0 No, 1 Abstention (Councilor Murphy), 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following resolution passed second reading:

In the Year Two Thousand and Sixteen
Upon the recommendation of Councilor Dennis Bidwell, Council President William Dwight, and Mayor David Narkewicz

R-16.147
A Resolution

Opposing Lifting the Cap on Commonwealth Charter Schools

WHEREAS, free public schools available to all students regardless of income, ability, need or English language proficiency are foundational to our democracy; and

WHEREAS, all of our students deserve high-quality public schools that teach the whole child, providing enrichment and addressing social and emotional needs in addition to core academic subjects; and

WHEREAS, local accountability for our public schools is necessary to ensure that schools are responsive to the needs of their communities; and

WHEREAS, in FY2017 Northampton is projected to lose \$2,279,216, net of reimbursements, to six nearby Commonwealth charter schools, and public school districts across the state are losing more than \$408 million this year alone — a loss of funds that is undermining the ability of districts to provide all students with the educational services to which they are entitled; and

WHEREAS, Commonwealth charter schools are often approved over the objections of a majority of community residents and their elected officials and are not accountable to local elected officials once they are approved; and

WHEREAS, Commonwealth charter schools often fail to serve the same proportion of special needs students, low-income students and English language learners as the districts from which they receive students and often use high suspension rates to drive out students they don't want to serve; and

WHEREAS, the Commonwealth charter school system is creating separate and unequal opportunities for success; and

WHEREAS, lifting the cap on charter schools would greatly worsen the problems listed above and lead the Commonwealth further in the direction of a costly, inequitable and divisive two-track school system; and

WHEREAS, on June 9, 2016 the Northampton School Committee unanimously approved a resolution opposing lifting the cap on Commonwealth charter schools; and

WHEREAS, a broad range of organizations including the New England Chapter of the NAACP, Jobs With Justice, Massachusetts AFL-CIO, Citizens for Public Schools, Massachusetts Teachers Association, American Federation of Teachers Massachusetts, and Northampton Save Our Schools are all in opposition to lifting the cap on charter schools;

WHEREAS, the NAACP, at its national convention earlier this month, passed a Resolution calling for a national moratorium on the creation of any more charter schools;

NOW THEREFORE BE IT RESOLVED that the Northampton City Council and Mayor David Narkewicz, oppose lifting the cap on Commonwealth charter schools; and

BE IT FURTHER RESOLVED that Northampton's representatives in the State Legislature are encouraged to redouble their efforts to achieve fundamental reforms leading to more equitable and expanded funding of the Commonwealth's public schools.

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, State Representative Peter Kocot, and Secretary of Education Jim Peyser.

16.147 Enrolled

Rules suspended, passed two readings and enrolled.

Presentations

Presentations:

**Anne White,
Director of
Development,
ServiceNet - 2016
Shelter Sunday**

Anne White, Director of Development, ServiceNet - 2016 Shelter Sunday

Ms. White could not be here tonight; Rick Hart and Karl Knapp gave a brief presentation about Shelter Sunday in place of Anne White.

Mr. Hart is the head of the Hampshire County Homeless. Shelter Sunday is a coalition of five community programs that provide services to the homeless in the City. The five programs are Grove Street Inn, Interfaith Shelter, Manna Meals, Grace House, and the SRO Project. This year will be the twenty fifth anniversary of the event. Shelter Sunday is the major fundraising source for the coalition. This year the event is changing format from a door-to-door campaign to a city-wide mailing campaign. Mr. Hart asked the City Council to help "spread the word" about the event. Shelter Sunday does have a website; donations can be made on line. Mr. Hart has a favorite saying that was spoken by a supporter: "A healthy community is judged by how they treat their most vulnerable members."

Ms. Knapp is member of the Shelter Sunday coalition and is on the Board of Directors for Manna Soup Kitchen. Manna Soup Kitchen is celebrating its 30th anniversary this year. In 1986 the Kitchen opened at St. John's Episcopal Church with soup and sandwiches on Sunday morning served by volunteers. Shelter Sunday is vital; a good percentage of money comes from Shelter Sunday. Manna serves over 15,000 people per year. They also provide Thanksgiving and Christmas meals. Ms. Knapp also asked that the Council help spread the word about the event.

Consent Agenda

Consent Agenda

Councilor LaBarge moved to approve the consent agenda; Councilor Klein seconded the motion. The

motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

The following items were included on the consent agenda, and were approved as noted above:

- A. Minutes of September 1, 2016 Meeting
- B. Refer Appointments to Committee on City Services as follows (16.167)

Arts Council: Joseph Pesce, 685 Ryan Road, Florence – term October 2016 – June 2019

Board of Assessors: Denny Nolan, 319 Elm Street, Northampton – term October 2016 – June 2019
and Margo Welch, 143 Main Street, Northampton – term July 2016 – June 2019 (reappointment)

Planning Board: Euripedes De Oliveira, Associate Member, 9 Washington Place, Northampton – term October 2016 – June 2019

**Recess for
Committee on
Finance Meeting**

At 7:37 p.m. the City Council recessed for the Committee on Finance meeting. The City Council reconvened at 7:48 p.m.

Financial Orders

**16.157 A Financial
Order to authorize
payment of a
previous year bill
to Comcast in the
amount of \$154.83
- 1st Reading**

16.157 A Financial Order to authorize payment of a previous year bill to Comcast in the amount of \$154.83 - 1st Reading

**Motion to approve
16.157 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 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

See minutes of October 6, 2016 for second reading.

**16.156 An Order to
accept a gift of
crosswalk
equipment from
Northampton
Montessori School
- Request 2
Readings**

16.156 An Order to accept a gift of crosswalk equipment from Northampton Montessori School - Request 2 Readings

This item was on the agenda for the September 1, 2016 City Council meeting as a resolution. The Committee on Finance took up this item; however, the City Council did not motion to place this item on the floor after the Committee on Finance adjourned. This was an oversight; the Council held two readings tonight.

**Motion to approve
16.156 in 1st
Reading**

Councilor Murphy moved to approve the order in first reading; Councilor Klein seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

**Motion to suspend
council rules to
allow for 2nd
Reading**

Councilor LaBarge moved to suspend City Council Rules to allow for a second reading; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

**Motion to approve
in 16.156 in 2nd
Reading**

Councilor Murphy moved to approve the order in second reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:

Upon recommendation of the Mayor

**O-16.156
An Order**

To accept a gift of crosswalk equipment from Northampton Montessori School

Ordered, that

The City of Northampton gratefully accepts the donation of crosswalk equipment for Bates Avenue, from the Northampton Montessori School, in accordance with Massachusetts General Law Chapter 44, Section 53A.

16.156 Enrolled Rules suspended, passed two readings and enrolled.

16.162 An Order to appropriate \$13,550 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Bridge Street School - Request 2 Readings

16.162 An Order to appropriate \$13,550 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Bridge Street School - Request 2 Readings

Motion to approve 16.162 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 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

Motion to suspend City Council Rules to allow for 2nd Reading

Councilor LaBarge moved to suspend City Council Rules to allow for a second reading; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

Motion to approve 16.162 in 2nd Reading

Councilor O'Donnell moved to approve the order in second reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:

Upon the recommendation of the Mayor

**16.162
AN ORDER**

to appropriate \$13,550 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Bridge Street School

Ordered, that:

That the City of Northampton appropriate the amount of \$13,550 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Bridge Street Elementary School, located at 2 Parson Street, Northampton, MA 01060, a school serving public school students in grades kindergarten thru fifth grade, including the payment of all costs incidental or related thereto, and for which City of Northampton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Northampton School Building Committee. To meet this appropriation the Northampton City Council, with the approval of the Mayor will appropriate \$9,032 from funds remaining in the account entitled Ryan Road Roof Membrane Project (19303 586503) and \$4,518 from funds remaining in the account entitled Leeds Roof Membrane Project (19303 586514). The City of Northampton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Northampton incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Northampton.

16.162 Enrolled Rules suspended passed two readings and enrolled.

16.163 An Order to appropriate \$13,214 for the purpose of

16.163 An Order to appropriate \$13,214 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Leeds Elementary School - Request 2 Readings

paying costs of a roofing replacement schematic design feasibility study for the Leeds Elementary School - Request 2 Readings

Motion to approve 16.163 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 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

Motion to suspend City Council Rules to allow for 2nd Reading

Councilor LaBarge moved to suspend City Council Rules to allow for a second reading; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

Motion to approve 16.163 in 2nd Reading

Councilor Murphy moved to approve the order in second reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:
Upon the recommendation of the Mayor

16.163
AN ORDER
to appropriate \$13,214 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Leeds Elementary School

Ordered, that:

That the City of Northampton appropriate the amount of \$13,214 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Leeds Elementary School, located at 20 Florence Street, Northampton, MA 01060, a school serving public school students in grades kindergarten thru fifth grade, including the payment of all costs incidental or related thereto, and for which City of Northampton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Northampton School Building Committee. To meet this appropriation the Northampton City Council, with the approval of the Mayor will appropriate necessary funds from funds remaining in the account entitled Leeds Roof Membrane Project (19303 586514). The City of Northampton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Northampton incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Northampton.

16.163 Enrolled

Rules suspended, passed two readings and enrolled.

16.149 An Order to authorize payment for a previous year bill for the DPW - 2nd Reading

16.149 An Order to authorize payment for a previous year bill for the DPW - 2nd Reading

Motion to approve 16.149 in 2nd Reading

Councilor O'Donnell moved to approve the order in second reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:
Upon the recommendation of the Mayor

O-16.149
AN ORDER
To authorize payment of a pervious year bill totaling \$268.00

BE IT ORDERED

that the Council authorize payment of a prior fiscal year bill (FY2015) related to the DPW for Alternative Recycling Systems Composting Services in the amount of \$268.00.

16.149 Enrolled Rules suspended, passed two readings and enrolled.

16.150 An Order to appropriate \$17,045 for stair repair at the Academy of Music – 2nd Reading

16.150 An Order to appropriate \$17,045 for stair repair at the Academy of Music – 2nd Reading

Motion to approve 16.150 in 2nd Reading

Councilor LaBarge moved to approve the order in second reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:

Upon the recommendation of the Mayor

**O-16.150
AN ORDER**

To Appropriate \$17,045 for stair repair at the Academy of Music

Ordered, that:

City Council appropriate \$17,045 from the Capital Stabilization Fund to provide funding for the repair of the side stage door granite stairs at the Academy of Music.

Rules suspended, passed two readings and enrolled.

16.151 An Order to appropriate \$41,137 for replacement of 1986 six-wheel sander for DPW – 2nd Reading

Councilor LaBarge moved to approve the order in second reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

The following order passed second reading:

Upon the recommendation of the Mayor

**O-16.151
AN ORDER**

To Appropriate \$41,137 for replacement of 1986 six-wheel sander for DPW

Ordered, that:

City Council appropriate \$41,137 from the Capital Stabilization Fund to provide additional funding for the approved replacement of a 1986 six-wheel sander for the DPW for which bids have been obtained for a total cost of \$231,137, which exceeds the originally estimated and appropriated amount of \$190,000.

16.151 Enrolled

Rules suspended, passed two readings and enrolled.

