

CITY COUNCIL  
**CITY OF NORTHAMPTON**  
MASSACHUSETTS

Councilors:

- President Gina Louise Sciarra, At-Large
- William H. Dwight, At-Large
- Michael J. Quinlan, Jr., Ward 1
- Karen Foster, Ward 2
- Vice-President James Nash, Ward 3
- John Thorpe, Ward 4
- Alex Jarrett, Ward 5
- Marianne L. LaBarge, Ward 6
- Rachel Maiore, Ward 7

**Meeting Agenda**  
**City Council Chambers**  
**Walter J. Puchalski Municipal Building**  
**212 Main Street, Northampton**  
**Meeting Date: March 5, 2020**  
**Meeting Time: 7 p.m.**

**1. Announcement of Audio/Video Recording**

This meeting is being audio/video recorded.

**2. Public Comment**

**3. Roll Call**

**4. Public Hearings**

**5. Updates from Council President and Committee Chairs**

**6. Recognitions and One-Minute Announcements by Councilors**

**7. Communications and Proclamations from the Mayor**

**8. Resolutions**

**9. Presentations**

**10. Consent Agenda**

**A. Minutes of February 20, 2020**

Documents:

[02-20-2020\\_City Council Minutes.pdf](#)

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

**12. Financial Orders (on 1st reading pending Finance review)**

Rule 2.6 requires the Finance Committee to consider certain financial matters.

**13. Financial Orders (on 2nd reading)**

**A. 20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program.pdf](#)

**B. 20.026 An Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.026 An Order to Accept DA Sullivan 10,000 Gift for Digital Display and Presentation System.pdf](#)

**14. Orders**

**A. 20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades.pdf](#)

**B. 20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way.pdf](#)

[20.028 Finn Street Metes and Bounds Description.pdf](#)

[20.028 Finn Street Order of Taking.pdf](#)

[20.028 Street Acceptance Plan - Finn Street.pdf](#)

**C. 20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way.pdf](#)

[20.029 North Street Metes and Bounds Description.pdf](#)

[20.029 Street Acceptance Plan - North Street.pdf](#)

[20.029 North Street Order of Taking.pdf](#)

**15. Ordinances (Not yet Referred)**

Rule 5.2.3 provides that no ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

**16. Ordinances**

**A. 19.125 An Ordinance Related to Wireless Antennas on Street Poles - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) and Planning Board (PB) - 9/5/2019
- Public Hearing Held/Positive Recommendation, PB - 9/26/2019
- Public Hearing Held/Positive Recommendation with the stipulation that amended language be provided by the Office of Planning and Sustainability

- (OPS) to address concerns about placement of equipment on the pole - 10/7/2019
- Amended by City Council to strike word 5G from phrase "for the purpose of providing 5G wireless telecommunications."
  - Referred back to Legislative Matters for further discussion - 10/17/2019
  - Continued to 12/9/2019, LM - 11/12/2019
  - Revised ordinance submitted by OPS to 1) move design criteria for small cell facilities out of code and into DPW regulations, 2) reduce fee for right-of-way access from \$400 to \$270 as recommended by the FCC and 3) add \$1,000 fee for installation on city-owned poles to offset additional maintenance and inspection costs.
  - Amended to correct two scrivener's errors - remove '5G' and replace 'telecommunications' with 'facilities' in 350-10.9 D - 2/10/2020
  - Positive recommendation as amended, Legislative Matters - 2/10/2020
  - Amended to accept changes proposed by OPS post LM hearing and to change "shall pay annual \$270" to "shall pay an annual fee of \$270" in Section 285-10 C - 2/20/2020
  - Passed 1st reading - 2/20/2020

Documents:

[19.125 An Ordinance Related to Wireless Antennas on Street Poles - POST 1st reading.pdf](#)

## **B. 20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings - 2nd reading**

### **History:**

- Referred to Legislative Matters (LM) - 1/16/2020
- Positive recommendation, LM - 2/10/2020
- Passed 1st reading - 2/20/2020

Documents:

[20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings.pdf](#)

## **17. Information Requests (Charter Provision 2-7) and Committee Study Requests**

## **18. New Business**

## **19. Adjourn**

*Contact: G-L Sciarra, Council President*  
glsciarra@northamptonma.gov or  
(413) 570-3133



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

**Roll Call**

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:16 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Gina-Louise Sciarra	At-Large Councilor William H. Dwight
Ward 1 Councilor Michael J. Quinlan, Jr.	Ward 5 Councilor Alex Jarrett
Ward 2 Councilor Karen Foster	Ward 6 Councilor Marianne LaBarge
Ward 3 Councilor James B. Nash	Ward 7 Councilor Rachel Maiore
Ward 4 Councilor John Thorpe	

**Announcement of Audio/Video Recording**

At 7:16 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

**Public Hearing**

**Public Hearing**  
None.

**Updates from Council President & Committee Chairs**

**Updates from Council President & Committee Chairs**  
The Legislative Matters Committee will hold a public hearing on proposed changes to the city charter on Monday, May 2, 2020 at 7 p.m. in council chambers, Councilor Dwight announced. Many have heard the Charter Review Committee's recommendations, but the chair and co-chair will be there to reiterate their presentation and provide more opportunity for community input and discussion. The hearing is the final step before bringing proposed changes to the full council for final action. Everyone is invited to come to speak to the changes or to hear what's being proposed.  
  
Councilor Jarrett noted that the hearing is not yet on the city calendar and Councilor Dwight said a public hearing notice is in the process of being posted.

**Recognitions and One-Minute Announcements by Councilors**

**Recognitions and One-Minute Announcements by Councilors**  
Councilor Jarrett updated members on the activities of the Complete Count Committee, the local volunteer group formed to increase awareness and encourage participation in the federal census. It's very important to get a complete count for proper representation on the local, state and national level but also for the funding it brings, he stressed. It is estimated that communities bring in \$2,400 per person from various sources. It is safe – no personal information is shared with anyone, including other government departments, and this is the first census which offers the opportunity to respond online. Certain groups historically have been undercounted – people of color - especially men aged 18 to 49 - low-income renters, both urban and rural, single female headed households, etc. The area around Smith College is the lowest responding area, followed by downtown and the northern part of Ward 5 with public housing complexes such as Forsander Apartments and Meadowbrook. He is asking anyone listening and councilors themselves to communicate the importance of this to their constituents and be thinking of ways to reach underrepresented populations in their wards. There are also job opportunities – the census is still very much hiring.  
  
As they head into pothole season, Councilor Nash reminded residents that the way to report a pothole is to go to the Public Works page on the city website and click on the link to report a pothole.  
  
The last override forum is this Monday, February 24, 2020 at the Leeds Elementary School at 7 p.m., Councilor Maiore announced.  
  
