CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
March 20, 2014

A regular meeting of the City Council was called to order by City Council President William H. Dwight at 7:50 p.m. On roll call, nine (9) Councilors were present:

At-Large Councilor Jesse M. Adams
At-Large Councilor William H. Dwight
Ward 1 Councilor Maureen T. Carney
Ward 2 Councilor Paul D. Spector
Ward 3 Councilor Ryan R. O'Donnell
Ward 4 Councilor Gina-Louise Sciarra
Ward 5 Councilor David A. Murphy
Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein

Roll called by Mary L. Midura, Clerk to City Council

COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS FROM THE MAYOR

Proclamation: Social Work Month March 2014 – Mayor Narkewicz read the proclamation; no one was present to accept

PUBLIC HEARING ~~7:05~~ 7:55 p.m., Public Hearing RE: Petition of NBID

PUBLIC HEARING ~~7:05~~ **7:55** p.m., Public Hearing RE: Petition of NBID

Councilor Adams and Councilor Murphy were recused, and left the Council table. Council President Dwight read the Petition.

Councilor Spector moved to Open the Public Hearing; Councilor Carney seconded. The motion passed on Voice Vote of 7 Yes, 0 No.

Natasha Yakovlev, Executive Director Northampton Business Improvement District, spoke as proponent of the petition. Ms. Yakovlev spoke of the State legislation regarding inclusion of all property within the BID. This petition reduces the rates as a positive first step giving a stronger voice and level playing field to those in the NBID. Councilors asked specific questions regarding the next steps and structure of the fees.

Alan Scheinman and Eric Suher spoke as opponents of the petition, and requested the vote be tabled until settlement of a lawsuit, which was filed in April 2009, to be heard in court in April 2014. Mr. Scheinman noted that only 61% of all properties within the BID opted out in 2009. Mr. Scheinman and Mr. Suher both noted that Chapter 40O Section 9 only allows amendment of the plan. Mr. Suher questioned the amendment excluding condo owners, noting that those who are members presently are the only members allowed to vote. Mr. Suher noted that more lawsuits may result, as this vote will create two classes of citizens.
Property owner Steve Farron noted that his property is outside the limits of the BID, and there is nothing to prevent the BID from enlarging those limits in the future.
Marybeth Bergeron, owner of Maplewood Shops, noted that she will definitely pass the increases on to her tenants, if such fee is added, but there is no advantage with her property's 60-70 ft frontage for a few planters and street cleaning at a cost of $11,000. Her property has tenants of three non-profits, three hairdressers, and an herbal cooking business. Ms. Bergeron stated she was only told of this BID increase several months ago.
Shawn Hebert, owner of the plaza building, noted the motivation for a renewal vote was very relevant to this Council's vote.
Attorney Hamilton Doherty, attorney for NBID, stated that this vote was independent of the lawsuits or vote, as the decision on the state case next month was unpredictable. This petition is part of the amendment process, according to statute.
Claudio Guerra, property owner, noted that he is on the Board of Directors of the NBID, and is proud of the good work of the NBID. This petition will lower the burden and reduce the rate to .0025.
City Council noted a request for a memorandum from Attorney Fitzgibbons regarding the NBID petition to be presented for the April 3, 2014 City Council meeting and second reading on the Order. Specifically, Councilors questioned any constraints in language per Chapter 40O Section 9 as there are two pending lawsuits.

Councilor Carney moved to close the public hearing; Councilor Spector seconded. The motion passed on Voice Vote of 7 Yes, 0 No.

Order: To Amend the Northampton Business Improvement District Improvement Plan, Approved by Northampton City Council March 19, 2009

Order: To Amend the Northampton Business Improvement District Improvement Plan, Approved by Northampton City Council March 19, 2009 ***(1st Reading)***

Councilor Carney moved approval in first reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 7 Yes, 0 No, 2 Recused (Councilor Adams, Councilor Murphy).

See meeting of April 3, 2014 for second reading.

Recess

Recess: 9:15 p.m. – 9:25 p.m.

