



Councilor Jesse M. Adams  
Councilor Ryan R. O'Donnell  
Councilor Paul D. Spector  
Wendy Mazza, Citizen  
Lyn Simmons, Citizen

## City of Northampton Ordinance Review Committee

Meeting Date: November 24, 2015

Time: 3:30 pm-4:30 pm

Location: City Hall Hearing Room

### PERIODIC REVIEW OF ORDINANCES

*Per City's Charter, Section 10-5: Not later than July 1, at 5-year intervals, in each year ending in a 5 or in a zero, beginning in 2015, the mayor and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ordinance. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.*

### Minutes

1. At 3:35 Attorney called the meeting to order. On a roll call the following committee members were present: Councilors Adams, O'Donnell, Spector and Citizens Mazza and Simmons.
2. Wendy Mazza nominated Councilor Adams as chair of the Committee; Councilor Spector seconded the motion. The motion was approved on a show of hands of 5 members.
3. Regarding the Process and Scope, the members recognize that this will be a fluid process and the ultimate scope will be determined once Atty. Seewald completes a review of the Code Book. General discussion included:
  - a. City Solicitor Alan Seewald made a first review of the ordinances about 1 year ago, before the administrative code (AC) was adopted; this review resulted in culling out unnecessary language and outdated ordinances. The AC defines roles and responsibilities; Solicitor Seewald suggested that the committee review the current ordinances with an eye toward defining inconsistencies between the AC and the current ordinance book. There are a few items that he feels do not belong in the Code Book, like subdivision regulations. He suggested that they should be maintained by the department responsible for addressing the topic.
  - b. Councilor Adams asked whether this might cause confusion. Solicitor Seewald commented that as a land use lawyer, he would look to find subdivision regulations on the department's

Planning Board and are not ordinances. Ms. Mazza indicated that they should be maintained in a location that is open and transparent to the public.

- c. Lyn Simmons provided a document with some inconsistencies that were noted by the code company. This list was distributed to the members. She reports that a lot of the inconsistencies have to do with references to departments that are now defunct.
- d. Atty. Seewald indicated that c. 174 needs a full vetting; with the acceptance of c. 40 s. 22F of state law that allows departments to set their own fees, he offered that fees that are set by the departments should be provided for on their webpage or in their respective offices. Since this part of the state law was accepted by the City Council, the fees should no longer be scrutinized by City Council and should therefore be removed from the Code Book. (See Administrative Code" I-1.07" [Roman numeral 1-1.07]. Note: MGL c. 40, s. 22F was accepted on 5/5/2011.) The Mayor along with the Department Leaders will have full discretion to set fees as they see fit.
- e. Atty. Seewald will go through the code book and develop a list of recommended changes. The goal will be to finish the work of the committee by the end of the year, however, if there are a lot of changes, or if the committee will be looking at style and format, the process could take longer. Councilor Spector suggested that if there will be a lot of changes, perhaps an on-going committee can be established to address this next year.
- f. Councilor O'Donnell noted that to the degree that portions of the code are extracted, there has to be some sort of mechanism for accountability to the public, including an appeal process.
- g. Stormwater is one of the ordinances that needs attention; some of the provisions of the ordinance are cumbersome for the executive function; the requirements need some level of flexibility. Councilor Spector indicated that some of the provisions were as a result of wanting to take pressure off the DPW, partially because they were not handling the interface with the public very well.
- h. Balance and common ground should be a goal. Atty. Seewald indicated that parking spaces is one area that should be looked at. Establishing general policy is appropriate (x # of spaces per area) as opposed to setting specific criteria (this parking spot shall be used for...).
- i. Councilor Adams indicated that section 2.5 gives the Council very wide powers, especially the Council's ability to regulate public property. He compared this section to section 3-2 which defines the powers of the Mayor.
- j. Attorney Seewald stated that the designation of parking spaces for a particular use is an executive function, not a legislative one. The council has the power to regulate by providing policy and general guidance for the Mayor in executing the laws. The council has no authority to sell property, for example. It does have the power to authorize the Mayor to sell property, something that the Mayor could choose to exercise or not. The City Council has the power to authorize the acquisition of real estate; the power to designate property for a municipal purpose; and the authorization to dispose of the property whether by lease or sale, etc. Everything in between is an executive function. Atty. Seewald did point out that the City Council does not have unilateral control over any of these powers, without the consent of the

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Mayor. This is dictated by state law. There are certain exceptions that give Council the authority to state the purpose of the property; these are addressed by statute (use of a building for voting, for instance).

k. The Committee set a time for two additional meetings:

Wednesday, Dec. 9<sup>th</sup>, 3:30-4:30 p.m. – City Hall Hearing Room  
Thursday, Dec. 17<sup>th</sup>, 4:00-5:00 p.m – Council Chambers

4. At 4:25, Councilor Adams moved to adjourn the meeting; Councilor Spector seconded the motion. The motion was approved on a voice vote of 5 Yes, 0 No.

Note: This meeting was video recorded.

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