



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
April 7, 2016

Roll Call

A regular meeting of the City Council was called to order by City Council President William H. Dwight. At 7:40 pm on a roll call the following City Councilors were present:

At-Large Councilor William H. Dwight At-Large Councilor Jesse M. Adams
Ward 1 Councilor Maureen T. Carney Ward 2 Councilor Dennis P. Bidwell
Ward 3 Councilor Ryan R. O'Donnell Ward 4 Councilor Gina-Louise Sclarra
Ward 5 Councilor David A. Murphy Ward 6 Councilor Marianne L. LaBarge

The following City Councilor(s) was (were) absent: Ward 7 Councilor Alisa F. Klein.

Due to the absence of Councilor Alisa F. Klein, Councilor Marianne L. LaBarge was appointed to the Enrollment Committee by Council President William H. Dwight for the April 7, 2016 City Council meeting.

Motion to suspend City Council Rules regarding Order of Business
Motion Carried

Suspension of Council Rules: Councilor LaBarge moved to suspend council rules regarding order of business to allow a resolution to be heard by the Committee on Finance before it is discussed by the City Council; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Public Hearing

Public Hearing: None

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor Bidwell announced that on Monday, April 11, 2016 from 5 pm – 7 pm, there will be a reception for the new National Priorities Project Executive Director, Nora Ranney. The event will be held at the Northampton Brewery.

Announcements

Communications and Proclamations From the Mayor

Communications and Proclamations From the Mayor:

Mayor Narkewicz proclaimed that April 10 – 16, 2016 is Public Safety Telecommunicators week honoring men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance.

Resolutions

Resolutions: (Note: the resolutions were discussed directly following the Committee on Finance meeting.)

16.049 A Resolution pertaining to Bottums Road - 1st Reading

16.049 A Resolution pertaining to Bottums Road - 1st Reading

Councilor Adams stated that although he will be supporting the resolution, he feels that if the Council approves making Bottums Road a public way, then the Council should reconsider taking Center Court as a public way. Looking at the streets, Center Court is a mixed-use street and looks more like a city street than Bottums Road which looks more like an un-paved private driveway.

Councilor LaBarge will support the resolution 100 percent. She believes that there was a little confusion the last time. She recalled that Ned Huntley supported making Bottums Road a public street and that the DPW will continue to maintain the road until the City Council approves making it a street. She also recalled that the Planning Board did not support making it a public street. Many years ago the contractor received a permit to build homes on that property; the Councilor stated that if you get a permit then that means you can assume that it is a city street. Councilor LaBarge reported that the Board of Public Works held a public hearing on site and then directly after the meeting the Board of Public Works voted to accept Bottums Road as a public way.

Councilor Dwight reminded the Council about the vote that happened in City Council during 2015. The order passed in first reading, however, did not pass in second reading. The night of the second vote was the same night that the city had an incident in the downtown district

16.049 continued

that turned out to be pinhole cameras placed in various locations in the downtown district. No member of the DPW was available to comment on the order and the Council gave more weight to the concerns of the Planning Board as a result. One of those concerns is that accepting the street would allow someone a backdoor method for circumventing of the zoning laws for sub-development. Councilor Dwight noted that going forward, perhaps some measure could be put into place to correct that for future petitions. Councilor Dwight believes that Bottums Road has met the conditions in working with the DPW in granting easements allowing the DPW a turnaround to service the residents on that road.

Councilor LaBarge supports Councilor Adams' suggestion to bring Center Court back before City Council for reconsideration.

Councilor Murphy noted that Bottums Road was considered a city street by the City for over 50 years. In the mid-eighties, the City - granted building permits because it considered Bottums Road a city street. This is a unique circumstance.

Councilor O'Donnell explained his vote during second reading the last time this issue came before City Council. He recalls that there was a neutral recommendation from the Planning Board the last time. He is surprised by the adamant "no" ruling by the Planning Board this time. Councilor O'Donnell stated that it is a fact that this "way" does not conform to subdivision regulations. However, the City Council has accepted many other "ways" that have not conformed to such subdivision regulations. He thinks that Bottums Road is quite different than Center Court. As a principal he doesn't like private developers developing streets and then insisting that the City take it over as a public way. In the case of Bottums Road, there seems to be a commitment from the City that we want to do something: the DPW has worked with residents to create a turn-around and believes that it would be a major benefit to the City to make this particular "way" a public street. Councilor O'Donnell noted that this is a major difference to what is going on with Center Court.

Councilor Sciarra noted that contrary to residents of Center Court, residents on Bottums Road have not indicated that they want to restrict access to their street. Residents have indicated that there is a footpath on Bottums Road which is accessible to the public.

Councilor Dwight noted that the DPW resisted adding roads to their inventory. He believes that the reason why the Planning Board has changed its opinion is because membership of the PB has changed. The DPW has also changed and the Board of Public Works no longer exists.

Motion to approve in 1st reading

Councilor Murphy moved to approve the resolution in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

See minutes of April 21, 2016 for second reading.

16.047 A Resolution to Adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 - 1st Reading

16.047 A Resolution to Adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 - 1st Reading

Councilor O'Donnell noted that the Capital Improvement Plan is for five years into the future of planning for the wastewater treatment plant, replacement of water mains and other infrastructure and there is no established way to pay for a lot of the projects. It is Councilor O'Donnell's hope that the Council support raising the revenue to fund the Capital Improvement Plan if it moves forward with supporting the resolution. Councilor Adams stated that the revenue can be raised using the existing rate structure.

Motion to approve in 1st reading

Councilor Murphy moved to approve the resolution in first reading; Councilor Bidwell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

See minutes of April 21, 2016 for second reading.

Presentations

Presentations: None

Consent Agenda

Consent Agenda

Motion to approve Consent Agenda

Councilor O'Donnell moved to accept the consent agenda; Councilor Adams seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

The following items were included on the consent agenda:

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| <u>Consent Agenda continued</u> | <u>Minutes of Previous Meetings</u> Meeting Minutes from the City Council Meeting of March 17, 2016 Approval of the re-appointment of Brian Adams to the Community Preservation Committee – Term January 2016 - December 2019 (This is a City Council appointment) Mr. Adams was appointed to the CPC in 2010 and re-appointed in 2013. Approval of the re-Appointment of Natalia Munoz to the Human Rights Commission – Term December 2015 - June 2018 |
| <u>Recess for Committee on Finance Meeting</u> | At 7:45 p.m. the City Council recessed for the Committee on Finance meeting. The City Council Committee on Finance adjourned at 7:41 p.m.; the City Council took a short recess and reconvened at 8:52 p.m. |
| <u>Financial Orders</u> | <u>Financial Orders</u> |
| <u>16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project - 1st Reading</u> <u>Motion to approve in 1st Reading</u> <u>Motion Carried</u> | <u>16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project - 1st Reading</u> Councillor Murphy moved to approve the financial order in first reading; Councillor Carney seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councillor Klein). <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 I-NET and Technology - 1st Reading</u> <u>Motion to approve in 1st Reading</u> <u>Motion Carried</u> | <u>16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 I-NET and Technology - 1st Reading</u> Councillor Murphy moved to approve the financial order in first reading; Councillor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 2 Absent (Councillor Klein & Councillor Adams). <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center - 1st Reading</u> <u>Motion to approve in 1st Reading</u> <u>Motion Carried</u> | <u>16.039 Financial Order for \$375,000 to appropriate for new radio consoles for the Dispatch Center - 1st Reading</u> Councillor Murphy moved to approve the financial order in first reading; Councillor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 2 Absent (Councillor Klein & Councillor Adams). <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements - 1st Reading</u> | <u>16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements - 1st Reading</u> |