City Clerk Pam Powers writes that the City Clerk's office needs election poll workers, Councilor Dwight reported. Workers are needed to cover information desks at the senior center and Smith Vocational and Agricultural School. Some familiarity with all Northampton voting locations is

	<p>desirable. Pay is \$12.75 an hour. Individuals are also needed at all voting locations to work as inspectors. Anyone interested should complete an application.</p> <p>And, early voting is next week from February 24, 2020 to February 28, 2020 from 8:30 a.m. to 4:30 p.m. for both the special municipal election and the presidential primary, Councilor Sciarra announced. Extended voting hours are available Thursday, February 27<sup>th</sup> until 7 p.m.</p>
<p><u>Communications &amp; Proclamations from the Mayor</u></p>	<p><u>Communications and Proclamations from the Mayor</u> None.</p>
<p><u>Resolutions</u></p>	<p><u>Resolutions</u> None.</p>
<p><u>Presentations</u></p>	<p><u>Presentations</u> None.</p>
<p><u>Consent Agenda</u></p>	<p><u>Consent Agenda</u> Councilor Sciarra reviewed the single item on the consent agenda - the minutes of February 6, 2020. <b>Councilor LaBarge moved to approve the consent agenda. Councilor Dwight seconded. The motion passed 9:0 by voice vote.</b></p> <p>The following item was approved as part of the consent agenda: A. <u>Minutes of February 6, 2020</u></p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p><b>At 7:27 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:07 p.m. The City Council reconvened at 8:07 p.m.</b></p>
<p><u>Financial Orders (on 1<sup>st</sup> reading) 20.025 Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading</u></p>	<p><u>Financial Orders (on 1<sup>st</sup> reading)</u> <u>20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading</u> Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded.</p> <p>Massachusetts General Law says that communities charge 8% interest or lower subject to their charters, Councilor Jarrett reported. Has Northampton decided on that 5%? He asked.</p> <p>Mayor Narkewicz said his understanding was that the rate is 5% statutorily, so he'll have to do some research. He'll give him a source for his information, he said.</p> <p>He thinks it's great that Northampton charges 5%, Councilor Jarrett assured. If there is an opportunity to lower it further, he wondered aloud how that would be decided.</p> <p>The Mayor said he would try to find that out.</p> <p>Councilor Dwight said it would be worth discussing as a possible addition to the charter. Mayor Narkewicz said he would not be in favor of putting interest rates in the charter since they are subject to change but they could look at it.</p> <p>Councilor Foster asked if he had an anticipated number of people who might take advantage of the program under the expanded income guidelines. She said she thinks it's a fantastic idea. She voiced the assumption that it would be a small enough number that the city would be able to absorb it in the budget.</p> <p>Mayor Narkewicz said he didn't know how many would choose to participate. People come in and out of the program so there is a natural ebb and flow in the number of participants. Administrators believe it is an important enough policy measure that it can be absorbed in the budget, he</p>

confirmed. The Assessors are required to maintain an Overlay Account to fund abatements and exemptions of committed real and personal property taxes for any fiscal year, he explained.

Members asked questions to clarify details of the program. The total amount of taxes deferred may not exceed fifty percent (50%) of the owner’s proportional share of the property, Councilor Jarrett clarified.

Councilor Maiore said she wished it could go beyond seniors to others who would fit into this bracket who are facing hardship.

Mayor Narkewicz acknowledged there are other people facing struggles. “For now these are the programs we’re trying to avail ourselves of,” he said.

The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.026 Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System - 1st reading

20.026 An Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded.

There being no discussion, the motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.030 Order to Accept Donation of Voting Signs - 1st reading

20.030 An Order to Accept Donation of Voting Signs - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor LaBarge moved to suspend rules to allow a second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Dwight moved to approve the order in second reading. Councilor Jarret seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

**City of Northampton  
MASSACHUSETTS**

*In City Council February 20, 2020*

Upon recommendation of the Mayor,

20.030 An Order to Accept Donation of Voting Signs

*Ordered, that,*

the City of Northampton accepts the donation of 20 “Vote Today” signs valued at approximately \$240, donated to the Northampton City Clerk’s Office by Rigali Walder Orthodontics in Florence, Easthampton and Amherst, in accordance with General Law Chapter 44, Section 53A.

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2nd reading)  
20.018 Order to Appropriate \$25,000 in Whiting

Financial Orders (on 2nd reading):

20.018 Order to Appropriate \$25,000 in Whiting Street Trust Funds - 2nd reading

Councilor Dwight moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Street Trust Funds  
- 2nd reading

The following order passed two readings:

City of Northampton  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor and the Whiting Street Fund Committee

**20.018 An Order to Appropriate \$25,000 in Whiting Street Trust Funds**

*Whereas*, Mr. Whiting Street, a successful Northampton business man, left \$25,000 to the City of Northampton in his will of 1875 with instructions that the money be used “for the relief and comfort of the worthy poor”,

*Whereas*, the Whiting Street Fund Committee, which was created by Administrative Order, issued its third annual grant application seeking proposals from local organizations with the goal of helping low-income persons in our community and with a specific focus on helping resolve food insecurity issues in the community;

*Whereas*, the Whiting Street Fund Committee received and reviewed the applications and has made its recommendations to the Mayor;

***Ordered, that***

\$25,000 be appropriated from the interest in the Whiting Street Trust Fund to the following organizations:

\$10,000 to Abundance Farm to support their Pick-Your-Own Initiative in which food insecure residents can actively participate in the life of the Farm by harvesting free, organically grown fruits and vegetables. This program is conducted in collaboration with the Northampton Survival Center and continued funding will support staff needed for the larger programing and ongoing outreach to include planting workshops, cooking demonstrations, and printed educational information in multiple languages. Abundance Farm is located on the site of the Northampton’s Alms House and adjoining Poor Farm which, from 1800 – 1950, served as a critical refuge for Northampton residents in need of shelter, food and other services.

\$5,000 to the Northampton Survival Center to support their Fresh First Program which provides an incentive for clients to come to the Center every week for fresh vegetables, fruits and

bread. The Fresh First Program focuses on improving access to fresh produce, collaborating with local farmers, and providing healthy recipes to use local produce. The Northampton Survival Center is in its forty-first year of operation as an emergency food pantry.

\$5,000 to Grow Food Northampton, Inc. to support their Incentive based Food Access initiatives to provide more affordable locally grown, healthy food for low-income residents. The funding will help support SNAP Share, Tuesday Market SNAP Matching and the Neighborhood Markets Program bringing affordable farm stand food to various locations including the Senior Center, three housing communities, and three elementary schools.

\$5,000 to Salvation Army’s Northampton Service Unit to support emergency based food needs. The local unit provides food vouchers for local grocery stores, food bags, and disaster support in conjunction with other local service agencies. They provide “last resort” resources for those who may not qualify for other types of assistance. The Salvation Army has worked in Northampton for over 60 years and has been in existence since 1865 meeting basic human needs.

