



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

Roll Call

A regular meeting of the City Council was called to order by Council President Ryan R. O'Donnell. At 7:42 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Ryan O'Donnell	At-Large Councilor William H. Dwight
Ward 1 Councilor Maureen T. Carney	Ward 5 Councilor David A. Murphy
Ward 2 Councilor Dennis P. Bidwell	Ward 6 Councilor Marianne LaBarge
Ward 3 Councilor James B. Nash	Ward 7 Councilor Alisa F. Klein
Ward 4 Councilor Gina-Louise Sciarra	

Announcement of Audio/Video Recording

Councilor O'Donnell announced that the meeting was being audio and video recorded.

Public Hearings Announcement of Public Hearing - 19.043 National Grid/Verizon New England Pole Petition for Burts Pit Road (Petition #27859494)

Public Hearings Announcement of Public Hearing - 19.043 National Grid/Verizon New England Pole Petition for Burts Pit Road (Petition #27859494)

Councilor O'Donnell made the following announcement:
In accordance with the provisions of Section 22, Chapter 166 of the General Laws, a public hearing will be held on Thursday, June 6, 2019 @ 7:05 p.m. in City Council Chambers, 212 Main Street, Northampton, on the petition of National Grid/Verizon New England to erect poles and wires upon, along, under or across one or more public ways. Pole Petition #27859494 - Burts Pit Road.

Updates from Council President & Committee Chairs Announcement of Public Hearing - City Council Budget Hearings June 5th and 6th, 2019

Updates from Council President & Committee Chairs Announcement of Public Hearing - City Council Budget Hearings June 5th and 6th, 2019

Councilor O'Donnell announced the upcoming City Council budget hearings as follows:
BY ORDER OF THE CITY COUNCIL, and in accordance with Section 7-4 of the Charter of the City of Northampton, Massachusetts, the City Council will hold a Public Hearing to consider the Proposed FY2020 Budget commencing on Wednesday, June 5, 2019, at 7 p.m. in Council Chambers, 212 Main Street, Northampton, and continuing on Thursday, June 6, 2019, at 7:00 p.m. in Council Chambers. The City Council will hear all persons who wish to be heard thereon.

He also announced the order of presentation of departmental budgets on June 5th as follows:

- Northampton Public Schools
- Department of Public Works
- Police Department
- Fire Department
- Central Services

The Transportation and Parking Commission (TPC) meeting scheduled next week has been cancelled this month, Councilor Nash announced. He made note of two things related to TPC – PVTA will be holding a special promotion for seniors to ride the PVTA starting in July. Residents with a senior id will be allowed to ride for free. And, PVTA is proposing a fascinating idea for Route 44 – Northampton's only internal bus route. In the past, it operated in a crescent-type fashion; now, PVTA has come up with the concept of a loop with buses running in opposite directions and will be trying this out in the fall. The new route will link all of Northampton in a new and different way, he suggested.

	<p>The Planning Board and Legislative Matters Committee will hold a joint public hearing on Thursday, May 23rd in Council Chambers to consider several marijuana ordinances and seven zoning ordinances related to Short-Term Rentals expected to be referred out this evening, Councilor Dwight announced.</p> <p><u>Charter Review Committee Update</u> He was not in attendance, but, at the most recent Charter Review Committee meeting, there was a presentation at the request of American Civil Liberties Union (ACLU) attorney and radio personality Bill Newman regarding his concern about the way the charter is written and the division of powers. Attorney Newman said he felt that councilors in their capacity as legislators and fiduciary overseers are essentially rendered figure heads and that he is trying to find a way to modify that to assign more authority to the council.</p>
<p><u>Recognitions and One-Minute Announcements by Councilors</u></p>	<p><u>Recognitions and One-Minute Announcements by Councilors</u> There will be a forum on Wednesday, May 22nd at the Senior Center at 7 p.m. called 'Unlocking Opportunity: An Assessment of Barriers to Fair Housing in Northampton,' co-sponsored by the Housing Partnership and the Pioneer Valley Planning Commission (PVPC), Councilor Klein related. The presentation will include information from a report developed about barriers to fair housing in Northampton and ways to address those obstacles.</p> <p>Also, a Board of Health member asked her to announce that health officials will hold a public hearing on May 23rd at 5:30 p.m. at JFK Middle School to address a proposed ban on smoking in the downtown business district and the center of Florence. Members would like to hear from the public about this proposal.</p>
<p><u>Communications & Proclamations from the Mayor</u></p>	<p><u>Communications and Proclamations from the Mayor</u> FY2020 Budget Message In accordance with the charter, Mayor Narkewicz presented the FY2020 budget and his prepared budget message. He read aloud the budget message as included in the FY2020 budget package. (See attachment to original minutes.)</p>
<p><u>Resolutions</u></p>	<p><u>Resolutions</u> None.</p>
<p><u>Presentations Presentation of FY2018 Independent Audit</u></p>	<p><u>Presentations Presentation of FY2018 Independent Audit</u> Jeff Gendron of Scanlon & Associates, LLC presented the FY2018 audit, after explaining that the objective of an audit is to give an opinion on the town's financial statements. The auditor's responsibility is to plan and perform the audit to obtain reasonable assurance that the city's financial statements are free from material misstatements due to error or fraud. The purpose of the audit is not specifically to look for fraud, he stressed.</p> <p>After obtaining electronic documents in advance, the auditing firm comes and books a room for two weeks to do field work, he related. Auditors take a 'risk-based' approach to the audit. They give internal control questionnaires to financial officers to learn their policies and procedures and then test to see if they're doing what they say they are in those questionnaires.</p> <p>They do a series of tests and analytics and compare budgets from year to year. They look at some offices every year because they handle a large amount of cash, such as the Treasurers and Tax Collectors. Otherwise, they pick a handful of departments that are typically outside of the main campus such as the School Department and Department of Public Works (DPW) to audit. This year auditors looked at police, DPW and both schools, including Smith Vocational.</p>