16.152 An Order to rescind borrowing authority for various projects – 2nd Reading

16.152 An Order to rescind borrowing authority for various projects – 2nd Reading

16.153 An Order to Rescind Borrowing

16.153 An Order to Rescind Borrowing Authority for various projects – 2nd Reading

Authority for various projects - 2nd Reading

Motion to approve 16.152 & 16.153 in 2nd Reading

Councilor LaBarge moved to approve the order 16.152 in second reading; Councilor Klein seconded the motion. Councilor O'Donnell moved to take 16.152 and 16.153 as a group; Councilor Klein seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant. The orders were approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

The following order passed second reading:
Upon the recommendation of the Mayor

O-16.152
AN ORDER
To Rescind Borrowing Authority for various projects

Ordered, that:

the City Council rescind only the borrowing authority granted in the following orders because such borrowing authority is no longer necessary:

Order approved on February 19, 2015 to authorize borrowing in the amount of \$491,486 for the partial replacement of the roof at Leeds Elementary School.

Order approved on February 19, 2015 to authorize borrowing in the amount of \$901,554 for the partial replacement of the roof at R.K. Finn Ryan Road Elementary School.

Order approved on August 13, 2015 to authorize borrowing in the amount of \$625,000 for the purpose of improvements to Pulaski Park – Phase II.

16.152 Enrolled

Rules suspended, passed two readings and enrolled.

The following order passed second reading:

Upon the recommendation of the Mayor

O-16.153
AN ORDER
To Rescind Borrowing Authority for various projects

Ordered, that:

the City Council rescind a small portion of the borrowing authority granted in the following orders because such authority is no longer necessary:

Rescind \$13 of the \$1,354,013 borrowing authority approved on April 21, 2016 for Wastewater Treatment Plant Improvements.

Rescind \$500 of the \$456,500 borrowing authority approved on April 21, 2016 for VOIP System.

16.153 Enrolled

Rules suspended, passed two readings and enrolled.

Orders

Orders

None

Ordinances

Ordinances

16.135 An Ordinance Relative to a bus stop on Main Street 312-114 -

16.135 An Ordinance Relative to a bus stop on Main Street 312-114 - 1st Reading
Positive recommendation from the Committee on Legislative Matters on September 12, 2016

1st Reading

Councilor O'Donnell explained that this ordinance come out of the Transportation and Parking Commission. It concerns the bus stop that is right in front of Edwards Church. The intent of the ordinance is to transfer the stop to the other end of the block, more toward where the crosswalk is located. However, the current ordinance does not reflect where the bus stop is currently. This ordinance will correct this and reflect the reality that is desired. A rep from PVTA came to the TPC meeting to make this request in the interest of safety. The City will lose two parking spaces once this change takes effect. PVTA came to the TPC meeting with a second request: to expand the bus stop on the opposite side of the street. The second request failed a TPC vote.

Councilor Klein asked if the TPC could look to add parking spaces elsewhere; Councilor O'Donnell would be in favor of adding them where appropriate.

Councilor Murphy asked whether a space or two could be added where the bus stop is currently; Councilor O'Donnell did not think this was possible. The location blocks traffic turning onto State Street. Also, a parked car wanting to go straight would have to cross two lanes of traffic.

Councilor Klein recalls that two parking spaces were lost on State Street in the past couple of years. Councilor Dwight noted that even though the ordinance passed, the parking spaces are still there.

Councilor O'Donnell moved to approve the ordinance in first reading; Councilor Murphy seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

**Motion to approve
16.135 in 1st
Reading**

See minutes of October 6, 2016 for second reading.

Motion Carried

**16.136 An
Ordinance relative
to parking on Old
South Street 312-
109 - 1st Reading**

**16.136 An Ordinance relative to parking on Old South Street 312-109 - 1st Reading
Positive recommendation from the Committee on Legislative Matters on September 12, 2016**

Councilor O'Donnell noted that with this ordinance, three sections of the code would be amended. The amendments clarify what the current situation is and the only change is that a parking space will be added down by Ryan's Auto. The Max Bus company, a transportation company offering direct route bus service, had previously requested parking rights, however, they have since changed their route and no longer requires parking where the parking spot is proposed.

**Motion to approve
16.136 in 1st
Reading**

Councilor O'Donnell moved to approve the ordinance in first reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

See minutes of October 6, 2016 for second reading.

**16.158 An
Ordinance to
amend Section
350 Attachment 7
of City Code by
reinserting
previously
adopted provision
for large scale
ground mounted
solar array
systems by
special permit for
URB Districts -
Refer**

16.158 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for URB Districts - Refer to Committee on Legislative Matters

**16.159 An
Ordinance to
amend Section
350 Attachment 7
of City Code by
reinserting
previously**

16.159 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for URA Districts - Refer to Committee on Legislative Matters

16.160 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for SR Districts - Refer to Committee on Legislative Matters

16.161 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for RR Districts - Refer to Committee on Legislative Matters

adopted provision
for large scale
ground mounted
solar array
systems by
special permit for
URA Districts –
Refer

16.160 An
Ordinance to
amend Section
350 Attachment 7
of City Code by
reinserting
previously
adopted provision
for large scale
ground mounted
solar array
systems by
special permit for
SR Districts –
Refer

16.161 An
Ordinance to
amend Section
350 Attachment 7
of City Code by
reinserting
previously
adopted provision
for large scale
ground mounted
solar array
systems by
special permit for
RR Districts –
Refer

Motion to Refer
16.158, 16.159,
16.160 & 16.161 to
Committee

Councilor Murphy moved to refer the ordinances 16.158, 16.159, 16.160, 16.161 as a group; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 7 yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

16.164 An
Ordinance To
amend Chapter
312-36 of the Code
Book by modifying
Parking Meter
Fees in Class 1A &
1C and to add
Class 1F - Refer

16.164 An Ordinance To amend Chapter 312-36 of the Code Book by modifying Parking Meter Fees in Class 1A & 1C and to add Class 1F - Refer to Committee on Legislative Matters and Transportation and Parking Commission

16.165 An
Ordinance To
amend Chapter
312-109 of the
Code Book to
modify time limits
in Class 1A & 1B –
Refer

16.165 An Ordinance To amend Chapter 312-109 of the Code Book to modify time limits in Class 1A & 1B - Refer to Committee on Legislative Matters & Transportation and Parking Commission

16.166 An Ordinance To amend Chapter 312-110 of the Code Book to modify time limit in Old South Street parking lot as described - Refer to Committee on Legislative Matters & Transportation and Parking Commission

Councilor Dwight read an explanation letter from Mayor Narkewicz concerning parking ordinance changes that he is introducing.

Councilor O'Donnell commented that the ordinances that were just referred to the TPC will be on the agenda for September 20, 2016. The meeting is scheduled to begin at 4pm.

Councilor Murphy explained that these same ordinances will be taken up by the Committee on Legislative Matters

on October 12, 2016. That meeting will begin at 5 pm.

16.166 An Ordinance To amend Chapter 312-110 of the Code Book to modify time limit in Old South Street parking lot as described -- Refer

Both meetings will be held in City Council Chambers and the agendas for these meetings will be posted to the City's website.

Motion to Refer 16.164, 16.165, & 16.166 to Committees

Councilor Murphy moved to refer the ordinances 16.164, 16.165, and 16.166 as a group to the Transportation and Parking Commission and the Committee on Legislative Matters; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 7 yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Motion Carried

Updates from Council President and Committee Chairs

Updates from Council President and Committee Chairs

None

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

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

None

New Business

New Business:

None

At 8:12 p.m., a motion to adjourn was made by Councilor LaBarge and seconded by Councilor Klein. The vote to adjourn passed on a voice vote of 7 Yes, 0 No, 1 Absent (Councilor Bidwell), 1 Vacant.

Attest:  Administrative Assistant to the City Council

2015-2016 City Council Roll Call Record

Record of City Council Votes for September 15, 2016		Vacant	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciara	Total
Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:10 p.m.			Absent	Present	Present	Present	Present	Present	Present	Present	7 Present, 1 Absent, 1 Vacant
16.147 A Resolution Opposing Lifting the Cap on Commonwealth Charter Schools		2nd Reading	Absent	Yes	Yes	Second Yes	Yes	Abstain	Motion to Approve Yes	Yes	Motion Carried 6 Yes, 0 No, 1 Abstention, 1 Absent, 1 Vacant
16.157 A Financial Order to authorize payment of a previous year bill to Comcast in the amount of \$154.83		1st Reading	Absent	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.156 An Order to accept a gift of crosswalk equipment from Northampton Montessori School		1st Reading	Absent	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
Suspend Council Rules for 2 Readings											Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
2nd Reading			Absent	Second Yes	Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant

2015-2016 City Council Roll Call Record

Record of City Council Votes for September 15, 2016		Vacant	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciarrà	Total
16.162 An Order to appropriate \$13,550 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Bridge Street School	1st Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.163 An Order to appropriate \$13,214 for the purpose of paying costs of a roofing replacement schematic design feasibility study for the Leeds Elementary School	1st Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.149 An Order to authorize payment for a previous year bill for the DPW	2nd Reading		Absent	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.150 An Order to appropriate \$17,045 for stair repair at the Academy of Music	2nd Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	Suspend Council Rules for 2 Readings										
	2nd Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	1st Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	Suspend Council Rules for 2 Readings										
	2nd Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	1st Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	Suspend Council Rules for 2 Readings										
	2nd Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
	1st Reading		Absent	Yes	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant

2015-2016 City Council Roll Call Record

Record of City Council Votes for September 15, 2016	Vacant	Bidwell	Carney	Dwight	Klein	LaBerge	Murphy	O'Donnell	Sciarra	Total
16.151 An Order to appropriate \$41,137 for replacement of 1986 six-wheel sandier for DPW 2nd Reading		Absent	Yes	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.152 An Order to rescind borrowing authority for various projects 2nd Reading					Second	Motion to Approve				
16.152 An Order to rescind borrowing authority for various projects AND 16.153 An Order to Rescind Borrowing Authority for various projects 2nd Reading		Absent	Yes	Yes	Second Yes	Yes	Yes	Motion to approve 16.152 & 16.153 as a group Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.135 An Ordinance Relative to a bus stop on Main Street 312-114 - (Positive recommendation from the Committee on Legislative Matters on September 12, 2016) 1st Reading		Absent	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.136 An Ordinance relative to parking on Old South Street 312-109 - (Positive recommendation from the Committee on Legislative Matters on September 12, 2016) 1st Reading		Absent	Yes	Yes	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant

2015-2016 City Council Roll Call Record

Record of City Council Votes for September 15, 2016		Vacant	Eickweil	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciara	Total
16.158 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for URB Districts - Refer to Committee on Legislative Matters	Refer to Committee		Motion to refer ordinance to the Committee on Legislative Matters as a group made by Councilor Murphy and seconded by Councilor LaBarge; the motion was approved on a voice vote. Councilor Bidwell was absent.								Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.159 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for URA Districts - Refer to Committee on Legislative Matters	Refer to Committee										
16.160 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for SR Districts - Refer to Committee on Legislative Matters	Refer to Committee										
16.161 An Ordinance to amend Section 350 Attachment 7 of City Code by reinserting previously adopted provision for large scale ground mounted solar array systems by special permit for RR Districts - Refer to Committee on Legislative Matters	Refer to Committee										

2015-2016 City Council Roll Call Record

Record of City Council Votes for September 15, 2016											
16.164 An Ordinance To amend Chapter 312-36 of the Code Book by modifying Parking Meter Fees in Class 1A & 1C and to add Class 1F - Refer to Committee on Legislative Matters and Transportation and Parking Commission	Refer to Committee	Vacant	Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	O'Donnell	Sciarra	Total
											Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.165 An Ordinance To amend Chapter 312-109 of the Code Book to modify time limits in Class 1A & 1B - Refer to Committee on Legislative Matters & Transportation and Parking Commission	Refer to Committee										Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant
16.166 An Ordinance To amend Chapter 312-110 of the Code Book to modify time limit in Old South Street parking lot as described - Refer to Committee on Legislative Matters & Transportation and Parking Commission	Refer to Committee										Motion Carried 7 Yes, 0 No, 1 Absent, 1 Vacant

At 8:12 pm Councilor LaBarge motioned to adjourn; Councilor Klein seconded the motion. The motion was approved on a voice vote of 7 Yes, 0 No, 1 Absent, 1 Vacant.

