



Roll Call

NORTHAMPTON
Northampton, MA

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

A regular meeting of the City Council was called to order by Council President Ryan R. O'Donnell. At 7:39 p.m. on a roll call the following City Councilors were present:

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

Announcement of Audio/Video Recording

Councilor O'Donnell announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

Public Hearings 18.140 National Grid/Verizon New England Pole Petition for North Main Street, Leeds

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Councilor LaBarge moved to open the public hearing at 7:40 p.m. Councilor Sciarra seconded. The motion passed unanimously 9:0 by voice vote.

National Grid representative Lisa Jasinski presented the petition, which is for work at the VA Medical Center. National Grid has a service line going into the facility, and workers are revamping the system and making it more reliable, she presented. The proposal is to remove two existing side-by-side poles and replace them with new poles spaced farther apart. (Existing poles are across from the service entrance to the VA Medical Center on North Main Street.) In addition, workers will install two new poles directly across the street to feed into the VA facility.

There being no further public comment, Councilor Carney moved to close the public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote. The hearing was closed at 7:42 p.m.

18.143 National Grid/Verizon New England Pole Petition for Audubon Road

18.143 National Grid/Verizon New England Pole Petition for Audubon Road
Councilor LaBarge moved to open the public hearing at 7:42 p.m. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Years ago, the electric company used to attach guy wires to trees to support utility

poles, Ms. Jasinski explained. When trees have lived their useful lives and it is time for them to come down, the company replaces them with what is called a stub pole.

Councilor Klein said she talked to the owners of 371 Audubon Road, and they are concerned about the wires that will come out of the pole. Their understanding is that the tree being taken down is a pine tree that is sickly. They have a number of trees, including shag-bark hickories and a line of disease-resistant elms, and are worried that wires running from the new pole will affect their growth.

It shouldn't, Ms. Jasinski responded. Wires from the pole go down at a very shallow angle into the ground. She offered to contact the owners to reassure them.

Councilor Murphy expressed his understanding that the new pole is just to support another pole; there are no electric wires on the new pole, just a guy wire to support an existing pole.

Since the petition does not apply for expanded service, Councilor Dwight voiced his assumption that there is no proposed expansion/modification of the service.

There is no intention to expand the service at this time, but if a new house is built, National Grid has permission to run a secondary cable to the residence to provide service, Ms. Jasinski clarified. A building permit would have to be obtained to construct a new home, she pointed out.

Councilor Dwight noted that the potential for development across the street already exists with the tree in place.

At 7:47 p.m., Councilor LaBarge moved to close the public hearing. Councilor Carney seconded. The motion passed unanimously 9:0 by voice vote.

Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs
None.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors
A 'Cops and Bobbers, Hooks and Ladders Youth Fishing Program' will be held Saturday, October 27th from 10 a.m. to 2 p.m. at Willow Pond in Look Park, Councilor LaBarge announced. This free program is intended to teach youth aged 14 and under to fish, connect with the outdoors and develop positive relationships with public safety officials in their community.

This Sunday - October 7, 2018 - Cutchins Programs for Children and Families on

Pomeroy Terrace will hold its 2nd annual Superhero 5k Walk/Run, 10k Run, Councilor Nash announced. The course will encircle Ward 3 and finish by running along the dike. There will be face-painting, a costume contest, a DJ and raffle. All are encouraged to come join the fun

Councilor Murphy noted that Saturday, October 13, 2018 from 2 to 5 p.m., the Northampton Rotary Club is having a chowder and wine festival at the Glendale Ridge Vineyard in Southampton. The suggested donation is \$10, and proceeds will benefit 'Grow Food Northampton' and Northampton 'Dollars for Scholars.'

Communications and Proclamations from the Mayor

Communications and Proclamations from the Mayor

Mayor Narkewicz reminded councilors and members of the public that Monday, October 8, 2018 is the annual Pulaski Day celebration. The Pulaski Day Parade will step off at 11 a.m. from Northampton Honda on King Street and proceed to Main Street and Pulaski Park. This year's parade co-marshals are retiring state representatives Stephen Kulik and John Scibak.

Consent Agenda

Consent Agenda

Councilor O'Donnell took the consent agenda out of order. He reviewed the items on the agenda, stating that if anyone wished to remove an item for separate discussion to please let him know. **Councilor LaBarge moved to approve the consent agenda. Councilor Dwight seconded. The motion passed unanimously 9:0.**

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

- A. Minutes of September 20, 2018
- B. 18.140 Approve Pole Petition from National Grid/Verizon New England for North Main Street, Leeds (See documents above)
- C. 18.143 Approve Pole Petition from National Grid/Verizon New England for Audubon Road (See documents above)
- D. 18.166 Appointments to Various Boards – all positive recommendations, City Services – 10/01/2018

Agricultural Commission

Richard E. Jaescke, 774 Bridge Road, Florence, MA 01062
 Term: October 2018 - June 2021
 (Reappointment)

Public Shade Tree Commission

Susan Lofthouse, 15 Stoddard Street, Northampton
 Term: October 2018 - June 2021
 (To fulfill the unexpired term of Jay Girard)

Energy & Sustainability Commission

Adin Maynard, 12 Perkins Avenue, Northampton
 Term: October 2018 - June 2019
 (To fulfill the unexpired term of Scott Silver)

Transportation & Parking Commission

Debin Bruce, 46 Columbus Avenue, Northampton
 Term: October 2018 - June 2021
 (To fill the vacancy of the expired term of Richard Cooper)

Resolutions
18.170 A Resolution
Opposing the
Expansion of Gas
Infrastructure and
Calling for Increased
Development and
Implementation of
Renewable and
Clean Energy
Sources - 1st
reading

Resolutions
18.170 A Resolution Opposing the Expansion of Gas Infrastructure and Calling
for Increased Development and Implementation of Renewable and Clean
Energy Sources - 1st reading

Councilor O'Donnell read the text of the resolution.