Passed two readings and enrolled.

**20.019 Order to Reprogram \$7,500 from CS Energy Management System to Senior Center Energy Control Upgrades - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

20.019 Order to  
Reprogram \$7,500  
from CS Energy  
Management  
System to Senior  
Center Energy  
Control Upgrades -  
2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor

**20.019 Order to Reprogram \$7,500 from CS Energy Management System to Senior Center Energy Control Upgrades**

Ordered, that

\$7,500 of surplus funds remaining in the CS Fire Energy Management Systems project (19303-586904), be reprogrammed for a new project to make energy control upgrades to the Senior Center.

Passed two readings and enrolled.

**20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

**City of Northampton**  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor

**20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act**

*Ordered, that*

*Whereas* the School Department wishes to enter into an agreement with the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Elementary and Secondary Education, and Department of Children and Families to allow participation in Title IV-E Claiming of Transportation Expenditures for Children in Foster Care;

*Whereas* the *Every Student Succeeds Act (ESSA)*, promotes education stability by allowing a student the right to continue to attend the school in which they were enrolled at the time of their placement in foster care, unless it is determined not to be in the student's best interest;

*Therefore*, pursuant to MGL C. 44 MGL s. 70, the city, by vote of its city council, authorizes the Northampton School Committee as the Local Education Agency (LEA), with the approval of the Mayor, to enter into a Memorandum of Understanding for the purposes of Title IV-E reimbursement.

Passed two readings and enrolled.

**20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

20.020 Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading

20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading

**City of Northampton**  
MASSACHUSETTS

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*In City Council* February 6, 2020

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Upon recommendation of the Mayor

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**20.021 An Order to Appropriate Free Cash to NPS for ERATE**

*Whereas*, the ERATE program is the name for the Schools and Libraries Program of the Universal Service Fund which is administered by the Universal Service Administrative Company under the direction of the Federal Communications Commission (FCC). The program provides discounts to assist schools in the US obtain affordable telecommunications and internet access;

*Whereas*, the city has received \$51,834.60 for FY2020 ERATE funds allocated to the Northampton Public Schools and the mechanism to make these funds available to the schools immediately requires an appropriation from Free Cash;

*Ordered, that*

\$ 51,834.60 be appropriated from the FY2020 General Fund Undesignated Fund Balance (Free Cash) to the Northampton Public Schools equivalent to the ERATE reimbursement received by the city for the benefit of the school department to improve and expand technology connectivity.

Passed two readings and enrolled.

Orders  
20.027 Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading

20.028 Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading

20.029 Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading

Orders  
20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading

Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

Ordinances (Not Yet Referred)  
20.024 Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

Ordinances (Not Yet Referred)

20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

Councilor Dwight moved to refer the ordinance to Legislative Matters. Councilor Nash seconded. The motion passed unanimously 9:0 by voice vote.

Ordinances19.125 Ordinance  
Related to Wireless  
Antennas on Street  
Poles - 1st readingOrdinances19.125 An Ordinance Related to Wireless Antennas on Street Poles - 1st reading

Councilor Sciarra read the ordinance as forwarded with a positive recommendation by Legislative Matters. It was noted that a few minor amendments have been proposed by the Office of Planning & Sustainability since Legislative Matters' approval.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

Mayor Narkewicz said he was told there was a pretty extensive hearing in Legislative Matters and that the chair would potentially be able to recount the discussion.

Councilor Dwight summarized the discussion in Legislative Matters. The only objection raised was a complaint by former City Councilor David Murphy that an eleventh-hour change to the ordinance was presented the day of the meeting, he shared. He expressed his understanding that there is now another eleventh-hour change.

Mrs. Krutzler reviewed the two minor changes as highlighted on the screen.

The more significant change is transferring the technical requirements/design standards for small cell facilities from the zoning ordinance to the DPW's regulations since this is their area of expertise, Councilor Dwight explained.

The larger discussion is that the FCC established regulations that don't really give them much of a say in the regulation of telecommunications facilities. They can dictate to some degree what installations look like and require them to conform to standard right-of-way regulations but they cannot stop these systems or regulate radio-frequency (RF) emissions. "It is beyond our ability to do anything counter to what the FCC is facilitating here," he stressed.

In the absence of any regulations, they needed to scramble and get something. "We've been talking about this for about seven months," he related. The versions have been changeable and adaptable because "we didn't know what we were doing," he candidly admitted.

Councilor Dwight reviewed the amendments as highlighted in yellow to change the Chapter reference from 285-53 to 285-10 and to change Section 350-10.9 D1 to make 'An application' plural and delete the reference to the DPW having 60-days to promulgate its regulations for small cell facilities. He moved to accept the latest amendments. Councilor LaBarge seconded.

Councilor Jarrett pointed out a second chapter reference in the opening paragraph that should be changed for consistency. He also pointed out a scrivener's error in 285-10 C. Councilor Dwight amended his motion to include these changes, correcting the text in 285-10 C to read as follows, "Each wireless small cell antenna on public ways (including those already installed) shall pay an annual fee of \$270 for right-of-way access and inspections."

The motion to amend passed unanimously 9:0 by voice vote.

Councilor Jarrett said he has received comments from constituents and done some research since the Legislative Matters hearing. As Councilor Dwight said, they don't have the authority to regulate the use of this technology but they do have authority to regulate its placement, construction and aesthetics. The FCC has pre-empted them and has ignored calls from meteorologists who've said there will be a 30% reduction in the accuracy of weather forecasts and from medical professionals who call for more study about possible health effects. He cited the precautionary principle, which is that when an issue has the potential to cause harm and extensive scientific knowledge is lacking, they should proceed with caution and study the issues fully. We as a society have not done that around this issue, he asserted. He acknowledged the reported benefit that wireless telecommunications can bring in needed competition in the area of internet access which could lower rates. However, they have commissioned a study for a municipally-owned broadband network, which, if successful, would also bring in competition and better service, he reminded.

In this decision, they can't legally ask for this caution to be taken, but he wanted to bring in what some other cities have done, mainly in California.

Cities such as Mill Valley, California and Encinitas have enacted protective ordinances that adhere to the letter of state and federal law but are designed to discourage the use in residential areas, he reported. He read an excerpt from the Mill Valley ordinance. City officials there have limited locations to private properties within commercial zoning districts and, in the public right-of-way, to existing poles that are 1,500 feet apart. They have also required a performance bond to insure removal of the equipment when it is no longer needed. Encinitas prohibits 5G facilities within 500 feet of a home or a school, he added.

He wants to open a discussion as to whether they want to balance the regulations the FCC prescribes with the potential health concerns, Councilor Jarrett proposed. Do we want to think about this more and look at what other cities and towns have done? How do we feel about going forward without restricting the use to the extent legally possible versus trying to push that line? He asked rhetorically.