Recorded By:

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

City of Northampton
MASSACHUSETTS

In City Council October 6, 2016

Upon recommendation of Mayor David J. Narkewicz

O-16.148

An Order

To approve the FY2017 Residential Factor & tax levy percentages

Ordered, that

The Northampton City Council approves for Fiscal Year 2017 a Residential Factor of One (1) and the attached tax levy percentages.



**CITY OF NORTHAMPTON
MASSACHUSETTS**

Municipal Building
210 Main Street, Room 5
Northampton, Massachusetts 01060

BOARD OF ASSESSORS

Joan C. Sarafin, Principal Assessor
Margo E. Welch, Assessor

TELEPHONE
(413) 587-1200 (413) 587-1202
(413) 587-1203 (413) 587-1289 FAX

October 3, 2016

Mayor David J. Narkewicz
City of Northampton
210 Main Street
Northampton, MA 01060

Dear Mayor Narkewicz:

Attached please find information for the City of Northampton Fiscal Year 2017 Tax Classification Hearing. The Board of Assessors recommend a single tax. The estimated tax rate of \$16.73 per thousand for Fiscal Year 2017 is based upon an assessed value of \$3,326,705,710 and a tax levy of \$ 55,641,932. The estimated tax rate is an increase from the current tax rate of \$16.16 per thousand. This increase is a result of an increase in real property values, an increase in the tax levy capacity and an increase in payments for debt excluded debt.

The maximum allowable levy for Fiscal Year 2016 was \$ 53,149,405 and the maximum allowable levy for Fiscal Year 2017 is \$55,641,932, an increase of \$2,492,527 in the tax levy. The tax levy increase is a result of the annual 2.5% increase of \$ 1,309,776, new growth of \$847,701 and an increase in payments for debt excluded debt of \$335,050. Principal and interest on the three debt excluded projects (Fire Station, High School and Police Station) totals \$1,093,417. It should be noted that the Fire Station debt exclusion ends in Fiscal Year 2019, and the High School debt exclusion ends in Fiscal Year 2020.

Municipalities in Massachusetts are required to classify real estate into four classes, according to use: residential, open space, commercial and industrial. Municipalities that are certified as assessing property at its full and fair cash value may elect to shift the tax burden among the major property classes within certain limits established by law. The adoption of either a single tax rate or a split tax rate simply determines, within limits calculated by the Department of Revenue, what percentage of the tax burden is to be borne by each property class. Chapter 40, Section 56 states that the allocation of the tax levy is determined by the city council together with the mayor's approval in a city.

Selection of a single tax rate (or the factor of 1) means that all four property classes will pay the same tax rate. However, the law allows the option to shift the tax burden among the classes. Municipalities have the option of whether to tax all classes of property at their full and fair cash valuation share of the tax levy, which results in a single tax rate, or to reduce the share of the tax levy paid by the residential and open space property owners and shift those taxes to commercial, industrial and personal property taxpayers, which results in a split tax rate.

The adopted factor cannot be less than the minimum residential factor (MRF) calculated by DOR. The MRF represents the maximum shift allowed in the tax levy for the year and establishes the parameters for local decision making.

Single Tax Rate: A residential factor of "1" results in the taxation of all property at the same rate. Each property class pays its full and fair cash valuation share of the tax levy, e.g., if the value of all residential properties make up 80 percent of the total assessed valuation, residential taxpayers will pay 80 percent of the tax levy.

Split Tax Rate: A residential factor of less than "1" reduces the share of the tax levy paid by the Residential and Open Space (RO) classes and increases the share paid by the Commercial, Industrial and Personal Property (CIP) classes. The result is two tax rates: one for RO properties and a second, higher rate for CIP properties. Conversely, a factor greater than "1" may be adopted, which would have the opposite effect. The following chart shows the assessed values by class for the City of Northampton since FY2003 during which a single tax rate has been in effect.

Property Classification - City of Northampton, MA FY2003 - FY2017										
Fiscal Year	Residential Value	Open Space Value	Commercial Value	Industrial Value	Personal Property Value	Total Assessed Value	% of Total Value	CIP as % of Total Value	Tax Rate	
2003	1,355,760,630	0	282,643,460	67,648,040	63,355,150	1,769,407,280	76.62	23.38	16.40	
2004	1,783,131,940	0	365,222,430	77,250,292	54,954,130	2,280,558,792	78.19	21.81	13.38	
2005	1,965,674,420	0	372,988,500	78,060,852	56,176,720	2,472,900,492	79.49	20.51	12.85	
2006	2,264,423,450	0	380,792,180	78,904,576	58,787,660	2,782,907,866	81.37	18.63	11.73	
2007	2,551,795,390	0	456,957,224	87,621,493	63,714,410	3,160,088,517	80.75	19.25	10.89	
2008	2,584,193,700	0	445,059,900	87,313,700	77,019,250	3,193,586,550	80.92	19.08	11.20	
2009	2,600,716,350	0	457,643,110	88,915,090	92,914,550	3,240,189,100	80.26	19.74	11.48	
2010	2,570,772,410	0	451,555,850	84,013,220	87,213,650	3,193,555,130	80.50	19.50	12.64	
2011	2,582,527,470	0	451,435,010	87,770,590	90,998,620	3,212,731,690	80.38	19.62	12.96	
2012	2,596,822,400	0	449,401,900	98,382,400	93,293,090	3,237,899,790	80.20	19.80	13.35	
2013	2,545,566,821	0	443,776,768	106,125,503	87,450,390	3,182,919,482	79.98	20.02	14.23	
2014	2,564,491,750	0	458,039,890	104,104,840	87,386,900	3,214,023,380	79.79	20.21	15.39	
2015	2,591,076,188	0	476,973,450	103,683,900	87,310,540	3,259,044,078	79.50	20.50	15.80	
2016	2,623,226,938	0	477,511,976	103,481,726	84,166,120	3,288,386,760	79.77	20.23	16.16	
2017	2,657,183,160	0	480,864,920	103,145,150	85,512,480	3,326,705,710	79.87	20.13	16.73	

Sincerely,



Joan C. Sarafin
Principal Assessor

FISCAL YEAR 2017 VALUES BY CLASSIFICATION

	Total Valuation	Percentage		Total
Residential	2,657,183,160	79.87	79.87%	RO
Open Space	0	0.00%	0	
Commercial	480,864,920	14.45%		
Industrial	103,145,150	3.10%	20.13%	Total CIP
Personal Property	85,512,480	2.57%		
TOTAL:	3,326,705,710		100.00%	
Maximum Share of Levy for CIP		30.20%	(1.50 x 20.13%)	
Minimum Share of Levy for RO		69.80%	(100% - 30.20%)	
Minimum Residential Factor		87.40%	(69.80% / 79.87%)	

Residential Properties – may be of three types:

- A. Owner-occupied and primary residence of taxpayer
- B. Non owner-occupied, including rental single family, rental portions of multi-family dwellings, apartment complexes, and second homes
- C. Vacant, residential zoned land

Open Space – Northampton does not use this optional classification category

Commercial Properties – these include stores, office buildings and all vacant land classified as forestland, (Chapter 61) farmland (Chapter 61A), and recreational land (Chapter 61B)

Personal Property – this includes all property owned by unincorporated property owners. Incorporated property owners pay only on property used in the conduct of business. Some major accounts are Western Electrical Company, New England Telephone Company, Comcast, and Bay State Gas Company. All of these companies pay taxes based on the value of poles, wires, and conduits. Utilities pay 57% of the Personal Property total tax.

ALLOCATION OF THE TAX LEVY

The law allows a community to provide some relief to Residential (R) and Open Space (O) classes by adding to the Commercial (C), Industrial (I), and Personal Property (P) classes, an amount up to 150% of their portion of the levy. The percentage arrived at is called the Minimum Residential Factor (MRF).

For FY 2017 the MRF would be 87.4016, representing a reduction of 12.59% for the R and O classes. In the past, the City has used 100% as the MRF, which resulted in no shift of the burden and a uniform tax rate for all classes.

TAX RATE A FACTOR OF 87.4016

Factor of 1 - Even Tax Rate		Residential Rate - \$14.62	
Average House	303,705	Average House	303,705
Even Tax Rate	x 16.73	Factor of	x 14.62
	5,080.98	87.4016	4,440.16

\$640.82 less for average house

Factor of 1 - Even Tax Rate		Commercial Rate - \$25.09	
Average Commercial	620,000	Average Commercial	620,000
Even Tax Rate	x 16.73	Factor of	x 25.09
	10,372.60	87.4016	15,555.80

\$5,183.20 increase for average commercial property

Factor of 1 - Even Tax Rate		Industrial Rate - \$25.09	
Average Industrial	650,100	Average Industrial	650,100
Even Tax Rate	x 16.73	Factor of	x 25.09
	10,876.17	87.4016	16,311.00

\$5,434.84 increase for average industrial property

This factor lowers the residential rate by \$2.11. In return the commercial rate goes up to compensate for what is lost in residential taxes. The commercial rate would be \$25.09 a \$8.36 increase.

City of Northampton
MASSACHUSETTS

In City Council

October 6, 2016

Upon recommendation of the Mayor

O-16.168
AN ORDER

To authorize payment of two prior fiscal year bills

BE IT ORDERED

that the Council authorize payment of two prior fiscal year bills (FY2016):

Atlantic Broom	\$2,531.00
Blue Tarp	\$171.94

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council,

October 6, 2016

Upon the recommendation of the Mayor

O-16.169
AN ORDER

To amend prior authorization for borrowing on a River Road Retaining Wall project

Ordered, that

The order of the council adopted on June 27, 2013 and approved by the Mayor on July 1, 2013, as amended by the order of the council adopted April 2, 2015 and approved by the Mayor on April 3, 2015, for the engineering and construction related to the stabilization of the River Road Retaining Wall Slope, is hereby further amended to read as follows:

“Ordered that the sum of \$ 2,022,000 is appropriated for the engineering and construction related to the stabilization of the River Road Retaining Wall Slope; that to meet such appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$2,022,000 under M.G.L. c. 44, §7(7), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the Mayor is authorized to contract for and expend any federal or state aid available for this project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order and shall be further reduced by any other sums received from any other sources for the project, including contributions from the Town of Williamsburg; that any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the appropriate officials of the City are authorized to take any other action necessary to carry out the purposes of this Order.



**CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS**

**125 Locust Street
Northampton, MA 01060**

**413-587-1570
Fax 413-587-1576**

Donna LaScaleia
Director

Memorandum

To: Mayor David Narkewicz
From: Donna LaScaleia, DPW Director
Date: 9-30-16
Re: River Road Retaining Wall

The River Road Retaining Wall is located in the Leeds village section of Northampton, north of the village center and immediately adjacent to the Mill River. River Road connects the town of Williamsburg and State Route 9 to the village of Leeds. A 950-foot long section of the road has a stone masonry retaining wall / floodwall along its easterly margin, providing for the retainage of the earthen embankment and road, and also protection from flooding during high water events in the adjacent Mill River.

Although its exact age is unknown, the retaining wall appears to be several decades old. Based on its condition, it does not appear that the wall was originally constructed with a suitable foundation system. Over time, the flows within the Mill River have scoured and undercut significant sections of the wall, and runoff events have compromised the integrity of the upper portions of the wall. The Williamsburg sanitary sewer interceptor is located within River Road, and is also protected by the retaining wall.

The City of Northampton is concerned that the masonry wall is not capable of withstanding future significant flooding events within the Mill River or further impacts from significant localized flooding of River Road. During heavy rains in late March, 2010, a section of the upper wall was dislodged by high-velocity flows.

The City originally applied for funding assistance for this project under a FEMA-1813-DR-MA disaster appropriation in April of 2010, but was not successful. Subsequently, The City reapplied under a new disaster appropriation (1895-DR) in March of 2011. Under these Hazard Mitigation Grant Program grants, the Massachusetts Emergency Management Agency (MEMA) is the grant applicant, and the cities and towns are the sub-applicants. MEMA receives all the grant applications from the sub-applicants, reviews them, ranks them, and sends the top applications on to FEMA for their review and approval. The process can be laborious and time

consuming. The grant contract for this project was finally signed in August of 2014, with a deadline of 3-18-17 for all construction work to be completed.

Permitting and design have been ongoing since 2014. Upon completion of the permitting and design process, in August of 2016, the City solicited construction bids to remove the existing stone masonry wall, and replace it with a cast-in-place concrete retaining wall / floodwall with sufficient height to protect the road and sewer from a 100-year flood event and all localized flooding.

Construction bids were opened on September 14, 2016. The low bidder was E.T.&L. Construction of Stow, MA, with a base bid of \$1,605,070.00. This base bid is roughly 25% more than had been originally budgeted for in 2014. While the estimated total cost of the project, including engineering and administration is now \$2,022,000, the contribution from the city, after grants and other funds have been applied, is expected to be \$790,512.

The original council order for the project was adopted on June 27, 2013 and amended by the council on April 2, 2015 to allow for borrowing up to \$1,607,125, provided the borrowing be reduced by any amounts received from other sources for the project. The order now before this council on October 6, 2016 seeks to allow for borrowing up to \$2,022,000, provided the borrowing be reduced by any amounts received from other sources for the project.

Project Timeline

- 04/09/2010 Original (Initial) Application filed with MEMA, for Hazard Mitigation Grant Program under FEMA-1813-DR-MA (winter ice storm). City received notification that application was not accepted by FEMA, but was encouraged to re-file under a new Disaster Relief appropriation.
- 03/04/2011 Second Application filed with MEMA, for Hazard Mitigation Grant Program under FEMA-1895-DR-MA (major storm with extreme weather conditions, record breaking rainfall, and severe flooding).
- 08/02/2011 – City provided additional technical information in response to MEMA/FEMA’s request.
- 10/30/2012 – City provided additional technical information in response to MEMA/FEMA’s request.
- 03/01/2014 Northampton DPW receives notification that MEMA/FEMA is going to be moving towards an appropriation and contract for funding.
- 04/14/2014 Northampton DPW issued RFP for the design and permitting of the River Road Retaining Wall Improvement Project.
- 05/09/2014 Proposals received for design and permitting.
- 08/12/2014 Contract for design and permitting signed with GZA.
- 08/15/2014 Northampton DPW initiates discussions with the Northampton Historical Commission regarding wall demolition and reconstruction—finishes and materials.
- 08/28/2014 MEMA executes contract with City of Northampton for Hazard Mitigation Grant Program funding under HMGP-1813. The Contract specified that *“All work must be completed by the contract end date of 3/18/2017 to be eligible for FEMA reimbursement.”*
- 08/2014-
7/2016 Design and permitting process ongoing. Some delays due to coordination with Northampton Historical Commission and detailed evaluation of alternatives related to historical/aesthetic concerns. These concerns were largely resolved in late April of 2016, and final design and preparation of bid documents was commenced.
- 07/27/2016 Massachusetts Division of Fisheries and Wildlife issues preliminary approvals, pending “Turtle Protection Plan”.
- 08/15/2016 Northampton Conservation Commission issues their “Order of Conditions” (wetlands permit).
- 08/24/2016 Construction Bid appears in the Central Register
- 09/14/2016 Construction Bids received, opened, and read.
- 09/19/2016 Northampton DPW issued Notice of Award to E.T.&L. Construction Corp. of Stow, MA.

City of Northampton

MASSACHUSETTS

In City Council

October 6, 2016

Upon recommendation of the Mayor

16.170

An Order

**To accept a donation from the Florence Mercantile totaling \$2,350
for the completion of the Trinity Park Fountain Project**

Ordered, that

The Northampton City Council gratefully accepts donations from the Florence Mercantile, the business group of the Florence Civic and Business Association, totaling \$2,350 to the Trinity Park Fountain Project, and in accordance with Massachusetts General Law Chapter 44, Section 53A approves using the gifted funds (Fund 2546 – DPW Fountain Account) to complete construction of a fountain at Trinity Park in Florence.

City of Northampton
MASSACHUSETTS

In City Council October 6, 2016

Upon recommendation of the Mayor

O-16.176
An Order

To authorize budgetary transfers to be made for wage adjustments in the Fire Department

Ordered, that

the following FY2017 budgetary transfers be and hereby are made:

Department	Description		Org	Object	Transfer From:	Transfer To:
Fire Department	PS	Permanent Salaries	12201	511000		131,041.00
Reserve for Personnel	PS	Wage Adjustments	19491	519700	(131,041)	
TOTAL:					(131,041)	131,041

City of Northampton
Massachusetts

In City Council September 15, 2016
Upon the recommendation of the Mayor

16.157
AN ORDER

to authorize payment of a previous year bill to Comcast in the amount of \$154.83

BE IT ORDERED

that the Council authorize payment of a prior fiscal year bill (FY2016) related to the DPW for Comcast in the amount of \$154.83.

16.171
A Warrant
For an Election to be held November 8, 2016
October 6, 2016

Upon the recommendation of City Clerk, Wendy Mazza

that meetings of the members of the qualified voters of the City of Northampton will be held on Tuesday, November 8, 2016, in the several polling places designated for the purpose by the City Council, as follows:

WARD 1, Precinct A - In Jackson Street School Auditorium
WARD 1, Precinct B - In Jackson Street School Auditorium
WARD 2, Precinct A - In Smith Vocational-Agricultural High School
WARD 2, Precinct B - In Smith Vocational-Agricultural High School
WARD 3, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 3, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 5, Precinct A - In Florence Civic and Business Building, 90 Park Street
WARD 5, Precinct B - In Smith Vocational-Agricultural High School
WARD 6, Precinct A - In Robert K. Finn Ryan Road School
WARD 6, Precinct B - In Robert K. Finn Ryan Road School
WARD 7, Precinct A - In John F. Kennedy Middle School, Community Room
WARD 7, Precinct B - In Leeds School Gymnasium, Lower Level

The polls will be opened at seven o'clock in the forenoon and closed at eight o'clock in the evening of the said day, and all such voters will in the several wards and precincts in which they are individually entitled to vote between said hours give in their votes for Electors of President and Vice President, for Representative in Congress for the Second District, for Councillor from the Eighth District, for Senator in General Court for the Hampshire, Franklin & Worcester District, for Representative in General Court for the First Hampshire District, and for Sheriff from Hampshire County.

They will also give in their votes, Yes or No on the following questions:

Question 1-Expanding Slot-Machine Gaming

Question 2-Charter School Expansion

Question 3- Conditions for Farm Animals

Question 4-Legalization, Regulation, and Taxation of Marijuana

1

QUESTION 1: Law Proposed by Initiative Petition

Expanded Slot-Machine Gaming

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at

least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The fiscal consequences of this proposed measure for state and municipal government finances could range from 0 dollars to an unknown positive amount. Under the Expanded Gaming Act, the Massachusetts Gaming Commission has the discretion to determine whether a gaming license should be issued and when that determination would be made. If the

Gaming Commission did award the proposed license, a new analysis of the casino market would be needed to determine the amount of revenue from this license, based on proposed size and operations, and the potential impact of competition from other gaming establishments in Massachusetts and surrounding areas.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Voting YES allows one additional slots parlor in Massachusetts, providing millions of dollars to Massachusetts communities and creating thousands of jobs. In 2013 alone, Massachusetts residents who played at neighboring state gaming facilities gave those states over \$240 Million that could have stayed in Massachusetts.

Under the Gaming Law, nearly half the revenue collected benefits all Massachusetts residents. Over the past year, the existing slots parlor contributed over \$60 million for Massachusetts communities, plus additional funds paid to the host-community. (The Gaming Law ensures that a slots parlor will only be licensed in a community that votes for it.)

About \$1 of every \$5 collected goes to our State's horse racing industry, sustaining jobs at racetracks and breeding farms. A second slots parlor, together with the existing parlor,

AGAINST: Legalized casino gambling in the Commonwealth is too new and unproven to expand at this time.

- Only one slot parlor has opened in Massachusetts, and it is significantly underperforming.
- Five casinos are expected to open in Massachusetts by 2019. *The Wall Street Journal* warns that New England already has more casinos than the market wants or needs.
- This ballot question was written by one casino developer, for one purpose: his own financial gain. It disrupts the process and limits established by the Legislature to protect communities and existing businesses.
- Proponents of the 'Act Relative to Gaming' have traveled across the globe to exploit the Commonwealth and send a message to other casino developers – they can come to

QUESTION 1: Law Proposed by Initiative Petition

ARGUMENTS ▶ will assure that the long tradition of horse racing in Massachusetts survives while bringing thousands of new jobs to Massachusetts.
(continued)

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Massachusetts and do the same.

Vote "No" to postpone the question of gambling expansion until a review of the costs and benefits of existing Massachusetts gaming establishments is completed.

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FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority:

SECTION 1. Subsection (a) of Section 8 of Chapter 23K of the General Laws, as appearing in the 2012 Official Edition is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

The commission shall issue a request for applications for category 1 and category 2 licenses.

SECTION 2. Section 20 of said Chapter 23K of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(g) Notwithstanding any general or special law, rule, or regulation to the contrary, the commission may issue 1 additional category 2 license; provided, however, that

the additional category 2 license shall only be issued to applicants who are qualified under the criteria set forth in this chapter as determined by the commission and that the additional category 2 license meet the following additional qualification:

(1) The proposed location of the gaming establishment shall be at least 4 acres large, and shall be adjacent to, and within 1500 feet of, a race track, including the track, grounds, paddocks, barns, auditorium, amphitheatre and/or bleachers, if any, where a horse racing meeting may physically be held, which race track shall have hosted a horse racing meeting, provided that said location is not separated from said race track by a highway or railway.