Gendron referred to three resulting reports, the first being "Report on the Examination of Basic Financial Statements." Within this report, auditors gave an 'unmodified opinion,' which is the gold standard sought by all audited communities.

Mr. Gendron reviewed highlights of the city's financial statements. With regard to the 'Statement of Net Position Highlights,' the 'unrestricted' line item is a negative number (-\$186,561,456), he pointed out. This liability has two main components – net pension liability and Other Post-Employment Benefits (OPEB) - basically health insurance for retirees. It is never good to have a negative balance. Nobody in municipal government really started thinking about this or funding this until three or four years ago so everyone in the state is behind in this. There is presently no law that requires cities and towns to fund the OPEB liability.

Northampton contributed \$375,000 to the OPEB Trust this year giving it \$837,000; meaning administrators are aware of it. This is a good sign. There was a plan to increase funding by \$50,000 a year. This contributed to earning the city a higher discount rate; from 3.5% to 4%. This one actuarial assumption lowered the city's liability by \$15 million, he reported.

Next, Gendron referred to government-wide statements found on pages 18 and 19. City officials have roughly \$13.6 million in reserves on a budget of approximately \$90 million giving them 15% in reserves. Anything over 10% is good, 15% is strong. This is the reason Northampton's bond rating was affirmed as AAA; previously, the city was AA. A big factor is the reserve policy financial officers have put in place, he asserted. (He got a copy from Finance Director Susan Wright.) The city has followed this policy.

To steal from the bond rating, "The city has strong budgetary flexibility and has added to reserves over the last several years," Mr. Gendron quoted. This speaks to how well the financial team has done, he explained.

The Statement of Revenue and Expenditures on page 22 breaks down revenue vs. expenses and shows where Free Cash is coming from. Last year, the state certified \$4.2 million in Free Cash, of which \$1.5 million was voted into stabilization. He pointed out the 'Variance with Final Budget' figure. \$4.5 million is new Free Cash. In going down the line items there is no one item that stands out; rather, the excess revenue/amounts under budget is evenly spread between all classes of revenue and expenditure.

The city's collection rate is 98.2%, meaning there are not a lot of people not paying taxes or properties going into tax title. Northampton doesn't have a very large tax title business; this tells them they're doing a great job on the collector and assessor's side as well.

Councilor Dwight noted that there was a big leap in some revenue in the quarterly marijuana payout and asked where this is represented in the report.

This revenue is not reflected since it is FY2019 revenue, Mr. Gendron said.

Councilor Dwight asked if he could speculate what kind of impact that would have on this kind of report.

Mr. Gendron said he didn't know if there were some restrictions [in the use of the revenue]. In some places there is a host fee and some sales. He doesn't know if the revenue is all General Fund money, he said.

In response to a question from Councilor Bidwell, Mr. Gendron said that, of \$186 million in negative unrestricted funds, \$42 million is unfunded retirement and the rest (\$155,000) is the OPEB liability.

The city had a great year in investments at the retirement system (20%), he advised.

Councilor Bidwell asked if a requirement to fund the OPEB liability is likely to become law in the future, and Mr. Gendron said it is a possibility.

The long-term plan for the OPEB liability is that, once the city reaches full funding of the retirement system in 2035, it will no longer have to make a contribution to it - presently upward of \$12 million per year – Ms. Wright explained. At that point, the city will shift its contribution toward funding the OPEB liability. In the meantime, every budget since 2013 has had a line item for OPEB, she confirmed.

Mr. Gendron referred to the next audit – the audit of federal awards required of any community receiving over \$750,000 in federal funds. The city's total amount of expenditures is a little under \$6 million, he reported. Auditors reviewed three programs: CDBG, Special Education and Metropolitan Transportation Planning. There were no material weaknesses or any findings when tested so this was another clean opinion.

In previous years, financial staff has followed up on all comments and recommendations so they have been able to remove these from the next year's report. The city is managing challenges well and this is reflected in this audit, he concluded.