Councilor Dwight said he absolutely agrees. The absence of rules makes them very vulnerable. He understands there are at least one or two 5G towers here already. What drives his concern is that inviting competition is excellent but, on the other hand, it also means a potential bristling of towers all over the place.

He thinks what Councilor Jarrett is proposing makes very good sense but clearly requires a lot more research into what's allowed under Mass. General Law. He proposed they find out what's allowed within the limits of state law and what best serves this community. He would like to move something forward. The reason this was presented 'in a jumble' is there is some aspect of urgency in that there are wolves at the door, he quipped.

The FCC has seemingly acted without expressed concern about the intensification of radio-frequency (RF) transmissions, the proximity of humans to the installations and the impact of RF as far as any health hazards it may present, Councilor Dwight observed.

However, "in the absence of rules we are vulnerable as hell," he pointed out. "I'm with you and I'd glad to work with you" on researching and seeing what options are available, he confirmed. He still feels they should pass what they have now.

Councilor LaBarge agreed with Councilor Dwight. They can even change the language when they do a second reading, she noted.

Councilor Nash expressed his understanding that the absence of an ordinance actually opens them up to even more exposure. So this is actually granting more control.

Councilor Jarrett clarified that he is in agreement with the ordinance and would be happy to work with Councilor Dwight to see if they can strengthen it further. He agreed they should put it in place.

Councilor Maiore thanked Councilor Jarrett for doing that important research.

Councilor Sciarra called the motion to a vote, and it passed unanimously 9:0 by roll call.

**See minutes of March 5, 2020 for second reading.**

**20.012 Ordinance  
Relative to  
Demolition Review  
for Historically-  
Significant  
Buildings - 1st  
reading**

**20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings -  
1st reading**

Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

Despite fairly extensive amendments, this is basically a simple change to switch the construction date to which the demolition review applies from 1939 to 1945, Conservation/Preservation Planner Sarah Lavalley explained. Back when the demolition review ordinance was adopted in 2005, it was intended to press pause on the demolition of historic structures.

The Historical Commission has reviewed about 100 buildings in total, six of which were determined to be preferably preserved. A delay was enacted for some of them; most of them were allowed to proceed with an alternate plan such as changes to better reflect the streetscape or

photo-documentation of the structure. 1900 is far earlier than what is recognized as historic at the state level so the commission is proposing a 1945 date.

In response to a question, Ms. LaValley confirmed that a list of about 50 buildings constructed between 1900 and 1939 was created.

The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

<p><u>Information (Charter Provision 2-7) &amp; Study Requests</u></p>	<p><u>Information (Charter Provision 2-7) and Information Study Requests</u> None</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made by Councilor Dwight and seconded by Councilor Nash, the meeting was adjourned at 9:08 p.m.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>

# City of Northampton

MASSACHUSETTS

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*In City Council* February 20, 2020

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Upon recommendation of the Mayor

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## 20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program

*Whereas*, MGL C.59, s. 5, Clause 41A program allows qualifying seniors to defer their real estate taxes;

*Whereas*, the Clause 41A program is a tax deferral program, rather than a tax exemption;

*Whereas*, the Clause 41A program has an income limit threshold that stipulates gross receipts from all sources cannot be in excess of \$20,000 during the preceding year;

*Whereas*, the statute allows that the city may, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of the Clause 41A program;

*Ordered, that*

the maximum qualifying gross receipts for the purposes of M.G.L. c. 59, §5, Clause 41A – Senior Property Tax Deferral Program shall be increased to the maximum income limit allowed under the law, which is equivalent to the income limit that applies under the “circuit breaker” state tax credit for single seniors who are not heads of households in accordance with M.G.L. c. 62, § 6 (k).

**City of Northampton**  
MASSACHUSETTS

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*In City Council*

February 6, 2020

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Upon recommendation of the Mayor

20.026 An Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System

*Ordered, that*

The Northampton City Council gratefully accepts the donation of \$10,000, a gift to the City of Northampton from D.A. Sullivan and Sons, Inc., and in accordance with Massachusetts General Law Chapter 44, Section 53A approves using the gifted funds to purchase a digital display and presentation system for the JFK Middle School Community Room.

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, February 20, 2020*

*Upon the recommendation of the Department of Public Works*

20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades

***Ordered, that***

WHEREAS, the Department of Public Works is undertaking upgrades to the Waste Water Treatment Plant on Hockanum Road; and,

WHEREAS, in conjunction with the upgrades of the Waste Water Treatment Plant, National Grid must install a new transformer in a different location than the one currently in place and install an additional utility pole; and,

WHEREAS, in order for National Grid to install the new transformer in a new location and additional utility pole, the city must grant an easement to National Grid; and

WHEREAS, the proposed easement is shown on a sketch plan dated December 2, 2019, prepared by National Grid and entitled "ELECTRIC DISTRIBUTION CONSTRUCTION EASEMENT."

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the Mayor to execute and deliver an instrument granting an easement to National Grid for the construction of a new transformer and utility pole installation in conjunction with upgrades to the Waste Water Treatment Plant on Hockanum Road, on such terms and conditions as the Mayor deems reasonable and appropriate.

# City of Northampton

MASSACHUSETTS

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In City Council, February 20, 2020

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Upon the recommendation of Mayor David J. Narkewicz

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**O-20.028 AN ORDER AUTHORIZING ACQUISITION OF EASEMENTS FOR THE  
LAYING OUT OF FINN STREET AS A PUBLIC WAY**

WHEREAS, Finn Street is a major connector street in the city of Northampton; and

WHEREAS, a portion of Finn Street beginning at its intersection with King Street will be included in the upcoming King Street (Rt. 5) Corridor Improvements, MassDOT Project No. 607502, which will be funded, in part, with federal highway funds; and

WHEREAS, in order to be eligible for federal highway funds, the city must produce an official layout of Finn Street; and

WHEREAS, no layout for Finn Street can be located; and

WHEREAS, the proposed layout of the way is shown as "Finn Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 26, 2019; and

WHEREAS, in order to complete the layout of Finn Street, the City Council must authorize the acquisition of easements over the way.

**NOW, THEREFORE BE IT ORDERED,**

The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of easements over that parcel of land shown as "Finn Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 26, 2019, for the purpose of laying out a public way in and for the city of Northampton. No appropriation is needed for this acquisition. No betterment shall be assessed to the benefitted landowners.