Councilor Dwight moved to approve the resolution for purposes of discussion. Councilor LaBarge seconded.

Councilor Klein introduced a series of amendments to the resolution. The reason for the additions is that she and Councilor Dwight brought the original text to the Northampton Energy and Sustainability Commission (NESC) the day of the explosions in the Merrimack Valley, she explained. As it was being considered, the explosions were happening but they didn't know it yet. After hearing what happened, sponsors felt it would be a glaring omission to leave out the events in the Merrimack Valley.

NESC's name is incorrectly shown as Northampton Sustainability and Energy Commission instead of Northampton Energy and Sustainability Commission, Councilor Klein noted. She asked that this scrivener's error be corrected.

Councilor Dwight read the text of the other proposed amendments aloud.

Councilor Klein noted another minor amendment to reflect the name change of the local Climate Action Now group from *Staying Warm* Without Additional Pipelines (SWAP) to *Succeeding* Without Additional Pipelines.

Councilor Klein moved to amend the resolution as presented. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

[Sponsors] were well-represented by some impassioned speech in favor of the resolution, Councilor Dwight observed. He has heard some concerns on social justice grounds in that the energy retro-fits available tend to be for people with the means to afford them and that tenants/renters don't typically have the option of converting to renewable energy options.

In a bizarre way, Columbia Gas did them a kind of favor, he suggested. It imposed a moratorium under the argument that it didn't have the infrastructure to provide the capacity Northampton demanded. The moratorium has existed for a considerable time and Northampton has actually done what they are asking them to do; they have adapted by making the conversion from fossil fuels to 100% renewables. "It was an enforced austerity, which we responded to brilliantly," he related.

Gesturing to the former Northampton Gas Works building in the Round House Plaza parking lot, Councilor Dwight reminded those present that it was once the source of gas for Northampton. The facility produced pressurized coal gas and older houses in the area still have gas pipelines inside. He was alive when a coal-firing plant - Mount Tom Power Plant in Holyoke - was built and had the pleasure of being alive when it was de-commissioned and slated to be converted to a solar field. Many houses at one time were heated with coal then subsequently converted to oil and in some cases have now converted to natural gas and other sources, he recounted.

This is not calling for something that is unprecedented; we have been transitioning away from this, he maintained. Fossil fuel companies are indeed wealthy entities and their mission is to maintain their wealth. 'That is not our mission,' he stressed. It is hard to believe that in the intervening time that the moratorium has stood the city's demand for natural gas has increased. Empirically, that doesn't make any sense. City officials have asked Columbia Gas on numerous occasions to provide its data, particularly on peak consumption periods. He really does not want Northampton to be promoted to other communities as the community with huge demand necessitating an increase in capacity, he volunteered.

There are circumstances in the community where natural gas conversion would probably be the most feasible and economic option, he acknowledged. Vernon Street School has an oil-fired furnace and doesn't have the means or access to systems to retrofit that system, so natural gas may be the only answer.

But if Northampton has indeed reduced its demand, it should be possible to make an accommodation for projects like that that do not have viable alternatives, he pointed out. He noted that the Lumberyard originally intended to use natural gas but instead is using propane.

"Before Columbia Gas starts using us an excuse for their expansion they have yet to prove the need" or a desire in the community for the expanded service, he asserted. This is not to meet current capacity; this is to expand capacity, he stressed. It runs counter to the community's desires and the sense of urgency eloquently presented to them tonight, he concluded.

Councilor Klein expressed gratitude to members of the public who spoke tonight, especially Marty Nathan and Sharon Moulton.

To put a finer point on the issue of gas leaks, Columbia Gas supposedly has a need to expand capacity to meet need, she continued. Studies done by Senator Markey's office, the Conservation Law Foundation, Harvard University and the Massachusetts Greenhouse Registry have all shown that by fixing leaks identified throughout the state, Massachusetts can actually address the need for additional capacity. Not only is it a way to insure safety but it is a way to meet capacity needs, she proposed.

She is not going to delve deeply into the subject, but fixing leaks costs Massachusetts rate payers significant amounts, she added.

The United States has 2.6 million miles of gas and oil pipeline, the largest transportation network in the country. As one of the individuals who offered public comment shared, it is a real stranded asset. As [society] continues to develop 100% renewable methods of delivering energy to homes and businesses, they are not going to need that pipeline. To sink more money and energy into building more of a pipeline for gas and oil is "a 20th century project," she suggested. "We're looking forward to do something different," she asserted.

The resolution is "part of a bigger puzzle" of what is being advocated in Northampton and throughout the Commonwealth, she added. It stands next to a resolution calling for transparency adopted in 2015 and a resolution calling for rapid attainment of 100% renewable energy for Northampton and the state adopted earlier this year. What they have done is to create 'kind of a quilt' of all the different pieces needed, from calling for 100% renewables to asking for transparency from existing energy companies and demanding that they not create additional capacity when it is not even needed. They are moving into the 21st century, she concluded.