Consent Agenda

Consent Agenda

Councilor O'Donnell reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. **Councilor LaBarge moved to approve the consent agenda. Councilor Bidwell seconded. The motion passed unanimously 9:0 by voice vote.**

The following items were approved as part of the consent agenda:

A. Minutes of May 2, 2019

B. 19.079 Appointments to Various Committees – for referral to City Services **Community Preservation Committee**

Linda Morley, 244 Prospect Street, Northampton

Term: July 2019-June 2022

Reappointment

Housing Partnership

Patrick Boughan, 95 Straw Avenue, Florence

Term: July 2019-June 2022

Reappointment

Alexander Jarrett, 8 High Street, Florence

Term: July 2019-June 2022

Reappointment

Gordon Shaw, 582 Haydenville Road, Leeds

Term: July 2019-June 2022

Reappointment

Planning Board

Tess Perrone Poe, 32 Masonic St., #4, Northampton

Term: July 2019-June 2022

Reappointment

Whiting Street Fund Committee

Michael Quinlan, 712 Bridge Road, Northampton

Term: July 2019- June 2022

Reappointment

C. 19.080 Application for Second Hand Dealer License for Birdhouse Music
Renewal License for:

Sun Music, LLC, d/b/a Birdhouse Music, 164 Main Street
 Petitioner: Glenn Alper

Recess for
 Committee on
 Finance Meeting

At 8:34 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 9:15 p.m. The City Council reconvened at 9:15 p.m.

Financial Orders
 (on 1st reading)
 19.075 Order to
 Authorize
 Borrowing \$15
 Million for
 Electrical and
 Process
 Upgrades to the
 WWTP - 1st rdg.
 19.076 Order for
 FY2019 Budget
 Transfers - 1st
 Reading

Financial Orders (on 1st reading pending Finance review)

19.075 An Order to Authorize Borrowing \$15 Million for Electrical and Process Upgrades to the Wastewater Treatment Plant - 1st reading

Councilor Bidwell moved to approve the order in first reading. Councilor Dwight seconded. The motion passed 8:0 by roll call vote with one absent (Councilor Carney).

See minutes of June 6, 2019 for second reading.

19.076 An Order for FY2019 Budget Transfers - 1st Reading

Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed 8:0 by roll call vote with one absent (Councilor Carney).

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

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

The following order passed two readings:

City of Northampton
 MASSACHUSETTS

In City Council

May 16, 2019

Upon recommendation of the Mayor

19.076 An Order for FY2019 Budget Transfers

Ordered, that

Department		Description	Org	Object	Transfer From:	Transfer To:
City Clerk	PS	Election Workers	11611	512010		8,241
City Clerk	PS	Salaries Permanent	11611	511000		1,730
Central Services	PS	Overtime	11921	513000		5,500
Central Services	PS	Salaries Permanent	11921	511000		3,525
Mayor	PS	Salaries Permanent	11211	511000		1,858
Health	PS	Overtime	15111	513000		3,820
Salary Reserve	PS	Wage Adjustment	19491	519700	(24,674)	
Information Technology Services	OM	Software License Fees	11552	528000		41,358
Information Technology Services	PS	Salaries Permanent	11551	511000	(41,358)	
Interest on Municipal Debt	OM	Interest on Long Term Debt	17503	591500		68,000
Municipal Indebtness	OM	Maturing Principal	17103	591000	(68,000)	
DPW - Highway	OM	Roadway Line Painting	14222	524016	(24,943.89)	
DPW - Highway	OOM	Street Pavings and Markings	14223	524016		24,943.89
DPW - Highway	PS	Permanent Salaries	14221	511000	(4,325.00)	
DPW - Admin & Engineering	PS	Permanent Salaries	14211	511000		4,325.00
DPW - Highway	PS	Permanent Salaries	14221	511000	(176,500.00)	
DPW - Forestry, Parks, Cemeteries	PS	Permanent Salaries	14921	511000		165,000.00
DPW - Snow & Ice	OM	Snow Removal Supplies	14232	553020		11,500.00
DPW - Highway	OOM	Wood Waste	14223	586821	(20,000.00)	
DPW - Wood Waste	OOM	DPW Wood Waste Disposal	19303	586821		20,000.00
DPW-Highway	OOM	Site Improvements	14223	584000	(30,033.74)	
DPW-FPC	OOM	Site Improvements-Trees	14923	584000		30,033.74
DPW - WWTP	OM	Architecture and Engineering	60442	530003	(255,761.14)	
DPW - WWTP	OOM	Architecture and Engineering	60443	530003		255,761.14
DPW-WWTP	OM	Computer Equipment	60442	585104	(10,282.10)	
DPW-WWTP	OOM	Replace Equipment Technology	60443	587014		10,282.10
DPW-WWTP	OM	Electricity	60442	521001	(1.00)	
DPW-Sewer Enterprise	OM	Maturing Principal	60710	591000		1.00