2

QUESTION 2: Law Proposed by Initiative Petition

Charter School Expansion

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment

expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A **YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A **NO VOTE** would make no change in current laws relative to charter schools.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

This proposed measure would make no changes to the current funding formula, which mandates that state and local per-pupil funding follow students who enroll in public charter schools.

School districts that experience annual increases in payments to public charter schools receive transitional state education aid.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A YES vote on Question 2 gives parents the right to choose the best public schools for their children.

Charter schools are PUBLIC schools open to all children. They offer longer school days and more individual attention, and have a proven record of closing the achievement gap for kids trapped in failing school districts.

Today, almost 33,000 children are stuck on waiting lists for public charter schools because of the legislature's arbitrary cap on enrollment. Voting YES would give more children the opportunity to attend these great public schools -- especially in the state's lowest-performing school districts.

AGAINST: Every time a new charter school opens or expands, it takes funding away from the public schools in that district. This year alone, charter schools will take more than \$400 million from already-underfunded Massachusetts public schools. And charter schools are not accountable to the local taxpayers who fund them.

Under this proposal, the number of charter schools in Massachusetts would nearly triple in just 10 years, costing local public school districts more than \$1 billion a year.

If some public schools are falling short, we should fix them, not take money away and give it to privately-run charters. We need to support schools that serve all children. That means

QUESTION 2: Law Proposed by Initiative Petition

ARGUMENTS ▶ Voting YES does not harm local school districts.
(continued)

Cities and towns with new public charter schools will receive MORE state education aid if Question 2 passes. Charter growth would happen gradually; new public charter schools must be approved by the State Board of Education and are subject to rigorous and frequent performance reviews.

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investing in areas such as STEM (science, technology, engineering, and math), arts and music, and Pre-K, not diverting even more resources to charters, which educate just four percent of students. Save Our Public Schools. Vote NO on 2.

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FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority, as follows:

SECTION 1.

Subsection (i) of section 89 of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after paragraph (4) the following new paragraph:—

(5) Notwithstanding the provisions of this subsection (i) relative to the number of charter schools allowed to operate in the commonwealth or in any district, the board may approve up to 12 additional commonwealth charters, commonwealth charter amendments to increase authorized enrollment, or a combination thereof per year; provided that the total enrollment authorized by all such approvals in a single fiscal year shall not exceed 1% of the total statewide public school enrollment for such year as determined by the board; provided further, that in the event that the number of qualified applicants in any year exceeds 12, the board shall give priority among such qualified applicants to those seeking to establish or expand enrollment in commonwealth charter schools in districts where overall student performance on the statewide assessment system approved by the board is in the bottom 25% of all districts in the two years preceding the charter application and where the demonstrated parent demand for additional public school options is greatest; provided

further that the board shall apply to all such applicants review and approval standards as rigorous as those applied to all other commonwealth charter applicants; provided further that the recruitment and retention and multilingual outreach provisions of paragraph (3) shall apply to any commonwealth charter school authorized under this paragraph; and provided further that any new commonwealth charter schools authorized by this paragraph shall be subject to annual performance reviews according to standards established by the board.

Nothing in this paragraph shall affect the issuance of commonwealth charters under paragraph (3). The percentages of net school spending set forth in paragraphs (2) and (3) shall not apply to or otherwise operate to limit the board's authority to approve commonwealth charters or commonwealth charter amendments under this paragraph; provided, however, that such percentages shall continue to apply to commonwealth charters issued otherwise than under this paragraph. Except as provided in this paragraph, all otherwise applicable provisions of this section shall apply to commonwealth charters or amendments approved under this paragraph.

SECTION 2.

This act shall become effective January 1, 2017, and shall apply to commonwealth charter and commonwealth charter amendment applications pending as of that date.

3

QUESTION 3: Law Proposed by Initiative Petition

Conditions for Farm Animals

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams,

testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

Because the law would not take effect until January 1, 2022, the fiscal consequences of

this proposed measure for state and municipal government finances are unknown.

QUESTION 3: Law Proposed by Initiative Petition

ARGUMENTS ► **IN FAVOR:** A YES vote prevents cruel treatment

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

of animals in Massachusetts by ending the practice of cramming farm animals into cages so small they can't turn around or stretch their limbs, and will remove inhumane and unsafe products from the Massachusetts marketplace.

Endorsed by the MSPCA, Animal Rescue League of Boston, The Humane Society of the United States, and 400 Massachusetts veterinarians because no animal should be immobilized in a cramped cage.

Endorsed by the Center for Food Safety and Consumer Federation of America because cage confinement increases food safety risks, and a YES vote protects Massachusetts consumers.

Endorsed by Massachusetts family farmers and the United Farm Workers because proper treatment of animals is better for farmers. From McDonald's to Walmart, retailers are switching to cage-free eggs—the right thing to do at the right cost.

Vote YES. Protect consumers. Prevent animal cruelty.

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AGAINST: A NO vote is necessary to protect Massachusetts consumers' right to choose from the variety of healthy foods available for purchase today.

Question 3 proposes to ban the sale of any veal, pork, and eggs from any state unless produced according to the wishes of the ballot promoters. A recent study undertaken at Cornell University estimates the cost to consumers—just on eggs—would be \$70 a year for a family of five.

This study also notes that an increase in food prices “disproportionately harms lower income households” and can impact their ability to maintain a “healthy and adequate diet.”

Let the free marketplace respond to consumer concerns. The veal industry plans to be completely phased out of veal crates by the end of 2017. 175 food suppliers have already pledged to switch to cage free eggs. Others will follow.

This proposed government mandate is neither necessary nor wise.

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FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority:
Prevention of Farm Animal Cruelty Act

SECTION 1. The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts.

SECTION 2. Notwithstanding any general or special law to the contrary, it shall be unlawful for a farm owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

SECTION 3. Notwithstanding any general or special law to the contrary, it shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts of any:

(A) Shell egg that the business owner or operator knows or should know is the product of a covered animal

that was confined in a cruel manner.

(B) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner.

(C) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

SECTION 4. For the purposes of this Act, a covered animal shall not be deemed to be “confined in a cruel manner” during:

(A) Transportation.

(B) State or county fair exhibitions, 4-H programs, and similar exhibitions.

(C) Slaughter in accordance with any applicable laws, rules, and regulations.

(D) Medical research.

QUESTION 3: Law Proposed by Initiative Petition

FULL TEXT OF QUESTION (continued)

(E) Examination, testing, individual treatment or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian.

(F) The five (5) day period prior to a breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets.

(G) Temporary periods for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period.

SECTION 5. For purposes of this Act, the following terms shall have the following meanings:

(A) "Breeding pig" means any female pig of the porcine species kept for the purpose of commercial breeding.

(B) "Business owner or operator" means any person who owns or controls the operations of a business.

(C) "Calf raised for veal" means any calf of the bovine species kept for the purpose of commercial production of veal meat.

(D) "Covered animal" means any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.

(E) "Confined in a cruel manner" means confined so as to prevent a covered animal from lying down, standing up, fully extending the animal's limbs, or turning around freely.

(F) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

(G) "Enclosure" means any cage, crate, or other structure used to confine a covered animal or animals. "Enclosure" includes what is commonly described as a "gestation crate" or "stall" for pigs during pregnancy, a "veal crate" for calves raised for veal, and a "battery cage, enriched cage, or colony cage" for egg-laying hens.

(H) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; and does not include live animal markets or establishments at which inspection is provided under the Federal Meat Inspection Act.

(I) "Farm owner or operator" means any person who owns or controls the operations of a farm.

(J) "Fully extending the animal's limbs" means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending the animal's limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet

of usable floor space per hen.

(K) "Person" means any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.

(L) "Pork meat" means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig of the porcine species, intended for use as human food.

(M) "Sale" means a commercial sale by a business that sells any item covered by Section 3, but does not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act. For purposes of this section, a sale shall be deemed to occur at the location where the buyer takes physical possession of an item covered by Section 3.

(N) "Shell egg" means a whole egg of an egg-laying hen in its shell form, intended for use as human food.

(O) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(P) "Uncooked" means requiring cooking prior to human consumption.

(Q) "Usable floor space" means the total square footage of floor space provided to each hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure (including both ground space and elevated flat platforms) by the number of hens in that enclosure.

(R) "Veal meat" means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a calf raised for veal, intended for use as human food.

(S) "Whole pork meat" means any uncooked cut of pork (including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole pork meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

(T) "Whole veal meat" means any uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole veal meat does not include combination food products

QUESTION 3: Law Proposed by Initiative Petition

FULL TEXT OF QUESTION (continued)

(including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

SECTION 6. The Attorney General shall have exclusive authority to enforce the provisions of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent further violations of this Act.

SECTION 7. It shall be a defense to any action to enforce this Act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, whole pork meat, or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel manner.

SECTION 8. The provisions of this Act are in addition to, and not in lieu of, any other laws protecting animal welfare. This Act is not intended, and should not be construed to limit any other state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations that are more stringent than this section.

SECTION 9. The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

SECTION 10. The Attorney General shall promulgate rules and regulations for the implementation of this Act on or before January 1, 2020.

SECTION 11. Sections 2-7 of this Act shall take effect on January 1, 2022.

4

QUESTION 4: Law Proposed by Initiative Petition

Legalization, Regulation, and Taxation of Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY ▶

As required by law, summaries are written by the State Attorney General.

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana

establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

QUESTION 4: Law Proposed by Initiative Petition

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The fiscal consequences of this proposed measure may affect both projected state and municipal revenues and expenditures, but these consequences are difficult to project due to the lack of reliable data. A March 2016 report from the Special Senate Committee on Marijuana

concluded as follows: "Tax revenues and fees that would be generated from legal sales may fall short of even covering the full public and social costs (including regulation, enforcement, public health and safety, and substance abuse treatment)."

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Law enforcement veterans support this initiative because it replaces the current unregulated marijuana market, controlled by drug dealers, with a tightly regulated system controlled by state and local authorities. Passing this measure will allow local law enforcement to shift resources and focus to serious and violent crimes.

The initiative includes strict regulations for business licensing, product testing, labeling and packaging, providing many more consumer safeguards than exist now. Marketing to minors is strictly prohibited, as is public use and driving under the influence.

Local cities and towns can limit or ban marijuana businesses, and will govern operating hours, locations, and signage.

Taxing marijuana will generate an estimated \$100 million in annual revenue for state and local governments.

Regulation and taxation is working in Colorado, Washington, Alaska and Oregon, generating millions of dollars for education, infrastructure and more. Massachusetts can improve on the regulatory standards already in place and working elsewhere.

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AGAINST: Vote "NO" on creating a billion-dollar commercial marijuana industry that, just like Big Tobacco, would make millions on the backs of our communities, compromise health and safety, and harm kids.

Vote "NO" because this measure:

- Allows the sale and marketing of highly-potent marijuana edibles like candy, cookies, gummy bears, and soda that are attractive to young people and can lead to accidental overdose by kids and pets.
- Allows people to "home grow" thousands of dollars' worth of marijuana, even if neighbors object.
- Severely restricts the ability of cities and towns to control the number of marijuana retailers entering communities and allows pot shops to locate near preschools and playgrounds.
- Ignores the deadly opioid epidemic and the impact legalized pot will have on overall drug use.