Councilors LaBarge, Sciarra, Carney and Bidwell spoke in support. Like others, she is in no way convinced that further capacity is needed and also would like to see the long-requested data, Councilor Sciarra commented. Every day, as they innovate around their moratorium, "Columbia Gas's leverage or ability to hold us hostage decreases," she remarked. "Hopefully we can reach a point where they become irrelevant and they're not able to bully us anymore."

Councilor Carney noted that a good friend and work colleague was among those in the City of Lawrence who lost his home, which was completely destroyed. It is unconscionable that things like this happen.

He is also very grateful - particularly to Marty Nathan - and supportive of the resolution, particularly the resolves, Councilor Bidwell agreed. He is convinced there is absolutely no case to be made for more Columbia Gas infrastructure. He would love to see the answers to the September 17th letter from Senators Markey and Warren.

"Yes, we need transparency; we need data on gas consumption,' he confirmed. Forecasts have been made on the basis of 20th century data and Columbia Gas is not providing them with 21st century data, he alleged. He agrees with the concept of understanding the impact on demand of energy conservation measures and the fixing of leaks so that they have some idea of what they've been saving and can make a few exceptions to the moratorium here and there. It's crazy that they have an oil-fired brew pub going in on Strong Avenue and affordable housing developments with on-site propane storage, he suggested. He totally agrees with where this is heading. He does think in some of the 'Whereas' clauses they could be making an even stronger case. He asked sponsors to consider changing the 'Whereas' clause stating that, "in response to Columbia Gas's longstanding moratorium on new gas service installations, Northampton and surrounding communities have aggressively pursued green energy modalities including energy retro-fits, ..."

He does not think it is accurate to assert that all the transition to green energy modalities is a result of the moratorium, he explained. The fact is that there was enormous momentum toward reducing Northampton's dependence on non-renewable resources long before the moratorium, he pointed out.

Also, to be comprehensive and accurate, they should mention that a genuine cause and effect of the moratorium is having oil usage and propane storage where there never would have been before.

And, before they get too carried away patting themselves on the back, they need to be honest with themselves by acknowledging that when they replace natural gas use with electricity from the grid, they are effectively using energy from other communities that burn fossil fuels. "Let's be clear before we get too proud of ourselves that by switching to electric, it's cleaner here but somewhere that electricity is being generated," he observed. Two-thirds of the electricity from the grid is from either fossil fuels or nuclear generation, he noted.

Councilor Dwight agreed with Councilor Bidwell's first point and said he thought the clause could be redrafted to state that Northampton has *expanded* its push toward renewable energy as a result of the moratorium.

With regard to his third point, the fact remains that the HeatSmart program is dedicated to converting solar (green energy) into electrical consumption. The mini-splits, or air-source heat pumps, are the perfect complement for a solar-generated system and that's what's being promoted in the community. And, the moratorium did inspire people who might otherwise not have considered conversions and retro-fits and buttoning up their buildings, Councilor Dwight confirmed. It certainly increased interest in alternatives as the options became narrower. He expressed concern that, if Columbia Gas increases capacity, it might dampen or diminish the level of commitment that's already been demonstrated. He reiterated his expectation that they could come up with a revision to speak to Councilor Bidwell's first point.

Councilor Nash thanked the sponsors and expressed appreciation for the information shared. He is completely in support of the resolution but is also interested in entertaining the idea of sending it out to committee. Committee members could bring in Columbia Gas and ask them some difficult questions such as, 'what is the real data on the city's gas usage,' how much gas has been saved by fixing leaks, etc.

They also need safety assurances from Columbia Gas following the gas explosions in the eastern part of the state. Those frightening explosions followed gas line upgrades, and residents have had upgrades in Ward 3, he noted. Columbia Gas needs to assure them in person that what has been done and continues to be done is safe. The resolution gives them the opportunity to pull Columbia Gas in and hold them accountable and to hear from other folks in the community, he suggested. He referred to upcoming "Climate Resiliency and Regeneration Workshops" sponsored by the Office of Planning and Sustainability as a further opportunity to expand the discussion. **He moved to consider sending the resolution out to committee to**

hear from Columbia Gas, Energy and Sustainability Officer Chris Mason and others.

Councilor O'Donnell asked to which committee.

Councilor Nash said he would send it to Community Resources but that committee is pretty tied up right now with other hearings. **Councilor Bidwell seconded the motion.**

Members discussed. Several councilors supported the idea of trying to encourage/impel communication with Columbia Gas and expand the community discussion but expressed uncertainty as to whether referral of the measure to committee was the best way to achieve this. Sponsors advocated for preserving the energy that's already been invested and respecting the momentum among activists in the community by bringing the resolution to a vote.

Councilor Sciarra commended Councilor Nash for his creative thinking and attempt to create some leverage with Columbia Gas.

Councilor Bidwell wondered if a compromise might be for several of them to work with the council president in drafting a letter to the president of Columbia Gas asking him to address specific questions. However, Councilor O'Donnell noted that one difficulty is that a single councilor can't represent the views of the entire council without its express consent. In general, the City Council could follow up with Columbia Gas separately from this resolution, he pointed out.

After additional discussion, Councilor Nash withdrew his motion, suggesting instead that the City Council ask Community Resources to invite Columbia Gas in to address members' questions.

