CITY COUNCIL

CITY OF NORTHAMPTON

MASSACHUSETTS

Councilors:

- President Gina-Louise Sciarra, At-Large
- William H. Dwight, At-Large
- Michael J. Quinlan, Jr., Ward 1
- Karen Foster, Ward 2
- Vice-President James Nash, Ward 3
- John Thorpe, Ward 4
- Alex Jarrett, Ward 5
- Marianne L. LaBarge, Ward 6
- Rachel Maiore, Ward 7

Meeting Agenda
On-line Video Conference
Meeting Date: October 1, 2020
Meeting Time: 7 p.m.

The October 1, 2020 City Council meeting will be held via remote participation. The public can follow the council's deliberations by watching the meeting live on Comcast channel 15, live-streaming it on youtube or joining the virtual meeting by phone or computer. For the active youtube link, please see Northampton Open Media's website: http://northamptonopenmedia.org/

Live public comment will be available using telephone call-in or video conferencing technology beginning at 7 p.m.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

Join virtual meeting: https://bit.ly/304iGo8
For telephone call-in, call:
+ 253 215-8782 US
+ 301 715-8592 US
Meeting ID: 948 0999 8291
Participant #: #
Passcode: 179817

1. **Announcement that Meeting is Being Held Via Remote Participation and Audio/Video Recorded**
   This meeting is being held via remote participation and audio/video recorded.

2. Public Comment

3. Roll Call

4. Public Hearings

A. Announcement of Public Hearing on Administrative Order

The following Public Hearing is hereby advertised in accordance with The Charter of Northampton, Massachusetts, Article 6 ADMINISTRATIVE ORGANIZATION, SECTION 6-1 ORGANIZATION OF CITY AGENCIES.

BY ORDER OF THE CITY COUNCIL, the Northampton City Council will hold a Public Hearing by remote participation on **Thursday, October 15, 2020 at 7:05 p.m.** Instructions for accessing the hearing may be found on the October 15, 2020 City Council agenda to be posted on the city website (www.northamptonma.gov) at least 48 hours prior to the meeting. The City Council will consider proposed amendments to the **City of Northampton Administrative Code, Part II Multiple-Member Appointive Organization, Section 23.0 Public Shade Tree Commission.**

The City Council will hear all persons who wish to be heard thereon. The City Council meeting begins **at 7 p.m.**

Documents:

20.131 An Administrative Order to Amend the City of Northampton Administrative Code.pdf

B. Announcement of Public Hearing - 20.003 National Grid/Verizon New England Pole Petition for Beacon Street (Petition #29215572)

Per M.G.L. Chapter 166, Section 22, a public hearing will be held on Thursday, October 15, 2020 @ 7:15 p.m. 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 #29215572) - Beacon Street. The hearing will be held via remote participation. Please see the agenda for the October 15, 2020 City Council meeting for instructions for accessing the hearing.

Documents:

20.003 Revised National Grid Pole Petition for Beacon Street.pdf
20.003 DPW Recommendation.pdf

C. 7:05 pm **Public Hearing on 20.109 National Grid/Verizon New England Pole Petition for Prospect Street (Petition #29914250)**

Per M.G.L. Ch. 166, Section 22, a public hearing will be held on Thursday, October 1, 2020 @ 7:05 p.m. on the petition of National Grid/Verizon New England to erect poles and wires upon, along, under or across one or more public ways. (Petition #29914250 - Prospect Street)

Documents:

20.109 National Grid-Verizon Pole Petition for Prospect Street (Petition 29914250).pdf

20.109 DPW Recommendation.pdf

5. Updates from Council President and Committee Chairs

6. Recognitions and One-Minute Announcements by Councilors

7. Communications and Proclamations from the Mayor

8. Resolutions

9. Presentations

10. Consent Agenda

A. Minutes of August 20, 2020

Documents:

08-20-2020_City Council Minutes.pdf

B. 20.129 Appointment of Marc Dautreuil as Principal Assessor - for referral to City Services Committee

Documents:

20.129 Appointment of Marc Dautreuil as Principal Assessor.pdf

C. 20.132 Appointments to Arts Council and NHA - for referral to City Services Committee

Arts Council

Kent Alexander, 174 Island Road, Northampton, Ma

Term: October 2020-June 2023

To fill a vacancy

Northampton Housing Authority- Board of Commissioners

Jeff Jones, UFCW Local 1459, Organized Labor Representative, 76 Woods Road, Florence, MA

Term: March 2020-February 2025

Reappointment

Documents:

20.132 Appointments to Arts Council and NHA.pdf

11. Deliberate and vote on Individual Charter Review Committee Recommendations

Process note: This discussion may take more than one meeting. Not all items listed may be reached for final action.
ARTICLE 8. ELECTIONS
- Lowering the municipal voting age to 16
- Mailing ballots for municipal elections to all registered voters
- Removing the need to cite a specific reason to receive an absentee ballot for municipal elections

Documents:

CRC Annotated Charter - Approved 11-19-19.pdf
CRC_EXECUTIVE_SUMMARY - Approved 11-19-19.pdf
Status of Council Action on CRC Recommendations.pdf

12. Recess for Committee on Finance (See Separate Agenda)

13. Financial Orders (on 1st reading pending Finance review)

Rule 2.6 requires the Finance Committee to consider certain financial matters.

14. Financial Orders (on 2nd reading)

A. 20.118 An Order to Appropriate $54,075 in CPA Funds for West Farms Road APR Project - 2nd reading

History:
- Positive recommendation, Finance Committee - 9/17/2020
- Passed 1st reading - 9/17/2020

Documents:

20.118 An Order to Appropriate 54,075 in CPA Funds for West Farms Road APR Project.pdf

B. 20.122 An Order to Appropriate FY2021 CPA Funds for Community Preservation Purposes - 2nd reading

History:

- Positive recommendation, Finance Committee - 9/17/2020
- Passed 1st reading - 9/17/2020

Documents:

20.122 An Order to Appropriate FY2021 CPA Funds for Community Preservation Purposes.pdf

15. Orders

A. 20.130 An Order to Designate Northampton Policing Review Commission Members as Special Municipal Employees - 1st reading

Process note: Two readings are respectfully requested as the commission has already convened and is actively meeting.

Documents:

20.130 An Order to Designate Northampton Policing Review Commission Members as Special Municipal Employees.pdf

16. Ordinances (Not yet Referred)

Rule 5.2.3 provides that no ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

17. Ordinances

18. Information Requests (Charter Provision 2-7) and Committee Study Requests

19. New Business

20. Adjourn

Contact: G-L Sciarra, Council President
glsciarra@northamptonma.gov
(413) 570-3133

MAYOR DAVID J. NARKEWICZ

City of Northampton
210 Main Street, Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

September 29, 2020

Northampton City Council
210 Main Street, Room 3
Northampton, MA 01060

To the Honorable Members of the City Council,

Pursuant to my authority under Article 6, Section 6-1 of the City Charter, I am respectfully submitting the attached Administrative Order making the following changes to the City's Administrative Code:

(1) Change the name of the Public Shade Tree Commission to the Urban Forestry Commission.
This change to the name of the Public Shade Tree Commission has come at the request of both the Commission itself and the Tree Warden to better reflect the broader mission of this important multiple-member body which extends beyond public shade trees to promoting and preserving the city's entire tree canopy.

(2) Change the membership composition of the newly-renamed Urban Forestry Commission and designate an ex-officio Chair.
This Administrative Order also modifies the membership composition of the newly renamed Urban Forestry Commission from seven city residents to six city residents and the city's Tree Warden. It also designates the city's Tree Warden as the ex-officio Chair of the Commission.

Since the creation of the Public Shade Tree Commission by Administrative Order in November of 2014, the city's Tree Warden has played an active and central role in the work of the body and attended all of its meetings. Making the city's Tree Warden a member of the Commission would formalize that role and making them the ex-officio Chair would align it with my 2019 Administrative Orders changing the Transportation and Parking Commission and the Energy and Sustainability Commission. There is currently a vacancy on the Commission following the resignation of founding member and former longtime Chair, Lilly Lombard, so this change will be fairly seamless and not require a resignation.

Thank you in advance for your review of these proposed changes to our Administrative Code. I stand ready to answer any questions or provide additional information and respectfully request the City Council's approval of the attached Administrative Order.

Sincerely,

David J. Narkewicz
Mayor

cc: City Clerk

ADMINISTRATIVE ORDER

Amend City of Northampton Administrative Code,
Part II Multiple-Member Appointive Organization, Section 23.0 as follows:

23.0. ~~Public Shade Tree Commission~~ **Urban Forestry Commission**

Established

There shall be a**n** ~~Public Shade Tree~~ **Urban Forestry** Commission consisting of seven members **as follows: Tree Warden plus 6 members of the public. The Tree Warden shall serve as Chair and one of the members of the public shall be elected Vice Chair.**

Authorities and Responsibilities

The ~~Public Shade Tree~~ **Urban Forestry** Commission preserves, protects and promotes City shade trees. The Commission advises and assists the Tree Warden and Mayor in researching and developing plans, programs and policies for achieving a tree canopy that supports Northampton's goals of public health, beautification, economic and environmental sustainability, and resilience in the face of climate change. The Commission reviews and makes recommendations on ordinance and zoning regulations related to trees. It receives and reviews input from City residents, businesses, and neighborhoods on issues or concerns related to trees, makes planting and maintenance recommendations guided by industry best practices, and works to promote knowledge and awareness of the benefits of an actively managed urban forest.

The ~~Public Shade Tree~~ **Urban Forestry** Commission is an advisory multiple-member body of the City.

Questions contact – Lisa Jasinski 413-222-4838

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Northampton, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Beacon St. - National Grid to install (1) SO pole on Beacon St. beginning at a point approximately 367 feet east of the centerline of the intersection of Sunhill Dr. to correct service attached to tree.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Beacon St. - Northampton, Massachusetts.

29215572

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID Jim Kehrer/lla
BY _____
Engineering Department

September 15, 2020

Northampton

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Northampton, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that Massachusetts Electric Company d/b/a NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 15th day of September 2020.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Beacon St. - Northampton, Massachusetts.

29215572 Filed with this order:

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Beacon St. - National Grid to install (1) SO pole on Beacon St. beginning at a point approximately 367 feet east of the centerline of the intersection of Sunhill Dr. to correct service attached to tree.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of , Massachusetts held on the day of 20 .

City/Town Clerk.

Massachusetts 20 .