This legalization scheme would force Massachusetts into the commercial marijuana industry when communities across Colorado, the first state to legalize, are trying to get out.

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QUESTION 4: Law Proposed by Initiative Petition

FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority, as follows:

THE REGULATION AND TAXATION OF MARIJUANA ACT

SECTION 1. The purpose of this Act is to control the production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. Its intent is to remove the production and distribution of marijuana from the illicit market and to prevent the sale of marijuana to persons under 21 years of age by providing for a regulated and taxed distribution system. To the fullest extent possible, its terms are to be interpreted in accordance with the purpose and intent set forth in this section.

SECTION 2. This act may be known as "The Regulation and Taxation of Marijuana Act."

SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after section 75 the following sections:

Section 76. Cannabis Control Commission; members; appointment; terms; chairman; secretary

(a) There shall be a commission known as the cannabis control commission to have general supervision and sole regulatory authority over the conduct of the business of marijuana establishments as defined in chapter 94G of the General Laws. The commission shall consist of 1 commissioner and 2 associate commissioners who shall be appointed by the treasurer. Not more than 2 members of the commission shall be of the same political party. The commissioner shall serve a term co-terminous with the treasurer. The associate commissioners shall serve a term of 4 years. Any vacancy occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

(b) The treasurer shall appoint commissioners based on their experience or expertise in public health, law enforcement, social justice, the regulation and business of consumer commodities and the production and distribution of marijuana and marijuana products.

(c) The commissioner shall serve as chair and shall preside over all official activities of the commission.

(d) The treasurer may remove any member for neglect of duty, misconduct or malfeasance in office, after providing the member with a written statement of the charges and an opportunity to be heard.

(e) Two members shall constitute a quorum for

conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

(f) The commission may expend for such investigators and clerical and other assistants as may be necessary for the performance of its duties. The commissioner may appoint a chief investigator and other investigators, who shall be exempt from chapter 31 of the General Laws, to enforce or cause to be enforced the penalties provided by law against a marijuana establishment that violates chapter 94G of the General Laws and shall make all necessary and appropriate investigations for that enforcement.

(g) All records of the commission shall be considered public records within the meaning of chapter 66 of the General Laws.

Section 77. Cannabis Advisory Board

(a) There shall be a cannabis advisory board to study and make recommendations on the regulation of marijuana and marijuana products. The board shall consist of 15 members appointed by the governor and shall consist of: 1 expert in marijuana cultivation, 1 expert in marijuana retailing, 1 expert in marijuana product manufacturing, 1 expert in marijuana testing, 1 board member or officer of a medical marijuana treatment center, 1 registered medical marijuana patient, 1 individual who represents marijuana retail consumers, 2 experts in public health, 2 experts in law enforcement, 2 experts in social welfare or social justice, and 2 attorneys with experience providing legal services to marijuana businesses, marijuana consumers or medical marijuana patients in the commonwealth. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees for purposes of chapter 268A of the General Laws by virtue of their service on the advisory board. The board shall meet at the discretion of the commission. A majority of the members of the board present and voting shall constitute a quorum.

(b) The cannabis advisory board shall:

(1) advise the commission on marijuana cultivation, processing, manufacture, transport, distribution, testing and sale;

(2) consider all matters submitted to it by the commission;

(3) on its own initiative, recommend to the commission guidelines, rules and regulations and any changes to guidelines, rules and regulations that the board

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considers important or necessary; and

(4) advise on the preparation of regulations under chapters 64N and 94G.

(c) All records of the cannabis advisory board shall be public records under chapter 66 of the General Laws.

SECTION 4. The General Laws are hereby amended by inserting after chapter 64M the following chapter:

CHAPTER 64N.

MARIJUANA TAX.

Section 1. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Commissioner", the commissioner of revenue.

(b) "Marijuana," "Marijuana establishment," "Marijuana product" and "Marijuana retailer", as defined in chapter 94G of the General Laws.

Section 2. State excise imposition; rate; payment. An excise tax is hereby imposed upon the sale of marijuana or marijuana products by a marijuana retailer to anyone other than a marijuana establishment at a rate of 3.75 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by a marijuana retailer to the commissioner at the time provided for filing the return required by section 16 of chapter 62C of the General Laws.

Section 3. Local tax option. Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

All sums received by the commissioner under this section shall not be considered received on account of the commonwealth and shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the sale or transfer of marijuana and marijuana products in the city or town.

Section 4. Exemptions. This chapter shall not apply to the sale of marijuana or marijuana products by a medical marijuana treatment center or a registered personal caregiver to a qualifying patient or personal caregiver pursuant to chapter 369 of the acts of 2012, nor to any unlawful sale subject to taxation pursuant to chapter 64K of the General Laws.

Section 5. Application of tax revenue. The commissioner shall deposit revenue collected pursuant to this chapter, other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the Marijuana Regulation Fund established by chapter 94G of the General Laws and it shall be subject to appropriation.

SECTION 5. The General Laws are hereby amended by inserting after chapter 94F the following chapter:

CHAPTER 94G

REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA NOT MEDICALLY PRESCRIBED

Section 1. Definitions

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Consumer", a person who is at least 21 years of age.

(b) "Controlling person", an officer, board member or other individual who has a financial or voting interest of 10 per cent or greater in a marijuana establishment.

(c) "Commission", the cannabis control commission established by section 76 of chapter 10 of the General Laws.

(d) "Experienced marijuana establishment operator", (i) a medical marijuana treatment center as defined in chapter 369 of the acts of 2012 with a registration in good standing, or (ii) a reorganized marijuana business established by a vote of at least 2/3 of the board of directors of an entity that submitted an application for a registration to operate a medical marijuana treatment center to the department of public health before October 1, 2015 and was issued a provisional registration to operate a medical marijuana treatment center by the department of public health before the effective date of this chapter.

(e) "Hemp", the plant of the genus *Cannabis* or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus *Cannabis*, or per volume or weight of marijuana product, or the combined per cent of delta-9-

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tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *Cannabis* regardless of moisture content.

(f) "Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

(g) "Marijuana" or "Marihuana", all parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

(h) "Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

(i) "Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

(j) "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

(k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

(l) "Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients

that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

(m) "Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

(n) "Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

(o) "Process" or "processing", to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in subsection (f) of this section.

(p) "Unreasonably impracticable", that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.

Section 2. Limitations

(a) Operating under the influence. This chapter does not amend existing penalties for operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by marijuana or a marijuana product or for consuming marijuana while operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery.

(b) Transfer to or possession by a person under 21 years of age. This chapter shall not be construed to permit the knowing transfer of marijuana, marijuana products or marijuana accessories, with or without remuneration, to a person under 21 years of age or to allow a person under 21 years of age to possess, use, purchase, obtain, cultivate, process, manufacture, deliver or sell or otherwise transfer marijuana or marijuana accessories.

(c) Manufacture of products. Unless done pursuant to a marijuana product manufacturer license issued by the commission, this chapter does not authorize a person to manufacture marijuana or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

(d) Property. This chapter shall not be construed to:

(1) prevent a person from prohibiting or otherwise regulating the consumption, display, production,

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processing, manufacture or sale of marijuana and marijuana accessories on or in property the person owns, occupies or manages, except that a lease agreement shall not prohibit a tenant from consuming marijuana by means other than smoking on or in property in which the tenant resides unless failing to do so would cause the landlord to violate a federal law or regulation;

(2) prevent the commonwealth, a subdivision thereof or local government agency from prohibiting or otherwise regulating the possession or consumption of marijuana or marijuana accessories within a building owned, leased or occupied by the commonwealth, a political subdivision of the commonwealth or an agency of the commonwealth or a political subdivision of the commonwealth; or

(3) authorize the possession or consumption of marijuana or marijuana accessories on the grounds of or within a public or private school where children attend classes in preschool programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any correctional facility.

(e) Employment. This chapter shall not require an employer to permit or accommodate conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of employers to enact and enforce workplace policies restricting the consumption of marijuana by employees.

(f) Negligent conduct. This chapter shall not amend existing penalties for conduct involving the performance of any task while impaired by marijuana that would constitute negligence or professional malpractice and shall not prevent the imposition of any civil, criminal or other penalty for such conduct.

(g) Relation to medical use of marijuana. This chapter shall not be construed to affect the provisions of chapter 369 of the acts of 2012, relating to the medical use of marijuana as enacted by the people in the state election in 2012.

(h) Adulteration and misbranding. This chapter shall not exempt marijuana or marijuana products from sections 186 to 195, inclusive, of chapter 94 of the General Laws, relating to the adulteration and misbranding of food, drugs and various articles. Marijuana included in a marijuana product manufactured in compliance with the regulations under this chapter shall not be considered an adulterant.

Section 3. Local control

(a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not

unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter and that:

(1) govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories, except that zoning ordinances or by-laws shall not prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or marijuana products in any area in which a medical marijuana treatment center is registered to engage in the same type of activity;

(2) limit the number of marijuana establishments in the city or town, except that a city or town may only adopt an ordinance or by-law by a vote of the voters of that city or town if the ordinance or by-law:

(i) prohibits the operation of 1 or more types of marijuana establishments within the city or town;

(ii) limits the number of marijuana retailers to fewer than 20 per cent of the number of licenses issued within the city or town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws; or

(iii) limits the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the city or town.

(3) restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance;

(4) establish reasonable restrictions on public signs related to marijuana establishments; and

(5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to alcoholic beverages.

(b) The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the premises where sold, such city or town shall be taken to have not authorized the consumption of

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marijuana and marijuana products on the premises where sold.

(c) No city or town shall prohibit the transportation of marijuana or marijuana products or adopt an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

(d) No agreement between a city or town and a marijuana establishment shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment. Any cost to a city or town by the operation of a marijuana establishment shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

Section 4. The Cannabis Control Commission

(a) The commission shall, in consultation with the cannabis advisory board and in accordance with chapter 30A of the General Laws, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing marijuana establishments. The regulations shall include:

(1) procedures for the issuance and renewal of licenses to operate marijuana establishments;

(2) a schedule of application, license and renewal fees in an amount necessary to pay for all regulation and enforcement costs of the commission; provided however that fees may be relative to the volume of business conducted or to be conducted by the marijuana establishment and shall not exceed:

(i) For an initial application, \$3,000;

(ii) For a license for a retail marijuana store, \$15,000;

(iii) For a license for a marijuana product manufacturer, \$15,000;

(iv) For a license for a marijuana cultivator, \$15,000; and

(v) For a license for a marijuana testing facility, \$10,000.