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| <u>16.040</u> <u>Continued</u> | |
| <u>Motion to approve in 1st Reading</u> | Councilor Murphy moved to approve the financial order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 7 Yes, 0 No, 2 Absent (Councilor Klein & Councilor Adams). |
| <u>Motion Carried</u> | <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.041 Financial Order to appropriate \$500,000 for Street Resurfacing and to authorize borrowing and issuance of bonds, etc. - 1st Reading</u> | <u>16.041 Financial Order to appropriate \$500,000 for Street Resurfacing and to authorize borrowing and issuance of bonds, etc. - 1st Reading</u> |
| <u>Motion to approve in 1st Reading</u> | Councilor LaBarge moved to approve the financial order in first reading; Councilor Murphy seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein). |
| <u>Motion Carried</u> | <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.042 Financial Order to replace VOIP system - 1st Reading</u> | <u>16.042 Financial Order to replace VOIP system - 1st Reading</u> |
| <u>Motion to approve in 1st Reading</u> | Councilor Murphy moved to approve the financial order in first reading; Councilor LaBarge seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein). |
| <u>Motion Carried</u> | <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 1st Reading</u> | <u>16.043 Financial Order for FY17 Capital Plan - \$585,000 for Fire Truck - 1st Reading</u> |
| <u>Motion to approve in 1st Reading</u> | Councilor LaBarge moved to approve the financial order in first reading; Councilor Murphy seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein). |
| <u>Motion Carried</u> | <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 1st Reading</u> | <u>16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects - 1st Reading</u> |
| <u>Motion to approve in 1st Reading</u> | Councilor LaBarge moved to approve the financial order in first reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein). |
| <u>Motion Carried</u> | <u>See minutes of April 21, 2016 for second reading.</u> |
| <u>16.045 Financial Order to appropriate \$2,860 from CPA</u> | <u>16.045 Financial Order to appropriate \$2,860 from CPA funding to Leeds Historic Walking Tour Project - 1st Reading</u> |

funding to Leeds
Historic Walking
Tour Project -
1st Reading

Councilor Dwight read into the record a letter of support for this project from Mr. Brian Adams, Chair of the Community Preservation Committee.

Motion to
approve in 1st
Reading

Councilor LaBarge moved to approve the financial order in first reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

See minutes of April 21, 2016 for second reading.

16.046 A
Financial Order
Authorizing the
Mayor to
Execute a Lease
Agreement with
NCTV - 1st
Reading

16.046 A Financial Order Authorizing the Mayor to Execute a Lease Agreement with NCTV - 1st Reading

Motion to
approve in 1st
Reading

Councilor Murphy moved to approve the financial order in first reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

See minutes of April 21, 2016 for second reading.

16.030 Financial
Order to
Establish Water
& Sewer Rates
for FY2017 - 2nd
Reading

16.030 Financial Order to Establish Water & Sewer Rates for FY2017 - 2nd Reading

Prior to the City Council meeting tonight, Councilor Adams asked a question about accepting the amended rates proposed by Mayor Narkewicz. The revised rates will need to be introduced and approved by City Council before they can be considered.

Mayor Narkewicz explained that he would like to introduce rate revisions to previously submitted rates for volumetric portion only. The proposed changes are as a result of feedback that the Mayor's Office has received. He has also had an additional meeting with the Chamber of Commerce where addition feedback was provided. There have been about 631 "hits" on the city calculator. His office has fielded questions from businesses, residents and the media. As mentioned in his memo, the plan will be to use more money from the capital stabilization fund to fund projects within the capital improvement program. This allows for the lowering of the volumetric rates across the three different tiers. Updated slides have been made available on the city website. The City Council will only be voting on the volumetric rates, not on the fixed fees and not on the fire suppression fees.

Councilor Adams noted that he was the only councilor who voted against the rates at the last meeting. He notes that a lot of people have now spoken out. It is now obvious to him that the proposal will negatively affect commercial and residential affordability and will have a negative effect on many businesses, including the businesses that our economy relies on; restaurants, bars and cafes. He feels that something has gotten lost and that is that renters will pay the higher rates quickly because they will burn up the 16 ccf reduced rate extremely quickly. Some renters are among the poorest of the poor in our community and they will have increased burdens due to this because those burdens will be passed down from owners to renters. There is a social justice component to this as well. The issue needs more study. The City Council has the opportunity not to gamble on affordability, but to study this more. Decline of the business community and city government's denial of what is happening here is troubling to him. There is much more that the city council can do to learn about the impact of the proposed rate structure. According to the Raftelis website, the company offers rate case support, "clients benefit from our ability to explain complex cost of service methodologies in an effective manner. One of the key elements of this explanation is a model that identifies the assumptions used in the filing and shows the calculations. Having a model allows the utility the opportunity to conduct sensitivity analyses prior to the filing and to efficiently determine the impact of any changes". This service is typically done for regulated utilities; however, it is available to municipalities as well. The website also explains that the company is available to do affordability studies: "Affordability is a growing concern in the water industry. Water and wastewater rates consistently increase at rates that exceed inflation and wage growth. We have worked with many municipal utilities to gauge the impact of ever-increasing water and wastewater rates on different socio-economic components within the larger customer base." Councilor Adams urges that the City hire Raftelis to do these studies. Regarding the process, Councilor Adams notes that the money to conduct the study was not in the FY16 budget but the consultants have been working on this since last August. There have been no updates, no preliminary reports, no community outreach. City Council and the public had no

16.030
Continued

knowledge of this until it was proposed in January of this year. There is a system that has been in place for decades and the City Council does not need to vote on the revised rate structure until it is better understood. The City's Charter does not preclude collaboration, nor does the separation of powers among the divisions of government. The Charter also does not preclude good communication. The Council and the public should have been included a lot earlier. He compared this process to the process for the stormwater flood control fee. There was a committee of citizens that studied that issue for a year and a half before making recommendations. He also compared it to the last override process. Each ward was visited to discuss the impact of an override. The two public hearings that were held to discuss the new rate structure were not well attended. This is a major process change and the current communication was extremely inefficient. Out of fairness to businesses, they need time to budget for the projected increases. Councilor Adams opposes both the policy and the process. The Committee on Community Resources is doing a study on the business community. Two of the goals are: 1. To determine the real status of the restaurant and retail community and 2. Identifying pressures and trends. Councilor Adams feels it would be "ridiculous" to pass this order and then ask the business community what are the pressures. He proposes that the Council learn what the impacts will be through an impact study coupled with a more inclusive process over the next year. The City Council should hire Raffellis to do a rate case support study to better understand the full impact of this proposal and to do an affordability analysis. If it is decided to move away from the current rate structure, then a third tier should be developed for medium and large users so that the larger users, including restaurants, cafes and bars don't have incentive to leave the city as many other businesses have or are doing. He believes that the City can get the revenues it needs under the current structure.

Mayor Narkewicz indicated that rate case studies performed by Raffellis are typically done for utility companies appearing before the Department of Public Utilities. The rate study that Raffellis did for Northampton did do a deep analysis of the complete customer base and this was shared with the City Council when Raffellis appeared before the body. The creation of the tiers was also looked at in terms of all of the factors about what makes up Northampton's customer base.

Councilor LaBarge noted the concerns raised by the Chamber of Commerce, including that outreach to members didn't take place until mid March. One of the business owners asked whether the rate proposals could be held off for a month or two. In the mean time the city officials could meet with the business owners to hear the concerns. Mayor Narkewicz responded that he is happy to meet with anyone to discuss the proposal. In terms of the timing, the rates are required to build a city budget (they are part of the water enterprise budget) and the budget needs to be delivered to the City Council by May 15. The Mayor will use the time between April 7 and April 21 to meet with businesses and to talk with Raffellis. The Mayor shared an additional pie chart showing that there are 8,135 customers with meter sizes less than 1" and 389 customers with meter sizes greater than 1". However, the distribution of water consumption by meter sizes shows that 29% of the customers with meters 1" or less use 0 - 16 ccf. Eighteen percent of customers with meters 1" or less use greater than 16 ccf. This compares with the remaining 53% of water distribution to customers with meters larger than 1".