PRESENTATION Forestry Plan for Northampton Water Supply Area	**PRESENTATION** Forestry Plan for Northampton Water Supply Area James Laurila, City Engineer presented powerpoint of Protecting Northampton's Water Supply as an informational presentation.
Approval of Minutes of March 6, 2014 **Approved**	**APPROVAL OF MINUTES OF March 6, 2014** **Councilor Murphy moved approval of the minutes; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**
ONE-MINUTE ANNOUNCEMENTS OF EVENTS	**ONE-MINUTE ANNOUNCEMENTS OF EVENTS** Councilor Klein announced a meeting regarding the Rail Trail Extension, to be held Tuesday, March 25, 2014, 7:00 pm – 9:00 pm, at the Leeds school cafeteria. Councilor O'Donnell announced a meeting on any concerns of North Street residents or any residents, to be held Tuesday, March 25, 2014, 5:30pm – 7:00 pm, in City Hall Room 18. Councilor Dwight noted that the City Council will march in the St. Patrick's Day parade in Holyoke on Sunday, March 23, 2014. Coffee at JJ's Tavern in Florence 9:30 am – 10:15 am, bus departs from JJ's at 10:15 am, arrive in Holyoke at 11:00 am. The parade begins at noon. Councilor Dwight announced the Public Hearing on Thursday, April 3, 2014, at 7:05 pm RE: Capital Improvement Program FY2015-FY2019.
PROCLAMATIONS, RESOLUTIONS, RECOGNITIONS	**PROCLAMATIONS, RESOLUTIONS, RECOGNITIONS** Resolution to Support Vibrant Sidewalks ***(2nd Reading)*** **Councilor Carney moved to Refer to Committee on Social Services, Veterans, Culture, and Recreation; Councilor Klein seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**
Petitions for Street Acceptance **Referred**	**PETITIONS** 1. Petition for Street Acceptance: Village Hill Road connector to Ford Crossing 2. Petition for Street Acceptance: Olander Drive connector to Ford Crossing 3. Petition for Street Acceptance: Moser Street (Westerly) 4. Petition for Street Acceptance: Ford Crossing ***(Refer to Planning Board and Board of Public Works)*** **Councilor Adams moved to Refer to Planning Board and Board of Public Works; Councilor LaBarge seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**
License for Second-Hand Articles: Wild Mutation Records, 52 Main Street, Florence **Approved**	License for Second-Hand Articles: Wild Mutation Records, 52 Main Street, Florence **Councilor Spector moved approval of the license; Councilor O'Donnell seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**
Reports of Committees, Appointments, and Elections	❑ **REPORTS OF COMMITTEES, APPOINTMENTS, AND ELECTIONS** 1. Committee on Economic & Community Development, Housing and Land Use Minutes of February 4, 2014 2. Committee on Rules, Orders, Appointments, and Ordinances Minutes of February 10, 2014 and February 25, 2014 **Councilor Carney moved approval of the minutes; Councilor Spector seconded. The motion passed on Voice Vote of 9 Yes, 0 No.** 3. Appointments to Elected Officials Compensation Advisory Board, in accordance with Northampton Ordinance § 5-5 Each member shall serve a term of two years, February 2014 – February 2016: • Vicki Baum-Hommes, 28 Park St., Florence, MA • John (Trey) Fortier III, 105 Turkey Hill Road, Florence, MA • Dennis Helmus, 176 North St., Northampton, MA • Jennifer Higgins, 148 South St., Northampton, MA • Douglas Loux, 86 Oak St., Florence, MA • Linda Matson, 17 Florence Rd., Florence, MA • Todd Thompson – 76 Massasoit St, Northampton, MA ***(Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)*** **Councilor LaBarge moved approval of the appointments; Councilor Carney seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**

Approved

4. New Appointment to Planning Board: William Grinnell, 49 Beacon Street, Florence, term February 2014-March 2019, filling the expired term of Jennifer Dieringer ***(Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)***
5. New Appointment to Agricultural Commission: Margaret Gifford, 80 Locust Street, term February 2014 – September 2017, filling the expired term of John Kelly as SVAHS representative ***(Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)***
6. New Appointment to Community Preservation Committee: Linda Morley, Prospect St., Northampton – term January 2014 – January 2017, replacing the expired term of Bill Breitbart ***(Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)***

Councilor Adams moved approval of the appointments; Councilor LaBarge seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

7. Reappointments to Central Business Architecture Committee:
   - Bruce Kriviskey, 23 Ice Pond Dr., Florence – term April 2013 – April 2016
   - Aelan Tierney, 30 Francis St., Northampton – term April 2014 – April 2017
   - Robert Walker, 13 Fort St., Northampton – term April 2014 – April 2017

(Suspend Rule 30 Reference to Committees or Refer to Committee on Rules, Orders, Appointments, and Ordinances)

8. Reappointments to Conservation Commission:
   - Tim Parshall, 76 North St., Northampton – term March 2014 – March 2017
   - Steven Sauter, 65 South St., #6, Northampton – term March 2014 – March 2017

(Suspend Rule 30 Reference to Committees or Refer to Committee on Rules, Orders, Appointments, and Ordinances)

Councilor Carney moved to Suspend Rule 30 Reference to Committees; Councilor Spector seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor Adams moved approval of the reappointments; Councilor Murphy seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

9. New Appointment to License Commission: Elaine Reall,12 East St., Northampton – term June 2014 – June 2020, to replace the expiring term of Stephanie Levin ***(Refer to Committee on Rules, Orders, Appointments, and Ordinances)***

Councilor Murphy moved to Suspend Rule 30 Reference to Committees; Councilor LaBarge seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor Murphy moved approval of the appointment; Councilor Spector seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

Extend Meeting Past 11:00 p.m.

Councilor Carney moved to Suspend Rule 27 Ending Time of Meeting to Extend Past 11:00 p.m.; Councilor Murphy seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

RECESS FOR FINANCE COMMITTEE

RECESS FOR FINANCE COMMITTEE 10:47 p.m. – 11:03 p.m.

Financial Order: Appropriation of $98,000 from FY14 General Fund Undesignated Fund Balance (Free Cash) to Legal Services OM Account

Financial Order: Appropriation of $98,000 from FY14 General Fund Undesignated Fund Balance (Free Cash) to Legal Services OM Account ***(Request Two Readings)***

Councilor Adams moved approval in first reading; Councilor Murphy seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.
Councilor Adams moved to Suspend Rule 14 Two-Reading Rule; Councilor LaBarge seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor LaBarge moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014
Upon the recommendation of Mayor David J. Narkewicz

Enrolled

Ordered, that $98,000 be appropriated from the FY14 General Fund Undesignated Fund Balance (Free Cash) to the Legal Services OM account (11512 530002).

Rules suspended, passed two readings and enrolled.