Department	Description	Org	Object	Transfer From:	Transfer To:
DPW - Water	OM Architecture and Engineering	61522	530003	(43,805.00)	
DPW - Water	OOM Architecture and Engineering	61523	530003		43,805.00
DPW - Water	OM Computer Equipment	61522	585104	(13,778.40)	
DPW - Water	OOM Replace Equipment Technology	61523	587014		13,778.40
DPW - WTP	OOM Granular Activated Carbon	61553	553034	(473,772.00)	
DPW - Water	OOM Granular Activated Carbon	61523	553034		473,772.00
DPW - WTP	OOM R&M Computer Equipment	61553	524017	(49,975.75)	
DPW - WTP	OOM Replacement Equipment - Technology	61553	587014	(3,153.31)	
DPW - Water	OOM Replace Equipment Technology	61523	587014		53,129.06
DPW - WTP	OOM Replace Control and Measuring Equipment	61553	587018	(536,130.25)	
DPW - Water	OOM Replace Control and Measuring Equipment	61523	587018		536,130.25
DPW - Water	OM Electricity	61522	521001	(1.64)	
DPW - Water	OM Interest on Municipal Debt	61750	591500		1.64
DPW - Stormwater	OM Architecture and Engineering	62612	530003	(63,042.94)	
DPW - Stormwater	OOM Architecture and Engineering	62613	530003		63,042.94
DPW - Stormwater	OM Computer Equipment	62612	585104	(6,979.60)	
DPW - Stormwater	OOM Replacement Equipment - Technology	62613	587014		6,979.60
DPW - Stormwater	OOM Stormdrain Inflow	62613	585022	(100,000.00)	
DPW - Stormwater	OOM Drain Replacement	62613	589022		100,000.00
DPW - Stormwater	OM Catch Basin Cleaning	62612	531009	(15,000.00)	
DPW - Flood Control	PS Overtime	62631	513000		15,000.00
DPW - Flood Control	OM Architecture and Engineering	62632	530003	(89,680.00)	
DPW - Flood Control	OOM Architecture and Engineering	62633	530003		89,680.00
DPW - Flood Control	OOM Site Improvements	62633	584000	(244,785.79)	
DPW - Flood Control	OOM Flood Control Levee	62633	585021		244,785.79
Total Budgetary Transfers:				(2,295,983.55)	2,295,983.55

Rules suspended, passed two readings and enrolled.

19.077 Order to Establish Marijuana Community Impact Fee Stabilization Fund - 1st reading

19.077 An Order to Establish Marijuana Community Impact Fee Stabilization Fund - 1st reading

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

See minutes of June 6, 2019 for second reading.

19.078 Order to Dedicate Marijuana Host Community Fees to Marijuana Community Impact Fee Stabilization Fund - 1st rdg.

19.078 An Order to Dedicate Marijuana Host Community Fees to Marijuana Community Impact Fee Stabilization Fund - 1st reading

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

See minutes of June 6, 2019 for second reading.

Financial Orders (on 2nd reading) 19.048 Order to Appropriate Free Cash to Cover Snow and Ice Deficit - 2nd reading

Financial Orders (on 2nd reading)

19.048 An Order to Appropriate Free Cash to Cover Snow and Ice Deficit - 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council May 2, 2019

Upon recommendation of the Mayor

19.048 An Order to Appropriate Free Cash to Cover Snow and Ice Deficit

Ordered, that

\$ 152,791 be appropriated from the FY19 General Fund Undesignated Fund Balance (Free Cash) to the following accounts to cover deficits in the snow and ice accounts:

14231 513000 Overtime – Snow and Ice \$99,967

14232 553020 Snow Removal Supplies \$52,824

Rules suspended, passed two readings and enrolled.

19.049 An Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, Elm and Milton - 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council, May 2, 2019

Upon the recommendation of the Mayor and the Office of Planning and Sustainability

**19.049 An Order
to Authorize Taking of Triangular Parcel at Intersection of Riverside, Elm and Milton**

Ordered, that

WHEREAS, Riverside Drive, Milton Street, and Elm Street are public ways in and for the city of Northampton; and,

WHEREAS, in the foreseeable future, the City may need to make transportation improvements in and around Riverside Drive, Milton Street, and North Elm Street; and,

WHEREAS the parcel of land, now in tax title, shown as “No. 1 Area 50+ Rods” on a plan entitled “Plan of Building Lots Belonging to Porter Nutting Northampton, Mass.,” recorded in the Hampshire Registry of Deeds in Book 326, Page 50-51, is needed in order to carry out such anticipated transportation improvements; and,

WHEREAS, in order compensate for the acquisition authorized hereunder, the city must appropriate sufficient funds therefor.

NOW, THEREFORE, BE IT ORDERED

That the City Council a) authorizes the acquisition by purchase, gift, eminent domain, or otherwise of the parcel of land shown as “No. 1 Area 50+ Rods” on a plan entitled “Plan of Building Lots Belonging to Porter Nutting Northampton, Mass.,” recorded in the Hampshire Registry of Deeds in Book 326, Page 50-51, and b) appropriates the total sum of \$300 to be applied to the outstanding tax liability on such parcel of land.