Councilor O'Donnell suggested leaving it to the committee itself to decide whether to invite company representatives. **He called the motion to approve the resolution to a vote, and it passed 9:0 by roll call vote.**

Presentations

Update on Public Planning Process to Revise Downtown Northampton and Florence Center Zoning

Presentations

Update on Public Planning Process to Revise Downtown Northampton and Florence Center Zoning

Office of Planning and Sustainability Director Wayne Feiden updated members on the department's efforts to review and consider amendments to downtown zoning.

Fifteen years ago, the city did some extensive rezoning of the downtowns. Since then, planners have tinkered a little bit; i.e. - allowed housing above the first floor in industrial areas, extended the Central Business (CB) district down Pleasant Street, increased the height limit, etc. but haven't really made comprehensive changes. It's time, he suggested.

As an example of the need for periodic review, Mr. Feiden noted that, 100 years ago, the decision was made to raise the railroad bridge and lower the road on Bridge Street. The curb wasn't lowered and every year someone trips over it.

The city hired Dodson & Flinker of Florence and is now in the second stage of the review process. Last year, they had a health grant to look at the ways zoning affects public health. This year, they have scheduled meetings downtown and in Florence to hear from residents about zoning regulations that may not be working as intended.

Two goals are 1) to make the zoning ordinance easier to read and understand, and 2) to give residents interested in knowing what is going to be developed next to their neighborhoods and developers wondering if their project will be approved more certainty about the outcome.

The city has had the Central Business Architecture District (CBAD) downtown for 20 years during which it has basically tripled the size of the Central Business District (CBD), Mr. Feiden reminded. As a result, its designs standards make perfect sense for only a third of the CBD. Planners want to explore having different types of design standards for parts of downtown with transitional housing and wood-framed structures as opposed to the brick commercial blocks in the core of the city, he indicated.

Planners have done outreach to business groups such as the Downtown Neighborhood Association and Florence Civic Association and held a forum downtown on Monday. Another forum is scheduled in Florence on October 30, 2018.

<p><u>Recess</u></p>	<p><u>Recess.</u> The City Council took a ten-minute recess at 9 and reconvened at 9:10 p.m.</p>
<p><u>Execution of Order of Taking for Garfield Avenue Extension</u></p>	<p><u>Execution of Order of Taking for Garfield Avenue Extension</u> The City Council will not be acting on this item this evening since it was discovered that a minor technical correction needs to be made to <u>18.095 An Order of Garfield Avenue Taking</u>, Councilor O'Donnell advised.</p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p>At 9:18 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 9:24 p.m. The City Council reconvened at 9:24 p.m.</p>
<p><u>Financial Orders (on 1st reading) 18.171 An Order Authorizing</u></p>	<p><u>Financial Orders (on 1st reading pending Finance review)</u> <u>18.171 An Order Authorizing Acquisition of Easements for Avis Circle - 1st reading</u> Councilor Dwight moved to approve the order in first reading. Councilor</p>

Acquisition of Easements for Avis Circle - 1st reading

LaBarge seconded. The motion passed 9:0 by roll call vote.

See minutes of October 18, 2018 for second reading.

Financial Orders (on 2nd reading)
18.161 An Order Authorizing the Mayor to Accept Industrial Park Lot and Allow its Use for Damon Road Reconstruction – 2nd reading

Financial Orders (on 2nd reading)

18.161 An Order Authorizing the Mayor to Accept Industrial Park Lot and Allow its Use for Damon Road Reconstruction – 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council, September 20, 2018

Upon the recommendation of Mayor David J. Narkewicz

18.161 An Order

Authorizing the Mayor to Accept Industrial Park Lot and Allow its Use for Da
Reconstruction

Ordered, that

WHEREAS, The Northampton Redevelopment Authority, a quasi-independent auth
City of Northampton, initially acquired title to what became the Northar
Industrial Park; and

WHEREAS, After selling lots and creating roads, the Northampton Redevelopment /
retains title to a very small amount of original Industrial Park, including i
the southeast corner of Industrial Drive and Damon Road (Assessors Ma
197); and

WHEREAS, Some of this land is important for the planned reconstruction of Damon
the related installation of additional sidewalks on Damon Road and the
of Industrial Drive;

WHEREAS, On September 12, 2018, the Northampton Redevelopment Authority vc
transfer this remaining land to the City of Northampton

Ordered, that

The Mayor is authorized to accept a deed for the property and to grant such licens
agreements, or easements as necessary to allow the land to be used for the Damor
reconstruction project.

Rules suspended, passed two readings and enrolled.

18.162 An Order
Authorizing Waiver
of Right of First
Refusal and Conser-
vation Commission
Acceptance of Park
Hill Road Land – 2nd
reading

18.162 An Order Authorizing Waiver of Right of First Refusal and Conservation
Commission Acceptance of Park Hill Road Land – 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, September 20, 2018

Upon the recommendation of Mayor David J. Narkewicz and the Conservation Commission

18.162 An Order
Authorizing Waiver of Right of First Refusal and Conservation Commission Acceptance of Park Hill
Road Land

Ordered, that

WHEREAS, The City of Northampton holds a MGL Chapter 61A lien on 38.7± acres on Park Hill Road extension (Map ID: 49-012), which provides the city with a right-of-first refusal to purchase the land if it is ever removed from MGL Chapter 61A; and