Financial Order: Transfer $300,000 from Parking Receipts Reserved for Appropriation to General Fund for Replacement of Parking Access and Revenue System at E. J. Gare Parking Garage

Financial Order: Transfer $300,000 from Parking Receipts Reserved for Appropriation to General Fund for Replacement of Parking Access and Revenue System at E. J. Gare Parking Garage ***(Request Two Readings)***

Councilor LaBarge moved approval in first reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.
Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor Adams moved approval in second reading; Councilor O'Donnell seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014
Upon the recommendation of Mayor David J. Narkewicz

Enrolled

Ordered, that the sum of $300,000 be and hereby is transferred from the Parking Receipts Reserved for Appropriation (2312211-359000) to the General Fund for the replacement of the parking access and revenue system at the E.J. Gare Parking Garage.

Rules suspended, passed two readings and enrolled.

Financial Order: Authorization to Conservation Commission to Purchase or Otherwise Acquire Land at Broad Brook Gap RE: Gleason Parcels

Financial Order: Authorization to Conservation Commission to Purchase or Otherwise Acquire Land at Broad Brook Gap RE: Gleason Parcels ***(2nd Reading)***

Councilor LaBarge moved approval in second reading; Councilor Carney seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014
Upon the recommendation of Conservation Commission

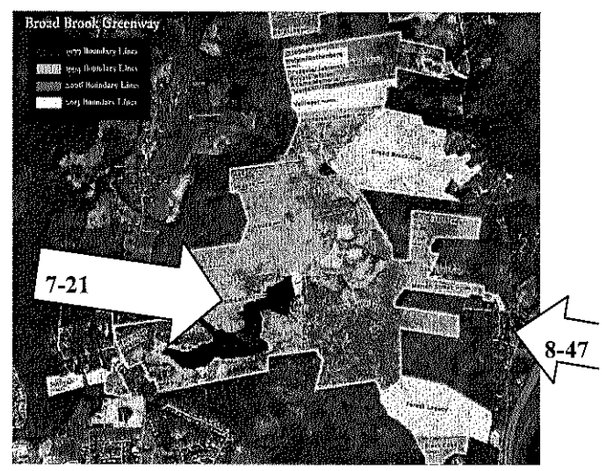
BE IT ORDERED

WHEREAS, The ***Open Space, Recreation and Multi-Use Plan: 2011-2018*** recommends linking conservation areas along Broad Brook to enhance wildlife value and create a continuous Broad Brook Greenway; and

WHEREAS, The Gleason family has agreed sell two parcels (7-21 and 8-47) totaling 20± acres for $24,000 to add to the Broad Brook Greenway/ Fitzgerald Lake; and

WHEREAS, This acquisition will fill a major gap in the Greenway; and

WHEREAS, All funds will be drawn from CPA Conservation Fund, Broad Brook Coalition contributions and community donations. No additional appropriation is required for this purpose; and



WHEREAS, The best way to address title and probate issues is for City Council to adopt a Consensual Orders of Taking for each of the two parcels

NOW, THEREFORE BE IT ORDERED,
That the City Council does hereby approve the attached two Consensual Orders of Taking, to allow the Conservation Commission to acquire for conservation and passive recreation purposes, as provided by Section 8C of Chapter 40 of the General Laws, the Community Preservation Act, and Article 97 of the Amendments to the Massachusetts Constitution; further that the Conservation Commission is authorized to grant conservation restrictions and permissions to use existing farm access roads on any land so acquired.

Enrolled

Rules suspended, passed two readings and enrolled.

Financial Order: Authorization of Acquisition of Easement at Foley Trust, 53 Gothic Street, by Gift, Purchase, or Other

Financial Order: Authorization of Acquisition of Easement at Foley Trust, 53 Gothic Street, by Gift, Purchase, or Other *(2nd Reading)*

Councilor Adams moved approval in second reading; Councilor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014

City of Northampton
MASSACHUSETTS

In City Council, March 6, 2014

Upon the recommendation of the Department of Public Works

Ordered, that

WHEREAS, a City sewer line from Gothic Street toward King Street crosses the land of the Kathleen Burke Foley 2010 Revocable Trust located at 53 Gothic Street without the benefit of an express easement therefore; and

WHEREAS, Kathleen S. Foley, the trustee of said Trust, is willing to grant an easement to the City for the maintenance, repair and replacement of such sewer line;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcel of land shown as "Proposed 23' Wide Easement to be Granted to City of Northampton, Area – 2,739 Sq. Ft." on a plan entitled "Easement Plan," dated December 4, 2013, by Northeast Survey Consultants, for the purpose of maintaining, repairing, and replacing sewer pipes, lines, and all appurtenant facilities within the easement area, and to enter and remain upon the easement area by foot and with vehicles and equipment for the purpose of maintaining, repairing and replacing said sewer facilities, and to grade as necessary in order to maintain the stability of the easement area.

Further, that no appropriation is necessary for the acquisition of the easement authorized hereunder.

Enrolled

Rules suspended, passed two readings and enrolled.

Ordinance: Amend §280-1 through §280-13 Adding Stormwater and Flood Control Utility Ordinance

Ordinance: Amend §280-1 through §280-13 Adding Stormwater and Flood Control Utility Ordinance *(2nd Reading)*

Councilors discussed several points of the Ordinance, including procedures of City Solicitor review, forums and meetings held to educate the public, and process of response to the community and residents' concerns.

Councilor Spector moved to Amend; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

Section 280-8. Purposes of the Fund.

(e) Capital projects for stormwater management and flood control. ***The Department of Public Works shall be strongly encouraged to bear witness to the needs of bicyclists, pedestrians, and people using mobility devices, and shall further be encouraged to consider their needs on an equitable basis in conjunction with the needs of motorists, business owners, and others – both during the construction of any projects funded in whole or in part by the Stormwater and Flood Control Utility, and in regard to the design of the finished product.***

Councilor Adams moved to Amend; Councilor Spector seconded. Councilor O'Donnell proposed a Friendly Amendment; Councilor Adams accepted the Friendly Amendment. The motion passed on Roll Call Vote of 9 Yes, 0 No.