19.049 Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, Elm and Milton - 2nd rdg

**City of Northampton
MASSACHUSETTS**

In City Council, May 2, 2019

Upon the recommendation of the Mayor and the Office of Planning and Sustainability

**19.049 An Order
to Authorize Taking of Triangular Parcel at Intersection of Riverside, Elm and Milton**

Ordered, that

WHEREAS, Riverside Drive, Milton Street, and Elm Street are public ways in and for the city of Northampton; and,

WHEREAS, in the foreseeable future, the City may need to make transportation improvements in and around Riverside Drive, Milton Street, and North Elm Street; and,

WHEREAS the parcel of land, now in tax title, shown as "No. 1 Area 50+ Rods" on a plan entitled "Plan of Building Lots Belonging to Porter Nutting Northampton, Mass.," recorded in the Hampshire Registry of Deeds in Book 326, Page 50-51, is needed in order to carry out such anticipated transportation improvements; and,

WHEREAS, in order compensate for the acquisition authorized hereunder, the city must appropriate sufficient funds therefor.

NOW, THEREFORE, BE IT ORDERED

That the City Council a) authorizes the acquisition by purchase, gift, eminent domain, or otherwise of the parcel of land shown as "No. 1 Area 50+ Rods" on a plan entitled "Plan of Building Lots Belonging to Porter Nutting Northampton, Mass.," recorded in the Hampshire Registry of Deeds in Book 326, Page 50-51, and b) appropriates the total sum of \$300 to be applied to the outstanding tax liability on such parcel of land.

Rules suspended, passed two readings and enrolled.

**19.061 Order to
Appropriate
Compensation for
and Authorize
Eminent Domain
Taking of Land of
Damon - 2nd rdg**

19.061 An Order to Appropriate Compensation for and Authorize Eminent Domain Taking of Land of Damon - 2nd reading

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

The following order passed two readings:

**City of Northampton
MASSACHUSETTS**

In City Council, May 2, 2019

Upon the recommendation of the Mayor and the Office Planning and Sustainability

**19.061 An Order
to Appropriate Compensation for and Authorize Eminent Domain Taking of Land of Damon**

Ordered, that

WHEREAS, the City of Northampton is committed to conservation of land and protection of open spaces; and,

WHEREAS, the City has the opportunity to acquire a parcel of land that is adjacent to the Sawmill Hills Conservation Area and that be appropriate for adding to such Conservation Area; and,

WHEREAS the parcel of land is shown as “No Assessors ID N/F Heirs of Charles P. Damon” on a plan entitled “Plan of Land in Northampton MA Sawmill Conservation Area Hampshire Registry Prepared for the City of Northampton,” dated April 11, 2018, and recorded in the Hampshire Registry of Deeds in Plan Book 241, Page 95 (Sheet 6 of 10).; and,

WHEREAS, in order compensate for the acquisition authorized hereunder, the city must appropriate sufficient funds therefor.

NOW, THEREFORE, BE IT ORDERED

That the City Council a) authorizes the acquisition by purchase, gift, eminent domain, or otherwise of the parcel of land shown as “No Assessors ID N/F Heirs of Charles P. Damon” on a plan entitled “Plan of Land in Northampton MA Sawmill Conservation Area Hampshire Registry Prepared for the City of Northampton,” dated April 11, 2018, and recorded in the Hampshire Registry of Deeds in Plan Book 241, Page 95 (Sheet 6 of 10), and b) appropriates the total sum of Sixteen Thousand Three Hundred Forty-Four (\$16,344.00) Dollars from the Conservation Fund 5000-340587.

The property acquired hereunder shall be in the custody and control of the Northampton Conservation Commission and subject to the provisions of Article 97 of the Massachusetts Constitution.

Rules suspended, passed two readings and enrolled.

**19.064 Order to
Appropriate
Money and
Authorize Eminent
Domain Takings
for Damon Road
Reconstruction**

19.064 An Order to Appropriate Money and Authorize Takings by Eminent Domain for Damon Road Reconstruction - 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council, May 2, 2019

Upon the recommendation of the Mayor and the Department of Public Works

19.064 An Order
to Appropriate Money and Authorize Takings by Eminent Domain for Damon Road Reconstruction

Ordered, that

WHEREAS, Damon Road and Bridge Road are public ways in and for the city of Northampton; and,

WHEREAS, Damon Road and Bridge Road are in need of reconstruction, and the city, in conjunction with the Massachusetts Department of Transportation, is undertaking the reconstruction and widening of the ways, including drainage improvements and slope stabilization, from Bridge Street (Route 9) to the easterly section of Bridge Road west of King Street (Routes 5 and 10) (“the Project”); and,