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
City/Town Clerk

I hereby certify that on 20 , at o'clock, M
at a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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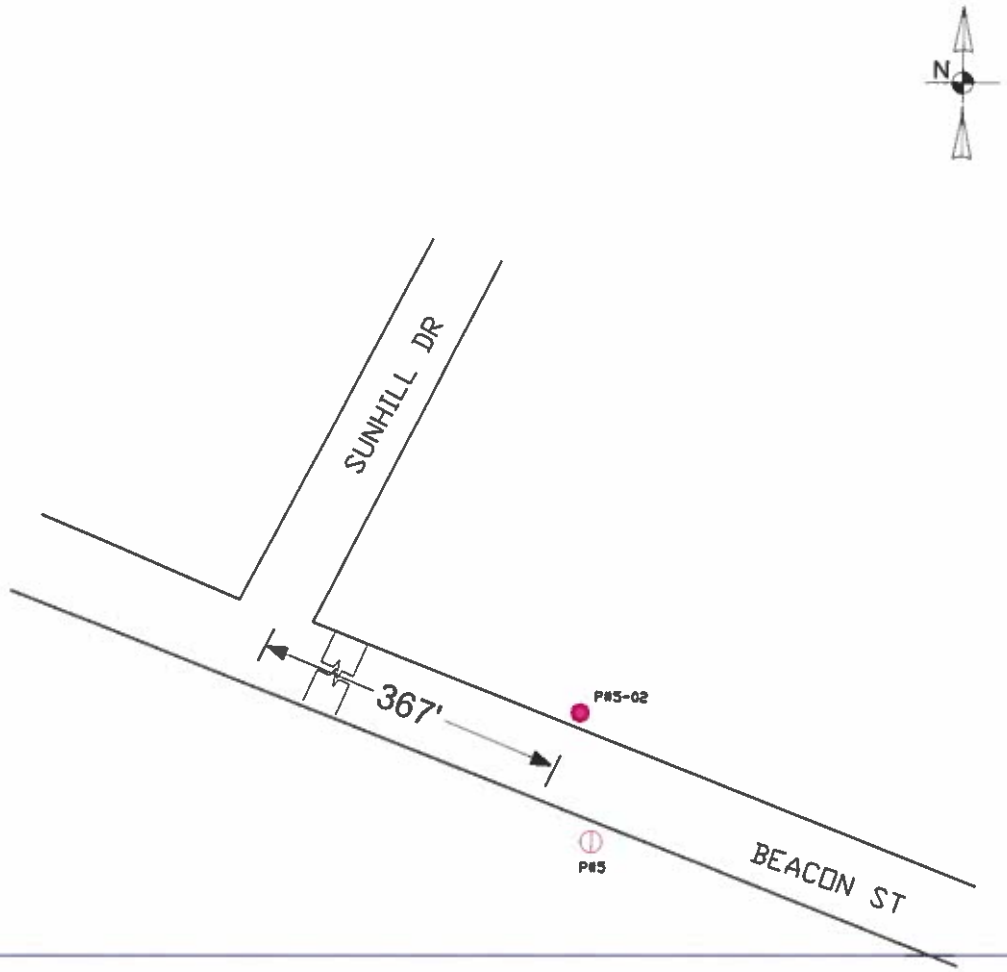
.....
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City/Town of Massachusetts, on the day of 20 and recorded with the records of location orders of the said City, Book , and Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk



POLE PETITION

- Proposed NGRID Pole Locations
- Existing NGRID Pole Locations
- Proposed J.O. Pole Locations
- Existing J.O. Pole Locations
- Existing Telephone Co. Pole Locations
- Existing NGRID Pole Location To Be Made J.O.
- Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

nationalgrid

Date: DEC 19, 2019

Plan Number: WR# 29215572

To Accompany Petition Dated:

To The: CITY Of NORTHAMPTON

For Proposed: Pole: Location: BEACON ST

Date Of Original Grant:

CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060

413-587-1570
Fax 413-587-1576

Donna LaScaleia
Director

Memorandum

To: Donna LaScaleia, DPW Director approves DL 9-29-20

From: Felix Harvey, Staff Civil Engineer

Date: September 29, 2020

Re: National Grid Petition for Joint or Identical Pole Locations No. 29215572

National Grid is proposing to install one (1) auxiliary pole on Beacon Street approximately 367 feet from the centerline of the intersection with Sun Hill Drive across from pole 5 to serve 47 Beacon Street. The new pole location was field-staked by National Grid.

There are no conflicts with utilities or public shade trees at this proposed location.

A valid "Excavation/Trench Permit" issued by the City's Department of Public Works is required prior to construction.

nationalgrid

RECEIVED
AUG 2020
CITY CLERK'S OFFICE
NORTHAMPTON 01060

August 13, 2020

The City Council of Northampton, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

Lisa Jasinski 413-222-4838

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Jim Kehrer/lla

Jim Kehrer
Supervisor, Distribution Design

Enclosures

Questions contact - Lisa Jasinski 413-222-4838

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Northampton, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Prospect St. - National Grid to install (1) JO pole on Prospect St. beginning at a point approximately 15 feet west of the centerline of the intersection of Roe Ave. Relocate support pole, for Roe Ave., from Childs Parks to roads edge.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Prospect St. - Northampton, Massachusetts.

29914250

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID Jim Kehrer/lla
BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.
BY Albert E. Bessette
Manager / Right of Way

Dated: July 21, 2020

Northampton

Questions contact – Lisa Jasinski 413-222-4838

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Northampton, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 21st day of July 2020.

All construction under this order shall be in accordance with the following conditions:
Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Prospect St. - Northampton, Massachusetts.

29914250 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Prospect St. - National Grid to install (1) JO pole on Prospect St. beginning at a point approximately 15 feet west of the centerline of the intersection of Roe Ave. Relocate support pole, for Roe Ave., from Childs Parks to roads edge.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of ,Massachusetts held on the day of 20 .

City/Town Clerk.

Massachusetts 20 .

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
City/Town Clerk

I hereby certify that on 20 , at o'clock, M
At a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND, INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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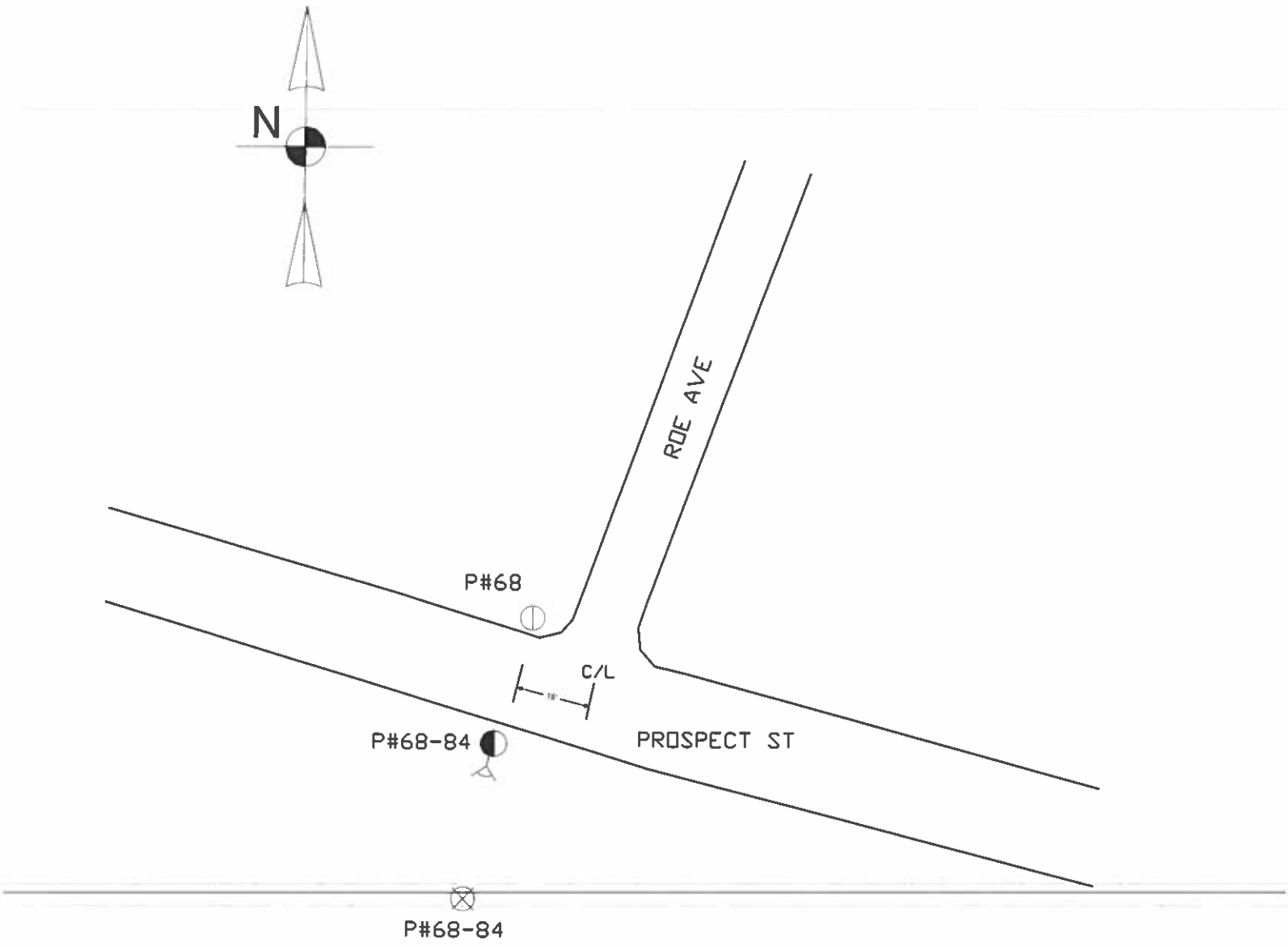
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 and recorded with the records of location orders of the said City, Book , and Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk



POLE PETITION

- ● Proposed NGRID Pole Locations
- ○ Existing NGRID Pole Locations
- ◐ Proposed J.O. Pole Locations
- ⦶ Existing J.O. Pole Locations
- ◕ Existing Telephone Co. Pole Locations
- ◎ Existing NGRID Pole Location To Be Made J.O.
- ⊗ Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

nationalgrid

Date: JULY 13, 2020

Plan Number: WR#29914250

To Accompany Petition Dated:

To The: CITY **Of** NORTHAMPTON

For Proposed: 1 **Pole:** JO **Location:** PROSPECT ST

Date Of Original Grant:

CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060

413-587-1570
Fax 413-587-1576

Donna LaScaleia
Director

Memorandum

To: Donna LaScaleia, Director of Public Works Approved DL 9-10-2020

From: Felix Harvey, Staff Civil Engineer

Date: September 8, 2020

Re: Petition for Joint or Identical Pole Locations No. 29914250

I have reviewed Department of Public Works (DPW) records and visited the site to view the proposed location of pole #68-84 on Prospect Street near Roe Avenue. The proposed pole location is approximately 15 feet west of the centerline of Roe Avenue, on the South side of Prospect Street.

There do not appear to be any conflicts with existing utilities or Public Shade Trees.

A valid trench permit approved by the DPW is required before work at this location commences.

CITY COUNCIL MEETING
CONDUCTED AS AN ON-LINE ZOOM MEETING
Northampton, MA

Roll Call

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:05 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Gina-Louise Sciarra
Ward 1 Councilor Michael J. Quinlan, Jr.
Ward 2 Councilor Karen Foster
Ward 3 Councilor James B. Nash
Ward 4 Councilor John Thorpe
At-Large Councilor William H. Dwight
Ward 5 Councilor Alex Jarrett
Ward 6 Councilor Marianne LaBarge
Ward 7 Councilor Rachel Maiore

Announcement of Audio/Video Recording

Councilor Sciarra announced that the meeting was being held via remote participation and audio and video recorded.

Public Comment

Public Comment

Councilor Sciarra opened the floor to public comment and explained the procedure she would use in conducting the public comment session.

Steve Jones of 123 Black Birch Trail, who identified himself as a public health physician and former employee of the Centers for Disease Control (CDC), said he wanted to speak positively about the council declaring that racism is a public health crisis. From his public health work, he knows that there are huge disparities between whites and people of color in almost every measure - including life expectancy - and that racism is clearly a major contributor to those differences. He applauds the fact that the council going to consider this. The Northampton Board of Health (BOH) meeting started at 5:30 p.m. and members passed a resolution and adopted the language that the council will consider later on declaring that racism is a public health crisis and worthy of treatment, assessment and financial investment in order to eradicate negative health impacts. He thanked the councilors who brought this forward.