Section 280-10. Stormwater and flood control utility fee Credits.

(a) ***The Board of Public Works shall annually develop a proposed Stormwater Management and Flood Control Utility Credit Policy ("Credit Policy"). The Board shall submit the proposed Credit Policy to the Mayor, who may approve, modify and approve, or disapprove the Credit Policy. The Credit Policy as approved by the Mayor shall be submitted by the Mayor to the City Council for approval. The City Council may approve or disapprove the Credit Policy as submitted.*** The Stormwater Management and Flood Control Utility Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Stormwater Management and Flood Control Utility Credit Policy shall be available for inspection by the public at the Department of Public Works and on the City website.

And Delete:

(f) The Stormwater Management and Flood Control Utility Fee Credit Policy as developed, maintained and, from time to time, amended by the Department of Public Works and approved by the Board of Public Works may be amended by the Mayor or by ordinance.

Councilor Spector moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Ordinance passed second reading:
In City Council, March 20, 2014
Upon the Recommendation of the Board of Public Works

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section **§280-1 through §280-13** of said code; providing that ***Adding Stormwater and Flood Control Utility Ordinance***

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **§280-1 through §280-13** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

That Chapter 280 of the Code of Ordinances be and is hereby amended by adding Stormwater and Flood Control Utility Ordinance, Sections 280-1, through 280-13

Section 280-1. Established.

There is hereby established within the Department of Public Works, a utility known as the stormwater and flood control utility under the day-to-day supervision of the Director of Public Works and the general supervision of the Board of Public Works.

Section 280-2. Purpose.

The stormwater and flood control utility shall administer the stormwater management and flood control programs of the city. It shall be funded by revenue collected through the stormwater and flood control utility fee and such other funds as may, from time to time, be appropriated or obtained through grants and low interest loans. The stormwater management program is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities whether publicly or privately owned. The flood control program is designed to maintain, operate, modify, construct or replace flood control systems in the City that protect the City from flooding from the Mill River and Connecticut River systems.

Section 280-3. Authority.

This ordinance is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Amendment Article 2 of the Massachusetts Constitution, Chapter 328 of the Acts of 2002, Sections one through twenty-four of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as granted to cities in the said General Laws.

Section 280-4. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Credit means a reduction in the amount of a Stormwater and Flood Control Utility Fee charge to a particular property.

Direct Costs shall mean the costs incurred in the operation and maintenance of the stormwater and flood control system as reflected in the Stormwater and Flood Control Enterprise Fund budget.

Drainage system shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainage ways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, dispose of, or otherwise influence the movement of stormwater runoff.

Dwelling unit means the individual, private premises contained in any building intended, whether occupied or not, as the residence for one household, regardless of the number of individuals in the household. A building may contain more than one dwelling unit.

Flood Control system shall mean manmade levees, flood walls, pump stations, stop-log structures, and other flood protection improvements.

General Laws means the General Laws of the Commonwealth of Massachusetts.

Hydraulic Acreage is the sum of the impervious and pervious areas as modified by runoff coefficients.

Impervious surface means those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Indirect Costs shall mean the costs incurred in the operation and maintenance of the stormwater and flood control system appropriated as part of the General Fund operating budget and allocated to the Stormwater and Flood Control Enterprise Fund budget. An example of an indirect cost would be the value of time spent by General Fund employees in the Collector's office processing enterprise fund user payments.

Large residential property means improved property containing apartments, or condominiums with four or more dwelling units and rooming and boarding houses. Large residential properties shall not include improved property containing structures used primarily for nonresidential purposes (i.e. hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

Non-residential property means property that is not residential property as defined herein including, but not limited to such property as commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas, parking lots, roadways, driveways, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, hotels, motels, retirement centers, nursing homes or assisted living homes, properties designated as "mixed use" properties by the Board of Assessors, and any other form of use not otherwise mentioned which is not a residential property.

Pervious surface means those areas that allow the unimpeded infiltration of stormwater into the soil. Common pervious surfaces include, but are not limited to, lawn area, forest land, agricultural lands, meadows and other undeveloped land. In determining utility fee calculations, all land on a parcel of property not defined as impervious land will be considered to be pervious.

Runoff Coefficient means a factor that is used to estimate the percentage of precipitation that results in surface water runoff. Runoff coefficients are values between 0 and 1 commonly used in stormwater runoff calculations as part of standard engineering methodologies and practices. Runoff coefficients are used as a means to approximate a property's impact on the City's stormwater and flood control systems.

Small residential property means improved property containing one, two or three dwelling units. Small residential properties shall not include improved property containing structures used primarily for nonresidential purposes (i.e. hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

Stormwater shall mean the surface water runoff from precipitation.

Stormwater management and flood control services mean all services provided by the City which relate to the:

(a) Transfer, control, conveyance, treatment or movement of stormwater runoff through the City;

(b) Maintenance, repair and replacement of existing stormwater management and flood control systems and facilities;

(c) Planning, development, design and construction of additional stormwater management and flood control systems and facilities to meet current and anticipated needs;

(d) Regulation of the use of stormwater management services, systems and facilities; and

(e) Compliance with applicable local, State and Federal stormwater management and flood control regulations, permit requirements, and mandates. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater management systems and facilities shall mean those natural and manmade channels, swales, ditches, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainage ways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, detain, retain, dispose of, or otherwise influence the movement of stormwater runoff.