Mayor Narkewicz indicated that based on feedback from larger users, he is asking the City Council to implement the reduced volumetric water rates. He reminded the Council that there was a zero increase in FY16 and that he was clear about still needing to address the capital projects in the future. In terms of the overall approach, the Mayor believes that the tiered approach is a sound method and is a structured approach used in other municipalities around the Commonwealth. In terms of the multi-family units, the Mayor cautions that the comparisons need to be comparable to a single family home. It is very difficult to design a system that captures every possible user type. When asked whether the Mayor would consider revisiting the fixed costs for the highest volume users, the Mayor indicated that he would be willing to talk with users about what the rationale is for the proposed fees. The rates proposed for the fixed fees and the fire lines are less than those in other surrounding communities. The Mayor feels that the volumetric rates are appropriate given the water and sewer project needs.

Councilor Bidwell noted that for him, he has learned the value of second readings given the huge debates and discussions surrounding this issue. He was a fairly enthusiastic supporter of the proposed rate structure both in terms of the methodology and the rates themselves. He still feels that the methodology is sound, however, he has learned more about the disproportionate impact that the proposed structure and rates will have. Medium and large businesses have had a large burden shifted to them. He has gotten feedback, both from businesses and homeowners. Surprisingly, homeowners have acknowledged the capital improvement needs and recognize that the cost of the needs will need to be shared among both homeowners and businesses. As a matter of equity, everyone in the community should have some level of participation in the project costs. Councilor Bidwell applauds the communication and the transparency in the process; however, what was missing was an understanding of where the burden would lie relative to the increase costs associated with the new structure. In terms of process regarding the stormwater fee, he appreciated that there was a citizen task force that was involved early on in the process. Involvement early on

16.030
Continued

in the process allows a sense of inclusion and eliminates surprise for the end user. In the case of changes to the rate structure for water/sewer rates, because there was no early on end user involvement, the outcome of the final process is very different and has produced a very different outcome in terms of buy-in. He appreciates the Mayor's responsiveness to public feedback about the rates. Mayor Narkewicz indicated that the impacts were transparent from the beginning of his communications, however, Councilor Bidwell is still concerned about when in the process the end-user became involved. There is a difference between announcement of a change in the rate structure and affirmatively reaching out to stakeholders.

Councilor LaBarge encouraged the Mayor to meet with the businesses to work out a compromise. She agrees that the Mayor has been responsive to people who have asked questions, however, she is concerned about the responses she has heard about from businesses.

Councilor Murphy spoke about the relationship that the City Council has with businesses. When members of the business community come to City Council meetings it is usually because they are not happy with something going on in government; he does not believe that the Council has worked to nurture a very good relationship with businesses. We don't send messages that we are concerned about their success when we adopt measures like the Vibrant Sidewalk resolution, or when members of the Council insert themselves in employer-employee relations issues.

Councilor Sclarra reminded the Council that the Committee on Community Resources is currently in the process of trying to understand what the pressures are. Councilor Dwight noted that he has managed a business in downtown Northampton & Florence and is familiar with the pressures business face. He is committed to keeping a single tax rate in Northampton. The stormwater fee was established to protect downtown businesses. Ward 6, he points out, does not benefit from the storm management plan, although all residents in Ward 6 share the burden of the cost. The purpose of the committee study request is to understand the pressures of not just businesses, but workers, residents and employees. The business owners are invited to provide testimony, either in person or in writing.

Councilor Adams noted that the stormwater fee is not just to protect downtown business owners, but rather just one of the goals.

Motion to amend

Councilor Carney moved to amend the order to reflect the revised rates introduced by Mayor Narkewicz on April 1, 2016; Councilor Sclarra seconded the motion. The motion was approved on a roll call vote of 7 Yes, 1 No (Councilor Adams), 1 Absent (Councilor Klein).

Motion Carried

Councilor O'Donnell noted that the graph shown by the Mayor shows 95% of the customers have meters less than 1"; he noted that any meetings regarding the proposed rate changes are open to the public. He doesn't like the idea that last minute modifications support only business interests.

Councilor Bidwell asked Mayor Narkewicz whether a deferment of the new methodology would be possible and further, whether the old rate structure could be adjusted in such a way as to support the capital improvement needs. Mayor Narkewicz responded that his proposed rate structure would be the preferred approach. He noted that the budget can be passed only contingent upon anticipated. The budget that he will propose will be based on the operational and the capital needs. If the Council rejects the rate proposal as submitted, then the Mayor would need to go back to the drawing board.

Councilor Adams noted that if the plan were not kept under wraps from August until January, he feels that "we" would not be in this position. He doesn't believe that a continuance will help. He feels that a rate impact study is needed and the Council needs to conduct its own economic study. He supports voting down the proposed rate structure and moving forward using the old structure.

Councilor Murphy moved to postpone second reading until the April 21, 2016 City Council meeting; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion to
postpone 2nd
Reading until
April 21, 2016

Motion Carried

See minutes of April 21, 2016 for second reading.

Orders

16.050 Order
Authorizing the
Acquisition of
Lot 15 on
Sovereign Way -

Orders:

16.050 Order Authorizing the Acquisition of Lot 15 on Sovereign Way - Request 2
Readings

Request 2
Readings

Motion to
approve in 1st
Reading

Councilor LaBarge moved to approve the order in first reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

Motion to
Suspend
Council Rules to
all for Second
Reading

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

Motion Carried

Motion to
approve in 2nd
Reading

Councilor Murphy moved to approve the order in second reading; Councilor Carney seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

The following order passed in second reading:

**CITY OF NORTHAMPTON,
MASSACHUSETTS**

- WHEREAS, The City Council in 2001 accepted Sovereign Way as a public way, with easements as described on the Acceptance Plan at the time; and
- WHEREAS, At the time of the acceptance of and the laying out of Sovereign Way as a public way, the City inadvertently failed to acquire title to Lot 14 and Lot 15 as shown on the Acceptance Plan ; and
- WHEREAS, Lot 14 constitutes the layout of Sovereign Way as accepted by the City Council, and Lot 15 contains a public water line that is part of the City's water supply; and
- WHEREAS, The Planning Board's permit for the construction of Sovereign Way included a requirement that the developer grant either an easement on or title in fee simple in "Lot 15" to the City; and

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise the fee in or an easement on and over "Lot 14" and "Lot 15", as shown on a plan entitled, "Street Acceptance Plan of Sovereign Way" recorded in Plan Book 190 Page 68 and further described in the attached deed.

No appropriation shall be necessary for the acquisition authorized herein.

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, does hereby take for and on behalf of the Inhabitants of the City of Northampton of the parcels referenced below.

The parcels hereby taken are shown as "Lot 14" and "Lot 15" on a plan entitled, "Street Acceptance Plan of Sovereign Way" recorded in Plan Book 190 Page 68 and more particularly bounded and described as Tract 1 and Tract 2 as set forth on Exhibit A, attached hereto. The purpose of the taking of Lot 14 is for the layout of a public way. The purpose for taking of Lot 15 is the ownership of the land over a public water line and for the provision for the public to pass by non-motorized means or for the future extension of Sovereign Way. No damages shall be payable as a result of this taking..

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16.050
Continued

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this day of , 2016. WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

William H. Dwight
AT-LARGE COUNCILOR

Jesse M. Adams
AT-LARGE COUNCILOR

Maureen T. Carney
WARD 1 COUNCILOR

Dennis P. Bidwell
WARD 2 COUNCILOR

Ryan R. O'Donnell
WARD 3 COUNCILOR

Gina-Louise Sclarra
WARD 4 COUNCILOR

David A. Murphy
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Alisa Klein
WARD 7 COUNCILOR

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

I, Pamela L. Powers, 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 2016, by William H. Dwight, Jesse M. Adams, Maureen T. Carney, Dennis P. Bidwell, Ryan R. O'Donnell, Gina-Louise Sclarra, David A. Murphy, Marianne L. LaBarge, and Alisa Klein, 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 ____ 2016.