**Finn Street**

Beginning at a point, S29°06'41"E a distance of 122.17 feet from a bound found on the easterly sideline of Prospect Street and the southerly sideline of Warfield Place and running thence,

On a curve to the left having a radius of 36.50 feet, a length of 40.44 feet, (a chord bearing S60°51'16"E, a chord distance of 38.41feet) to a point, thence

N87°24'08"E along land now or formerly of Stephen & Elizabeth M. Petegorsky; land now or formerly of Thu Kim; land now or formerly of John Edward Murray & Paula Rigano Murray; the southerly end of Warfield Place; land now or formerly of Jaya R. Agrawal & Simon A. Ahtardis; land now or formerly of Douglas A. Garton; land now or formerly of Frederick D. & Jennifer L. Kass; the southerly line of State Street, 490.38 feet to a bound, thence

N86°46'38"E along land now or formerly of State Street Northampton Properties, LLC; land now or formerly of Carmen M. & Wilfred Santiago; land now or formerly of Mary B. & John S. Biddle; land now or formerly of Tyler E. Boudreau; land now or formerly of King Enterprises LLC & Florence Savings Bank, a distance of 447.34 feet to a point, thence

S02°31'11"E along the westerly sideline of King Street, 40.01 feet to a point, thence

S86°45'39"W along land now or formerly of Nicholas D. & Betty Lou Duprey; land now or formerly of ServiceNet, Inc.; the northerly end of Carpenter Avenue; land now or formerly of Jose Maria Goncalves Porter; land now or formerly of David P. & Dorothy G. Goldstone; land now or formerly of Peter Volpe; land now or formerly of Alan & Paula Verson; the northerly line of State Street; land now or formerly of Sullivan Real Estate LLC; land now or formerly of Theresa L. Dunn, Trustee; the northern end of Aldrich Street; land now or formerly of Gwen Agna & Thomas M. Marantz; land now or formerly of Arron L. Simms & Rachel Mak; land now or formerly of Silvia B. Berger, 954.24 feet to an iron pipe, thence

N10°06'41"W along the easterly sideline of Prospect Street, 46.21 feet to a point, thence

N29°06'41"W along land now or formerly of Stephen & Elizabeth M. Petegorsky, 22.58 feet to the point of beginning.

Area of roadway to be accepted= 39,933 square feet, more or less.

## **ORDER OF TAKING**

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto as Exhibit A, does hereby take a perpetual easement over the parcels referenced below for and on behalf of the Inhabitants of the City of Northampton. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen. Laws Ch. 82.

The parcels hereby taken are shown as “Finn Street” on a plan entitled, “Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton”, prepared by Heritage Surveys, dated August 26, 2019. Said plan is recorded in Plan Book \_\_\_\_\_, Page \_\_\_\_\_. The parcel taken hereunder is more particularly bounded and described as set forth on Exhibit B, attached hereto.

No damages shall be payable as a result of this taking inasmuch as the city constructed the way known as Finn Street more than 20 years ago. No betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this \_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

\_\_\_\_\_  
Gina-Louise Sciarra  
AT-LARGE COUNCILOR

\_\_\_\_\_  
William H. Dwight  
AT-LARGE COUNCILOR

\_\_\_\_\_  
Michael Quinlan, Jr.  
WARD 1 COUNCILOR

\_\_\_\_\_  
Karen Foster  
WARD 2 COUNCILOR

\_\_\_\_\_  
James Nash  
WARD 3 COUNCILOR

\_\_\_\_\_  
John Thorpe  
WARD 4 COUNCILOR

\_\_\_\_\_  
Alex Jarrett  
WARD 5 COUNCILOR

\_\_\_\_\_  
Marianne L. LaBarge  
WARD 6 COUNCILOR

\_\_\_\_\_  
Rachel Maiore  
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK  
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Laura Krutzler, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on \_\_\_\_\_, 2020, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Laura Krutzler  
Clerk to City Council  
City of Northampton, Massachusetts

**EXHIBIT A**  
**CITY COUNCIL ORDER**

**EXHIBIT B**

Legal Description with metes and bounds for Finn Street goes here.

**EXHIBIT C  
TITLEHOLDERS AND LIENHOLDERS**

**166 KING STREET, NORTHAMPTON, MA**

**Titleholder:** Nicholas D. Duprey and Betty L. Duprey, Book 8311 / Page 212

**Lienholder:** Easthampton Savings Bank, Book 8311 / Page 216

**Lienholder:** Michael J. Netto and Linda L. Netto, 8311 / Page 232

**176 KING STREET, NORTHAMPTON, MA**

**Titleholder:** The Trustees of One Hundred Seventy Six King Street Condominium Trust, Book 2877 / Page 21

**8-10 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** SERVICENET, INC., Book 9640 / Page 14

**Lienholder:** Commonwealth of Massachusetts, Book 12640 / Page 259

**Lienholder:** Massachusetts Housing Partnership Fund Board, 11542 / Page 99

**13 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Tyler E. Boudreau, Book 11835 / Page 127

**Lienholder:** MERS, Book 11835 / Page 129

**18 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Jose Maria Goncalves Porter, Book 12764 / Page 107

**Lienholder:** PeoplesBank, Book 12764/ Page 110

**Lienholder:** PeoplesBank, 13117 / Page 89

**19 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** John S. Biddle Jr. and Mary B. Biddle, Book 6965 / Page 342

**Lienholder:** Florence Savings Bank, Book 10171 / Page 270

**20-22 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** David P. Goldstone & Dorothy G. Goldstone, Book 11264 / Page 136

**Lienholder:** Florence Savings Bank, Book 11264 / Page 140

**25 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Carmen M. Santiago and Wilfred Santiago, Book 5534 / Page 217

**Lienholder:** MERS, Book 11968 / Page 200

**26 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Peter C. Volpe, Book 4808 / Page 159

**Lienholder:** UMassFive College Federal Credit Union, Book 9449 / Page 165

**Lienholder:** Massachusetts Housing Finance Agency, Book 4808 / Page 170

**214-218 STATE STREET, NORTHAMPTON, MA**

**Titleholder:** Sullivan Real Estate, LLC, Book 11269 / Page 65

**Lienholder:** Greenfield Savings Bank, Book 10390 / Page 304

**Lienholder:** Greenfield Savings Bank, Book 11270 / Page 271

**215-217 STATE STREET, NORTHAMPTON, MA**

**Titleholder:** Alan Verson and Paula Verson, Book 2171 / Page 53

**224 STATE STREET, NORTHAMPTON, MA**

**Titleholder:** Jennifer L. Kass and Frederick D. Kass, Book 9594 / Page 315

**Lienholder:** Florence Savings Bank, Book 9594 / Page 317

**225 STATE STREET, NORTHAMPTON, MA**

**Titleholder:** State Street Northampton Properties, LLC, Book 13111 / Page 217

**Lienholder:** Meredith E.K. Lewsi, Book 13111 / Page 221

**37 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Douglas A. Garton, Book 8388 / Page 62

**Lienholder:** The Ann M. Ouimette Amended and Restated Revocable Trust, Book 12441 / Page 342

**43 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Jaya R. Agrawal & Simon A. Ahtaridis, Book 12875 / Page 306

**Lienholder:** None of record

**45 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** John Edward Murray and Paula Rigano Murray, Book 4366 / Page 112