WHEREAS, The City has secured an agreement for 13± acres of the land along the Manhan Brook to be donated to the City as a permanently protected greenway if the city waives our right of first refusal, consistent with land acquisition goals in the City's *Open Space, Recreation, and Multiuse Trail Plan (2018-2025)*; and

WHEREAS, The site is not appropriate for affordable housing or other city development and the Agriculture Commission does not object to this transaction;

NOW, THEREFORE BE IT ORDERED,

City Council authorizes the Mayor to waive the City's right of first refusal pursuant to the provisions of G.L. c. 61A contingent upon the proposed land donation; and

Further, City Council authorizes the Conservation Commission to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land, with such related restrictions and agreements as the City determines are agreeable;

Further, that the City Council hereby accepts such conservation restrictions;

Further, that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired

Rules suspended, passed two readings and enrolled.

18.163 An Order to
Appropriate Funds
for Community
Preservation Pur-
poses – 2nd reading

18.163 An Order to Appropriate Funds for Community Preservation Purposes –
2nd reading

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

The following order passed two readings:

**City of Northampton
MASSACHUSETTS**

In City Council, September 20, 2018

Upon the recommendation of the Community Preservation Committee

18.163 An Order

To Appropriate Funds for Community Preservation Purposes

Ordered, that

The following amounts be appropriated or reserved from fiscal year 2019 Community Preservation Fund estimated revenues **\$1,491,000** (**\$1,271,000 FY19 local assessment estimate + \$220,000 estimated state match**) for fiscal year 2019 Community Preservation purposes:

\$164,000 from FY19 Total Estimated CPA Revenue to the Community Preservation Fund Open Space Reserve (account # 2344930-359931)

\$164,000 from FY19 Total Estimated CPA Revenue to the Community Preservation Fund Historic Preservation Reserve (account # 2344930-359932)

\$164,000 from FY19 Total Estimated CPA Revenue to the Community Preservation Fund Affordable Housing Reserve (account # 2344930-359933)

\$65,000 from FY19 Total Estimated CPA Revenue to the Community Preservation Fund Administrative Account (account # 2344930-359934)

\$934,000 from FY19 Total Estimated CPA Revenue to the Community Preservation Fund Budgeted Reserve (account # 2344930-359930)

Also, the following amounts be appropriated from the Community Preservation Fund Budgeted Reserve (account #2344930-359930) for FY18 Community Preservation bonding repayment purposes:

\$65,000 for principal and \$12,150 for interest for Bean Farm bond (account #3100931-393102-11)

\$95,000 for principal and \$26,500 for interest for Florence Fields bond (account #3100931-393103-12)

\$265,000 for principal and \$18,550 for interest for Pulaski Park I bond (account #3100931-393104-15)

\$65,000 for principal and \$19,950 for interest for Pulaski Park II bond (account #3100931-393105-16)

Rules suspended, passed two readings and enrolled.

18.164 An Order to Authorize PILOT Agreement with CED Northampton Solar, LLC – 2nd Reading

18.164 An Order to Authorize PILOT Agreement with CED Northampton Solar, LLC – 2nd Reading

Councilor Dwight moved to approve the order in second reading. Councilor Sciarra seconded.

He met with the Finance Committee chair and did further research in response to questions raised at the last meeting about the 20-year time horizon, Mr. Narkewicz reported.

A series of Appellate Tax Board (ATB) cases have basically declared solar energy production facilities tax-exempt for 20 years, and that is why there are 20 year agreements, he explained. He consulted with the assessors' attorney and the Department of Revenue (DOR) as recently as today, he advised.

The ruling on tax status stems from a law passed in the 1970's related to the exemption of solar systems when solar equipment was directly connected to homes with no provision for net metering or selling energy to the grid. The policy not to tax a solar system was based on the reasoning that it was an energy appendage to a house. Now developers have solar fields and municipalities have said that's different, but the ATB ruled that solar generating facilities are extending energy to a taxable property. Legislation is pending to try to correct this but in the meantime DOR's advice is to enter into these PILOT agreements. Someone might ask why developers are agreeing to PILOT's. They seem to know the ruling is bogus and that the jig will be up at some point, Mayor Narkewicz suggested.

There is also ambiguity about what is real estate and what is personal property, he continued. Traditionally, land is considered real estate and equipment personal property. The PILOT will give clarity on this question. For purposes of tax collection it will all be treated as real estate meaning the city can attach a lien to it. Normally, personal property cannot be lien-ed. The city knows the value of the real estate and will use its best estimates for the personal property side of the assessment. City officials will make sure they are not going to receive any less in property tax than if they were assessing the land and equipment in the conventional way, he assured.

Councilors asked questions and offered comments. Councilor O'Donnell said he is totally comfortable with this and has every confidence that the Mayor will negotiate a fair agreement.