John Paradis of 55 Ice Pond Drive, Florence, said he is here on behalf of the Holyoke Soldiers' Home Coalition. He extended his appreciation to his ward councilor, John Thorpe, noting that he is doing an outstanding job of keeping them all informed. He also extended thanks and gratitude to Councilor Quinlan, Councilor LaBarge, Mayor Narkewicz, Veterans' Services Director Steve Connor and the Veterans' Council of Northampton for putting forth the resolution in support of their efforts as a coalition. The coalition came together in the aftermath of the terrible tragedy of losing 76 veterans to COVID-19. A major focus of the coalition is insuring that they as veterans and families of veterans are included in any major reforms or changes to the governance of the soldiers' home and in plans to build a new home as now pledged by the Commonwealth through their advocacy. The coalition's biggest call to action right now is that this outreach effort must include a process for the state to receive feedback and consensus from family members and the veterans' community in Western Massachusetts. In the past two months, the coalition has grown to over 70 members including 11 family members of either residents of the home or residents who have passed away from COVID-19 and more than 2000+ people who have pledged support. In addition, more than 19 cities, towns and organizations have passed resolutions or written letters of support, so Northampton is in good company.

When he was deputy superintendent at the Holyoke Soldiers' Home, he and Superintendent Paul Barabani made a point of personally welcoming new veterans to the home on the day of their admission. As they can imagine, on the day family members leave families for residency in a long-term care facility, there is apprehension and anxiety. They made sure to reassure them that it was their promise to do everything they could to make sure they received the greatest care with the utmost honor and dignity. On the resident's final day, they would have a farewell ceremony where the veteran would be draped in the American flag and they would render a salute and play taps. It was so damaging to the soul when, after making this personal promise, despite everything they could do to appeal to and petition the commonwealth for the needed staffing and resources, they could not deliver on this promise because the commonwealth did not deliver on the needed care.

	It is now their time to get it right as a community and as citizens. As he mentioned, they have a lot of momentum. He and Paul Barabani had a meeting yesterday with the chairman of the board of trustees. He told them he wasn't sure if, but for them, the state would have clearly listened to the voices of family members and veterans to make sure they truly are a shining example with, as many of them say on Veterans Day, the best veterans' service programs in the nation. He thanked the council for taking on this resolution. (14:26) Jose Adastra, resident of either Ward 3 or Ward 7, who lives with his two - almost three - kids and a partner, said he would love it if, besides language declaring racism a public health crisis, councilors took some of the requests the local Defund group has been making to actually help people on the ground instead of writing this beautiful language. "You're still over-policing the homeless," he charged. Some people are going to complain at the police office, and the reason police are giving that they are not going to Pulaski Park as often is because of the budget cuts. He thinks this is very inappropriate for them to say because it's not accurate. They are not going because we are watching them and there's pressure on them and everyone is communicating, he asserted. He is very uncomfortable that it doesn't really seem that the council has any control over the police department at all. He has seen the same people homeless for almost a decade now. That's a shame on the local government; it's a shame on all of them who don't seem to be experienced enough to be governing during this crisis. There's a lot of money now; somehow, they must find a way to directly assist the people who are homeless. He is begging them to find it in their heart to cooperate with the people on the ground who know who the homeless are and what their needs are. Try to control the propaganda that the police are putting out, he urged.
Public Hearings Announcement of Public Hearing on Package of Four National Grid/ Verizon New England Pole Petitions for King Street/ Finn Street	Public Hearings Announcement of Public Hearing on Package of Four National Grid/Verizon Pole Petitions for King Street/Finn Street Councilor Sciarra read the following announcement: Per M.G.L. Ch. 166, Section 22, a public hearing will be held on Thursday, September 3, 2020 @ 7:05 p.m. on the following petitions of National Grid/Verizon New England to erect poles and wires upon, along, under or across one or more public ways: 20.079 National Grid/Verizon Pole Petition for Finn Street (Petition #24891246-5) 20.080 National Grid/Verizon Pole Petition for King Street (Petition #24881246-1) 20.081 National Grid/Verizon Pole Petition for King Street (Petition #24881246-2) 20.082 National Grid/Verizon Pole Petition for King Street (Petition #24881246-3) The hearing will be held via remote participation. Please see the agenda for the September 3, 2020 City Council meeting for instructions for accessing the hearing.
Updates from Council President/ Committee Chairs	Updates from Council President and Committee Chairs Councilor Sciarra updated those present on the status of appointments to the Northampton Policing Review Commission (NPRC). Two councilors have been appointed – Alex Jarrett and Michael Quinlan, and she is very grateful for their commitment to doing the work. For the remaining seven councilor appointees, they have had an outstanding response to the call for letters of interest. The City Council has received 50 letters. Many applied to both the mayor and City Council while others applied to only one appointing authority or the other for a grand total of 63 applications. She thanked the council and Administrative Assistant Laura Krutzler for all the work they have done to inform residents about the commission. Councilor LaBarge announced that there will be no City Services Committee meeting on Monday, September 7th due to Labor Day. The meeting will be held Wednesday, September 9th at 4 p.m. via remote participation.
Recognitions and One-Minute	Recognitions and One-Minute Announcements by Councilors Councilor Quinlan publicly recognized and congratulated his friend and longtime Northampton

Announcements by Councilors	resident Al Griggs for his upcoming governor's award in the humanities. He has put decades of work into underserved members of the population and he's thrilled he's being recognized for those endeavors. On July 12, 2020, he held his first Ward 5 gathering with School Committee member Dena Levy, Councilor Jarrett reported. They will hold another meeting this Sunday, August 23rd from 4 to 5 p.m. and will be sharing what's happening with the City Council and School Committee, taking questions and hearing concerns and ideas. Anyone interested can register on his website or Facebook page or by emailing or calling him. Councilor LaBarge thanked Administrative Assistant Laura Krutzler for her hard work. She has been working with the Northampton Kiwanis Club to supply meals and baked goods to 'Cathedral in the Night' for dinners on Sunday evenings, Councilor Foster related. They're serving from 70 to 90 people; the need has increased dramatically during the pandemic. Meals served typically come from donations from local church services, so the stream of typical donations is down and the need is up. She has been coordinating vegetarian meals and baked goods every Sunday night and committed to doing so until local church services are back up. They definitely could use a hand, so if anyone has some energy and is looking for a concrete way to help, she encouraged them to volunteer. Councilor Quinlan and a wide variety of people have donated a meal or baked goods. She encouraged anyone interested to contact her for further details.
Communications and Proclamations from the Mayor	Communications and Proclamations from the Mayor Mayor Narkewicz made an announcement about the Shared Streets and Spaces Project. Main Street was closed today as well as parking on Main Street. A team of volunteers and staff have been working all day to lay out new lines and striping between King Street and Pleasant Street and South and State Street. Main Street will reopen late tonight but other work will be happening tomorrow with workers coming behind with flower pots, flowers and street art. He thanked volunteers as well as city staff and thanked everyone for their patience as the city implements this grant program to create more public space downtown. The overarching goal is to support the downtown economy and businesses which obviously have been struggling during the COVID-19 pandemic. He reminded the public to find an alternate route through this evening. The street will reopen tomorrow, he advised.
Resolutions 20.105 Resolution in Support of the Soldiers' Home in Holyoke - 1st reading	Resolutions 20.105 A Resolution in Support of the Soldiers' Home in Holyoke - 1st reading Councilor Sciarra read the resolution. Councilor Dwight moved to approve the resolution in first reading. Councilor Thorpe seconded. As they know, the trustees of the Holyoke Soldiers' Home have endorsed multiple recommendations made in a highly critical state investigation into dozens and dozens of COVID-19 related deaths of aging veterans at the long-term care facility, Councilor LaBarge reminded. Her husband was in the army in the early part of the Vietnam War as were his brothers and she has many nieces and nephews in the area who have served their country. To have something like this happen is very heart-breaking for everyone. As stated, the trustees have made numerous recommendations for wide-spread improvements to the operations and management of the home. Several utterly baffling decisions were made at the soldiers' home that allowed the disease to run rampant, and it did. 76 veterans who contracted the COVID-19 disease at the soldiers' home passed away and five of them were Northampton residents. She thanked Representative Lindsay Sabadosa for helping her find out how many Northampton residents passed away there. One was a resident of Ward 6, who she knew very well. 76 veterans who contracted the COVID-19 disease at the soldiers' home have passed away, she stressed. Many other communities have already passed these resolutions. She is urging Governor Baker and the legislature to stop rerouting funds that were scheduled for Northampton that could have saved the lives of veterans in 2020. They need Governor Baker to see the dire need for the significant funding needed to upgrade the 68-year old facility. These soldiers who lost their lives due to the deplorable conditions after serving their country and defending their liberty should have lived with respect and a good quality of life and were entitled to death with

dignity. She extended condolences to the families of soldiers who passed at the soldiers' home.

Councilor LaBarge thanked Veterans' Services Director Steven Connor who approached her to see if she would be a sponsor, saying she was honored. She was pleased to see a part added to the resolution at her request and thanked Councilor Quinlan for this addition. She is hoping that the council can do two readings tonight as it is very critical and urgent that they get it to the statehouse.

Councilor Quinlan thanked co-sponsor Councilor LaBarge, commending the Ward 6 councilor for her family's history of service, passion for the issue and commitment to veterans. He thanked Mr. Connor and John Paradis for their current and continued service to fellow veterans and thanked Mayor Narkewicz, commenting that Northampton and Mr. Connor's fierce advocacy on this issue is made possible through his leadership. Finally, he thanked Representative Sabadosa for her help and encouragement and his friend Dan McCarthy from West Springfield, a proud veteran who was the first person to introduce the resolution to him.

On a personal note, he extended condolences to the five Northampton families who lost loved ones at the soldiers' home. His wife's grandfather spent his final years there and received quality care and he couldn't imagine the heartache of not being able to visit. Right now, they are seeing multiple investigations into what happened and watching a great blame game unfold. But blame will not bring back the veterans, prevent another outbreak or magically make the soldiers' home a safer, more suitable facility. It is time for Governor Baker and the state legislature to take action and approve funding to create a new, safer and compliant soldier's home in Holyoke. Northampton represents about 3% of the population of the area served by the Holyoke Soldiers' Home but represents 7% of the deaths. In learning that funding was approved for the project in Chelsea in 2017, it smacks of willful ignorance of Western Massachusetts by state politicians. When coming to understand that, in 2010 and 2012, the Holyoke facility was found to be substandard, it is no longer ignorance; it is willful negligence. He encouraged fellow councilors to email legislators to urge them to take action and urged fellow councilors to support passing the resolution in two readings tonight.

Councilor Jarrett thanked the resolutions' sponsors, saying he is absolutely in favor of it. They see many examples of the state promising to pay for something and not following through, with charter school reimbursement being an example, and this is one with deadly consequences.

Councilor Thorpe thanked Councilor Quinlan, Councilor LaBarge and Mayor Narkewicz for bringing the resolution forward. This is a tragedy and should not have happened. He definitely supports passing it in two readings. He also thanked Steve Connor and John Paradis.