WHEREAS, the reconstruction of Damon Road from Route 9 to Route 5 is currently programmed on the 2020 Pioneer Valley Region Transportation Improvement Program (TIP) at a total cost of \$10,043,653 with \$8,034,922 in federal transportation funds reserved to fund the project with the City of Northampton responsible for the costs of right-of-way acquisition and any water and sewer utility improvements; and

WHEREAS in order to proceed with the Project, the city needs to acquire i) permanent fee interests, ii) permanent easements, iii) permanent utility easements; and iv) temporary construction easements (“the Land Acquisitions”); and

WHEREAS, the Project and the Land Acquisitions are shown on a plan entitled “Alteration Plan of Damon Road and Bridge Road Prepared for the City of Northampton,” dated February 28, 2019, and signed and sealed by Jeffrey P. Bradford, PLS, dated April 12, 2019; and

WHEREAS, in order to compensate for the acquisitions authorized hereunder, the city must appropriate sufficient funds therefor.

NOW, THEREFORE, BE IT ORDERED

That the City Council a) authorizes the acquisition by purchase, gift, eminent domain, or otherwise, i) permanent fee interests, ii) permanent easements, iii) permanent utility easements; and iv) temporary construction easements, all for the purposes of widening and reconstructing Damon Road and Bridge Road all as shown on the Plan, and b) appropriates the total sum of Six Hundred Eighty Thousand, Three Hundred (\$680,300.00) Dollars from General Fund FY2019 Undesignated Fund Balance (Free Cash), to be distributed in accordance with the schedule of payments attached hereto.

Rules suspended, passed two readings and enrolled.

Orders

Orders
None.

Ordinances (Not yet Referred)
19.068 Ordinance to Amend Zoning to Add Definitions of Short-Term Rental and Owner-Occupied Dwelling
19.069 Ordinance

Ordinances (Not yet Referred)
19.068 An Ordinance to Amend Zoning to Add Definitions of Short-Term Rental and Owner-Occupied Dwelling
19.069 An Ordinance to Amend Zoning to Allow Short-Term Rentals in WSP, SC, SR and RR Districts
19.070 An Ordinance to Amend Zoning to Allow Short-Term Rentals in URA and URB Districts
19.071 An Ordinance to Amend Zoning to Allow Short-Term Rentals in the URC District

to Allow Short-Term Rentals in WSP, SC, SR and RR Districts
19.070 Ordinance to Allow Short-Term Rentals in URA/URB Districts
19.071 Ordinance to Allow Short-Term Rentals in the URC District
19.072 Ordinance to Allow Short-Term Rentals in GB/NB Districts
19.073 Ordinance to Allow Short-Term Rentals in the CB, EB, HB and OI Districts
19.074 Ordinance to Allow B&B's and Short-Term Rentals in PV

19.072 An Ordinance to Amend Zoning to Allow Short-Term Rentals in GB and NB Districts
19.073 An Ordinance to Amend Zoning to Allow Short-Term Rentals in the CB, EB, HB and OI Districts
19.074 An Ordinance to Amend Zoning to Allow Bed and Breakfasts and Short-Term Rentals in the PV District
 Councilor Dwight moved to refer 19.068, 19.069, 19.070, 19.071, 19.072, 19.073 and 19.074 as a group to the Planning Board and Legislative Matters Committee. Councilor Bidwell seconded.

 Councilor Klein questioned whether the ordinances should also go to the Community Resources Committee (CRC).

 Councilor Sciarra said she had considered asking to have it go to her committee but was going to just let it go to the Planning Board and Legislative Matters.

 The motion passed unanimously 9:0 by voice vote.

Ordinances
18.223 Ordinance Relative to Parking on Pleasant Street - 1st reading

Ordinances
18.223 An Ordinance Relative to Parking on Pleasant Street – 2nd reading
 Councilor Klein moved to approve the ordinance in second reading. Councilor Bidwell seconded. The motion passed unanimously 9:0 by roll call vote.

The following ordinance passed two readings:

**CITY OF NORTHAMPTON
 MASSACHUSETTS**

In the Year Two Thousand and Nineteen
 Upon the Recommendation of the Transportation and Parking Commission

**18.223
 AN ORDINANCE**

**RELATIVE TO PARKING ON
 PLEASANT STREET**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

1 SECTION 1
 2
 3 *That the § 312-117 of the Code of Ordinances be amended as follows:*
 4
 5 § 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.
 6

Location	Side	Location
Pleasant Street	Southwesterly	First space northwesterly of Kingsley Ave

7

Rules suspended, passed two readings, ordained and enrolled.

18.231 An Ordinance

18.231 An Ordinance Relative to Large-Scale Ground-Mounted Solar Arrays - 1st reading
 Councilor Dwight moved to approve the ordinance in first reading. Councilor

Relative to Large-Scale Ground-Mounted Solar Arrays - 1st reading

Murphy seconded.