**Lienholder:** Wells Fargo Bank N.A., Book 10833 / Page 222

**46 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Theresa L. Dunn, Trustee of the Theresa L. Dunn Irrevocable Residence Trust, Book 10335 / Page 113

**Lienholder:** None of record

**47 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Thu Kim, Book 9309 / Page 105

**Lienholder:** MERS, Book 11220 / Page 326

**50 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Gwen Agna & Thomas M. Marantz, Book 10261 / Page 262

**Lienholder:** Florence Bank, Book 12565 / Page 32

**52-54 FINN STREET, NORTHAMPTON, MA**

**Titleholder:** Aaron L. Simms & Rachel Mak, Book 12849 / Page 199

**Lienholder:** MERS, Book 12849 / Page 202

**137 PROSPECT STREET, NORTHAMPTON, MA**

**Titleholder:** Silvia B. Berger, Book 7712 / Page 13

**Lienholder:** Florence Bank, Book 12820 / Page 287

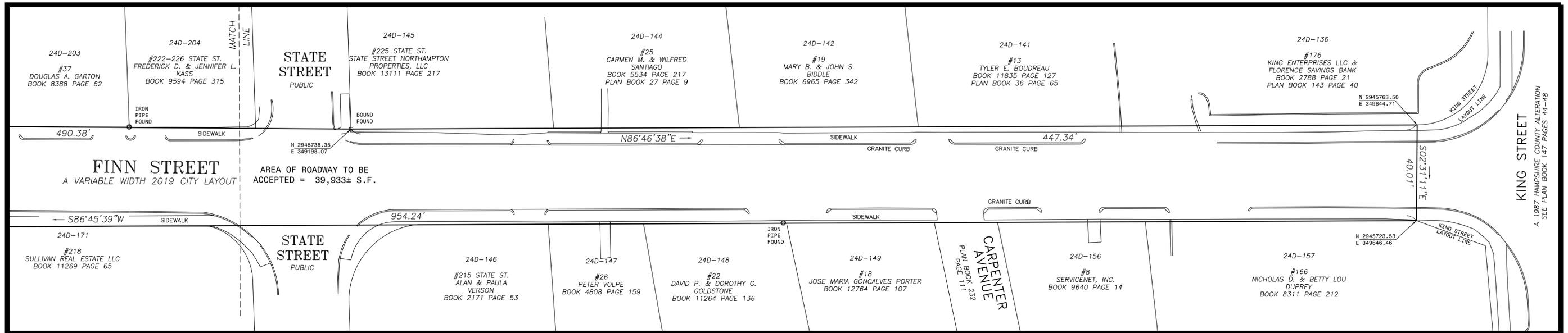
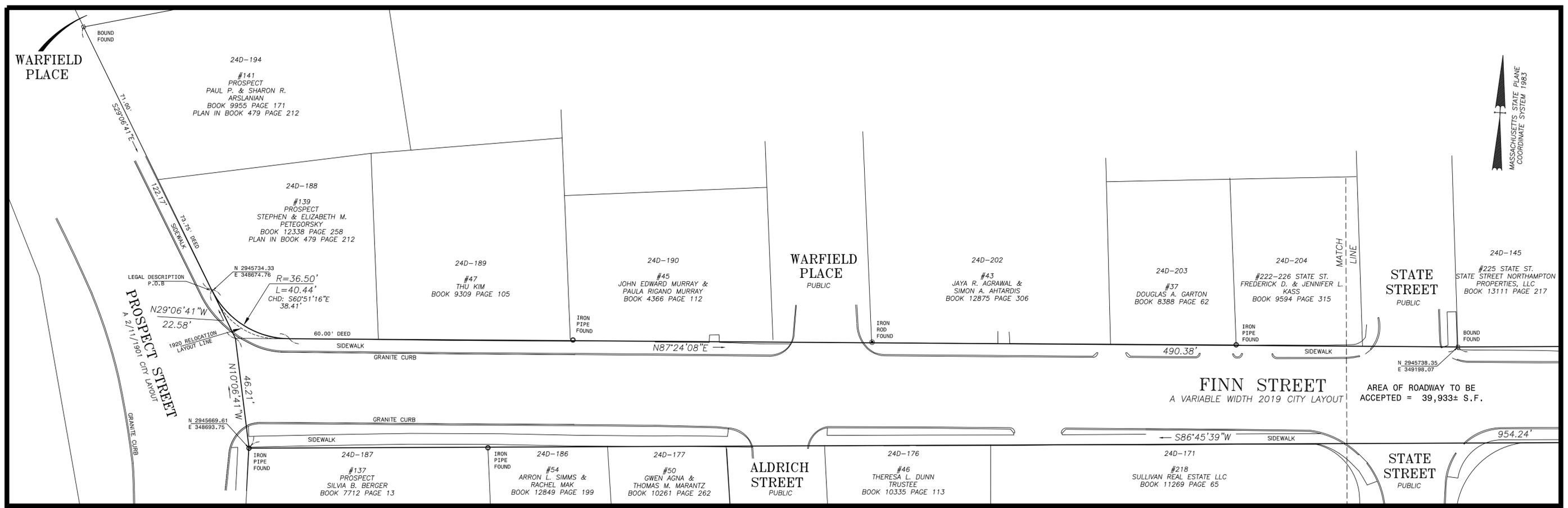
**Lienholder:** Florence Savings Bank, Book 7877 / Page 168

**Lienholder:** Source One Mortgage Services Corporation, Book 3965 / Page 64

**139 PROSPECT STREET, NORTHAMPTON, MA**

**Titleholder:** Stephen & Elizabeth M. Petegorsky, Book 12338 / Page 258

**Lienholder:** MERS, Book 12338 / Page 259



THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

FINN STREET  
ACCEPTED BY VOTE OF  
THE NORTHAMPTON CITY COUNCIL  
DATE: \_\_\_\_\_  
CITY COUNCIL CLERK: \_\_\_\_\_

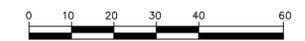
LEGEND	
BOUND FOUND	□
IRON PIPE FOUND	○
IRON ROD FOUND	●

8/26/19 *Bruce A. Coombs*  
DATE REGISTERED LAND SURVEYOR

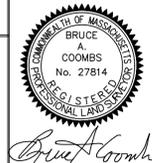
REGISTRY OF DEEDS  
HAMPSHIRE COUNTY

STREET ACCEPTANCE PLAN OF LAND IN  
NORTHAMPTON, MASSACHUSETTS  
SURVEYED FOR  
THE CITY OF NORTHAMPTON

SCALE: 1" = 20'  
DATE: AUGUST 26, 2019



**HERITAGE SURVEYS, INC.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
COLLEGE HIGHWAY & CLARK STREET  
POST OFFICE BOX 1  
SOUTHAMPTON, MASSACHUSETTS  
(413) 527-3600