Pamela L. Powers
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A

The Street known as Sovereign Way in Northampton, Hampshire County, Massachusetts being Lot #14 shown on a plan of land entitled "The Commonwealth of Massachusetts Street Acceptance Plan of Sovereign Way Prepared for the City of Northampton, Hampshire County" dated May 4, 2000, revised June 9, 2000 and revised November 14, 2001 drawn by Richard A. Lewis P.L.S. and recorded in Hampshire County Registry of Deeds, Plan Book 190, Page 68 bounded and described as follows:

Beginning at a point on the Northerly side of Westhampton Road at the southeasterly corner of the land conveyed herein and the Southwesterly Corner of Lot #13 as shown on said plan; thence turning and running;

In a Northwesterly direction along said Lot #13 along an arc of a curve with a radius of 30.00 feet a distance of 48.04 feet to a bound as found; thence turning and running

N. 05° 01' 35" W. along said Lot #13 a distance of 50.03 feet to a bound as found; thence turning and running

In a Northeasterly direction along said Lot #13 along an arc of a curve with a radius of 220.00 feet a distance of 37.48 feet to a bound as found; thence

Continuing along said Lot #13 in a northwesterly direction along an arc of a curve with a radius of 280.00 feet a distance of 133.56 feet to a bound as found; thence turning and running

16.050
Continued

N. 22° 35' 44" W. along said Lot #13 a distance of 77.79 feet to a bound as found; thence

Continuing along said Lot #13 in a northeasterly direction along an arc of a curve with a radius of 220.00 feet a distance of 64.69 feet to an iron bound as found; thence turning and running

S. 05° 44' 54" E. along said Lot #13 a distance of 44.86 feet to Lot #1 and #2Rev2 running

N 05° 44'54" W for a distance of 125.00 feet to a point; thence turning and running

N. 05° 44' 54" W. along said Lot #1 and #2REV2 a distance of 110.63 feet to a point; thence

Continuing along said Lot #1 and #2 (REV2) in a northeasterly direction along an arc of a curve with a radius of 100.00 feet a distance of 14.50 feet to a point; thence turning and running

In a Northeasterly direction along Lot #3 (REV3) as shown on said plan along an arc of a curve with a radius of 100.00 feet a distance of 61.88 feet to a point; thence

Continuing along said Lot #3 (REV3) in a northwesterly direction along an arc of a curve with a radius of 80.00 feet a distance of 51.08 feet to a point; thence turning and running

In a northwesterly direction said Lot #4 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 57.05 feet to a point; thence turning and running

In a northwesterly direction along Lot #15 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 69.51 feet to a point; thence turning and running

In a Southwesterly direction along Lot #5 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 51.12 feet to a point; thence turning and running

In a southwesterly direction along Lot #6 as shown on said plan along an arc of a curve with a radius of 80.00 feet a distance of 51.38 feet to a point; turning and running

In a southeasterly direction along Lot #7 as shown on said plan along the arc of a curve with a radius of 80.00 feet a distance of 102.75 feet to a point; thence turning and running

In a southeasterly direction along Lot #8 as shown on said plan in a along an arc of a curve with a radius of 80.00 feet a distance of 11.11 feet to a point; thence

Continuing along said Lot #8 in a southeasterly direction along an arc of a curve with a radius of 25.00 feet a distance of 25.49 feet to a point; thence turning and running

S. 05° 40' 44" E. along said Lot #8 a distance of 23.79 feet to a point; thence 16 .050

Continuing S. 05° 44' 54" E. along Lot #9 as shown on said plan a distance of 125.00 feet to a point;

Thence S. 05° 44' 54" E. along Lot #10 as shown on said plan a distance of 50.12 feet to a point; thence

Continuing S. 05° 44' 54" E. along Lot #11 as shown on said plan a distance of 116.64 feet to a bound as found; thence

Continuing along said Lot #11 in a southeasterly direction along the arc of a curve with a radius of 280.00 feet a distance of 82.33 feet to a bound as found; thence turning and running

S. 22° 35' 44" E. along Lot #12 as shown on said plan a distance of 77.79 feet to a bound as found; thence

Continuing along said Lot #12 in a southwesterly direction along an arc of a curve with a radius of 220.00 feet a distance of 104.94 feet to a bound as found; turning and running

In a southeasterly direction along said Lot #12 along an arc of a curve with a radius 280.00 a distance of 47.70 feet to a bound as found; thence turning and running

S. 05° 01' 35" E. along said Lot #12 a distance of 53.68 feet to a bound as found; thence turning and running

In a southwesterly direction along said Lot #12 along an arc of a curve with a radius of 30.00 feet a distance of 46.21 feet to a bound as found at the northerly line of Westhampton Road and being the southwesterly corner of the Lot herein conveyed and the Southeasterly corner of lot #12 as shown on said plan; thence turning and running

S. 83° 13' 46"W. a distance of 120.06 feet to the point of beginning.

16.050
Continued

Containing 64,143 square feet, more or less.

Meaning and intending to convey that way depicted as Sovereign Way on said Plan.

Tract 2

The land in Northampton, Hampshire County, Massachusetts, being lot #15 shown on a plan of land entitled, "The Commonwealth of Massachusetts Street Acceptance Plan of Sovereign Way prepared for the City of Northampton, Hampshire County" dated May 4, 2000, revised June 9, 2000 and revised November 14, 2001 drawn by Richard A. Lewis P.L.S. and recorded in Hampshire County Registry of Deeds, Plan Book 190, Page 68 bounded and described as follows:

Beginning at an iron pipe to be set at the northwesterly corner of the lot conveyed herein, said iron pipe being 554.15 feet distant from the northwesterly corner of Sovereign Meadows Subdivision as shown on Page 27 on Plan recorded in Hampshire County Registry of Deeds, Plan Book 179, Page 25-32; thence; turning and running

N. 82° 10' 22" E. along land now or formerly of Bill Willard, Inc., a distance of 60.09 feet to an iron pipe to be set; thence turning and running

Beginning at an iron pipe on the Northerly side of Sovereign Way as shown on said plan it being the Southeasterly corner of the lot conveyed herein and the Southwesterly corner of Lot #4 as shown on said plan: thence turning and running

In a Northeasterly direction along said Lot#4 along the arc of a curve with a radius of 280.00 feet a distance of 63.48 feet; thence turning and running
N 10° 59' 11" W along said Lot 4 a distance of 252.37 feet to a point; thence turning and running

S. 82° 10' 22"W. along land now or formerly of Bill Willard, Inc., a distance of 60.09 feet to a point; thence turning and running

S. 10° 59' 11" E. along Lot #5 as shown on said plan a distance of 255.68 feet to a point in the Northerly side of Sovereign Way; thence turning and running 16 .050

In a Southeasterly direction along Sovereign Way along the arc of a curve with a radius of 80.00 feet a distance of 69.51 Feet to the place of beginning.

Containing 17,501 square feet, more or less.

Enrolled

Rules suspended, passed two readings and enrolled.

Ordinances

Ordinances

15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – 2nd Reading

15.377 Zoning for Significant Trees – Item carried over from 2014 – 2015 council – 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge moved to approve the ordinance in second reading; Councilor Murphy seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

The following ordinance passed in second reading:

In the Year Two Thousand Fifteen
Upon the Recommendation of City Councilors Jesse M. Adams and Ryan R. O'Donnell

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending section 350-2.1 and adding section 350-12.3 of said code; providing for standards for significant trees.

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

15.377
Continued

follows:

Section 1.

That § 350-2.1 be amended by inserting the following definitions in alphabetical order:

CALIPER DIAMETER

The diameter of a tree trunk of a new tree measured at 12 inches above the ground.

CRITICAL ROOT ZONE (CRZ)

The critical root zone (also known as essential root zone) is the portion of the diameter of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. For the purposes of this section the critical root zone shall be calculated by using the following formula: the Diameter at Breast Height in inches multiplied by 24. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree trunk measured at 4.5 feet above the ground.