(3) qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a marijuana establishment and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under chapter 138 of the General Laws; provided that a prior conviction solely for a marijuana-related offense or for a violation of section 34 of chapter 94C of the General Laws shall not disqualify an

individual or otherwise affect eligibility for employment or licensure in connection with a marijuana establishment, unless the offense involved the distribution of a controlled substance, including marijuana, to a minor;

(4) procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities;

(5) requirements for the security of marijuana establishments, including security, lighting, video and alarm requirements and requirements for the secure transportation and storage of marijuana, marijuana plants and marijuana products, provided that the requirements shall not prohibit the cultivation of marijuana outdoors or in greenhouses;

(6) requirements to prevent the sale of marijuana and marijuana products to persons under 21 years of age;

(7) requirements for record keeping by marijuana establishments and procedures to track marijuana and marijuana products cultivated, processed, manufactured, delivered or sold by marijuana establishments;

(8) health and safety standards for the cultivation, processing, manufacture and distribution of marijuana and marijuana products, including standards regarding sanitation for the preparation, storage, handling and sale of food products and reasonable limitations on the use of organic and non-organic pesticides;

(9) requirements for the packaging of marijuana and marijuana products, which shall include special packaging requirements to protect children from ingesting marijuana or marijuana products and requirements for dividing each serving within a package containing multiple servings in a manner that allows consumers to easily identify a single serving;

(10) requirements for the labeling of a package containing marijuana or marijuana products that shall include a symbol or other easily recognizable mark indicating that the package contains marijuana and an identification of the marijuana cultivator or the marijuana product manufacturer who produced the marijuana or marijuana product, and for the labeling of a package containing marijuana products, the amount of tetrahydrocannabinol in a package and in each serving of a marijuana product, the number of servings in a package and a list of ingredients and possible allergens;

(11) requirements for the testing of random samples of marijuana and marijuana products to verify

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that marijuana and marijuana products are accurately labeled and to verify that products intended for human consumption do not contain contaminants that are in excess of typical standards applied to other commercially available products intended for human consumption;

(12) requirements for safe disposal of excess, contaminated, adulterated or deteriorated marijuana or marijuana products;

(13) reasonable restrictions on signs, marketing, displays and advertising with respect to marijuana, marijuana products and marijuana accessories, including prohibiting marketing or advertising designed to appeal to children;

(14) procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person or to another suitable location, which shall not be more restrictive than laws governing the transfer of a license for the sale of alcoholic beverages under chapter 138 of the General Laws; and

(15) provisions for: enforcing this chapter, including penalties for civil violations for the failure to comply with any regulation made pursuant to this section or for any violation of section 13 of this chapter; collecting fees and penalties imposed; suspending the license of a marijuana establishment that include provisions to allow for the continued maintenance and security of any marijuana and marijuana products; terminating the license of a licensee; and appealing civil penalties or licensing actions.

(b) In furtherance of the intent of this act, the commission may also adopt regulations in accordance with chapter 30A of the General Laws which:

(1) establish and provide for issuance of additional types or classes of licenses to operate marijuana-related businesses, including licenses that authorize only limited cultivation, processing, manufacture, possession or storage of marijuana or marijuana products, limited delivery of marijuana or marijuana products to consumers, licenses that authorize the consumption of marijuana or marijuana products on the premises where sold, licenses that authorize the consumption of marijuana at special events in limited areas and for a limited time and licenses intended to facilitate scientific research or education;

(2) regulate the cultivation, processing, distribution and sale of hemp by marijuana establishments; and

(3) limit the total amount of marijuana cultivated within the commonwealth, if the commission determines after an analysis of the current and anticipated supply of and demand for marijuana and marijuana products, that a limit on the amount of marijuana cultivated within the

commonwealth is necessary to minimize illicit markets for marijuana. If the commission limits the total amount of marijuana that may be cultivated within the commonwealth, the commission shall reconsider that determination biannually and shall not set the limit at a level below that which is necessary to provide an adequate supply of marijuana and marijuana products in the commonwealth. No such limit shall be imposed if the import or export of marijuana to or from the commonwealth is not prohibited by federal law.

(c) Regulations made pursuant to this section shall not:

(1) prohibit the operation of a marijuana establishment either expressly or through regulations that make operation of a marijuana establishment unreasonably impracticable;

(2) require testing of marijuana or marijuana products before the commission has licensed any marijuana testing facilities or, if such facilities have been licensed, before such facilities are capable of performing any required tests in a timely manner;

(3) require a customer to provide a marijuana retailer with identifying information other than identification to determine the customer's age and shall not require the marijuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

(4) prohibit a medical marijuana treatment center and an experienced marijuana establishment operator from operating a medical marijuana treatment center and a marijuana establishment at a shared location;

(5) prohibit marijuana establishments from transferring or acquiring marijuana seeds, clones, cuttings, plants or plant tissue from other marijuana establishments or from medical marijuana treatment centers or prohibit a marijuana establishment from transferring or otherwise selling marijuana to a marijuana retailer, a marijuana product manufacturer or a marijuana cultivator; or

(6) prohibit marijuana establishments from using inorganic cultivation methods.

(d) The commission shall administer the laws and regulations relating to licensing in this chapter.

(e) The commission may suspend or revoke the license of a licensee under regulations made pursuant to this chapter upon written notice of a violation and, if applicable, an opportunity to cure any violation within 30 days of such notice. All licensees shall be entitled to an adjudicatory hearing pursuant to chapter 30A of the General Laws prior to suspension of a license for longer than 5 days or the revocation of a license.

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FULL TEXT OF QUESTION (continued)

(f) The commission shall enforce the laws and regulations relating to the cultivation, processing, manufacture, delivery, storage, sale and testing of marijuana and marijuana products by marijuana establishments. The commission shall conduct investigations of compliance with this chapter and shall perform regular inspections of marijuana establishments and the books and records of marijuana establishments as necessary to enforce this chapter. The commission shall cooperate with appropriate state and local organizations to provide training to law enforcement officers of the commonwealth and its political subdivisions.

(g) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the General Laws and to standard rules of adjudicatory procedure established pursuant to section 9 of chapter 30A of the General Laws.

(h) The commission shall annually publish a full report of its action during each year containing a comprehensive description of its activities and including the number of licenses of each class issued, actions taken pursuant to clause (4) of subsection (a) of this section and a statement of revenue and expenses of the commission.

(i) The commission shall annually review the tax rate established by chapter 64N of the General Laws and may make recommendations to the General Court as appropriate regarding changes to the tax rate that further the intent of this act. The commission may study marijuana commerce and make recommendations to the General Court regarding changes in the laws of the commonwealth that further the intent of this act by filing those recommendations with the clerk of the house and senate who shall forward the recommendations to the joint committee on consumer protection and professional licensure, the joint committee on revenue and any other committee deemed appropriate by the commission.

(j) The commission shall deposit all license, registration and monetary penalties collected pursuant to this chapter in the Marijuana Regulation Fund established by section 15 of this chapter.

(k) The commission and the department of public health shall work collaboratively to ensure that the production and distribution of marijuana is effectively regulated in the commonwealth in furtherance of the intent of this act.

Section 5. Licensing of marijuana establishments

(a) Upon receipt of a complete marijuana establishment license application and the application fee,

the commission shall forward a copy of the application to the city or town in which the marijuana establishment is to be located, determine whether the applicant and the premises qualify for the license and has complied with this chapter and shall, within 90 days:

(1) issue the appropriate license; or

(2) send to the applicant a notice of rejection setting forth specific reasons why the commission did not approve the license application.

(b) Except as provided in subsection (c) of this section, the commission shall approve a marijuana establishment license application and issue a license if:

(1) the prospective marijuana establishment has submitted an application in compliance with regulations made by the commission, the applicant satisfies the requirements established by the commission, the applicant is in compliance with this chapter and the regulations made by the commission and the applicant has paid the required fee;

(2) the commission is not notified by the city or town in which the proposed marijuana establishment will be located that the proposed marijuana establishment is not in compliance with an ordinance or by-law consistent with section 3 of this chapter and in effect at the time of application;

(3) the property where the proposed marijuana establishment is to be located, at the time the license application is received by the commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement; and

(4) an individual who will be a controlling person of the proposed marijuana establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor.

(c) If a city or town limits the number of marijuana establishments that may be licensed in the city or town pursuant to clause (2) of subsection (a) of section 3 of this chapter and that limit prevents the commission from issuing a license to all applicants who meet the requirements of subsection (b) of this section:

(1) until January 1, 2018, the commission shall issue licenses first to applicants with the most experience operating medical marijuana treatment centers and then by

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lottery among qualified applicants; or

(2) on and after January 1, 2018, the commission shall issue licenses by lottery among qualified applicants.

The lottery shall also designate the priority order of unselected applicants in the event that a license becomes available within a year.

Section 6. Expiration and renewal

(a) License term. Unless the commission authorizes the renewal of a license for a longer period, all licenses under this chapter shall be effective for 1 year from the date of issuance.

(b) Renewal. The commission shall issue a renewal license within 30 days of receipt of a renewal application and renewal license fee from a marijuana establishment to licensees in good standing and who have filed any tax returns required pursuant to chapter 64N of the General Laws.

Section 7. Personal use of marijuana

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) possessing, using, purchasing, processing or manufacturing 1 ounce or less of marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana concentrate;

(2) within the person's primary residence, possessing up to 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises and possessing, cultivating or processing not more than 6 marijuana plants for personal use so long as not more than 12 plants are cultivated on the premises at once;

(3) assisting another person who is 21 years of age or older in any of the acts described in this section; or

(4) giving away or otherwise transferring without remuneration up to 1 ounce of marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(b) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, if the import or export of marijuana to or from the

commonwealth is not prohibited by federal law, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for possessing, using, purchasing, cultivating, processing or manufacturing any amount of marijuana or marijuana products for personal use.

(c) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies or manages to be used for any of the activities conducted lawfully under this chapter or for enrolling or employing a person who engages in marijuana-related activities lawfully under this chapter.

(d) Absent clear, convincing and articulable evidence that the person's actions related to marijuana have created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid components or metabolites in a person's bodily fluids nor conduct permitted under this chapter related to the possession, consumption, transfer, cultivation, manufacture or sale of marijuana, marijuana products or marijuana accessories by a person charged with the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation or any other parental right or responsibility.

(e) The use of marijuana shall not disqualify a person from any needed medical procedure or treatment, including organ and tissue transplants.

(f) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and is not subject to seizure or forfeiture of assets for possessing, producing, processing, manufacturing, purchasing, obtaining, selling or otherwise transferring or delivering hemp.

(g) For the purposes of this section, "marijuana concentrate" shall mean the resin extracted from any part of the plant of the genus *Cannabis* and every compound, manufacture, salt, derivative, mixture or preparation of that resin but shall not include the weight of any other ingredient combined with marijuana to prepare marijuana products.

Section 8. Marijuana accessories authorized

Notwithstanding any general or special law to the contrary,

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except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for possessing, purchasing or otherwise obtaining or manufacturing marijuana accessories or for selling or otherwise transferring marijuana accessories to a person who is 21 years of age or older.

Section 9. Lawful operation of marijuana establishments

(a) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, the following people involved in the distribution of marijuana as authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for activities specified for:

(1) a marijuana retailer or an owner, operator, employee or other agent acting on behalf of a marijuana retailer possessing or testing marijuana or marijuana products; purchasing, selling or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment; or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer;

(2) a marijuana cultivator or an owner, operator, employee or other agent acting on behalf of a marijuana cultivator cultivating, propagating, breeding, harvesting, processing, packaging, testing, storing or possessing marijuana or marijuana products, or selling or otherwise transferring, purchasing or delivering marijuana and marijuana products to or from a marijuana establishment;

(3) a marijuana product manufacturer or an owner, operator, employee or other agent acting on behalf of a marijuana product manufacturer packaging, processing, manufacturing, storing, testing or possessing marijuana or marijuana products, or delivering, selling or otherwise transferring and purchasing marijuana or marijuana products to or from a marijuana establishment; or

(4) a marijuana testing facility or an owner, operator, employee or other agent acting on behalf of a marijuana testing facility possessing, processing, storing, transferring or testing marijuana or marijuana products.