Stormwater and Flood Control Utility Fee means the periodic user fee imposed pursuant to this ordinance by the City of Northampton for providing stormwater management and flood control services.

Undeveloped land shall mean all land that is not altered from its natural state.

Section 280-5. Stormwater and Flood Control Utility Fee Established; Quarterly Billing; Deposit To Special Revenue Account.

(a) Pursuant to section 16 of Chapter 83 of the General Laws, the city hereby establishes a charge for the use of the stormwater management and flood control services of the city to be known as the stormwater and flood control utility fee.

(b) The stormwater and flood control utility fee is imposed on each parcel of residential property and each parcel of nonresidential property, whether occupied or not. The fee shall be billed in advance on a quarterly basis to the record title owner of the property. The quarterly billing shall be consolidated in the same bill as is sent to the said property owner for other services provided by the city supported by fees, including water service and sanitary sewer use. If the property does not receive a water/sewer bill from the city, a bill for only the stormwater and flood control fee will be sent.

(c) Receipts generated from the stormwater and flood control utility fee shall be deposited to a special revenue account to be known as the stormwater management and flood control account set up in accordance with the authority granted by Section 53F ½ of Chapter 44 of the General Laws. The funds deposited to this account shall be used to fund the stormwater management and flood control program of the city.

Section 280-6. Rates.

(a) The Board of Public Works shall recommend an annual budget for stormwater management and flood control services to the Mayor. The Mayor shall include a proposed annual budget for the stormwater management and flood control services in the proposed operating budget submitted to the City Council in accordance with Section 7-3 of the Charter of the City of Northampton. The budget submitted by the Mayor and approved by the City Council shall set the annual budget at an amount that will be sufficient to provide for a balanced operating and capital improvement budget for the stormwater management and flood control services.

(b) For the first 5 fiscal years of the utility operation, the Board of Public Works shall recommend a budget for each year with revenue raised by the utility that shall not exceed two million dollars per year unless the Board shall state with specificity the reasons for its recommendation of a budget with revenue in excess of two million dollars.

(c) Beginning in the 6th year, the Board of Public Works shall recommend a budget for each year with revenue raised by the utility that shall not exceed two million dollars per year plus the cost of inflation as determined by the Federal Bureau of Labor Statistics Consumer Price Index unless the Board shall state with specificity the reasons for its recommendation of a budget with revenue in excess of the limitation set forth in this subsection.

(d) The rate model for billing shall be based on:
   a. The impervious surface area on a parcel multiplied by a runoff coefficient of 0.95
   b. The pervious area on a parcel multiplied by a runoff coefficient of 0.1. The maximum billable pervious area for any one property shall be one acre.
   c. The sum of the impervious and pervious areas as modified by the runoff coefficients described above is the hydraulic acreage for each parcel.

(e) A billing rate per square foot of hydraulic acreage will be calculated by the Department of Public Works and approved by the Board of Public Works each year by dividing the approved annual budget as described above by the total hydraulic acreage to be billed in the City of Northampton. The rate shall be on file in the office of the Department of Public Works of the City of Northampton.

(f) Small residential properties shall be divided in approximately equal numbers into four groups based on ascending amounts of impervious area. The Board of Public Works shall determine the range of impervious area used for defining each group. All properties within each group shall receive the same bill. The bill for each group shall be calculated based on the average impervious and pervious areas of properties that fall within each group.

(g) Bills for large residential property and non-residential property shall be determined based on the estimated areas of impervious and pervious surface on the property. Property owners who own multiple undeveloped parcels with protected status (protected for open space by fee or less-than-fee ownership by methods including but not limited to Mass. Constitution 97th Article of Amendment, MGL c.8C, MGL c.44B, MGL c.45, MGL c.61, MGL c.61A, MGL c.61B, MGL c.184, or held by a non-profit land trust) shall be assessed as if their multiple parcels were all part of a single larger parcel.

(h) After calculating the billing rate per square foot of hydraulic acreage in subsection (d), the Board of Public Works will establish a standardized fee for each of the four classes of small residential properties in accord with subsection (c).

(i) Any impervious areas within the federal, state, county, and city-owned right-of-way used by the traveling public will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

Section 280-7. Scope of Responsibility for Stormwater Management and Flood Control Systems and Facilities.

(a) The City shall be responsible for all costs to operate, maintain, improve and access those stormwater management and flood control systems and facilities which are located:

   (1) Within public road rights-of-way;

   (2) On private property but within easements granted to, and accepted by, the City of Northampton, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;

   (3) On public land which is owned by the City and/or land of another governmental entity upon which the City has agreements providing for the operation, maintenance, improvement and access to the stormwater management and flood control systems and facilities located thereon.

(b) Operation, maintenance and/or improvement of stormwater management and flood control systems and facilities which are located on private or public property not owned by the City, and for which the City lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

Section 280-8. Purposes of the Fund.

The Stormwater and Flood Control Utility fee shall only be used for the Direct and Indirect costs of the utility to provide stormwater management and flood control services as defined in Section 280-4 and also includes the following:

(a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management and flood control systems and facilities.

(b) All costs of administration and implementation of the stormwater management and flood control programs, including the cost of labor attributable to the stormwater management and flood control programs and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management and flood control requirements.

(c) Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities.

(d) Operation and maintenance of the stormwater and flood control systems.

(e) Capital projects for stormwater management and flood control. The Department of Public Works shall be strongly encouraged to bear witness to the needs of bicyclists, pedestrians, and people using mobility devices, and shall further be encouraged to consider their needs on an equitable basis in conjunction with the needs of motorists, business owners, and others – both during the construction of any projects funded in whole or in part by the Stormwater and Flood Control Utility, and in regard to the design of the finished product.