DRIP LINE

A circular area around a tree encompassing the tips of its outermost branches from which rainwater tends to drip.

SIGNIFICANT TREES

Any tree of 20 inches diameter breast height (DBH) or larger or any other tree specifically identified as a specimen tree on any Tree Inventory Plan adopted by the Planning Board.

Section 2.

That the following section be added to the Code of Ordinances after § 350-12.2:

§ 350-12.3 Significant Trees

- A. Legislative findings and intent. The City of Northampton finds that Significant Trees enhance air quality, reduce noise, reduce energy costs, create habitat, enhance aesthetics and property values, and benefit city neighborhoods. The intent of this section is to encourage the preservation and protection of Significant Trees during development and redevelopment projects that require a site plan approval, special permit, comprehensive permit, finding, or variance (collectively "zoning relief").
- B. No person shall remove any Significant Tree associated with any site plan approval or any other zoning relief without a site plan approval from the Planning Board (if a site plan approval is otherwise required), or an administrative site plan approval from the Office of Planning and Sustainability if no site plan is otherwise required.
- C. The removal of any Significant Tree after July 1, 2015 or within twelve (12) months immediately prior to such a site plan or zoning relief, whichever is later, shall be subject to this section.
- D. The requirements of this section shall not apply to:
 - 1. Trees located on property under the jurisdiction of the Conservation Commission.
 - 2. City-owned Public Shade Trees pursuant to M.G.L. Chapter 87.
 - 3. Trees associated with emergency projects necessary for public safety, health and welfare as determined by the Building Commissioner, Director of Planning and Sustainability, or Director of Public Works.
 - 4. Trees that are hazardous due to disease, age, or shallow roots, as determined and confirmed in writing by a certified arborist and reviewed by the City's Tree Warden.
 - 5. Trees affected by work performed by a utility company in maintenance of its rights of way or in its maintenance, repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief.
- E. Any person removing a Significant Tree that is subject to this section shall satisfy either

15.377
Continued

of the following conditions:

1. Provide for replacement trees according to the following standards:
 - i. Replacement trees shall be non-invasive deciduous trees (as defined by the Planning Board) on or off-site, as approved as part of a site plan or administrative site plan, so that for each inch of Diameter at Breast Height of the removed trees there shall be no less than one-half inch of Caliper Diameter of replacement trees.
 - ii. Replacement trees shall have a minimum of two inch Caliper Diameter.
 - iii. Replacement trees shall be maintained in good health a minimum of 24 months after they are planted as confirmed by the City's Tree Warden. If replacement trees are not found to be in "good health" as determined by the Tree Warden, the trees shall be replaced as directed by the Warden.
 - iv. Replacement trees shall either be Approved Street Tree Species as defined in the Rules and Regulations regarding subdivision of land or other trees that are hardy in all of the following USDA Plant Hardiness Zones: 6a, 6b, 7a, and 7b.
2. Pay funds to the city for a Tree Replacement Fund account that, in the Planning Board's estimate, will allow the city to plant new Public Shade Trees on city property in accordance with the above formula.

F. Protection of Significant Trees during Construction.

1. Any Significant Trees to be retained and any replacement trees on property where demolition and/or construction activity is planned shall be protected in an area shown on the approved site plan and should follow American National Standards Institute (ANSI) A300 standards for tree care practices.
2. The protected area shall exceed both the critical root zone and drip-line of each Significant Tree unless the Planning Board approves an alternate maintenance and tree protection plan submitted by a certified arborist.
3. A certified arborist shall submit a written letter to the Building Commissioner, Tree Warden and Office of Planning and Sustainability certifying that such area has been so protected in accordance with the site plan.

G. Recordkeeping. The Department of Planning and Sustainability shall collect annual totals of the number and Diameter at Breast Height measurements of Significant Trees preserved and replaced.

Ordained and Enrolled

Rules suspended, passed two readings, ordained and enrolled.

16.003
Ordinance to delete fees from Chapter 174 of City Code Book
-- 2nd Reading

16.003 Ordinance to delete fees from Chapter 174 of City Code Book -- 2nd Reading

Motion to approve in 2nd Reading

Councilor Murphy moved to approve the ordinance in second reading; Councilor Sciarra seconded the motion. The motion was approved on a roll call vote of 7 Yes, 1 No (Councilor Adams); 1 Absent (Councilor Klein).

Motion Carried

The following ordinance passed in second reading:

In the Year Two thousand sixteen
Upon the Recommendation of Mayor David J. Narkewicz

16.003
Continued

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § Chapter 174 of said Code; providing that Fees.

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

Section 1: that § Chapter 174 of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:

Delete §Chapter 174

Chapter 174 shall be deleted in its entirety and replaced with the following wording:

Reserved

Rules suspended, passed two readings, ordained and enrolled.

Ordained and Enrolled

16.005 – Ordinance relative to specifications on sign lighting in residential and commercial districts and creating specifications for dynamic display boards – 2nd Reading

16.005 – Ordinance relative to specifications on sign lighting in residential and commercial districts and creating specifications for dynamic display boards – 2nd Reading

Motion to approve in 2nd Reading

Councilor LaBarge moved to approve the ordinance in second reading; Councilor O'Donnell seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Motion Carried

The following ordinance passed in second reading:

In the Year Two Thousand and Sixteen

Upon the Recommendation of Office of Planning and Sustainability & Planning Board

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350-7.2 7.3 7.4 of said code; providing for specifications on sign lighting in residential and commercial districts, clarifying text, and creating specifications for dynamic display boards.

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:

SECTION 1

That §350-7.2 of the Code of Ordinances be amended as follows:

7.2 B amended as shown:

A. Any traffic, informational or directional sign or festive banner owned and installed by or for a governmental agency shall be permitted.

B. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. A sign or any part thereof which moves or flashes, ~~all signs of the traveling light or animated type, and all beacons and flashing devices are prohibited, except that such portions of a sign as consist solely of indicators of time and/or temperature or automatically changing message shall comply with the requirements herein as dynamic display be permitted if the Planning Board and Chief of Police determine that the sign is not a hazard to traffic and pedestrian safety.~~ All illumination of signs must be in conformance with § 350-12.2.

C. Temporary freestanding ground signs advocating any candidacy or cause which is under consideration at a particular election or any other cause or issue (not to exceed one sign per

16.005
Continued

candidate/cause per lot) shall be permitted, provided that such signs:

- (1) Shall not exceed a size of six square feet and shall not be any closer than 10 feet to any lot line.
- (2) Shall not be any higher (the top) than four feet from the ground.
- (3) May not be displayed on a building or structure unless said building or structure is the headquarters or chief office of the candidate or organization. (Said wall sign shall conform to the wall sign criteria for that Zoning District within which it is located.)
- (4) May only be permitted to be placed on a building which is not the headquarters or chief office of the candidate or organization, when the Building Commissioner determines that, because of the size of the lot's setback areas and the location of the building on the lot, such a sign cannot be adequately displayed on the ground itself.
- (5) Shall not be displayed more than three months prior to the election date, if the sign is related to an election.
- (6) Shall be taken down within three days following the election if the sign is related to an election or within 90 days of installation if the sign is not related to an election.

7.2 D (The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors (whether in a vehicle or on foot) of the business, industry, or residence. Such signs may carry the name of the business or project, provided that said name is:

- 1) Shall not exceed a maximum size of six (6) square feet.
- 2) Shall not be any higher (top of sign) than four feet (4') from the ground.
- 3) Shall be limited to one such directional sign per curb cut.
- 4) If lighted, shall be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.
- 5) May carry the name of the business or project, provided that said name is:
 - a) Clearly secondary in nature to the primary directional function of the sign and
 - b) May be no greater than 1/2 the size of the directional message.