18.165 An Order
Authorizing
Payment of Prior
Year Bill – 2nd
reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council September 20, 2018

Upon recommendation of the Mayor

**18.164 An Order
To Authorize PILOT Agreement with CED Northampton Solar, LLC**

Whereas, a solar electric generating facility has been proposed for privately-owned property on Burts Pit Road by CED Northampton Solar LLC, which property is shown as Parcels 079-001 and 080-001 on Assessors Map 35;

Whereas, the Developer requires an accurate projection of the prospective expenses with respect to the real and personal property that is taxable under law; and

Whereas, given the difficulty in determining a taxable value for a solar electric generating facility, it is in the City's interest to have an agreement whereby the city is assured of a fixed stream of tax income from the project; and

Whereas, it is the best interests of the City and the Developer to enter into an agreement fixing the payments that will be made with respect to all taxable real and personal property incorporated within the Project for the term of the agreement;

Ordered, that

the Mayor be authorized to negotiate and execute a PILOT agreement pursuant to MGL C. 59 sec. 38H(b), with CED Northampton Solar, LLC for a 5.6 megawatt direct current facility on two parcels of land totaling 49.7 acres located at Burts Pit Road, Assessors Map 35, Parcels 079-001 and 080-001, on such terms and conditions as the Mayor deems advisable.

18.167 An Order to Authorize Using \$3,600 from Senior Center Gift Fund for Financial Aid for Programs – 2nd reading

Rules suspended, passed two readings and enrolled.

18.165 An Order Authorizing Payment of Prior Year Bill – 2nd reading
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 _____ September 17, 2018 _____

Upon recommendation of the Mayor _____

18.165 An Order Authorizing Payment of Prior Year Bill

BE IT ORDERED

That the Council authorize payment of prior fiscal year bills (FY2018) related to the Credit Card Fees for the Parking Garage and Parking Kiosks:

June 2018 - Bank of America Merchant Services \$3,156.91

June 2018 - Bank of America Merchant Services \$2,158.33

18.168 An Order to Authorize Gift Acceptance from Eversource for Culvert on Park Hill Road - 2nd reading

Rules suspended, passed two readings and enrolled.

18.167 An Order to Authorize Using \$3,600 from Senior Center Gift Fund for Financial Aid for Programs – 2nd reading

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

The following order passed two readings:

City of Northampton

MASSACHUSETTS

In City Council September 6, 2018

Upon recommendation of the Mayor

18.167 An Order to Authorize Using \$3,600 from Senior Center Gift Fund for Financial Aid for Programs

Ordered, that

Up to \$3600 in Fiscal Year 2019 from the Northampton Senior Center Gift Fund be used to provide financial assistance to seniors to attend fee based programs offered at the Senior Center, provided that each participating senior meet financial aid guidelines established by the Senior Services Director and that such assistance be limited to no more than \$180 per person per year.

Rules suspended, passed two readings and enrolled.

18.168 An Order to Authorize Gift Acceptance from Eversource for Culvert on Park Hill Road – 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council September 20, 2018

Upon recommendation of the Mayor

18.168 An Order
to Authorize Gift Acceptance from Eversource for Culvert on Park Hill Road

Whereas, an existing culvert located on Park Hill Road between Autumn Drive and Whittier Street is undersized and in disrepair; and

Whereas, the culvert is located on a tributary to an ecologically-important stream and is listed as a priority culvert for replacement for the State to provide terrestrial and aquatic species connectivity between upstream and downstream stream and wetland areas, improve habitat to a Cold Water Fishery stream, increase flood-period hydraulic conveyance, and improve the condition of the culvert to minimize City-required maintenance; and

Whereas, in August, 2018, the Northampton Department of Public Works received a grant for engineering design services from the Massachusetts Department of Ecological Resources for which engineering design for the culvert replacement will be completed using the Massachusetts Stream Crossing Standards; and

Whereas, the Northampton Department of Public Works has been offered material, labor, and construction oversight services for the replacement of the Park Hill Road culvert, associated paving and relocation of a water main to accommodate the new culvert donated from Eversource Energy; and

Whereas, Massachusetts General Laws ch. 44 s.53A1/2 provides that acceptance of gifts of tangible personal property requires a vote of the City Council and approval of the Mayor; and

Now Therefore Be It Ordered,

The City Council hereby authorizes the Northampton Department of Public Works to accept the gift from Eversource Energy of material, labor and construction oversight services for the culvert replacement of the Park Hill Road culvert, associated paving and relocation of a water main to accommodate the new culvert.

Rules suspended, passed two readings and enrolled.

Orders

Orders
None.

Ordinances (Not yet Referred)
18.172 An Ordinance Relative to Parking on Union Street
18.173 An Ordinance to Amend Chapter 312-36 of the Code Book

Ordinances (Not yet Referred)
18.172 An Ordinance Relative to Parking on Union Street
Councilor Sciarra moved to refer the ordinance to the Legislative Matters Committee. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.
18.173 An Ordinance to Amend Chapter 312-36 of the Code Book
Councilor Dwight moved to refer the ordinance to the TPC and Legislative Matters. Councilor Sciarra seconded. The motion passed unanimously 9:0 by voice vote.

18.174 An Ordinance to Amend Chapter 350-12.3 of the Code Book

18.174 An Ordinance to Amend Chapter 350-12.3 of the Code Book

Councilor Dwight moved to refer the ordinance to Legislative Matters and the Planning Board. Councilor Sciarra seconded.

Councilor Bidwell pointed out that the document actually consists of changes to two separate sections of code: **350-12.3 Significant Trees and 350-11.5 B2 Site Plan Submittal Requirements.**

Since only the first ordinance (350-12.3 Significant Trees) is listed on the agenda, Councilor O'Donnell expressed the opinion that it would not be appropriate to act on the second section. The second section will have to appear on the October 18, 2018 agenda and be referred at that time, he determined.

The motion passed unanimously 9:0 by voice vote.