(f) Illicit discharge detection and elimination.

(g) Monitoring, surveillance, and inspection of stormwater control devices.

(h) Water quality monitoring and water quality programs.

(i) Retrofitting developed areas for pollution control.

(j) Inspection and enforcement activities.

(k) Billing and related administrative costs.

(l) Other activities which are reasonably necessary including costs related to regulatory compliance.

Section 280-9. Stormwater and flood control utility fee Exemptions.

(a) The City finds that all real property in the City contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no public property, including public property funded by taxpayers of the City of Northampton, or private property located in the City of Northampton shall be exempt from the stormwater and flood control utility fee charges.

(b) Notwithstanding the foregoing, the city establishes exemptions to the stormwater and flood control utility fee as follows:

(1) Public streets, highways and rights-of-way. However, maintenance buildings and/or other improved property used for road maintenance purposes shall not be exempt from Stormwater and flood control utility fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

Section 280-10. Stormwater and flood control utility fee Credits.

(a) The Board of Public Works shall annually develop a proposed Stormwater Management and Flood Control Utility Credit Policy ("Credit Policy"). The Board shall submit the proposed Credit Policy to the Mayor, who may approve, modify and approve, or disapprove the Credit Policy. The Credit Policy as approved by the Mayor shall be submitted by the Mayor to the City Council for approval. The City Council may approve or disapprove the Credit Policy as submitted. The Stormwater Management and Flood Control Utility Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Stormwater Management and Flood Control Utility Credit Policy shall be available for inspection by the public at the Department of Public Works and on the City website.

(b) The Department of Public Works is hereby authorized to grant credits to property owners to be applied against the stormwater and flood control utility fee based on the technical and procedural criteria set forth in the Stormwater Management and Flood Control Utility Credit Policy.

(c) Any credit allowed against the stormwater and flood control utility fee charge shall be conditioned on continuing compliance with the City's design and performance standards as stated in the Stormwater Management and Flood Control Utility Credit Policy and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Department of Public Works may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Stormwater Management and Flood Control Utility Credit Policy or this article.

(d) In order to obtain a credit, the property owner must make application to the City on forms provided by the Department of Public Works for such purpose, the application to be fully completed in accordance with the procedures outlined in the Stormwater Management and Flood Control Utility Credit Policy.

(e) When an application for a credit is deemed complete by the Department of Public Works, the Director of Public Works shall have thirty (30) days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all stormwater and flood control utility fee charges in accordance with the terms defined in the Stormwater Management and Flood Control Utility Credit Policy.

Section 280-11. Stormwater and Flood Control Utility Fee Billing, Delinquencies, Collections, Abatements

(a) Failure of the city to send a bill for stormwater and flood control utility shall not relieve the property owner of record from the obligation to pay for such utility. If a property is unbilled, or if no bill is sent for a particular parcel of land, the city may back bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.

(b) Stormwater and flood control utility bills shall be managed by the Department of Public Works for collection. The Northampton Tax Collector shall keep records of all paid and unpaid stormwater utility bills and maintain financial records for the utility.

(c) If a bill for stormwater and flood control utility bill is not paid in full by the 30th day from the date the bill is mailed, interest at the rate of 14% per annum shall accrue on any unpaid balance. Interest shall accrue from the date of mailing of the bill.

(d) At any time after interest begins to accrue on an unpaid account, the Northampton Tax Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge as set forth in Chapter 174, Fees, shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the Northampton Tax Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill. Upon inclusion of the unpaid amount on an annual property tax bill, the amount due shall be a lien on the property, which shall have priority over all other liens except municipal liens and mortgages of record prior to the recording of a notice of lien.

(e) In the event that a property owner believes the stormwater and flood control utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the stormwater and flood control utility bill, and after payment of the bill in full, apply to the Department of Public Works for an abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. The Department of Public Works shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

Section 280-12. Appeals, Hearings.

(a) In the event that a property owner is aggrieved by a written decision from the Department of Public Works denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board of Public Works. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal with the Department of Public Works, the department shall forthwith transmit to the Board of Public Works all documents constituting the record upon which the particular decision was made. The Board of Public Works shall set a date for hearing which shall be within ninety (90) days of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board of Public Works shall render a written decision within ten (10) days of the conclusion of the hearing affirming the action of the department or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the stormwater and flood control utility fee as charged and has also requested an abatement.

(b) In the event that a property owner fails to pay the stormwater and flood control utility fee as charged and the city utilizes the process set forth in sections 16A through 16F of Chapter 83 of the General Laws to collect the unpaid charges, the property owner shall have the right to seek an abatement by filing an application for abatement with the Board of Public Works in accordance with the remedy specified in Section 16E of Chapter 83 of the said General Laws with a copy delivered to the Board of Assessors. The application for abatement shall conform to the requirements for a notice of appeal as set forth in subsection (a), above, and the process for a hearing before the Board of Public Works, including the applicable time limits, shall be as set forth therein. In the event that the Board of Public Works denies the abatement, in whole or in part, it shall, in its written decision, include a statement notifying the property owner of the right to seek a review of the decision by the filing of an appeal with the appellate tax board of the Commonwealth of Massachusetts within three months of the date of the decision of the Board of Public Works. As the right to appellate tax board review under this subsection "b" is derived from applicable sections of the General Laws as contained in Chapters 59 and 83 thereof, to the extent that the terms of this ordinance conflict with the terms specified therein, the terms specified in the General Laws control.