- ~~(1) Clearly secondary in nature to the primary directional function of the sign.~~
~~(2) No greater than 1/2 the size of the directional message.~~
~~(3) May not exceed a maximum size of six square feet.~~
~~(4) May not be any higher (top of sign) than four feet from the ground.~~
~~(5) Shall be limited to one such directional sign per curb cut.~~
~~(6) If lighted, be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.~~

7.2 E Along with the height restrictions herein, a sign, together with any supporting framework, shall not extend to a height above the maximum building height allowed in the district in which the sign is located. In any R-District, the top of a sign, together with any supporting framework, shall not extend above the roofline. In any other district, the top of a sign, together with any supporting framework, shall not extend more than eight feet above the roofline of the associated structure on the site. In the case of a building with a pitched roof, the eaves line of the building shall be considered the roofline.

F. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.

G. No sign shall be erected so as to obstruct any door, window or fire escape on a building.

H. No more than one sign indicating the meetings and existence of any Northampton civic organization may be erected within a street right-of-way at each boundary line of the City or each gateway to Northampton, as identified by the Board of Public Works. Said sign shall not exceed 25 square feet in area and shall require the approval of the Board of Public Works.

I. No sign, except for a traffic regulatory or informational sign, shall be erected which uses the words "stop," "caution," or "danger" or other similar words in such a manner as to present or imply the need or requirement of stopping or caution or the existence of danger, or which, for any reason, in the opinion of the Chief of Police, is likely to be confused with any traffic regulatory or informational sign.

J. If lighting is provided for a sign, the source of light shall be either from within the sign or shall be white light exterior to the sign and shielded so as prevent direct glare from the light

16.005
Continued

source onto any public street or onto any adjacent property.

K. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted, provided that it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line or 1/2 of the building setback distance whichever is less.

L. In any district one unlighted temporary sign of an architect, engineer or contractor may be erected during the period such person is performing work on the premises, provided that it shall not exceed four square feet in surface area, and it shall be set back at least 10 feet from the street lot line, or 1/2 of the building setback distance, whichever is less.

7.2M The Board of Appeals may issue a special permit allowing more than the number of signs herein permitted and/or for signs of a larger size or height-but not taller than herein permitted, provided that:

(1) Signs are located only where they are otherwise permitted in the district; and

(2) The Board of Appeals determines that the architecture of the building, the location of the building or the land or nature of the use being made of the building or land is such that additional signs or signs of a larger size would not detract from the character of the neighborhood and should be permitted in the public interest. Additional ground signs shall only be approved if there are exceptional circumstances to warrant their approval and if all efforts are undertaken to keep additional ground signs as small and low as possible.

(3) The Board of Appeals specifies in the permit the exact sign permitted, the size and location of the sign or signs, and, if applicable, imposes other restrictions. Any change in said signs requires a new or revised special permit unless the special permit specifies what types of changes are allowed.

N. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, is dangerous, or in disrepair or which is erected or maintained contrary to this chapter.

O. No sign shall contain florescent colors. No sign shall contain red or green lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard.

P. Signs painted or placed on the inside of the window shall be permitted, provided that the aggregate area of such signs does not exceed 20% of the area of the window glass.

Q. All signs, except for those authorized under § 350-7.2D, shall be removed within 30 days of the date from which they no longer serve their intended function (i.e., no longer provide the service, establishment or product being advertised).

R. A school, college or other educational institution may erect temporary signs for identification of special programs, alumni events, or other temporary or short-term (less than 12 weeks) educational programs. Such signs shall be permitted, provided that such signs:

(1) Shall not exceed a size of three square feet and shall not be any closer than two feet from any lot line.

(2) The top of the sign shall not be more than four feet above the ground.

(3) Shall not be displayed for more than three days prior to nor one week (a total of 10 days) after the start of said program or event.

(4) For temporary events which occur every year, signboards must be of durable construction.

S. A sign may not include text, graphics or pictures defined as obscene in MGL c. 272, § 31, if, taken as a whole, it (1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed; (2) depicts or describes sexual conduct in a patently offensive way; and (3) lacks serious literary, artistic, political or scientific value; nor may signs depict or describe sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

7.2T {New subsection in general sign standards to define outdoor dynamic display}

Dynamic display sign means any sign designed for outdoor use that is capable of displaying an electronic signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors. Signs with this technology which are placed by a public agency for the purpose of directing or regulating pedestrian or vehicle movement use are exempt from this ordinance.

16.005
Continued

7.2U (New subsection in general sign standards to prohibit mobile dynamic display)

A dynamic display sign on, in, or part of any portable/mobile vehicle parked in view of the public way, whether registered or unregistered and which carries or displays any sign or billboard will be regulated as a ground sign.

7.3 In all R and SC Districts, the following exterior accessory signs and no others are permitted:

A. One front wall sign located on the first floor facade for each legal mixed use or other commercial use, provided that such sign shall not exceed 1.5 square feet in surface area.

B. One identification sign for each dwelling unit, provided that such sign shall not exceed two square feet in surface area; if lighted, it shall be illuminated internally or by indirect method with white light only in conformance with § 350-12.2; and it shall not be used other than for identifying the occupancy.

C. Institutional and other non-residential uses in residential districts allowed in accordance with:

(1) Each membership club, funeral establishment, nursing care facility, hospital, community facility or public utility may have one ground identification sign (not to exceed up to a maximum of 10 square feet in surface area). If signs are illuminated, they may only be illuminated between the hours of 7 AM and 10 PM.

(2) Churches, community facilities, centers, places of public assembly, schools may have one additional ground sign up to a maximum of (not to exceed) 40 square feet in surface area). Such signs shall be set back at least 1/2 the required depth of the front yard setback, provided that such sign(s), if lighted, shall be illuminated internally or by indirect method with white light only and in conformance with § 350-12.2. Signs may only be illuminated between the hours of 7 AM and 10 PM. Signs may contain dynamic display, as defined in 7.2T above, so long as the following are met:

- a) The dynamic display area may be no more than one-half the total sign area
- b) Minimum display time between display changes shall be 30 minutes. Transition time to next display shall be less than one second.
- c) Display boards shall not emit sound.
- d) If images are displayed, only static, non-fluctuating, non-changing video images allowed.
- e) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

(3) ~~and such signs shall be set back at least 1/2 the required depth of the front yard setback.~~ Tourist home/bed-and-breakfast establishments may have one identification sign, attached flush to the structure (not to exceed three square feet in surface area), provided that such sign, if lighted, shall be illuminated by indirect method with white light only in conformance with § 350-12.2 and may only be illuminated between the hours of 7 AM and 10 PM.

(4) Ground signs shall not be taller than 5' above average finished grade at the foot of the sign.

7.3D. For approved residential subdivisions, townhouse, multifamily, and open space developments, one ground sign identifying the development, provided that:

- (1) It shall not exceed 12 square feet in surface area, on any one side and shall not have more than two sides.
- (2) It shall be located on private property and set back at least 15 feet from any street lot line.
- (3) The top of the sign shall not rise more than five feet above the ground or sidewalk within five feet of the sign.
- (4) If lighted, it shall be illuminated internally, or by indirect method with white light only and must be in conformance with § 350-12.2 may only be illuminated between the hours of 7 AM and 10 PM. No dynamic displays allowed.
- (5) Such a sign shall only be permitted so long as the approved access within the development is not a City-accepted public way. Once said access has been accepted by the City Council as a City right-of-way said sign shall be removed, and a standard City street sign

16.006
Continued

shall be installed.

E. In residential zoning districts one temporary freestanding ground sign up to six square feet addressing traffic safety concerns shall be permitted. For the purposes of this section, temporary shall be construed to mean less than 90 days in any calendar year.