Councilor Nash said he really appreciates the work done to bring the resolution forward. With all that's been going on in the world, in many ways, until he saw this resolution, it kind of slipped by him. It was a huge tragedy a couple of months ago but with all the news was kind of put by the wayside. He really appreciates this being put front and center, that it was a terrible tragedy and that it was avoidable. It's particularly tragic that these are people who put themselves in harm's way for the good of their nation and that they by their negligence put them in harms' way again. That is very regrettable.

Councilor Maiore pointed to the deaths at the soldiers' home as one of the pandemic stories and horrendous tragedies at the local level that none of them will ever forget and will indeed be processing for years. The resolution is not only an advocacy tool but is also a tool for healing for the community, acknowledging it and calling it what it was - a largely preventable tragedy that they can't let happen again, she suggested. She joined fellow councilors in thanking sponsors.

Councilor LaBarge apologized because she also wanted to thank Mayor Narkewicz for being a sponsor.

He grew up in the shadow of the Holyoke Soldiers' Home (HSH), which was emblematic of Holyoke's pride, Councilor Dwight shared. It sits there on top of the hill and was a citadel visible from Route 91. Providing services for regional veterans was a source of pride for the citizens of Holyoke. Councilor Quinlan pointed out the kind of parallels they experience in the western part of the state, particularly the city of Holyoke. As service outliers, the region is often considered as an afterthought with more resources and conscious efforts directed to everything within Route

128. His initial and sustaining emotion to this is shame that it occurred and that it was so preventable. Usually shame prompts apologies and his hope here is that shame would drive the action that this resolution calls for. “I hope that we can actually prompt the shame that needs to be felt east of here,” he asserted.

He thanked every sponsor. On John Paradis’ watch, the Holyoke Solders’ Home maintained that dignity, that emblematic resource that was important to Holyoke’s sense of self. He did it despite the fact that he was encumbered with enormous challenges and neglect. The circumstances that found him no longer associated with it are another source of shame. He is grateful for all Steve Connor’s efforts. He hopes they don’t just express outrage in an empty fashion but that they can provoke and stimulate consequences that will do what they need to do

Councilor Sciarra also offered thanks for the resolution. The horror and heartbreak of how COVID-19 ravaged the soldiers home really just laid bare what many knew, that for years the state failed the veterans at the HSH. It culminated in this utter devastation and these tragic, lonely deaths and the extreme trauma for the families who couldn’t be with their loved ones at the end. She joined in thanking the sponsors and John Paradis and Steve Connor who wholly know how the state has failed their veterans. “I’m sorry and, like Councilor Dwight, I’m ashamed that this could happen here in Massachusetts, and I join you all in demanding that we do far, far better,” she concluded.

Mr. Connor said he is very grateful to Councilor Quinlan and Councilor LaBarge for sponsoring this and, of course, to the mayor, a fellow veteran. This has been tragic in so many ways for so many families. He sat with John Paradis a few weeks ago listening to families talk about what it was like to be on the outside watching what was happening to their loved ones on the inside, and it was heart-wrenching. One gentlemen was 172 pounds and when he passed away two weeks later he was 93 pounds. That’s neglect; that should never have happened, he observed. As a veterans’ service officer for over 16 years, he signed many people up for admittance to the home and, in later years, he was getting more and more hesitant.

After seeing money go to Chelsea instead of Holyoke, the Western Massachusetts Veterans Service Officers Association asked him to do a research project on the condition of the home. He did, and there were some huge, telling signs that “things were not going to be good,” he reported. He brought it to Representative Peter Kocot who did an initial audit under the Executive Office of Health and Human Services. Rep. Kocot said they were not seeing great disparities but there seemed to be a problem with overcrowding; let’s talk about it after the first of year. And, of course, Peter passed away.

What was so painful about what happened is that it was preventable. He helped not only Northampton residents but residents of some of the 10 other towns he serves get into the home. It’s really hard to deal with the fact that he helped someone get in there and they ended up dying in not only an unpleasant but in a horrendous way. These men didn’t deserve to be treated like this. His brother passed away in 2013 at the HSH. They did notice the overcrowding but the staff went above and beyond and his family got to experience the ceremony Mr. Paradis described with his brother being taken out with dignity. He was hanging out outside the soldiers’ home when the story broke and they weren’t even being taken out the front door anymore, they were being put in a refrigerated truck. He thanked the council for its support and for entertaining the request for two readings. “We really want to get word to the state as soon as we can get it.”

Mayor Narkewicz said he really couldn’t add to all the eloquent words spoken but thanked fellow sponsors and Mr. Connor and Mr. Paradis for their long-standing advocacy for the HSH. “We certainly have to make sure that something like this never happens again,” he agreed. He is grateful to the council for taking up the resolution and hopes other towns will follow suit.

Councilor Dwight said he thinks it’s appropriate to acknowledge that not only the veterans but the staff suffered during this time. The staff experienced the same pains and agonies they’ve heard described here. The families were crushed, the veterans were crushed, the staff were crushed, and a community was severely wounded by this egregious neglect that in any other circumstance would be considered criminal, he reflected.

The motion to approve the resolution in first reading passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

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

The following resolution passed two readings:

In the Year Two Thousand and Twenty
Upon the Recommendation of Mayor David J. Narkewicz, the Northampton Department of Veteran's Services, Councilor Marianne LaBarge and Councilor Michael Quinlan, Jr.

R-20.105
A RESOLUTION
IN SUPPORT OF THE SOLDIERS' HOME IN HOLYOKE

A Resolution honoring the Five Northampton Veterans who lost their lives to COVID-19 at the Holyoke Soldier's Home

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

Whereas America's Veterans have served our country and community, defended our liberties, and should live with respect, and a good quality of life and are entitled to death with dignity.

Whereas in 1952, the Soldiers' Home in Holyoke opened and has provided "Care with Honor and Dignity" to thousands of Massachusetts Veterans for over 68 years and in that time countless Northampton residents have been cared for at the Soldiers' Home;

Whereas in 2010, Veteran rooms at the Holyoke Soldiers' Home were determined by the U.S. Department of Veteran Affairs to be non-compliant with the Uniform Federal Accessibility Standard;

Whereas in 2012, The Massachusetts Division of Capital Assets Management and Maintenence commissioned a Needs Assessment Study that determined that "*of the 278 current beds, less than 5% meet VA Standards*";

Whereas in 2013, a design to add 120 private rooms, as well as convert existing rooms thus creating 278 fully compliant beds, was approved by the U.S. Department of Veteran Affairs (VA) for 65% federal funding; however, the state has repeatedly failed to commit its 35% share of matching funds, required to allow for the start of construction;

Whereas in 2016, a project to create an Adult Day Health Care Program at the Soldiers' Home in Holyoke was also approved by the VA for 65% funding; however, it also has never received Massachusetts' commitment for the 35% matching funds;

Whereas in November 2017, with the support of Governor Baker and the Legislature, the state approved $199 million to build a new 154-bed long-term care facility *at the Soldiers' Home in Chelsea*; while disregarding the long- documented deficiencies at the Holyoke Soldiers' Home;

Whereas the lack of sufficient space and staff were major contributing factors in the rapid spread of the Novel Coronavirus-19 at the Home which resulted in the deaths of 76 Veterans, including five

Northampton residents, who tested positive for COVID-19. This atrocity is one of our country's worst Veteran tragedies and contradicts Massachusetts' claim of being the best in the nation for Veteran benefits;

Whereas ***all Veterans deserve equal treatment*** in Massachusetts state-funded Veteran Homes; to include the same living conditions as well as proportionate funding to provide for a safe and efficient level of staffing in all departments;

NOW THEREFORE IT BE RESOLVED that the sponsors call upon the Northampton City Council to urge Governor Baker and the Massachusetts State Legislature take *immediate action to increase funding* to ensure sufficient staff, equipment and supplies to provide safe care; and to *expedite the design of the new Soldiers' Home in Holyoke* to allow for the construction of fully compliant rooms for 250 Veterans, including a toilet and shower in each bedroom, and the establishment of an Adult Day Health Care Program to meet the VA project submission date of April 15, 2021; in order to provide the best in care for "those who have borne the battle" and sacrificed their safety and well-being to preserve our nation's freedom.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this Resolution to be sent to Governor Charles Baker, House Speaker Robert DeLeo; Senate President Karen Spilka, Chairs of the Joint Committee on Veterans and Federal Affairs (Senator Walter F. Timilty, Representative Linda Dean Campbell, Vice Chair Senator Michael F. Rush), State Representative Lindsay Sabadosa, and State Senator Jo Comerford.

Rules suspended, passed two readings and enrolled.

20.107 Resolution in Support of Actions to Combat the Public Health Crisis of Systemic Racism - 1st reading

20.107 A Resolution in Support of Actions to Combat the Public Health Crisis of Systemic Racism - 1st reading

Councilor Sciarra read the resolution in its entirety.

Councilor Foster moved to approve the resolution in first reading. Councilor Dwight seconded.

He can tell them that he has heard from some constituents who have been very supportive of this resolution and want to see the 10-point plan implemented and racism acknowledged as a public health crisis, Councilor Thorpe reported. This is a long and overdue response to something people already knew but have been reluctant to acknowledge, that racism is a public health problem that hurts people, particularly people of color and blacks. Statistics show that blacks and other people of color experience worse health issues and disparities, police violence and lack of equal access to income, wealth and healthy food, to name a few. This is a small step in the right direction. He thanked Council President Sciarra and Councilor Dwight for their guidance and leadership in crafting this resolution with him.

This resolution has been much changed since they first started; events move much faster than their ability to keep up with them, Councilor Dwight acknowledged. This was originally drafted to respond to the death of George Floyd. There have been subsequent deaths, racially-motivated deaths that essentially in many cases would qualify as lynchings. We have not moved very far, he pronounced. The vast majority are starting to recognize in the course of their all experiencing house arrest for the past four or five months and the explosion that occurred of people's level of despair and outrage, the consequences of racism that are part of the warp and weave of the fabric of this country. Racism is an integral part of what we are as a nation and we are now forced at long last to reckon with this in a very serious way with the support of the majority of the people in this country. That's unprecedented, he observed. In the civil rights movement, which was not that long ago, John Lewis's experience fighting for basic, elemental rights resulted in him having a fractured skull and putting himself in peril each time he went to advocate for his people. He stated earlier that shame is the primary driver in the soldier's home response; shame here is not a strong enough word. It doesn't encompass the level and depth of pain and the consequences experienced by people who have endured the long oppression.

The council has written multiple resolutions opposing hate. Resolutions do not carry the weight of law. What this charges them to do is to continue to do the work. There's advocating, there's marching, there's speaking out, and that moves the center of gravity of the conversation. But the job of elected officials and public servants is to review and reconsider what public safety means. Beyond that, it's not just the public safety response, it is everything else; it is the universe of their

culture. They make laws; that is one of their responsibilities as councilors. This is their charge.

He has no doubt, he volunteered. He has recently been able to experience the core of his colleagues here. They are moral people devoted to the notion of public service, and they will, he is fully confident, continue to make moral choices. This is a reinforcement for that. This doesn't create a law but it does charge them - the council - to follow through and manifest actions by their declaration. He has every confidence that this will meet with unanimous approval. He is receptive to amendments. This is not comprehensive by any stretch. He is grateful to his co-sponsors for their ethic and their consciences.

Councilor Sciarra said she would follow up and echo a lot of what Councilor Dwight said. They felt it was important to reintroduce this resolution which they started to introduce in June then held back to try to incorporate some of the responses that were happening nationally and locally, notably in Northampton, the creation of the Northampton Policing Review Commission. As noted in the resolution, the council has a history of forcefully standing against racism and bigotry and hate but they feel as if it is important to talk about the actions with the words and to assert their stand with the Massachusetts Black and Latino Legislative Caucus (MBLLC) and its 10-point plan.