Section 280-13. Public Reports.

Ordained and Enrolled

The Board of Public Works will make an annual presentation to the City Council providing information relating to the work and projects financed by the Stormwater and Flood Control Utility in the previous year, including, to the extent practicable, an account of expenditures from the stormwater management and flood control account and projected future expenditures. The Board will also present this information in a written report accessible on the City website.

Rules suspended, passed two readings, ordained and enrolled.

Order: Add Council Rule Non-Member Attendance at Committees Meetings

Order: Add Council Rule Non-Member Attendance at Committees Meetings ***(1st Reading – Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)***

Councilor O'Donnell moved approval in first reading; Councilor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.
Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor LaBarge moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014
Upon the recommendation of Councilor Jesse M. Adams

Ordered, that

That the following changes to the City Council Rules are adopted:

Add:

32. Non-Member Attendance at Committees Meetings. Councilors may attend Council Committee meetings though they are not members of the Committee, and may sit in the audience and participate as members of the public. They may address the Committee consistent with its rules and in the same manner and to the same extent as non-councilors attending the meetings are allowed to address the Committee. Such Councilors in attendance at a Committee meeting may state their opinion on matters under consideration by the Committee, but they shall not discuss matters as a quorum, nor shall they discuss topics that are not under the consideration by the Committee.

Enrolled

Rules suspended, passed two readings and enrolled.

Order: Add Council Rule Remote Meeting Participation

Order: Add Council Rule Remote Meeting Participation ***(1st Reading – Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)***

Councilor Murphy moved approval in first reading; Councilor Klein seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.
Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Murphy seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councilor LaBarge moved approval in second reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Order passed second reading:
In City Council, March 20, 2014
Upon the recommendation of Councilor Jesse M. Adams

Ordered, that

That the following changes to the City Council Rules are adopted:

Add:

44 Remote Meeting Participation. Councilors may participate remotely in meetings pursuant to the following regulations:

Requirements

A. Any Councilor who participates remotely and all persons present at the meeting location shall be clearly audible to each other;
B. A quorum including the presiding officer shall be physically present at the meeting location;
C. Any Councilor who participates remotely may vote and shall not be deemed absent.
D. Any Councilor may not participate remotely more than six times in a calendar year.

Permissible Reasons for Remote Participation

Any Councilor may participate remotely if the presiding officer determines that one or more of the following factors make the participation of the Councilor's physical attendance unreasonably difficult:

A. Personal Illness;
B. Personal Disability;
C. Emergency;
D. Military Service: or
E. Geographic Distance

Enrolled	Technology A. The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any Councilor who requires TTY service, video relay service, or other form of adaptive communications. (1) Telephone, Internet, or satellite-enabled audio or video conferencing; (2) Any other technology that enables the remote participation and all persons present at the meeting location to be clearly audible to one another. B. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location. C. The presiding officer may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to call a brief recess while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes. D. All costs associated with remote participation, if any, shall be borne by the Councilor remotely participating. Procedures A. Any Councilor who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the presiding officer of his or her desire to do so and the reason for and facts supporting his or her request. B. At the start of the meeting, the presiding officer shall the name of any member who will be participating remotely and the reason for his or her remote participation. This information shall be recorded in the meeting minutes. C. All votes taken during any meeting in which a member participates remotely shall be by roll call vote. D. Any Councilor participating remotely may participate in executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location. Any Councilor participating remotely who cannot certify that no other person is present and/or able to hear the discussion at the remote location may not participate in executive session. E. When feasible, the presiding officer shall distribute to remote participants, in advance of the meeting, copies of any documents of exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be a part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with Massachusetts General Law Chapter 30A Section 22. Application This rule shall apply to Council Committees. Amendment This section may not be amended unless it is in accordance with the Mayor's Remote Meeting Participation Policy, Massachusetts General Law Chapter 30A Sections 18-25 and 940 Code of Massachusetts Regulations 29.10. **Rules suspended, passed two readings and enrolled.**
Ordinance: Amend §312-36 Parking Meter Locations and Regulations	Ordinance: Amend §312-36 Parking Meter Locations and Regulations ***(1st Reading – Positive Recommendation from Transportation & Parking Commission , with amendments, February 18, 2014; Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)*** **Councilor LaBarge moved approval in first reading; Councilor Sciarra seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **See meeting of April 3, 2014 for second reading.**
Ordinance: Amend §174-18 and 174-19 Fee Structure for Certain Permits Be Simplified	Ordinance: Amend §174-18 and 174-19 Fee Structure for Certain Permits Be Simplified ***(1st Reading – Positive Recommendation from Committee on Rules, Orders, Appointments, and Ordinances March 10, 2014)*** **Councilor Carney moved approval in first reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **See meeting of April 3, 2014 for second reading.**
Updates from Council President and Committee Chairs	**Updates from Council President and Committee Chairs NONE**
Information Requests (Charter Provision 2-7)	**Information Requests (Charter Provision 2-7) NONE**
New Business	**New Business NONE**

At 11:49 p.m., a motion to adjourn was made by Councilor Carney and seconded by Councilor LaBarge. The vote to adjourn passed unanimously (9-0).