F. No more than one sign shall be allowed for any one establishment in the R District.

7.4 The following signs shall be permitted in any B District:

A. Signs permitted in § 350-7.3 (R Districts), subject to the same regulations.

B. Business signs shall be permitted as wall signs as follows:

(1) They shall be attached and parallel to the wall of the building; and

(2) They shall not project horizontally more than 12 inches therefrom (except as noted below) and, if the sign is designed to allow pedestrian traffic under the sign, shall be a minimum of seven feet above the ground; signs projecting more than 12 inches over a public way shall be permitted by the Board of Public Works in accordance with Chapter 264, Signs, Article I; and

(3) One main (frontage) wall sign on the street frontage for each establishment in the structure plus one directory wall sign, provided that:

(a) The sign's surface area shall not be larger than 10% of the frontage wall area of the facade of the story which is occupied by the establishment or 100 square feet, whichever is less; and

(b) The total surface area of all main wall signage of a building shall not be larger than 10% of the main wall area of the ground floor; and

(c) Except in the Central Business District, when an establishment is located on a lot with more than one frontage (i.e., a corner or through lot) a main (frontage) wall sign may only be displayed on one of the frontages. The other frontage(s) may display a side wall sign as allowed below. In the Central Business District, a main wall sign can be placed on any wall with street frontage instead of a side wall sign.

(4) One side wall sign per structure (except in the CB District, where it may be one side wall per establishment plus one directory wall sign on the structure) on each side wall (that wall facing a non-rear lot line), provided that:

(a) The surface area of the sign shall not be larger than 25 square feet; provided, however, that in the CB District the total surface area of all the side wall signs for each side wall of a building shall not exceed 100 square feet or 10% of the side wall area of the ground floor of the side where the signs are located, whichever is less; and

(b) Side wall signs are not permitted on side walls which face or abut (within 100 feet) a residential zoning district.

(5) Rear wall. One rear wall sign per structure, provided that:

(a) The rear wall abuts upon a public right-of-way or a public or private parking lot; and

(b) The surface area of the sign shall not be larger than 25 square feet; and

(c) The sign shall not be higher than 10 feet above grade.

(6) Dynamic displays shall comply with:

a) Minimum display time between display changes shall be 30 seconds. Transition time to next display shall be less than one second.

b) Display boards shall not emit sound.

c) The display must be turned off at 11 PM or at the close of business, whichever is later.

d) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time, shall the sign lights be greater than .3 footcandles above ambient light conditions.

C. Business signs shall be permitted as awning/canopy and awning/canopy signs as follows:

(1) An awning/canopy may display the street address for the building and may also have

16.005
Continued

either one sign along the bottom of the front of the awning/canopy or a sign along the bottom of both sides of the awning/canopy, identifying the establishment located therein, provided that the letters, numbers, characters, logos, etc., of such address and signs do not exceed a height of four inches. The purpose of said additional awning/canopy signage is for pedestrian (not automobile) traffic.

(2) Instead of the wall sign permitted under § 350-7.4B above, an awning/canopy attached to the building may have a sign of the size that would otherwise be allowed on the building wall itself. Said sign must conform to all other requirements for a wall sign.

(3) The entire backlit or illuminated area of a lit awning/canopy which has any letter or symbols anywhere on the canopy shall be considered a wall sign and must conform to the size and location requirements of wall signs. Illumination shall be in conformance with § 350-12.2.

(4) Awnings/canopies overhanging a public right-of-way must also be approved by the Department of Public Works.

7.4D Business signs shall be permitted as ground signs as stipulated below. If ground signs contains follows. dynamic displays, such signs must comply with 7.4B6 above. Informational boards may emit sound only if such boards are used as accessory to drive-through sales and service establishments and if they are not directed/oriented to the street. Such boards are not considered ground signs under these provisions.

(1) In the HB or M Districts, one ground sign for each lot, provided that:

- (a) It shall not exceed 100 square feet in surface area on any one side; and
- (b) It shall be set back at least 15 feet from any street lot line; and
- (c) It shall not rise to more than 15 feet from the ground or sidewalk to the top of the sign; and
- (d) It shall not have more than two sign faces.
- (e) Ground signs shall be located on the same lot as the structure or establishment being advertised.

(2) Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one ground sign per lot.

(3) In particular instances, upon review by Office of Planning and Development staff, sign site plan approval for one ground sign, in addition to the wall sign(s) permitted in § 350-7.4B above, for each lot frontage of each lot in the Neighborhood Business (NB), General Business (GB), Entranceway Business (EB) and Central Business (CB) Districts may be granted, provided that:

- (a) Sufficient evidence is presented to show that the structure, the orientation of the structure, the location or setback of the structure, or the location of establishments in the structure, especially affecting such structure or establishment, but not generally affecting the zoning district in which it is located, which restrict the visibility of wall sign(s) otherwise allowed by this chapter.
- (b) Said ground sign shall be located in the same lot as the structure or establishment being advertised.
- (c) Said ground sign shall not exceed a height of 10 feet, nor have a surface area greater than 80 square feet in the CB, GB or EB District or greater than 20 square feet in the NB District. Illuminated signs that meet ordinance shall be turned off within half an hour of close of business. Any applicant seeking a larger sign than specified above or any applicant denied a permit may apply for a special permit to the Zoning Board of Appeals in accordance with standard application procedures.
- (d) Ground signs shall be located on the same lot as the structure or establishment being advertised.

E. Business signs shall be permitted as a two-sided projecting blade sign (i.e., small signs that project perpendicular to the building) as follows:

- (1) There shall only be one blade sign per business. If there is more than one business in the same building, there may not be more than one sign per 20 feet of frontage on the same building.
- (2) Only businesses on the first floor of a building may have a blade sign.

16.005
Continued

- (3) The sign may not project more than three feet from the façade of a building
- (4) The sign may not exceed six square feet of total surface area per sign.
- (5) The sign may not exceed two inches in width.
- (6) The bottom of the sign shall not be less than nine feet and the top of the sign shall not be less than 15 feet, both measured above the sidewalk.
- (7) The sign shall not be internally lit.
- (8) Blade signs shall be located on the same lot as the structure or establishment being advertised.

F. Temporary outdoor signs shall be permitted as follows:

- (1) One temporary banner of no more than 25 square feet on a property for retail, service and restaurant uses in the Highway Business District for a period not to exceed 30 days per year.
- (2) One temporary banner of no more than 25 square feet on a property for new retail, service or restaurant uses in the Central Business, Entranceway Business and General Business Districts for a period not to exceed 30 days.

7.5 In all I, BP and PV Districts, the following exterior signs, and no others, are permitted:

A. Signs permitted in § 350-7.3 (R Districts), subject to the same regulations.

B. Business signs shall be permitted as follows:

(1) In all GI and BP Districts and for PV Districts as provided in Subsection D below not more than two wall signs for each building, provided that each sign:

- (a) Shall not project horizontally more than 12 inches from the wall of the building;
- (b) The surface area of each sign shall not aggregate more than 7 1/2% of the area of the front or side wall area of the floor on which it is displayed;
- (c) If lighted, it shall be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2 - comply with lighting standards in 7.4B(6) whether dynamic or static;

(2) In all OI Districts, one wall sign shall be permitted, subject to the regulations set forth in § 350-7.4 above.

(3) In all OI, GI and BP Districts, and for PV Districts as provided in Subsection D below, one ground sign for each building, provided that:

- (a) It shall not exceed 100 square feet in surface area;
- (b) It shall be set back at least 15 feet from any street lot line;
- (c) It shall be erected so that no portion of it is over 15 feet in an I or BP District and over 10 feet in a PV District above the ground or sidewalk; and
- (d) If lighted, it shall comply with lighting standards in 7.4B(6) whether dynamic or static display be illuminated internally or by indirect method with white light only and shall be in conformance with § 350-12.2.

(4) For PV Districts, for each building either up to two wall signs, as described in Subsection B(1) above or one ground sign, as described in Subsection B(3) above.

(5) For GI, BP and PV Districts where a number of individually owned parcels are developed as a single collective entity (i.e., an industrial, business park, or planned village) the Planning Board may grant a special permit permitting one additional ground sign for each entrance to the development (not to a specific building) off of a collector street identifying the collective entity and/or the individual business located therein. Said sign must conform to all of the requirements for ground signs contained in Subsection B(3) above.