(b) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person acting in the person's capacity as an owner, employee or other agent of a marijuana retailer who transfers marijuana or marijuana accessories to a person under 21 years of age shall not be subject to arrest or prosecution, penalty, sanction or disqualification, or seizure

or forfeiture of assets, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth.

Section 10. Contracts pertaining to marijuana enforceable

It is the public policy of the commonwealth that contracts related to the operation of marijuana establishments under this chapter shall be enforceable. A contract entered into by a licensee or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a licensee or its agents as permitted pursuant to a valid license issued by the commission, shall not be unenforceable or void exclusively because the actions or conduct permitted pursuant to the license is prohibited by federal law.

Section 11. Provision of professional services

A person engaged in a profession or occupation subject to licensure shall not be subject to disciplinary action by a professional licensing board solely for providing professional services to prospective or licensed marijuana establishments related to activity under this chapter that is not subject to criminal penalty under the laws of the commonwealth.

Section 12. General marijuana establishment operation

(a) In addition to requirements established by regulation pursuant to section 4 of this chapter or by a city or town pursuant to section 3 of this chapter, a marijuana establishment shall:

(1) secure every entrance to the establishment so that access to areas containing marijuana is restricted to employees and others permitted by the marijuana establishment to access the area and to agents of the commission or state and local law enforcement officers and emergency personnel; and

(2) secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products and marijuana accessories.

(b) No marijuana establishment may cultivate, process, test, store or manufacture marijuana or marijuana products at any location other than at a physical address approved by the commission and within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area. A greenhouse or outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.

QUESTION 4: Law Proposed by Initiative Petition

FULL TEXT OF QUESTION (continued)

(c) No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

(d) No marijuana establishment shall refuse representatives of the commission the right at any time of operation to inspect the entire licensed premises or to audit the books and records of the marijuana establishment.

(e) No marijuana establishment shall allow any person under 21 years of age to volunteer or work for the marijuana establishment.

(f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter.

Section 13. Penalties

(a) Restrictions on personal cultivation. No person shall cultivate or process marijuana plants pursuant to section 7 of this chapter if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids or cultivate or process marijuana plants outside of an area that is equipped with a lock or other security device. A person who violates this subsection shall be punished by a civil penalty of not more than \$300 and forfeiture of the marijuana, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(b) Restrictions on personal possession. No person shall possess more than 1 ounce of marijuana or marijuana products within the person's place of residence pursuant to section 7 of this chapter unless the marijuana and marijuana products are secured by a lock. A person who violates this subsection shall be punished by a civil penalty of not more than \$100 and forfeiture of the marijuana.

(c) Restrictions on public consumption of marijuana. No person shall consume marijuana in a public place or smoke marijuana where smoking tobacco is prohibited. A person who violates this subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not apply to a person who consumes marijuana or marijuana products in a designated area of a marijuana establishment located in a city or town that has voted to allow consumption on the premises where sold and shall not be construed to limit the medical use of marijuana.

(d) Possession of marijuana in motor vehicles. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access

as invitees or licensees, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. A person who violates this subsection shall be punished by a civil penalty of not more than \$500. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

(e) Possession or cultivation of excess marijuana. Notwithstanding chapter 94C of the General Laws and until the import or export of marijuana to or from the commonwealth is not prohibited by federal law, a person who is at least 21 years of age and who cultivates more than 6 but not more than 12 marijuana plants or who possesses an amount of marijuana outside of his or her place of residence having a weight of more than 1 ounce but not more than 2 ounces shall be subject only to a civil penalty of not more than \$100 and forfeiture of the marijuana not allowed by section 7 of this chapter, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(f) Procurement of marijuana by a person under 21 years of age. A person under 21 years of age, except a qualifying patient holding a valid registration card for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana accessories, or makes arrangements with any person to purchase or in any way procure marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's

QUESTION 4: Law Proposed by Initiative Petition

FULL TEXT OF QUESTION (continued)

offense.

(g) Enforcement. Civil penalties imposed pursuant to this section shall be enforced by utilizing the non-criminal disposition procedures provided in section 32N of chapter 94C of the General Laws.

Section 14. Marijuana Regulation Fund

(a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Marijuana Regulation Fund. It shall, subject to appropriation, consist of all monies received on account of the commonwealth as a result of applications for and licensing of marijuana establishments, all civil penalties received for violations of this chapter, revenue generated by the state tax imposed by section 2 of chapter 64N of the General Laws and interest earned or other income on balances in the fund.

(b) Subject to appropriation, the fund shall be expended first for the implementation, administration and enforcement of this chapter by the commission and by the cities and towns that authorize the operation of marijuana establishments within their jurisdictions. Subject to appropriation, at the end of a fiscal year, unexpended balances may be redeposited in the General Fund after all necessary funds are expended for the implementation, administration and enforcement of this chapter.

SECTION 6. Notwithstanding any general or special law to the contrary, if the cannabis control commission fails to adopt regulations necessary for the implementation of this chapter on or before January 1, 2018, each medical marijuana treatment center may begin to possess, cultivate, process, manufacture, package, purchase or otherwise obtain and test marijuana and marijuana products and may deliver, sell or otherwise transfer marijuana to any person who is at least 21 years of age until the commission adopts the regulations necessary for implementation of this chapter and begins to issue licenses to operate marijuana establishments pursuant to section 5 of this chapter.

SECTION 7. The state treasurer shall make the initial appointments to the cannabis control commission under section 76 of chapter 10 of the General Laws by March 1, 2017. The initial appointments shall include 1 member who shall serve an initial term of 2 years.

SECTION 8. The governor shall make the initial

appointments to the cannabis advisory board under section 77 of chapter 10 of the General Laws by February 1, 2017. Seven of the initial appointees, as determined by the governor, shall serve for a term of 1 year.

The cannabis advisory board shall meet not less frequently than quarterly until January 1, 2020.

SECTION 9. The cannabis control commission shall promulgate the initial regulations under section 4 of chapter 94G of the General Laws not later than September 15, 2017.

SECTION 10. The commission shall begin accepting applications:

(a) for marijuana testing facility licenses, by October 1, 2017;

(b) from each experienced marijuana establishment operator for 1 marijuana cultivator license, 1 marijuana product manufacturer license and 1 marijuana retailer license, by October 1, 2017;

(c) if fewer than 75 provisional registrations to operate medical marijuana treatment centers have been issued on October 1, 2017, from all applicants for marijuana retailer, marijuana product manufacturer and marijuana cultivator licenses, on and after January 1, 2018;

(d) from all applicants for marijuana retailer licenses or for marijuana product manufacturer licenses, on and after October 1, 2018; and

(e) from all applicants for marijuana cultivator licenses, on and after October 1, 2019.

SECTION 11. If the commission accepts applications pursuant to subsection (c) of section 10 of this act, it shall license no more than 75 marijuana retailers, 75 marijuana product manufacturers and 75 marijuana cultivators until additional applications are accepted pursuant to subsection (d) or subsection (e) of section 10 of this act. If this section prevents the commission from issuing licenses to all applicants who meet the requirements of this act, the commission shall issue licenses first to qualified applicants who submitted applications for registrations to operate medical marijuana treatment centers to the department of public health by October 1, 2015 and then by lottery among qualified applicants.

SECTION 12. This act shall take effect on December 15, 2016.

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

Upon the Recommendation of the Department of Public Works.

**16.135
AN ORDINANCE**

RELATIVE TO A BUS STOP ON MAIN 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 § 312-114 of the Code of Ordinances be amended as follows:

§ 312-114 Schedule XIII: Bus Stop.

Main Street	North	Masonic Street	A point 75 feet westerly from Masonic Street
<u>Main Street</u>	<u>North</u>	<u>Masonic Street</u>	<u>A point 65 feet westerly from Masonic Street</u>

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**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Sixteen

Upon the Recommendation of the Department of Public Works and Wayne Feiden.

**16.136
AN ORDINANCE**

RELATIVE TO PARKING ON OLD SOUTH 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 § 312-109 of the Code of Ordinances be amended as follows:

§ 312-109 Schedule VIII: On-Street Parking Meter Zones.

Old South Street	East	A point 300 feet southerly from Main Street	A point 150 feet northerly from Hampton Avenue	2 hours/Class 1B
<u>Old South Street</u>	<u>East</u>	<u>A point 45 feet southerly from Main Street</u>	<u>A point 106 feet southerly from Main Street</u>	<u>2 hours/Class 1B</u>
<u>Old South Street</u>	<u>East</u>	<u>A point 185 feet southerly from Main Street</u>	<u>A point 308 feet southerly from Main Street</u>	<u>2 hours/Class 1B</u>
<u>Old South Street</u>	<u>East</u>	<u>A point 395 feet southerly from Main Street</u>	<u>A point 413 feet southerly from Main Street</u>	<u>2 hours/Class 1B</u>

SECTION 2

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

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

Old South Street	Easterly	South Street	Point 110 feet southerly from Main Street
<u>Old South Street</u>	<u>Easterly</u>	<u>A point 106 feet southerly from Main Street</u>	<u>A point 167 feet southerly from Main Street</u>
<u>Old South Street</u>	<u>Easterly</u>	<u>A point 308 feet southerly from Main Street</u>	<u>A point 395 feet southerly from Main Street</u>
<u>Old South Street</u>	<u>Easterly</u>	<u>A point 413 feet southerly from Main Street</u>	<u>South Street</u>

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SECTION 3

That § 312-104 of the Code of Ordinances be amended as by adding the following:

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

Old South Street	Easterly	15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday	A point 161 feet southerly from Main Street	A point 179 feet southerly from Main Street
<u>Old South Street</u>	<u>Easterly</u>	<u>15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday</u>	<u>A point 167 feet southerly from Main Street</u>	<u>A point 185 feet southerly from Main Street</u>

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City of Northampton
Massachusetts

In the Year **2016**

Upon the Recommendation of **Mayor David J. Narkewicz**

16.172

AN ORDINANCE

To amend list of enforcing officers and penalties for noncriminal disposition from Chapter 40-5 of the Code Book

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § **Chapter 40-5** of said Code; providing that **list of enforcing officers and penalties for noncriminal disposition.**

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

Section 1: that § **Chapter 40-5** of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section § **Chapter 40-5**

Add

Chapter/Section	Enforcing Officer	Fine
285-12	Police	\$20

City of Northampton
Massachusetts

In the Year **2016**

Upon the Recommendation of **Mayor David J. Narkewicz**

16.175

AN ORDINANCE

To amend Schedule III: Limited-Time Parking from Chapter 312 of the Code Book

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § **Chapter 312** of said Code; providing that **Schedule III: Limited-Time Parking**.

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

Section 1: that § **Chapter 312** of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Section § **Chapter 312 section 104 Schedule III: Limited-Time Parking**

Modify

Name of Street	Side	Time Limit/Hours; Days	From	To
King Street	Easterly	1 hr./1:00 a.m. to 6:00 p.m.; all, except Sundays and public holidays	Point 111 feet northerly of North Street	Point 132 feet northerly of North Street
King Street	Easterly	15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday	Point 162 feet northerly of North Street	Point 203 feet northerly of North Street