Since originally introduced, this ordinance has been modified multiple times, not the least of which at the request of the city solicitor, Councilor Dwight related. The Public Shade Tree Committee (PSTC) was originally a co-sponsor but withdrew its sponsorship after the Planning Board meeting. By the time the ordinance came to Legislative Matters the first time members had to continue the hearing because there was a lot that had not been cleared up in the interim. The proposal was also discussed in the Northampton Energy and Sustainability Commission (NESC).

The issue is the removal of trees in order to establish large-scale solar arrays, Councilor Dwight explained. Part of the driving force of the Planning Department's initiative is that there is currently a loophole in zoning that allows landowners to cut down trees without restriction, so it was important to have guidelines and review thresholds in place. The consensus and concern was that, since they were talking about two systems with similar benefits – i.e. solar energy that reduces consumption of fossil fuels and trees which are natural systems that perform carbon sequestration – they had two competing interests. Large-scale solar arrays tend to be on open space farm land but agricultural restrictions make it more difficult so developers have started focusing on land-locked forested areas.

He got an enormous education in the course of this, Councilor Dwight reported. More impressive was the cooperative work and analysis done by participants. The language they now see reflects the end result of those negotiations and is signed off on by all parties. This is one of the few zoning protections for this new developing field. PSTC Chair Lilly Lombard has been in consultation with a number of communities including in the hill towns that are considering using Northampton's zoning as a template.

The ordinance went through many iterations, Councilor Klein confirmed. Originally it called for a review threshold of five acres of forest but now it is down to two and this was something the PSTC fought hard for. Her personal feeling is that this was vetted very carefully.

Councilor O'Donnell said he would like ordinances coming from the Planning Department to show the current ordinance along with tracked changes.

Councilor Murphy thanked Principal Planner Carolyn Misch. There were a number of stakeholders in this and he thanked her for taking the time to get everybody who had an interest to buy into this version before it came to the council floor. Councilors sometimes find themselves having to make a political decision; it was good that this came with a consensus from stakeholders.

Councilor LaBarge reminded those present of the problem they had in Ward 6 where previous owners went in and cut 247 trees. This is what initiated this ordinance change. "We were all furious that 247 trees were removed at the gravel pit," she related.

Councilor LaBarge asked Ms. Misch if the solar company had brought any plans into her office on helping out the residents on Ladyslipper Lane.

Plans went back to the Planning Board at its last meeting and she thinks all concerns have been addressed, Ms. Misch reported. A 12-month lookback period is proposed in the new ordinance, and this is one of the ways planners are trying to close this loophole, she advised.

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

See minutes of June 6, 2019 for second reading.

19.039 Ordinance Relative to

19.039 An Ordinance Relative to Parking on Main Street, Florence - 1st reading

<p><u>Parking on Main Street, Florence - 1st reading</u></p>	<p>The proposal is to create two 15-minute parking spaces on Main Street in Florence at the corner of Chestnut Street at the site of Cooper's Corner with the full support of the pie bar across the street, Councilor Nash explained. It is part of the initiative the TPC is taking to tweak parking in this area.</p> <p>Councilor Dwight said he would recuse himself because of being an employee of the Florence Pie Bar.</p> <p>Councilor Klein moved to approve the ordinance in first reading. Councilor Nash seconded. The motion passed 8:0 by roll call vote with one abstention (Councilor Dwight).</p>
<p><u>19.052 Ordinance Relative to Parking on Chestnut Street - 1st reading</u></p>	<p><u>See minutes of June 6, 2019 for second reading.</u></p> <p><u>19.052 An Ordinance Relative to Parking on Chestnut Street - 1st reading</u> The council waived the reading of the ordinance by acclamation and deferred to the TPC chair to explain the proposal. The ordinance involves a place on Chestnut Street that is not long enough for cars, and people end up being ticketed for parking there. Also, Cooper's loading dock is across the street and trucks need to have the space clear in order to back up. They are not getting rid of an actual parking space, he clarified.</p> <p>Councilor Murphy moved to approve the ordinance in first reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p>
<p><u>19.062 Ordinance to Amend Ch. 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees - 1st reading</u></p>	<p><u>See minutes of June 6, 2019 for second reading.</u></p> <p><u>19.062 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees - 1st reading</u> This is just like the ordinance to amend the section on Special Municipal Employees (SME's) to add the Charter Review Committee, it was noted. Councilor O'Donnell read the ordinance.</p> <p>The ordinance proposes adding the City Council Select Committee on Pesticide Reduction to the list of SME's, he advised.</p> <p>Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of June 6, 2019 for second reading.</u></p>
<p><u>Information (Charter Provision 2-7) & Study Requests</u></p>	<p><u>Information (Charter Provision 2-7) and Information Study Requests</u></p> <p>None</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made by Councilor Klein and seconded by Councilor Dwight, the meeting was adjourned at 9:49 p.m.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>

EXHIBIT A

List of Documents Reviewed at May 16, 2019 City Council Meeting:

1. May 16, 2019 Agenda
2. Public Comment Sign-up Sheet for May 16, 2019
3. 19.043 National Grid/Verizon New England Pole Petition for Burts Pit Road (Petition #27859494)
4. Memo from Kristine Baker, P.E. to DPW Director Donna LaScaleia dated April 29, 2019 re: National Grid/Verizon New England Pole Petition #27859494 (Burts Pit Road)
5. FY2018 Audit (Report on the Examination of Basic Financial Statements for the Year Ended June 30, 2018, Management Letter and Independent Auditor's Report Pursuant to Governmental Auditing Standards and Uniform Guidance for Year Ended June 30, 2018)
6. Fiscal Year 2020 Budget Message as printed in forward to "City of Northampton Fiscal Year 2020 Proposed Budget" prepared by Mayor David J. Narkewicz dated May 16, 2019 (read aloud verbatim by Mayor Narkewicz)
7. 19.048 An Order to Appropriate Free Cash to Cover Snow and Ice Deficit
8. 19.049 An Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, North Elm and Milton, together with plan entitled, "Plan of Building Lots Belonging to Porter Nutting, Surveyed October 13, 1873," and Order of Taking.
9. 19.061 An Order to Appropriate Compensation for and Authorize Eminent Domain Taking of Land of Damon, together with plan of land entitled, "Plan of Land in Northampton, MA Sawmill Hills Conservation Area, Hampshire Registry, Prepared for the City of Northampton," by Northeast Survey Consultants dated April 11, 2018, Deed of Helen E. Phelps and John W. Phelps to David Damon dated May 20, 1870 and Order of Taking.
10. 19.064 An Order to Appropriate Money and Authorize Takings by Eminent Domain for Damon Road Reconstruction, together with plan of land entitled, "Alteration Plan of Damon Road and Bridge Road Prepared for the City of Northampton, Hampshire County," by Greenman Pederson, Inc. dated February 28, 2019, Sheets 1 – 14 and List of Damon Road Parcel Valuations.
11. 19.068 An Ordinance to Amend Zoning to Add Definitions of Short-Term Rental and Owner-Occupied Dwelling
12. 19.069 An Ordinance to Amend Zoning to Allow Short-Term Rentals in WSP, SC, SR and RR Districts
13. 19.070 An Ordinance to Amend Zoning to Allow Short-Term Rentals in URA and URB Districts
14. 19.071 An Ordinance to Amend Zoning to Allow Short-Term Rentals in the URC District
15. 19.072 An Ordinance to Amend Zoning to Allow Short-Term Rentals in GB and NB Districts
16. 19.073 An Ordinance to Amend Zoning to Allow Short-Term Rentals in the CB, EB, HB and OI Districts
17. 19.074 An Ordinance to Amend Zoning to Allow Bed and Breakfasts and Short-Term Rentals in the PV District
18. 18.223 An Ordinance Relative to Parking on Pleasant Street

2018 - 2019 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL

Record of City Council Votes for May 16, 2019		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present
19.075 An Order to Authorize Borrowing \$15 Million for Electrical and Process Upgrades to the Wastewater Treatment Plant - 1st reading	1st reading	Motion to Approve Yes	Absent	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried, 8 Yes, 0 No, 1 absent
19.076 An Order for FY2019 Budget Transfers - 1st Reading	1st reading	Yes	Absent	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion carried, 8 Yes, 0 No, 1 absent
	Motion to suspend rules	Second		Motion to Suspend							Motion carried, 9 Yes, 0 No; voice vote
	2nd reading	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.077 An Order to Establish Marijuana Community Impact Fee Stabilization Fund - 1st reading	1st reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried, 9 Yes, 0 No
19.078 An Order to Dedicate Marijuana Host Community Fees to Marijuana Community Impact Fee Stabilization Fund - 1st reading	1st reading	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.048 An Order to Appropriate Free Cash to Cover Snow and Ice Deficit - 2nd reading	2nd reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.049 An Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, North Elm and Milton - 2nd reading	2nd reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried, 9 Yes, 0 No
19.061 An Order to Appropriate Compensation for and Authorize Eminent Domain Taking of Land of Damon - 2nd reading	2nd reading	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.064 An Order to Appropriate Money and Authorize Takings by Eminent Domain for Damon Road Reconstruction - 2nd reading	2nd reading	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
18.223 An Ordinance Relative to Parking on Pleasant Street - 2nd reading	2nd reading	Second Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
18.231 An Ordinance Relative to Large-Scale Ground-Mounted Solar Arrays - 1st reading	1st reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.039 An Ordinance Relative to Parking on Main Street, Florence - 1st reading	1st reading	Yes	Yes	Abstain	Motion to Approve Yes	Yes	Yes	Second Yes	Yes	Yes	Motion carried, 8 Yes, 0 No, 1 abstention (Dwight)
19.052 An Ordinance Relative to Parking on Chestnut Street	1st reading	Yes	Yes	Yes	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No
19.062 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees [to add Pesticide Select Committee]	1st reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion carried, 9 Yes, 0 No

At 9:49 p.m., Councilor Klein moved to adjourn the meeting; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.