She thanked Adele Frank and Steven Jones for their advocacy and commitment to the 10-point plan and specifically to declaring racism as a public health crisis and for delivering the news that the Board of Health voted tonight to recognize it as such. She thinks it's critical that it be done at the state level with a commitment of resources.

She pointed to the intersection of the two crises they are experiencing right now and the part that systemic racism plays in general in public health. Statistics continue to show with the coronavirus pandemic that Black and Latinx communities have significantly greater rates of coronavirus positive cases, hospitalization and mortality from the virus. So they have to acknowledge that racism is a public health crisis. It very much exacerbates for certain communities other crises. She expressed hope that the council would support this resolution and join her and Councilors Dwight and Thorpe in pushing for these actions.

Councilor Thorpe touched upon what Councilor Dwight mentioned earlier about the city council creating municipal laws. As a city council, they have to make sure that those laws are inclusive of everybody and not unjust and unfair and the cause of inequities to various groups of people.

He is very much in support of this and agrees the work on public safety is essential, Councilor Jarrett continued. He wanted to speak to concrete action they could take under the purview of the council. He knows that many municipalities conduct a periodic review of ordinances. He would suggest looking at ordinances to see if they impact people differently depending on their race; i.e. – looking at impacts on health, employment and general well-being to see if ordinances have a disparate impact on different groups of people. One example is zoning. Early zoning codes were often explicitly racist; single-family zoning and minimum lot sizes were often used to require more money to afford to live in a place. It's not intentional today but there could still be that effect. Environmental racism means some neighborhoods are healthier than others. He wondered if sponsors would consider adding something to the resolution of that additional scope for second reading.

Councilor Dwight said he would be very open to that. They are actually charged with a periodic review of ordinances. He likes the idea of somehow embedding in that a criteria of analysis that addresses this. He doesn't think that, as a rule, they have been reviewed in that way. If Councilor Jarrett is interested in drafting an amendment to that effect, it would be great, he confirmed.

Councilor Maiore thanked Councilors Sciarra, Dwight and Thorpe. She has been a long-time advocate of using a public health declaration like this since she was in grad school for public health. For multi-dimensional issues like this, it is a great way of framing it for people who want to address it. It's of course not just about violence at the hands of police, or COVID-19 or other health indicators; it is seen in housing, food deserts, education and jobs. It's acknowledging a problem and also inviting accountability. She thinks it is a very grounded thing to do and she really appreciates them doing it.

She invited sponsors to elaborate on action items #9 and #10 and whether they envisioned the

policing review commission as being the venue to explore this proposal.

Councilor Quinlan thanked sponsors. As all have pointed out, the resolution is something the City of Northampton and population as a whole would be in agreement with, and he supports it 100%. His only suggestion would be that he notices item #6 talks about encouraging a state Office of Diversity and Equal Opportunity. While it is not the council's purview to create a city department, he does think they should do that here in Northampton too. Having such an office in the city would help clarify some of the rules and regulations and insure accountability, he suggested.

Councilor Nash and Councilor Foster similarly thanked and acknowledged sponsors and expressed strong support for the resolution. Both praised the way it has evolved over the past few months, especially expressing appreciation for the inclusion of the MBLLC's 10-point plan and the framing of racism as a public health crisis.

Councilor LaBarge apologized because this was not in her packet when she picked it up on Tuesday and this is the first time she's seen it but said she is very taken with it. Racism is definitely a health issue; there's no doubt about it. She asked if sponsors wanted two readings.

Councilor Sciarra said she didn't think it was necessary.

Councilor Dwight said he would like the opportunity to massage it a little more, incorporate the suggestions of Councilor Jarrett and Councilor Quinlan and bring it back in two weeks.

Councilor Thorpe thanked the health department for passing the resolution.

Councilor Sciarra called the motion to a vote, and it passed unanimously 9:0 by roll call vote.

See minutes of September 3, 2020 for second reading.

Consent Agenda

Consent Agenda

Councilor Sciarra reviewed the items on the consent agenda, asking if anyone wished to remove an item for separate discussion. Councilor Foster requested removal of the appointment of Helen Kahn to the Licensing Commission.

Councilor Dwight moved to approve the consent agenda with the appointment of Helen Kahn removed. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

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

A. Minutes of June 4, 2020, June 18, 2020 and July 9, 2020
B. 20.097 Appointments to Various Committees – all positive recommendations, City Services Committee – 7/20/2020

Board of Registrars

Daniel Polachek, 335 South St., Northampton, MA
Term: April 2020-March 2023
Reappointment

Downtown Business Architecture Committee

Aelan Tierney, 30 Francis St., Northampton, MA
Term: July 2020-June 2023
Reappointment

Human Rights Commission

Booker Bush, MD, 119 Pine St., Florence, MA
Term: July 2020-June 2023
Reappointment

Parks & Recreation Commission

James Ryan, 56 Leonard St., Leeds, MA
Term: July 2020-June 2023
Reappointment

C. 20.098 Petitions for Annual Second Hand Dealer Licenses
Renewal licenses for the following:

Cumberland Rare Books, 9 1/2 Market Street
Petitioner: Hosea Baskin

Sun Music, LLC, dba Birdhouse Music, 164 Main Street
Petitioner: Glenn Alper

Born Again Vintage & Consignment, 4 Old South Street
Petitioner: Laura Burke

Phoenix Rising, 5 Old South Street
Petitioner: Robert Templeton

D. 20.099 Applications for Six (6) Taxicab Licenses, Jeffrey Miller - Cosmic Cab Co.
Applications for Permits for Taxi Cabs for the following vehicles:
- 2001 Chevy Suburban
- 2005 Chevy Magnum
- 2007 Chevy Suburban
- 2008 Dodge Caravan
- 2008 Black Dodge Caravan
- 2008 PT Cruiser

E. 20.106 Appointments to Various Committees - for referral to City Services Committee
Arts Council
Matthew Vanderslice, 231 Elm St. Rear, Northampton, MA
Term: July 2020-June 2023
To fill a vacancy

Lori Steiner, 18 Ridgewood Terrace, Northampton, MA
Term: July 2020-June 2023
Reappointment

Board of Health
Dr. Suzanne Smith, 134 State St., Northampton, MA
Term: July 2020-June 2023
Reappointment

Conservation Commission
Kevin Lake, 35 Washington Ave., Northampton, MA
Term: July 2020-June 2023
Reappointment

Downtown Business Architecture Committee
Emily Wright, 244 South St., Northampton, MA
Term: July 2020-June 2023
To fill a vacancy

Human Rights Commission
Nural Mohammed, 34 Michelman Ave., Apt. 2, Northampton, MA
Term: July 2020-June 2023
Reappointment

Human Rights Commission *(continued)*
Deidre Cuffee-Gray, 2 Burts Pit Rd., Northampton, MA
Term: August 2020-June 2023
To fill a vacancy

Chelsea Villareal, 23A Lyman Rd. Northampton, MA
Term: August 2020-June 2023
To fill a vacancy

Councilor Dwight moved to approve the appointment of Helen Kahn to the License Commission. Councilor Nash seconded.
Councilor Foster said she wanted to disclose what could be an appearance of a conflict of

interest. She is the director of All Out Adventures and Helen Kahn is her employee. She doesn't have any financial interest in her appointment and feels that she can vote fairly, she presented.

The motion passed unanimously 9:0 by roll call vote. The following appointment was approved:

License Commission
Helen Kahn, 188 Federal St., Florence, MA
Term: July 2020-June 2026
Reappointment

Recess for Committee on Finance Meeting

At 8:52 p.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 9:45 p.m. The City Council reconvened at 9:45 p.m.

Financial Orders (on 1st reading pending Finance review)
20.101 Order to Accept Donation of Easement for Olander Drive Extension – 1st reading

Financial Orders (on 1st reading pending Finance review)
20.101 An Order to Accept Donation of Easement for Olander Drive Extension - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor LaBarge moved to suspend rules to allow a second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

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, August 20, 2020
Upon the recommendation of Mayor David J. Narkewicz and Planning & Sustainability

20.101 An Order to Accept a Donation of an Easement for Olander Drive Extension

WHEREAS, The City obtained a MassWorks grant to fund the **Olander Drive extension** as a private road to serve the planned Village Hill North Commons affordable housing;

WHEREAS, An easement for **Olander Drive extension** and related infrastructure, utilities and retaining wall will provide the City with the rights, but none of the obligations, of a roadway and ensure city compliance with MassWorks requirements;

WHEREAS, The **Olander Drive extension** easement, and a new donation of 18.51 acres to the City for the **Mill River Greenway** (which was authorized by City Council on 12/3/2009), is shown at the Hampshire Registry, Plan Book 247, Page 66.

Ordered, that
The Mayor is authorized to accept said easement for the Olander Drive extension and associated facilities.

Rules suspended, passed two readings and enrolled.

20.103 Order to Award Contract for FY2021-FY2023 Audit to Scanlon and Associates - 1st reading
20.104 An Order to Reprogram Surplus from CS Security Upgrade to CS Elevator

20.103 An Order to Award Contract for FY2021-FY2023 Audit to Scanlon and Associates - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of September 3, 2020 for second reading.

20.104 An Order to Reprogram Surplus from CS Security Upgrade to CS Elevator Roof Project - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

Roof Project - 1st reading

Councilor Maiore moved to suspend rules to allow a second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council August 20, 2020

Upon recommendation of the Mayor

20.104 An Order to Reprogram Surplus from CS Security Upgrade to CS Elevator Roof Project

Ordered, that

$25,000 of surplus funds remaining in the Central Services Security Upgrade Collector's Office Project (19303-586212), be reprogrammed to the Central Services Municipal Building Elevator Roof Project (193030-585501) to be added to the original appropriation of $40,000 to provide the additional funds necessary to meet the recent lowest bid received for the repairs.

Rules suspended, passed two readings and enrolled.

Financial Orders (in 2nd reading)
20.091 Order to Accept Gift of Labor and Materials to Repair Grave of George Hodestia - 2nd reading

Financial Orders (in 2nd reading)
20.091 An Order to Accept Gift of Labor and Materials to Repair Grave of George Hodestia - 2nd reading
Councilor Dwight moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council July 9, 2020

Upon recommendation of the Mayor

20.091 An Order to Accept Gift of Labor and Materials to Repair Grave of George Hodestia

Whereas, Historic Gravestone Services of 113 Michael Lane, New Salem, MA, wishes to provide labor and materials to repair the deteriorated gravestone of George Hodestia, formerly enslaved citizen and Florence resident, in Park Street Cemetery,

Ordered that,

The Northampton City Council gratefully accepts the donation of labor and materials, valued at $500, as a gift to the City of Northampton to be used for the restoration of the gravestone of George Hodestia in the Park Street Cemetery, in accordance with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts; acceptance and expenditure).

Passed two readings and enrolled.

20.092 Order to Accept Gift of Plaque for Grave of Basil Dorsey - 2nd reading

20.092 An Order to Accept Gift of Plaque for Grave of Basil Dorsey - 2nd reading
Councilor Dwight moved to approve the order in second reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council July 9, 2020

Upon recommendation of the Mayor

20.092 An Order to Accept Gift of Plaque for Grave of Basil Dorsey

Whereas,

Basil C. Dorsey was born enslaved in 1811, took his freedom on the Underground Railroad in 1833 and lived in Florence, MA from 1844 until his death in 1872 when he was buried in the Park Street Cemetery in Northampton;

Ordered, that

The Northampton City Council gratefully accepts the donation of a plaque to be placed at his grave, valued at $1,000, and donated by Bambi Miller, as a gift to the City of Northampton, in accordance with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts; acceptance and expenditure).