Ordinances
18.137 An Ordinance Relative to Parking on King Street - 1st reading

Ordinances
18.137 An Ordinance Relative to Parking on King Street - 1st reading

The proposal is to add one fifteen-minute parking space in front of Sutter Meats, Councilor Nash confirmed. The request has been kicking around for a very long time, Councilor Sciarra added. There is a parking lot behind the building but it is used by another business. Sutter Meats has requested a fifteen-minute space because a lot of customers want to pop in quickly to buy something.

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

See minutes of October 18, 2018 for second reading.

18.138 An Ordinance Relative to Parking on Adare Place - 1st reading

18.138 An Ordinance Relative to Parking on Adare Place - 1st reading

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

Councilor Nash explained that when residents requested reinforcement of existing 'No Parking' signage, it was discovered that the 'No Parking' zone on the westerly side of the street was not supported by an underlying ordinance. This change is to restore the condition that residents previously assumed to exist. Councilor O'Donnell said he thought the ordinance was incorrect in saying "a point 60 feet northeasterly from *Adare Place*" and should instead say 60 feet northeasterly from *Prospect Street*.

Councilor O'Donnell moved to amend the ordinance to change the reference to Prospect Street. Councilor Dwight seconded. Councilor O'Donnell asked that staff check with DPW to make sure this is correct.

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

See minutes of October 18, 2018 for second reading.

18.146 An Ordinance to Amend Chapter 153 Cemeteries - 1st reading

18.146 An Ordinance to Amend Chapter 153 Cemeteries - 1st reading

Members waived the reading of the ordinance by consent.

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

The old ordinance referred to the Board of Public Works and had a lot of regulations more appropriate for the executive function, Mayor Narkewicz explained. Per state law, cemetery trust funds require an ordinance setting forth the fund's investment policy, he added. The policy proposed aligns with that of other accounts the treasurer manages, he confirmed.

The rest of the ordinance has been deleted because it is superseded by DPW regulations as posted on the DPW website, he added.

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

See minutes of October 18, 2018 for second reading.

18.152 AN ORDINANCE To amend Chapter 9 of the Code of Ordinances by adding § 9-1 and § 9-2 - 1st reading.

18.152 AN ORDINANCE To amend Chapter 9 of the Code of Ordinances by adding § 9-1 and § 9-2 - 1st reading.

Councilor O'Donnell read the text of the order.

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

As a requirement of its charter, the city is required to establish a committee to review the charter every ten years and to adopt an ordinance for this purpose, Councilor O'Donnell explained.

Councilor Bidwell asked if there was any reason the ordinance didn't say that the committee would be "staffed" by the City Solicitor rather than "under the supervision of the City Solicitor."

Councilor Dwight moved to change the wording from 'under the supervision of the City Solicitor' to "overseen by the City Solicitor." Councilor Bidwell seconded. The amendment passed unanimously 9:0 by voice vote.

In Legislative Matters, members discussed whether to add language specifying that representatives from each ward would be recommended by the ward councilor, Councilor Murphy shared. Mayor Narkewicz confirmed that it was his intent to solicit recommendations for appointment to the committee from the ward councilors.

Councilor O'Donnell recommended formalizing this arrangement so it would be codified for future years. He suggested inserting the phrase "in consultation with the ward councilor" after the words "appointed by the Mayor." Councilor Carney so

moved. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Councilor O'Donnell said he would like to change the title to "An Ordinance to establish a Charter Review Committee." Councilor Carney so moved. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

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

<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p>	<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p> <p>None</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made and seconded, the meeting was adjourned at 10:12 p.m. The motion passed unanimously on a voice vote of 9 Yes, 0 No.</p> <p>Attest: Laura Krutzler, Administrative Assistant to the City Council</p>

EXHIBIT A

List of Documents Reviewed at October 4, 2018 Northampton City Council Meeting:

1. October 4, 2018 Agenda
2. Public Comment Sign-up Sheet for October 4, 2018
3. City Council Meeting Minutes of September 20, 2018
4. Memo from Kristine Baker, P.E. to Donna LaScaleia, Director of Northampton Department of Public Works (DPW) dated September 11, 2018 RE: Petition for Joint or Identical Pole Locations No. 22127922
5. 18.140 National Grid/Verizon New England Pole Petition for North Main Street, Leeds
6. Memo from Kristine Baker, P.E. to Donna LaScaleia, Director of Northampton Department of Public Works (DPW) dated September 11, 2018 RE: Petition for Joint or Identical Pole Locations No. 26092131
7. 18.143 National Grid/Verizon New England Pole Petition for Audubon Road
8. 18.170 A Resolution Opposing the Expansion of Gas Infrastructure and Calling for Increased Development and Implementation of Renewable and Clean Energy Sources – original version
9. 18.170 A Resolution Opposing the Expansion of Gas Infrastructure and Calling for Increased Development and Implementation of Renewable and Clean Energy Sources –version with consolidated amendments to reference September 13, 2018 explosions in Merrimack Valley
10. Letter from Senators Edward J. Markey and Elizabeth Warren to Columbia Gas President and Chief Operating Officer Stephen H. Bryant dated September 17, 2018
11. 18.166 Memo from Mayor David J. Narkewicz to Northampton City Council dated September 18, 2018 re: Appointments to Boards, Committees and Commissions, together with Applications for Appointment to Boards, Committees and Commissions from Richard E. Jaescke, Susan Lofthouse, Adin Maynard and Debin Bruce
12. Certified Copy of O-18.024 Order for Garfield Avenue Acceptance as Approved by City Council April 5, 2018.
13. Certified Copy of O-18.095 Order for Garfield Avenue Taking as Approved by City Council May 17, 2018.
14. Order of Taking for Garfield Avenue Extension (legal instrument for execution by full City Council and recording in the Hampshire County Registry of Deeds)
15. 18.171 An Order Authorizing Acquisition of Easements for Avis Circle
16. Petition for Acceptance of Avis Circle as a Public Way as Accepted by City Council August 19, 1999
17. Memo to the Northampton City Council from John Bennett, Senior Planner, dated August 13, 1999 re: Planning Board Recommendation of Avis Circle Street Acceptance
18. Report and Recommendation of the Board of Public Works to the City Council re: the Layout and Acceptance of Avis Circle
19. Memo from Paulette L. Kuzdeba, AICP, Sr. Environmental Planner, to the Northampton Planning Board dated October 22, 1998 re: Street Acceptance – Avis Circle
20. Notice of February 11, 1998 Public Hearing by Board of Public Works on Consideration of Acceptance of Avis Circle as a Public Way
21. Plan entitled, "The Commonwealth of Massachusetts Street Acceptance Plan of Avis Circle Prepared for the City of Northampton Hampshire County," by Almer Huntley, Jr. & Associates, Inc. dated March 25, 1999 recorded in Plan Book 187, Page 116.
22. Order of Taking for Avis Circle (legal instrument for execution by full City Council and recording in the Hampshire County Registry of Deeds)
23. 18.171 An Order Authorizing Acquisition of Easements for Avis Circle as edited by as (Alan Seewald, Esq.)
24. 18.161 An Order Authorizing the Mayor to Accept Industrial Park Lot and Allow its Use for Damon Road Reconstruction
25. 18.162 An Order Authorizing Waiver of Right of First Refusal and Conservation Commission Acceptance of Park Hill Road Land

26. 18.163 An Order to Appropriate Funds for Community Preservation Purposes
27. 18.164 An Order to Authorize PILOT Agreement with CED Northampton Solar, LLC
28. 18.165 An Order Authorizing Payment of Prior Year Bill
29. 18.167 An Order to Authorize Using \$3,600 from Senior Center Gift Fund for Financial Aid for Programs
30. 18.168 An Order to Authorize Gift Acceptance from Eversource for Culvert on Park Hill Road
31. 18.172 An Ordinance Relative to Parking on Union Street
32. 18.172 Union Street Parking Diagram
33. 18.173 An Ordinance to Amend Chapter 312-36 of the Code Book
34. 18.173 E.J. Gare Parking Garage Rate Change Recommendation Memo from Mayor David Narkewicz dated October 1, 2018
35. 18.174 An Ordinance to Amend Chapter 350-12.3 of the Code Book (Significant Trees)
36. 18.137 An Ordinance Relative to Parking on King Street
37. 18.138 An Ordinance Relative to Parking on Adare Place
38. 18.146 An Ordinance to Amend Chapter 153 Cemeteries
39. 18.152 An Ordinance to Amend Chapter 9 of the Code Book by adding Sections 9-1 and 9-2

2018 - 2019 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL											
Record of City Council Votes for October 4, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
Roll Call by Laura Krutzler, Clerk to the to the City Council @ 7:39 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present
18.170 A Resolution Opposing the Expansion of Gas Infrastructure and Calling for Increased Development and Implementation of Renewable and Clean Energy Sources - 1st reading	1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
Execution of Order of Taking for Garfield Avenue Extension	Tabled										No Vote
18.171 An Order Authorizing Acquisition of Easements for Avis Circle - 1st reading	1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.161 An Order Authorizing the Mayor to Accept Industrial Park Lot and Allow its Use for Damon Road Reconstruction - 2nd reading	2nd Reading	Yes	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.162 An Order Authorizing Waiver of Right of First Refusal and Conservation Commission Acceptance of Park Hill Road Land - 2nd reading	2nd Reading	Yes	Yes	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.163 An Order to Appropriate Funds for Community Preservation Purposes - 2nd reading	2nd Reading	Second Yes	Yes	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.164 An Order to Authorize PILOT Agreement with CED Northampton Solar, LLC - 2nd Reading	2nd Reading	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion Carried 9 Yes, 0 No
18.165 An Order Authorizing Payment of Prior Year Bill - 2nd reading	2nd Reading	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.167 An Order to Authorize Using \$3,600 from Senior Center Gift Fund for Financial Aid for Programs - 2nd reading	2nd Reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.168 An Order to Authorize Gift Acceptance from Eversource for Culvert on Park Hill Road - 2nd reading	2nd Reading	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

Record of City Council Votes for October 4, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
18.137 An Ordinance Relative to Parking on King Street - 1st reading	1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.138 An Ordinance Relative to Parking on Adare Place - 1st reading	1st Reading	Yes	Yes	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.146 An Ordinance to Amend Chapter 153 Cemeteries - 1st reading	1st Reading	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No
18.152 AN ORDINANCE To amend Chapter 9 of the Code of Ordinances by adding § 9-1 and § 9-2 - 1st reading	1st Reading	Yes	Yes	Motion to Approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 9 Yes, 0 No

At 10:12 p.m., Councilor Dwight moved to adjourn the meeting; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.