Attest: _____, Clerk of Council

March 20, 2014 7:50 p.m.	City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
Roll Called by Mary L. Midura, Executive Secretary		**Present**	**Present**	**Present**	**Present**	**Present**	**Present**	**Present**	**Present**	**Present**	**9 Present 0 Absent**
	Order: To Amend the Northampton Business Improvement District Improvement Plan, Approved by Northampton City Council March 19, 2009 ***(1st Reading)*** **Councilor Carney moved approval in first reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 7 Yes, 0 No, 2 Recused (Councilor Adams, Councilor Murphy).**	**Recused**	**Yes**	**Yes**	**Yes**	**Yes**	**Recused**	**Yes**	**Yes**	**Yes**	**7 Yes 0 No 2 Recused Motion Carried**
	Financial Order: Appropriation of $98,000 from FY14 General Fund Undesignated Fund Balance (Free Cash) to Legal Services OM Account ***(Request Two Readings)*** **Councilor Adams moved approval in first reading; Councilor Murphy seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Councilor Adams moved to Suspend Rule 14 Two-Reading Rule; Councilor LaBarge seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes 0 No Motion Carried**
	Financial Order: Appropriation of $98,000 from FY14 General Fund Undesignated Fund Balance (Free Cash) to Legal Services OM Account ***(Request Two Readings)*** **Councilor LaBarge moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes 0 No Motion Carried**
	Financial Order: Transfer $300,000 from Parking Receipts Reserved for Appropriation to General Fund for Replacement of Parking Access and Revenue System at E. J. Gare Parking Garage ***(Request Two Readings)*** **Councilor LaBarge moved approval in first reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes 0 No Motion Carried**

March 20, 2014 7:50 p.m.	City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
	Financial Order: Transfer $300,000 from Parking Receipts Reserved for Appropriation to General Fund for Replacement of Parking Access and Revenue System at E. J. Gare Parking Garage ***(Request Two Readings)*** **Councilor Adams moved approval in second reading; Councilor O'Donnell seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes** **0 No** **Motion Carried**
	Financial Order: Authorization to Conservation Commission to Purchase or Otherwise Acquire Land at Broad Brook Gap RE: Gleason Parcels ***(2nd Reading)*** **Councilor LaBarge moved approval in second reading; Councilor Carney seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes** **0 No** **Motion Carried**
	Financial Order: Authorization of Acquisition of Easement at Foley Trust, 53 Gothic Street, by Gift, Purchase, or Other ***(2nd Reading)*** **Councilor Adams moved approval in second reading; Councilor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes** **0 No** **Motion Carried**
	Ordinance: Amend §280-1 through §280-13 Adding Stormwater and Flood Control Utility Ordinance ***(2nd Reading)*** **Councilor Spector moved to Amend; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Section 280-8. Purposes of the Fund.** (e) Capital projects for stormwater management and flood control. ***The Department of Public Works shall be strongly encouraged to bear witness to the needs of bicyclists, pedestrians, and people using mobility devices, and shall further be encouraged to consider their needs on an equitable basis in conjunction with the needs of motorists, business owners, and others – both during the construction of any projects funded in whole or in part by the Stormwater and Flood Control Utility, and in regard to the design of the finished product.***	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes** **0 No** **Motion Carried**

March 20, 2014 7:50 p.m.	City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
	Ordinance: Amend §280-1 through §280-13 Adding Stormwater and Flood Control Utility Ordinance *(2nd Reading)* **Councilor Adams moved to Amend; Councilor Spector seconded. Councilor O'Donnell proposed a Friendly Amendment; Councilor Adams accepted the Friendly Amendment. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Section 280-10. Stormwater and flood control utility fee Credits.** (a) ***The Board of Public Works shall annually develop a proposed Stormwater Management and Flood Control Utility Credit Policy ("Credit Policy"). The Board shall submit the proposed Credit Policy to the Mayor, who may approve, modify and approve, or disapprove the Credit Policy. The Credit Policy as approved by the Mayor shall be submitted by the Mayor to the City Council for approval. The City Council may approve or disapprove the Credit Policy as submitted.*** The Stormwater Management and Flood Control Utility Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Stormwater Management and Flood Control Utility Credit Policy shall be available for inspection by the public at the Department of Public Works and on the City website. ***And Delete:*** (f) The Stormwater Management and Flood Control Utility Fee Credit Policy as developed, maintained and, from time to time, amended by the Department of Public Works and approved by the Board of Public Works may be amended by the Mayor or by ordinance.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	**9 Yes** **0 No** **Motion Carried**

March 20, 2014 7:50 p.m.	City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
	Ordinance: Amend §280-1 through §280-13 Adding Stormwater and Flood Control Utility Ordinance ***(2nd Reading)*** **Councilor Spector moved approval in second reading, as Amended; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried
	Order: Add Council Rule Non-Member Attendance at Committees Meetings ***(1st Reading)*** **Councilor O'Donnell moved approval in first reading; Councilor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried
	Order: Add Council Rule Non-Member Attendance at Committees Meetings ***(2nd Reading)*** **Councilor LaBarge moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried
	Order: Add Council Rule Remote Meeting Participation ***(1st Reading)*** **Councilor Murphy moved approval in first reading; Councilor Klein seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.** **Councilor LaBarge moved to Suspend Rule 14 Two-Reading Rule; Councilor Murphy seconded. The motion passed on Voice Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried
	Order: Add Council Rule Remote Meeting Participation ***(1st Reading)*** **Councilor LaBarge moved approval in second reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried
	Ordinance: Amend §312-36 Parking Meter Locations and Regulations ***(1st Reading)*** **Councilor LaBarge moved approval in first reading; Councilor Sciarra seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9 Yes 0 No Motion Carried

March 20, 2014 7:50 p.m.	City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
	Ordinance: Amend §174-18 and 174-19 Fee Structure for Certain Permits Be Simplified ***(1st Reading)*** **Councilor Carney moved approval in first reading; Councilor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**9 Yes** **0 No** **Motion Carried**