Passed two readings and enrolled.

20.093 Order to Accept $3,000 Gift from Ruggles Center for Park Street Cemetery Gravestone Repairs - 2nd reading

20.093 An Order to Accept $3,000 Gift from Ruggles Center for Park Street Cemetery Gravestone Repairs - 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 July 9, 2020

Upon recommendation of the Mayor

20.093 An to Accept $3,000 Gift from Ruggles Center for Park Street Cemetery Gravestone Repairs

Whereas,

The David Ruggles Center, a project of the Committee for Northampton, Inc., would like to provide funding for repair work, materials and professional oversight of repairs for the deteriorated gravestones of Basil Dorsey, Laura Washington, Louisa Dorsey, Nancy Jones and Charles & Gertrude Burleigh in the Park Street Cemetery,

Ordered that,

The Northampton City Council gratefully appropriates the donation of the $3,000 gift to the City of Northampton to be used toward the repair work, materials and professional oversight of repairs for these five gravestones in the Park Street Cemetery, in accordance with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts; acceptance and expenditure).

Passed two readings and enrolled.

20.094 Order to Accept Gift up to $100,000 to Replace Fencing at Bridge Street Cemetery - 2nd reading

20.094 An Order to Accept Gift up to $100,000 to Replace Fencing at Bridge Street Cemetery - 2nd reading

Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded.

Councilor Nash thanked DPW Director Donna LaScaleia again for all her work in pulling this together. This wouldn't be happening without her work.

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

The following order passed two readings:

City of Northampton

MASSACHUSETTS

In City Council July 9, 2020

Upon recommendation of the Mayor

20.094 An Order to Accept Gift up to $100,000 to Replace Fencing at Bridge Street Cemetery

Whereas, in 2016, a Preservation Master Plan was created for the Bridge Street Cemetery, and a recommendation within this plan was the phased replacement of the Cemetery border fence as described on pages 25-27, and an anonymous donor wishes to provide necessary funding for Phase 1 of this fence replacement above and beyond the city's appropriation of $25,000 for cemetery improvements in FY2021;

Ordered that,

The Northampton City Council gratefully appropriates the donation of a gift to the City of Northampton of funds up to $100,000 to be used toward the replacement of approximately 880 linear feet of fence at the Bridge Street Cemetery, to include two gates, in accordance with the recommendations within the Preservation Master Plan for the Bridge Street Cemetery and with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts; acceptance and expenditure).

Passed two readings and enrolled.

Orders
20.102 Order Adopting the City of Northampton Hazard Mitigation Plan Update - 1st reading

Orders
20.102 An Order Adopting the City of Northampton Hazard Mitigation Plan Update - 1st reading

Northampton adopted the first plan 20 years ago, and the city updates the plan every five years, Office of Planning and Sustainability Director Wayne Feiden reminded. It helps for two things: planning for hazard mitigation and applying for funding. It brings departments together, brings the community together and often helps them think about what they can do differently from the last five years. Not surprisingly since the update was occuring during COVID, a lot of their discussion focused on what they could do differently as far as hazard mitigation with regard to pandemics.

The plan is a requirement for getting FEMA money for hazard mitigation projects. He pointed to projects to rebuild the retaining wall along River Road in Leeds and to raise a house out of the floodplain a few years earlier as examples of FEMA-funded projects. The city has done big projects and little projects. The reason for asking for two readings is that the plan expired a week ago, and the city has a grant application pending for a project for the Ice Pond on Route 66. With the plan expired, that project goes on hold.

Highlights of this planning process included using the COVID pandemic as a sort of lens for viewing hazard mitigation and looking at invasive plants as one of the clear climate change-related impacts, Mr. Feiden noted. Among other things, planners identified the resiliency hub city officials have been talking about as a plan priority. Doing so doesn't guarantee they will ever get funding for it but it makes it eligible for funding.

The plan identifies a couple of big projects city officials have been discussing for years such as the DPW's upgrade of the 1940's-era pumping system that releases water from the Mill River out through the dikes during a flood and the need to keep flood control dikes up to date. One important new project is updating the flood hazard mitigation maps for Northampton. These maps determine what is and is not floodplain for regulatory purposes and were last updated in 1974. As part of this process, if the flood control levy is not certified under FEMA certification, FEMA will

assume it is not adequate to protect Northampton from a flood and all Pleasant Street and all Lower Main Street will be designated as floodplain, making it virtually impossible for any new construction. Planners have been aware of this for a couple years. They are currently working on a $300,000 grant from the state to test the levy by taking core samples to move the city toward being certified. Having a plan becomes really important because that is probably the most important flood control item they can do in the next few years.

The other problem is that, without FEMA support, all the properties down on Pleasant Street on the newly-identified floodplain would be uninsurable, Councilor Dwight added. That was part of the bigger conversation about the need to supplement the stormwater management system in the city.

You're absolutely correct, Mr. Feiden agreed. Since the City Council authorized the stormwater utility, the DPW has been doing a lot of work on the levies to catch up on deferred maintenance. The drilling through the dam is for the purpose of checking the core to confirm the integrity of the core of the dam.

The dam was overbuilt in 1940 but the technology of tying a dam into the ground wasn't as strong in 1940, so the biggest weakness is water slipping under the dam during a flood. The wildcard is they don't know what FEMA is going to identify as the new 500-year flood elevation. If it says it is a foot higher, Northampton is safe because the dam was overbuilt. If they say it is six feet higher, "we may not be safe."

Councilor Jarrett thanked Councilor Sciarra and Director Feiden. He attended a public meeting on the plan back in April and was really impressed with the scope of the plan and the depth of the research and historical information. Having lived through some of the more recent events, it gave him a sense of the relative severity of events and how they impacted Northampton.

Councilor Foster asked Mr. Feiden to talk about the process of developing the resiliency hub.

It is a long process and there is a lot of uncertainty in terms of grant funding, Mr. Feiden said. They've received some small grants already to help with the planning process. Planners are doing three things: working with their partners (Community Action Pioneer Valley is almost certainly going to be the city's lead partner), applying for grants, the city for grants it is eligible for and CAPV for grants it is eligible for, and, with one eye, watching the real estate market. They don't think it is the role of the city to run the hub – they think it should be run by a non-profit – so the city is helping with grant funding and capital improvements. Incredibly sadly, residential properties are not declining in price in Northampton but commercial properties probably are.

If the right funding came through and a physical site became available, it could move forward fairly quickly. If not, they are starting to talk about options for proceeding with a lighter version such as a virtual hub or a site using existing rental space.

Those are the three tracks they are working on, building their partnerships, looking for funding and watching the market, he concluded.

New Business	New Business None
Information (Charter Provision 2-7) & Study Requests	Information (Charter Provision 2-7) and Information Study Requests None
Motion to Adjourn	Upon motion made by Councilor Foster and seconded by Councilor Dwight, the meeting was adjourned at 10:11 p.m. The motion carried unanimously 9:0 by roll call vote. Attest:_____ Administrative Assistant to the City Council

MAYOR DAVID J. NARKEWICZ
City of Northampton
Office of the Mayor
210 Main Street Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

MEMORANDUM

TO: City Council
FROM: Mayor David J. Narkewicz
CC: City Clerk Pamela Powers
DATE: September 28, 2020
RE: Appointment of Principal Assessor

I am appointing Deputy Assessor Marc Dautreuil to the position of Principal Assessor for the City of Northampton, filling the vacancy created by the retirement of Principal Assessor Sarafin, effective October 1, 2020.

Deputy Assessor Dautreuil has been with the department since 2016. Prior to that, he was a real estate appraiser in Barnstable and Plymouth counties. He received his bachelor's degree from Texas State University in History, earning a secondary teaching certificate in Social Studies. He gained his Appraiser's licence in 2015, and in 2016 was designated a Massachusetts Accredited Assessor by the Massachusetts Association of Assessing Officers. I have attached a copy of Mr. Dautreuil's professional resume for your review.

I consulted with retiring Principal Assessor Sarafin on this decision and we are both confident in Deputy Assessor Dautreuil's ability to lead the Assessor's Department moving forward. I am honored to elevate Marc Dautreuil to the rank of Principal Assessor and respectfully submit his appointment to the City Council for confirmation in accordance with the Northampton Charter, Article 2, § 2-10.

MAYOR DAVID J. NARKEWICZ

City of Northampton
Office of the Mayor
210 Main Street Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

DATE: October 1, 2020

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

Please find the attached appointment to City Boards, Committees, and Commissions:

Arts Council

Kent Alexander, 174 Island Road, Northampton, Ma
Term: October 2020-June 2023
To fill a vacancy

Northampton Housing Authority- Board of Commissioners

Jeff Jones, UFCW Local 1459, Organized Labor Representative, 76 Woods Road, Florence, MA
Term: March 2020-February 2025
Reappointment

City of Northampton

Mayor of Northampton Mass. <mayor@northamptonma.gov>

Northampton Arts Council application

7 messages

Kent Alexander <jkentalex@gmail.com>
To: Mayor@northamptonma.gov

Mon, Aug 31, 2020 at 4:28 PM

Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions
Please return the completed form to: Mayor@northamptonma.gov or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

First Name	Kent
Last Name	Alexander
Title, if applicable	*Field not completed.*
Address1	174 Island Rd.
Address2	174 Island Road
City	Northampton
State	MA
Zip	01060
Home Phone	(413) 455-5724
Work Phone	*Field not completed.*
Cell Phone	(413) 455-5724
Occupation & Place of Employment	anti-racism & workplace culture consultant -- Self-employed
Email	jkentalex@gmail.com

Are you a Northampton resident?	Yes
Years Lived in Northampton	3 years
Age	60 - 69
Sex	Male
Racial / Ethnic Background	Black/African American
Boards and Committees	Arts Council, Council on Aging
Please list "other" board or committee of interest	Human Rights Commission
What skills and experience will you bring to this committee assignment?	I am an anti-racism and workplace culture consultant. I currently serving a third-year term as the equity and inclusion advisor for ValleyCreates, a Barr Foundation funded initiative of the Community Foundation of Western Massachusetts. This initiative seeks to make equitable arts funding throughout the Valley. Within this role, I facilitate DEI conversations and lead group activities to provide advice and feedback on ways to be more inclusive with both programming and the artist applicant pool; design inclusion-based rubrics for prospective innovation grantees; as well as design and co-facilitate DEI-threaded activities for funded organizations who desire to become more equitable.

Pronouns: He/Him/His

***PLEASE NOTE**: In order to live a more balanced life, I tend to answer email on Monday through Thursday.*

"*Revolution is based on land. Land is the basis of all independence. Land is the basis of freedom, justice, and equality*." ~ Malcolm X

Chapter C. Charter

[HISTORY: Approved by the Governor of the Commonwealth of Massachusetts 9-12-2012 (Acts of 2012, Chapter 277); ratified by the voters of the City of Northampton 11-6-2012.[1] Amendments noted where applicable.]

Attachments Attachment 1 - Related Laws

[1]

Editor's Note: This act also superseded the City's former Charter, adopted by the House of Representatives 6-20-1883 (Acts of 1883, Chapter 250), approved 6-23-1883, as amended.