Rules suspended, passed two readings, ordained and enrolled.

16.028 An Ordinance to delete Chapter 290 from City Code Book – 2nd Reading

Ordained and Enrolled

16.028 An Ordinance to delete Chapter 290 from City Code Book – 2nd

Reading

Motion to approve in 2nd Reading

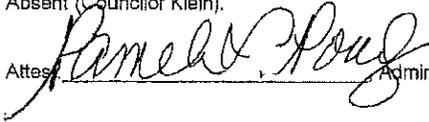
Motion Carried

| | |
|---|---|
| <p>16.028 Continued</p> <p>Ordained and Enrolled</p> <p>16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - Refer to Committee on Legislative Matters</p> <p>Motion to Refer</p> <p>Motion Carried</p> | <p>Councilor LaBarge moved to approve the ordinance in second reading; Councilor Murphy seconded the motion. The motion was approved on a roll call vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).</p> <p>The following ordinance passed in second reading:</p> <p><u>In the Year 2016</u> <u>Upon the Recommendation of Mayor David J. Narkewicz</u></p> <p style="text-align: center;">16.028 AN ORDINANCE To delete Subdivision of Land from Chapter 290 of the Code Book</p> <p>An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising § Chapter 290 of said Code; providing that Subdivision of Land.</p> <p>Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:</p> <p>Section 1: that § Chapter 290 of the Code of Ordinances of the City of Northampton Massachusetts, be amended so that such section shall read as follows:</p> <p>Delete Chapter 290 in its entirety</p> <p><u>Rules suspended, passed two readings, ordained and enrolled.</u></p> |
| | <p>16.048 An Ordinance to Provide for Limited Time Parking on King Street by revising Section 312-104 Schedule III of City Code - Refer to Committee on Legislative Matters</p> <p>Councilor O'Donnell moved to refer the ordinance to the Committee on Legislative Matters; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).</p> |
| <p>Updates from Council President and Committee Chairs</p> | <p>Updates from Council President and Committee Chairs:</p> <p>None</p> |
| <p>Information Requests (Charter Provision 2-7) and Information Study Requests</p> | <p>Information Requests (Charter Provision 2-7) and Information Study Requests</p> <p>None</p> |
| <p>New Business</p> | <p>New Business:</p> <p>None</p> |

Adjourn

At 10:20 p.m. a motion to adjourn was made by Councilor LaBarge and seconded by Councilor Murphy. The vote to adjourn passed on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Attest:



Administrative Assistant to the City Council

2015-2016 City Council Roll Call Record

Record of City Council Votes for April 7, 2016

| | Adams | Bidwell | Carney | Dwight | Klein | Labarge | Murphy | O'Donnell | Sclanz | Total |
|---|--------------------|---------------|---------------|---------|--------|--------------------------|--------------------------|---------------|---------|---|
| Roll Call by Pamela L. Powers, Administrative Assistant to the City Council @ 7:40 p.m. | Present | Present | Present | Present | Absent | Present | Present | Present | Present | 8 Present, 1 Absent |
| 16.046 A Resolution pertaining to Boturns Road - The attached resolution is as a result of the recommendation by the City Council Committee on Public Works and Utilities meeting on 3/29/2016. | Yes | Yes | Yes | Yes | Absent | Second Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.047 A Resolution to adopt the Capital Improvement Program for FY 2017 - FY 2021 submitted to City Council on March 3, 2016 | Yes | Second Yes | Yes | Yes | Absent | Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.037 Financial Order for FY17 Capital Plan - \$225,000 for LED Streetlights Project | Yes | Yes | Second Yes | Yes | Absent | Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.038 Financial Order - FY17 Capital Plan - \$129,210 for VOIP from Fund 2620 -NET and Technology | Absent | Yes | Yes | Yes | Absent | Second Yes | Motion to approve Yes | Yes | Yes | Motion Carried 7 Yes, 0 No, 2 Absent |
| 16.039 Financial Order for \$376,000 to appropriate for new radio consoles for the Dispatch Center. | Absent | Yes | Yes | Yes | Absent | Second Yes | Motion to approve Yes | Yes | Yes | Motion Carried 7 Yes, 0 No, 2 Absent |
| 16.040 Financial Order for FY17 Capital Plan - \$1,354,013 for Waste Water Treatment Plant Improvements | Absent | Yes | Yes | Yes | Absent | Second Yes | Motion to approve Yes | Yes | Yes | Motion Carried 7 Yes, 0 No, 2 Absent |
| 16.041 Financial Order to appropriate \$500,000 for Street Reurfacing and to authorize borrowing and issuance of bonds, etc. | Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Second Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.042 Financial Order to replace VOIP systems | Yes | Yes | Yes | Yes | Absent | Second Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.043 Financial Order for FY17 Capital Plan - \$565,000 for Fire Truck | Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Second Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.044 Financial Order to appropriate \$275,000 from FY 16 Free Cash to NPS Projects | 1st Reading Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Yes | Second Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |

2015-2016 City Council Roll Call Record

Report of City Council Votes for April 7, 2015

| | Adams | Bidwell | Carney | Dwight | Klein | Labarge | Murphy | O'Donnell | Scierra | Total |
|--|--|---------|---------------|------------------------|--------|--------------------------|--------------------------|---------------|---------------|---|
| 16.045 Financial Order to appropriate \$2,950 from CPA funding to Leads Historic Walking Tour Project | 1st Reading Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Yes | Second Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.046 A Financial Order Authorizing the Mayor to Execute a Lease Agreement with NCTV | 1st Reading Yes | Yes | Second Yes | Yes | Absent | Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.030 Financial Order to Establish Water & Sewer Rates for FY2017/Attached please find the original water/sewer rate order and the revised order that was submitted by Mayor Narkevitz on 4/1/2016. City Council will need to accept the amendments as proposed by the Mayor. | Approve Amendment | No | Yes | Motion to amend Yes | Yes | Absent | Yes | Yes | Second Yes | Motion Carried 7 Yes, 1 No, 1 Absent |
| | Postpone to Motion to postpone second reading until April 21, 2016 made by Councilor Murphy and seconded by Councilor April 21, 2016 Labarge. The motion was approved on a voice vote. | | | | | | | | | |
| 16.050 Order Authorizing the Acquisition of Lot 16 on Sovereign Way - | 1st Reading Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Yes | Yes | Second Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| | Suspend Rules Councilor Labarge moved to suspend rules to allow for a second reading. Councilor Murphy seconded the for 2nd Reading motion. The motion was approved on a voice vote. Councilor Adams voted "No". | | | | | | | | | |
| | 2nd Reading Yes | Yes | Second Yes | Yes | Absent | Yes | Motion to approve Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 15.377 Ordinance regarding zoning for significant trees | 2nd Reading Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Second Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |

2015-2016 City Council Roll Call Record

| Record of City Council Votes for April 7, 2016 | | Adams | Biddwell | Carney | Dwight | Klein | LaBarge | Murphy | O'Donnell | Sclera | Total |
|---|-------------|-------|----------|--------|--------|--------|--------------------------|--------------------------|---------------|---------------|---|
| 16.003 - Ordinance to delete fees from chapter 174 of city code book | 2nd Reading | No | Yes | Yes | Yes | Absent | Yes | Motion to approve Yes | Yes | Second Yes | Motion Carried 7 Yes, 1 No, 1 Absent |
| 16.005 An Ordinance Pertaining to LED Lighting | 2nd Reading | Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Yes | Second Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |
| 16.028 An Ordinance to Delete Subdivision of Land from chapter 290 of the Code Book - 2nd Reading | 2nd Reading | Yes | Yes | Yes | Yes | Absent | Motion to approve Yes | Second Yes | Yes | Yes | Motion Carried 8 Yes, 0 No, 1 Absent |

At 10:20 p.m. Councilor LaBarge motioned to adjourn; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Klein).

Recorded By:

Pamela L. Powers, Administrative Assistant to the City Council

(413) 387-1210; ppowers@northamptonma.gov