JOB # 7404-160819 DWG # 7404finn MAP # 7404-190826

# City of Northampton

MASSACHUSETTS

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In City Council, February 20, 2020

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Upon the recommendation of Mayor David J. Narkewicz

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**O-20.029 AN ORDER AUTHORIZING ACQUISITION OF EASEMENTS FOR THE  
LAYING OUT OF NORTH STREET AS A PUBLIC WAY**

WHEREAS, North Street is a major connector street in the city of Northampton; and

WHEREAS, a portion of North Street beginning at its intersection with King Street will be included in the upcoming King Street (Rt. 5) Corridor Improvements, MassDOT Project No. 607502, which will be funded, in part, with federal highway funds; and

WHEREAS, in order to be eligible for federal highway funds, the city must produce an official layout of North Street; and

WHEREAS, no layout for North Street can be located; and

WHEREAS, the proposed layout of the way is shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019, revised February 7, 2020; and

WHEREAS, in order to complete the layout of North Street, the City Council must authorize the acquisition of easements over the way.

**NOW, THEREFORE BE IT ORDERED,**

The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of easements over that parcel of land shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019 and revised February 7, 2020, for the purpose of laying out a public way in and for the city of Northampton. No appropriation is needed for this acquisition. No betterment shall be assessed to the benefitted landowners.

**North Street**

Beginning at a point S65°23'52"E a chord distance of 27.68' from a bound found on the easterly sideline of King Street and running thence,

N70°44'20"E, along land now or formerly of Barry G. & Annette E. Goldberg; land now or formerly Massachusetts Electric Company; 270.22 feet to a point, thence

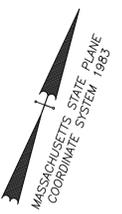
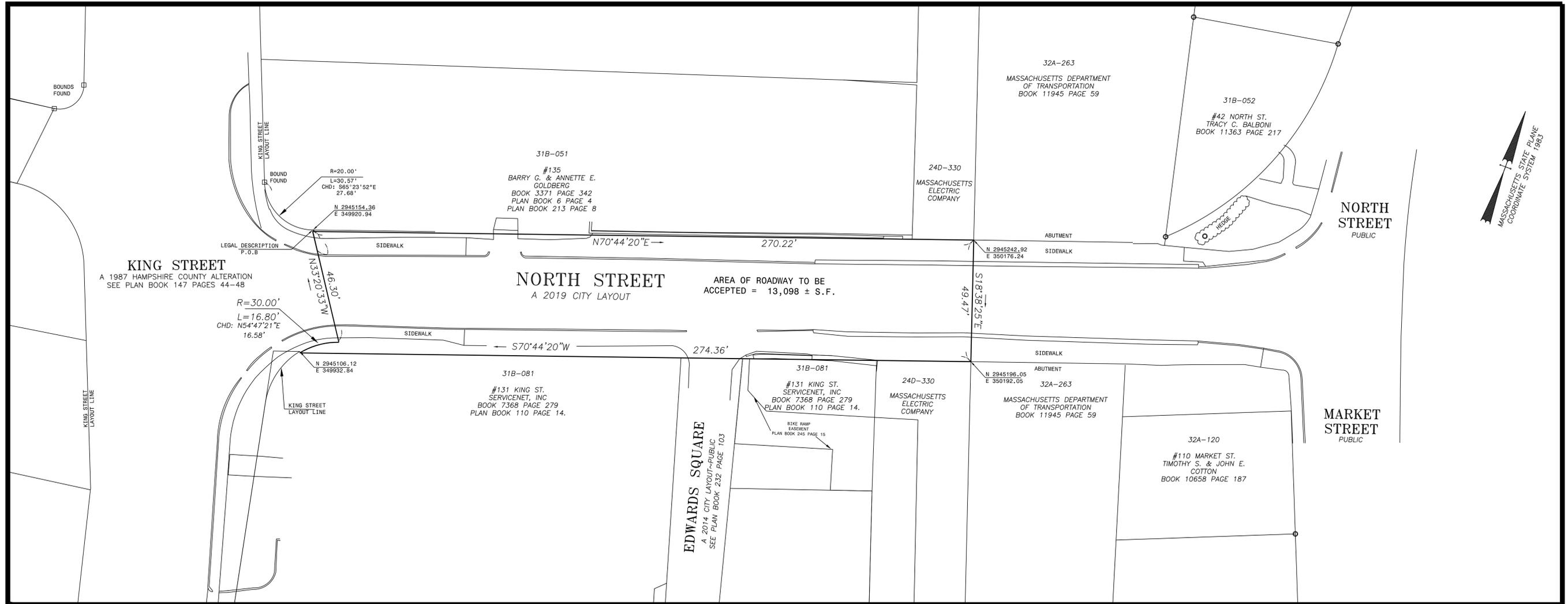
S18°38'25"E, across North Street 49.47 feet to a point, thence

S70°44'20"W, along land now or formerly of Massachusetts Electric Company; land now or formerly of ServiceNet, Inc.; the northerly end of Edwards Square; land now or formerly of ServiceNet, Inc., 274.36 feet to a point, thence

On a curve to the right having a radius of 30.00 feet, a length of 16.80 feet, (a chord bearing N54° 47'21"E, a chord distance of 16.58 feet) to a point, thence

N33°20'33"W along the easterly sideline of King Street, 46.30' to the point of beginning.

Area of roadway to be accepted= 13,098 square feet, more or less.



THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

NORTH STREET  
ACCEPTED BY VOTE OF  
THE NORTHAMPTON CITY COUNCIL

DATE: \_\_\_\_\_  
CITY COUNCIL CLERK: \_\_\_\_\_

LEGEND	
BOUND FOUND	□
IRON PIPE FOUND	○
IRON ROD FOUND	●

8/28/19 *Bruce A. Coombs*  
DATE REGISTERED LAND SURVEYOR

REGISTRY OF DEEDS HAMPSHIRE COUNTY	STREET ACCEPTANCE PLAN OF LAND IN <b>NORTHAMPTON, MASSACHUSETTS</b> SURVEYED FOR <b>THE CITY OF NORTHAMPTON</b>	
	SCALE: 1" = 20' 	
DATE: AUGUST 28, 2019 REVISED: FEBRUARY 7, 2020		
<b>HERITAGE SURVEYS, INC.</b> REGISTERED PROFESSIONAL LAND SURVEYORS COLLEGE HIGHWAY & CLARK STREET POST OFFICE BOX 1 SOUTHAMPTON, MASSACHUSETTS (413) 527-3600		
JOB # 7404-160819	DWG # 7404finn	MAP # 7404-200207

## **ORDER OF TAKING**

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto as Exhibit A, does hereby take a perpetual easement over the parcels referenced below for and on behalf of the Inhabitants of the City of Northampton. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen. Laws Ch. 82.