Recommending to City Council to remove Attachment 1 from the Charter.

Article 1. INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1. INCORPORATION

The inhabitants of the city of Northampton, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Northampton".

SECTION 1-2. SHORT TITLE

This instrument shall be known and may be cited as the city of Northampton charter.

SECTION 1-3. DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of the city of Northampton, with the government of Northampton, shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.

SECTION 1-4. POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws, it is the intention and the purpose of the voters of Northampton, through the adoption of this charter, to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each power were specifically and individually enumerated in this charter.

SECTION 1-5. CONSTRUCTION

The powers of the city of Northampton under this charter are to be construed liberally in favor of the city, and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6. INTER-GOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city of Northampton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7. DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(1) "Charter", this charter and any adopted amendments to it.

(2) "City", the city of Northampton.

(3) "City agency", any multiple member body, any department, division, or office of the city of Northampton.

(4) "City office or department head", a person having charge of a city office or department.

(5) "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

(6) "Full city council", the entire authorized membership of the city council, notwithstanding any vacancy which might exist.

(7) "Full multiple member body", the entire authorized membership of a multiple member body, notwithstanding any vacancy that exists.

(8) "Full school committee", the entire authorized membership of the school committee, notwithstanding any vacancy that exists.

(9) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities, or to a class of cities and towns of which Northampton is a member.

(10) "General Laws", the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(11) "Initiative measure", a measure proposed by the voters through the initiative process provided under this charter.

(12) "Local newspaper", a newspaper of general circulation within Northampton, with either a weekly or daily circulation.

(13) "Majority vote", when used in connection with a meeting of a multiple member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of members of the body.

(14) "Measure", any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.

(15) "Multiple member body", any council, commission, committee, subcommittee or other body consisting of 2 or more persons whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.

(16) "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which a municipal service or services are delivered.

(17) "Quorum", a majority of all voting members of a multiple member body unless some other number is required by law or by ordinance.

(18) "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.

(19) "Voters", registered voters of the city of Northampton.

(20) "Year", a calendar year, unless otherwise-specified. -

Article 2. LEGISLATIVE BRANCH

SECTION 2-1. COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a city council consisting of 9 members which shall exercise the legislative powers of the city. Two of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Seven of these members, to be known as ward councilors, shall be nominated and elected by and from the voters from each ward; 1 such ward councilor to be elected from each of the 7 wards into which the city is divided under section 8-6.

(b) Term of Office - The term of office for councilors shall be 2 years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and until a successor has been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall be a voter in the ward from which election is sought. If a ward councilor or a councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-11. A ward councilor who removes from the ward in which the councilor was elected and who remains a resident of the city may continue to serve during the term for which the councilor was elected.

SECTION 2-2. PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM; POWERS

(a) Election and Term - As soon as practicable after the councilors-elect have been qualified following each regular city election, as provided in section 10-11, the members of the city council shall elect from among its members a president and vice-president who shall serve for 2 year terms. The method of election of the president and vice-president shall be prescribed within the rules of the city council.

(b) Powers and Duties - The president shall prepare the agenda for city council meetings ~~in consultation with the mayor and the city clerk~~. The president shall preside at all meetings of the city council, regulate its proceedings and decide all questions of order. The president shall appoint all members of committees of the city council, whether special or standing. The president shall have the same powers to vote upon measures coming before the city council as any other member of the city council. The president shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the city council. The vice-president shall preside in the absence of the president.

SECTION 2-3. PROHIBITIONS

(a) Holding Other City Position - No member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until 1 year following the date on which the former member's service on the city council has terminated. This section shall not prevent a city employee who vacated a position in order to serve as a member of the city council from returning to the same position upon the expiration of the term for which that person was elected.

(b) Interference with Administration - No city council or any member of the city council shall give orders or directions to any employee of the city appointed by the mayor, either publicly or privately.

SECTION 2-4. COMPENSATION

The members of the city council shall receive a salary for their services set by ordinance. No ordinance increasing or reducing the salary of the members of the city council shall be effective unless it is adopted by a two-thirds vote of the full city council. No ordinance increasing the salary of councilors shall be effective unless it is adopted during the first 18 months of the term for which the city council is elected and it provides that the salary increase is to take effect upon the organization of the city government following the next regular city election.

SECTION 2-5. GENERAL POWERS

Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested in the city council which shall provide for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6. EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative powers of the city council may be exercised in a manner determined by the city council.

(b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business. Except as otherwise provided by General Laws or by this charter, the affirmative vote, taken by roll call vote, of 6 members shall be required to adopt an appropriation order. Except as otherwise provided by law or this charter, the affirmative vote, taken by roll call vote, of a majority of the full city council shall be required to adopt any ordinance.

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

(i) Regular meetings of the city council shall be held at a time and place fixed by ~~ordinance~~ order. All regular meetings of the city council shall provide for a period of public comment; provided, however, the city council may promulgate rules that regulate the period of public comment as deemed appropriate.

(ii) Special meetings of the city council shall be held at the call of the president or at the call of any 3 or more members, for any purpose. Notice of the meeting shall, except in an emergency, which shall be designated by the president, be delivered to each member at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose or purposes for which the meeting is to be held. A copy of each notice shall immediately be posted as the General Laws relative to such postings require.

(iii) All sessions of the city council and of every committee or subcommittee of the council shall at all times be open to the public unless otherwise specified by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting. Unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

SECTION 2-7. ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) Information Requests - The city council may require a member of an appointed multiple-member body or a city employee appear before the city council to give any information that the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayor - The city council may request specific information from the mayor on any municipal matter and may

request that the mayor be present to answer written questions relating to that information at a meeting to be held not earlier than 7 days from the date the mayor receives the questions. The mayor shall personally, or through a designated city employee, attend such meeting and respond to the questions. The mayor, or the person designated to attend, shall not be required to answer questions relating to any other matter.

(d) Notice - The city council shall give a minimum of 7 days notice to a person it may require to appear before it under this section. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing.

SECTION 2-8. APPOINTMENTS OF THE CITY COUNCIL

Subject to appropriation, the city council may employ staff as it deems necessary.

SECTION 2-9. ORDINANCES AND OTHER MEASURES

(a) Measures- Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 10 days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures- An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the full city council. An emergency measure may be passed with an amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure. Except as provided by the laws of the commonwealth, such grant, renewal or extension shall be made by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection- On the first occasion that the question on adoption of a measure is put to the city council, if a single member present objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council, whether regular or special. If 2 members present object, such postponement shall be until the next regular meeting. If it is an emergency measure at least 4 members must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

SECTION 2-10. CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS

The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a department head or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The city council shall refer each name submitted to a standing committee of the council which shall review each candidate for appointment and shall make a recommendation to the

full city council not less than 7 nor more than 45 days after the referral. The committee may require any person whose name has been referred to appear before the committee or before the city council to give any information relevant to the appointment that the committee or the city council may require. Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days.

SECTION 2-11. FILLING OF VACANCIES

If a vacancy in the office of councilor occurs prior to the eighteenth month of the term for which the councilor is elected, the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately. If a regular city election is to be held within 120 days following the date the vacancy is created, a special election need not be held and the office shall be filled by the voters at the regular city election. Election to fill the vacant seat of a ward councilor shall be held only in the affected ward, while an election to fill a vacant seat of a councilor-at-large shall be held in all wards of the city.

Article 3. EXECUTIVE BRANCH

SECTION 3-1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS

(a) Mayor Qualifications - The chief executive officer of the city shall be a mayor, elected by the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full-time to the office and shall not hold any other elective public office.

(b) Term of Office - The term of office of the mayor shall be 4 years, beginning on the first Monday in the January after the election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until the mayor's successor has been qualified.

(c) Compensation - The city council shall, by ordinance, establish an annual salary for the mayor. No ordinance increasing or reducing the salary of the mayor shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing the salary of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next regular city election.

(d) Prohibitions - The mayor shall hold no other compensated city position. No former mayor shall hold a compensated appointed city office or city employment until 1 year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2. EXECUTIVE POWERS; ENFORCEMENT OF

ORDINANCES

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, laws, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, upon request, any information or materials the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The mayor shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The mayor may, as such ex officio member, attend a meeting of an appointed multiple-member body of the city, at any time, including, so called executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of that body, but not including the right to vote.

SECTION 3-3. APPOINTMENTS BY THE MAYOR

The mayor shall appoint, subject to review by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, this shall not include persons serving under the school committee, persons serving under the superintendents of Smith Agricultural School and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article 6. The mayor shall fill a vacancy for the remainder of the unexpired term of any member of a multiple-member body.

SECTION 3-4. TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate the head of another city agency, a city officer, city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. The mayor shall file a certificate in substantially the following form, with the city clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Northampton.

(signed)
Mayor

Persons serving as temporary officers under this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, not more than 2 30 day extensions of a temporary appointment may be made when a permanent

vacancy exists in the office.

SECTION 3-5. COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The mayor shall, by written communications, recommend to the city council for its consideration measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency, which shall be designated by the mayor, be delivered at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

SECTION 3-6. APPROVAL OF MAYOR, VETO

Every order, ordinance~~, resolution~~ or vote adopted or passed by the city council relative to the affairs of the city, except ~~memorial~~ non-binding resolutions, the ~~selection~~ confirmation of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and not less than 10 business days nor more than 30 days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-7. TEMPORARY ABSENCE OF THE MAYOR

(a) Acting Mayor - ~~Whenever, by reason of sickness, absence from the city or other cause, the mayor is unable to perform the duties of the office, the president of the city council shall be the acting mayor. The city council, by the affirmative vote of 7 members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.~~

The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office during the temporary absence of the Mayor for periods of 10 business days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances. If the temporary absence of the mayor exceeds 10 business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any general or special law to the

contrary, the vote shall be taken in public session by a roll call vote.

(b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor as are indispensably essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from city service unless the disability or absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. During a period in which any member of the city council is serving as acting mayor, that councilor shall not vote as a member of the city council.

SECTION 3-8. DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke an authorizations previously made: provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the powers and duties of a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the city council.

SECTION 3-9. VACANCY IN OFFICE OF MAYOR

~~(a) If a vacancy in the office of mayor occurs prior to the eighteenth month of the term for which the mayor is elected, the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill such vacancy until the next regular city election. The person elected at that special city election shall take office immediately. If a regular city election is to be held within 120 days following the date the vacancy is created a special election need not be held and the office shall be filled by vote at the regular city election.~~

~~(b) If a vacancy in the office of mayor occurs between the nineteenth and twenty-second month of the term for which the mayor is elected, the city council president shall serve as mayor until the next regular city election. The city council president serving as mayor under this subsection shall take office immediately and serve for the balance of the then unexpired term.~~

~~(c) If a vacancy in the office of mayor occurs between the twenty-third and fortieth month of the term for which the mayor is elected, the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to serve for the balance of the then unexpired term.~~

~~(d) If a vacancy in the office of mayor occurs during or after the forty-first month of the term for which the mayor was elected, the city council president shall serve for the balance of the then unexpired term.~~

~~(e) In the event that the city council president is unable to serve as mayor under this section, the city council shall elect, from among its membership, a person to serve as mayor.~~

a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified under this section. In the event that the city council president is unable to serve as mayor under this

subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon such vacancy.

b) Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a special meeting of the city council, and the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately.

c) Upon the adoption of an order for a special election under subsection b, the city clerk shall set the special election calendar as follows: nomination papers shall be made available within 7 days of the vacancy; nomination papers shall be filed with the board of registrars of voters within 28 days of the vacancy; the board of registrars shall certify such nomination papers within 30 days of the vacancy and the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall be held within 65 days of the vacancy, if required; a special election shall be held within 90 days of the vacancy.

d) Notwithstanding the provisions of subsection b, no special election shall be ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-two of the term for which the mayor was elected. In such case, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a four-year term.

e) Notwithstanding the provisions of subsection b, no special election shall be ordered if the vacancy occurs in month forty-seven or forty-eight of the term for which the mayor was elected and the mayor will not be serving another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the four-year term for which such person was elected.