The parcels hereby taken are shown as “North Street” on a plan entitled, “Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton”, prepared by Heritage Surveys, dated August 28, 2019, revised February 7, 2020. Said plan is recorded in Plan Book \_\_\_\_\_, Page \_\_\_\_\_. The parcel taken hereunder is more particularly bounded and described as set forth on Exhibit B, attached hereto.

No damages shall be payable as a result of this taking inasmuch as the city constructed the way known as North Street more than 20 years ago. No betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this \_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

\_\_\_\_\_  
Gina-Louise Sciarra  
AT-LARGE COUNCILOR

\_\_\_\_\_  
William H. Dwight  
AT-LARGE COUNCILOR

\_\_\_\_\_  
Michael Quinlan, Jr.  
WARD 1 COUNCILOR

\_\_\_\_\_  
Karen Foster  
WARD 2 COUNCILOR

\_\_\_\_\_  
James Nash  
WARD 3 COUNCILOR

\_\_\_\_\_  
John Thorpe  
WARD 4 COUNCILOR

\_\_\_\_\_  
Alex Jarrett  
WARD 5 COUNCILOR

\_\_\_\_\_  
Marianne L. LaBarge  
WARD 6 COUNCILOR

\_\_\_\_\_  
Rachel Maiore  
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK  
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Laura Krutzler, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on \_\_\_\_\_, 2020, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Laura Krutzler  
Clerk to City Council  
City of Northampton, Massachusetts

**EXHIBIT A**  
**CITY COUNCIL ORDER**

**EXHIBIT B**

Legal Description with metes and bounds for Finn Street goes here.

**EXHIBIT C**  
**TITLEHOLDERS AND LIENHOLDERS**

**129-131 KING STREET, NORTHAMPTON, MA**

**Titleholder:** Servicenet, Inc., Book 7368 / Page 279

**135 KING STREET, NORTHAMPTON, MA**

**Titleholder:** Barry G. Goldberg and Annette E. Goldberg, Book 3371 / Page 342

**Lienholder:** Peoples United Bank, Book 11225 / Page 246

**NORTH STREET, NORTHAMPTON, MA**

**Titleholder:** Massachusetts Electric Company, Book 1605 / Page 375

**City of Northampton**  
**MASSACHUSETTS**

**In the Year Two Thousand Twenty**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**19.125 AN ORDINANCE**  
**RELATED TO WIRELESS ANTENNAS ON STREET POLES**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding a new Section 285-10 and amending Section 350-10.9 and 11.4, providing for rules for wireless small cell telecommunications antennas on street poles.

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

Add

**§ 285-10 Small Cell Telecommunications Antennas on Street Poles or within the City's rights of way.**

- A. It is City policy to embrace wireless small cell facilities to improve telecommunications and wireless service for all users, while minimizing adverse impacts and covering city monitoring and administration costs.**
- B. Wireless and all other telecommunication antennas are regulated by Zoning, Section 350-10.9 Telecommunications, Personal Wireless Facilities and Small Cell Telecommunications.**
- C. Each wireless small cell antenna on public ways (including those already installed) shall pay an annual fee of \$270 for right-of-way access and inspections. Each such facility that is located within a traffic signal pole or light pole on public land shall pay a fee of \$1,000 annually to offset additional maintenance and inspections necessary on these multifunctional poles (Fees shall be waived if the wireless telecommunications provider provides free community or city Wi-Fi services in accordance with a service agreement signed by the Mayor.)**
- D. The telecommunications provider shall be solely responsible for equipment and safety, for moving equipment at no cost to the City when required for any City construction project and must respond within ten calendar days of notice, and for ensuring that there is no impediment to pedestrian or traffic flow. Failure to meet these time limits shall result in a doubling of annual fees for the following year.**
- E. The provider shall indemnify and hold the City harmless from all loss or damage to persons, property related to injury arising from the construction, maintenance, use, repair of the wireless infrastructure, and from any loss or damages that results from the facilities, including shedding ice or debris.**
- F. The provider shall restore any damage to the rights of way stemming from installation, maintenance or repair of the related infrastructure including damage to public shade trees, sidewalks, curbs or other elements.**

Amend

§ 350-2.1 by adding the following new definition

**Small cell facilities (also known as small cells) are wireless telecommunications antennas and equipment that are mounted on structures less than 50 feet tall, including their antennas, or are not more than ten percent taller than adjacent structures, with antennas of less than three cubic feet in volume, and with wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that is no more than 28 cubic feet in volume, for the purpose of providing wireless telecommunications, consistent with Federal Communication Commission regulations, standards and orders for small cells, including no RF frequency in excess of FCC rules. Small cells are distinct from satellite antennas elsewhere defined in this section.**

§ 350-10.9 by adding a new subsection as follows:

D. Small Cell Facilities

- (1) **Applications for approval of wireless small cell facilities shall be granted by the Department of Public Works in consultation with Office of Planning and Sustainability and Department of Central Services if it meets the requirements set forth in § 350-2.1 and meets the regulations to be promulgated by the Department of Public Works**

# CITY OF NORTHAMPTON

## MASSACHUSETTS

*In the Year Two Thousand and Twenty*

Upon the Recommendation of the Mayor and Historical Commission

### 20.012 An Ordinance

### Relative to Demolition Review for Historically-Significant Buildings

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to modify the buildings and structures to which Demolition review applies. The amendments will apply Demolition review to all buildings and structures built in 1900 and earlier, and all principal structures on a lot built in 1945 or earlier to allow for more effective protection and preservation of the City of Northampton's significant historic resources.

## ORDINANCE

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:

Amend the text with the additions, modifications, and deletions shown below.

### §161-3

Buildings and structures regulated by this chapter are buildings or structures built in 1945~~39~~ or earlier, determined to be historically significant and preferably preserved by the Northampton Historical Commission. Such regulated buildings or structures ~~are all of those will be defined by age for properties~~ built in 1900 and earlier, ~~and all principal buildings or principal structures (e.g., not including out buildings, sheds, accessory structures, fences) and determined by inventory listing for those~~ built between 1901 and 1945~~39~~. ~~The Northampton Historical Commission will create the inventory within a two-year period from the date of the adoption of this chapter. The Historical Commission shall make a report to the City Council every six months after the date of the adoption of this chapter for the two-year period, to report on the progress. All reviews will be conducted based on a construction date of 1939 or earlier during the time that the inventory is being developed.~~ After the initial age-~~and inventory~~-based threshold determination, the Commission will institute the public hearing process to ascertain if the historically significant and preferably preserved criteria apply. At that time the determination will be made whether or not to activate a review period.