(f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor.

Article 4. SCHOOL COMMITTEE

SECTION 4-1. COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a school committee which shall consist of 10 members. Two of these members shall be from the city and nominated and elected by the voters of the city at large and 7 of these members shall be nominated and elected by ward. The mayor shall serve, by virtue of the office, as the chair of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) Term of Office - The term of office for the elected school committee members shall be 2 years, beginning on the first Monday in January after the election, except when that first Monday falls on a legal holiday, then the term shall begin on the following day and until the successors have been qualified.

(c) Eligibility - A school committee member shall at the time of election be a voter. If a school committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed

vacant and filled in the manner provided in section 4-6. A ward school committee member who removes from the ward from which elected and who remains a resident of the city may continue to serve during the term for which that committee member was elected.

SECTION 4-2. SCHOOL COMMITTEE CHAIR AND VICE CHAIR

(a) Chair - The mayor, as school committee chair, shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all subcommittees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform the duties consistent with the office and as provided by this charter or by vote of the school committee.

(b) Vice-Chair - As soon as practicable after the school committee members-elect have been qualified following the regular city election, the school committee shall organize by electing 1 of the persons elected as a member of the school committee to serve as school committee vice- chair. The school committee vice-chair shall preside in the absence of the mayor.

SECTION 4-3. PROHIBITIONS

No member of the school committee shall hold any other compensated city position. No former member of the school committee shall hold any compensated appointed city office or city employment until 1 year following the date on which that member's service on the school committee terminated. This section shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated; provided, however, no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as a member of the school committee.

SECTION 4-4. COMPENSATION

The city council may, by ordinance, establish an annual salary for the elected members of the school committee. No ordinance increasing or reducing the salary of elected members of the school committee shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing the salary of the elected members of the school committee shall be effective unless it has been adopted during the first 18 months of the term for which elected school committee members are elected and unless it provides that the salary increase is to take effect upon the organization of the city government following the next regular city election.

SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not inconsistent with the General Laws. The powers and duties of the school committee shall include:

(1) electing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents under section 59 of chapter 71 of the General Laws;

(2) making all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; and

(3) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established; provided, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

SECTION 4-6. FILLING OF VACANCIES

Whenever a vacancy occurs on the school committee, the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to fill the vacancy. The city council and school committee shall appoint by majority vote of those present ~~choose~~ a person to fill the vacancy from among the voters entitled to vote for the office. Persons ~~elected~~ appointed to fill a vacancy by the city council and school committee shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. ~~Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.~~ The process and procedures by which the city council and school committee shall jointly fill vacancies under this section shall be established by ordinance.

Article 5. OTHER ELECTED OFFICIALS

~~SECTION 5-1. CITY CLERK~~

~~(a) Election, Eligibility - The city clerk shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of city clerk. The city clerk shall devote full-time to the office and shall not hold any other elective public office. The city clerk shall perform all the duties and exercise the powers incumbent by law upon the office.~~

~~(b) Term of Office - The term of office of the city clerk shall be 2 years, beginning on the first Monday in the January after the election, except when the first Monday falls on a legal holiday, in which event the term shall begin on the following day and until the city clerk's successor has been qualified.~~

~~(c) Compensation - The city council shall, by ordinance, establish the salary for the office of the city clerk.~~

~~(d) Temporary Absence - In case of the temporary absence of the city clerk, the mayor shall appoint an acting city clerk. The mayor shall be the sole judge of whether a temporary absence exists in the office of city clerk.~~

~~(e) Filling of Vacancy - Whenever a vacancy occurs in the office of city clerk, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person elected to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy. A person serving as city clerk under this section shall not be entitled to have the words "candidate for reelection" printed next to that person's name on the election ballot.~~

SECTION 5-1. TRUSTEES UNDER THE WILL OF CHARLES E. FORBES

Five members shall be elected by and from the voters of the city at large for a term of 4 years, so arranged that all members are not elected at the same time. ~~Vacancies shall be filled in a like manner as a city clerk vacancy.~~ Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the president of the board shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately, and shall serve for the unexpired term of seat to which such candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, such candidate shall be elected for a full four year term. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. ~~Persons appointed by the trustees to fill a vacancy under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.~~

SECTION 5-2. ELECTOR UNDER THE OLIVER SMITH WILL

One member shall be elected by and from the voters of the city at large for a term of 2 years. ~~Vacancies shall be filled in a like manner as a city clerk vacancy.~~ Whenever a vacancy occurs in the office of Elector under the Oliver Smith Will, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person elected to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy. A person serving as Elector under the Oliver Smith Will under this section shall not be entitled to have the words "candidate for re-election" printed next to that person's name on the election ballot.

SECTION 5-3. SUPERINTENDENTS OF SMITH~~'S~~ AGRICULTURAL SCHOOL

Three members shall be elected by and from the voters of the city at large for a term of 2 years. Vacancies shall be filled in a like manner as a School Committee ~~city clerk~~ vacancy.

SECTION 5-4. COMMUNITY PRESERVATION COMMITTEE

Two members shall be elected by and from the voters of the city at large for a term of 4 years. ~~Vacancies shall be filled in a like manner as a city clerk vacancy.~~ Whenever a vacancy occurs on the Community Preservation Committee, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person

elected to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy. A person serving as a member of the Community Preservation Committee under this section shall not be entitled to have the words “candidate for re-election” printed next to that person’s name on the election ballot.

Article 6. ADMINISTRATIVE ORGANIZATION

SECTION 6-1. ORGANIZATION OF CITY AGENCIES

The organization of the city into operating agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions in a general law or this charter, submit proposals to reorganize, consolidate or abolish a city agency, in whole or in part, or to establish a new city agency as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless specified by this charter. The mayor may prepare and submit to the city council, administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that 60 day period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 6-2. MERIT PRINCIPLES

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position.

Article 6A. BOARD OF HEALTH

SECTION 6A-1.

There shall be established in the city of Northampton a board of health consisting of 5 members, each of whom shall serve a term of 3 years and be appointed by the mayor, subject to the approval of the city council. The members of the board of health shall be legal voters in the city and at least 1 of whom shall be a physician. The members of the board shall serve without compensation.

Article 7. FINANCE AND FISCAL PROCEDURES

SECTION 7-1. FISCAL YEAR

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

SECTION 7-2. ANNUAL BUDGET POLICY

The mayor shall call a joint meeting of the city council, ~~and~~ school committee, including the superintendent of schools, and Smith Agricultural School trustees before the commencement of the budget process to review the financial condition of the city, revenue and expenditure forecasts and other relevant information prepared by the mayor in order to develop a coordinated budget.

SECTION 7-3. SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least 45 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable; provided, however, that the budget for elected officials shall identify the cost of compensation and the cost of benefits for those officials. The school budget, as adopted by the school committee shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

SECTION 7-4. ACTION ON THE OPERATING BUDGET

(a) Public Hearing - The city council shall publish in at least 1 local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place when a public hearing on the proposed operating budget will be held by the city council, not less than 14 days after publication of the notice.

(b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease amounts except expenditures required by law; provided, however, that except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the General Laws. If the city council fails to take action on an item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

SECTION 7-5. CAPITAL IMPROVEMENT PROGRAM

(a) Submission - The mayor shall submit a capital improvement program to the city council at least 120 days before the start of each fiscal year. The capital improvement program shall include:
(1) a general summary of its contents;
(2) a list of all capital improvements proposed to be undertaken during the next 5 years, with supporting information as to the need for each capital improvement;
(3) cost estimates, methods of financing and recommended time schedules for each improvement; and
(4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

(b) Public Hearing - The city council shall publish in at least 1 newspaper of general circulation in the city a notice stating: (i) the times and places where entire copies of the capital improvements program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than 14 days after publication of the notice.

(c) Adoption - At any time after the public hearing but before the first day of the last month of the current fiscal year, the city council shall by resolution adopt the capital improvements program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvements program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

SECTION 7-6. INDEPENDENT AUDIT

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the city council. The award of a three-year contract to audit shall be made by the city council on or before September 15 of each year. The clerk of the council shall coordinate the work of the individual or firm selected. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award.

SECTION 7-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS

Except as otherwise provided by law, no official of the city of Northampton shall knowingly and intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

Article 8. ELECTIONS

Lower the municipal voting age to 16

Adopt ranked-choice voting for municipal elections

Mail ballots for municipal elections to all registered voters

Remove the need to cite a specific reason to receive an absentee ballot for municipal elections

Remove the designation “candidate for re-election” from the names of incumbents on municipal ballots

Extend voting rights in municipal elections to non-citizens

SECTION 8-1. PRELIMINARY ELECTIONS

A preliminary election to nominate candidates for mayor, councilor-at-large, school committee member-at-large, city clerk, ward city councilor, ward school committee member, trustees under the will of Charles E. Forbes, elector under the Oliver Smith will, superintendents of Smith~~'s~~ Agricultural School and elected members of the Community Preservation Committee, shall be held on the third Tuesday in September in each odd-numbered year in which the candidates are to be elected, but the city clerk may, with the approval of the city council, reschedule the preliminary election to the fourth Tuesday in September to avoid a conflict with any civil or religious holiday.

Whenever a special election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election; provided, however, that a preliminary election to fill a vacancy for ward councilor or ward school committee member shall be held only in the affected ward.

SECTION 8-2. PRELIMINARY ELECTION PROCEDURES

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than 150 certified signatures; for the office of councilor-at-large, school committee member-at-large or city clerk, not less than 100 certified signatures; and for the office of ward city councilor, ward school committee member, trustees under the will of Charles E. Forbes, elector under the Oliver Smith will, superintendents of Smith~~'s~~ Agricultural School or the Community Preservation Committee, not less than 50 certified signatures. Signatures of voters shall be made on a form prescribed by the registrars of voters and shall be made available not earlier than April 2 in each preliminary election year and those forms shall be submitted to the registrars of voters for certification of the names on or before the fourteenth day preceding the date fixed for submission to the city clerk. The forms shall be submitted to city clerk on or before 5 o'clock in the afternoon on the forty-fifth day prior to the declared date of the preliminary election. An individual may appear on the ballot for only 1 office at any preliminary, regular or special city election.

(b) Ballot Position - The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least 40 days before the preliminary election. The drawing shall be open to the public.

(c) Determination of Candidates - The 2 people who receive the highest number of votes for nomination for an office at the preliminary election shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election at which the office is to be voted upon and no acceptance of a nomination shall be necessary to its validity. If 2 or more persons are to be elected to the same office at the regular or special city election, the several persons equal in number to twice the number to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a person receiving the same to have that person's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held in such ward.

SECTION 8-3. REGULAR CITY ELECTION

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

SECTION 8-4. BALLOT POSITION, REGULAR CITY ELECTION

The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk not later than 7 days after the certification of the preliminary election results. In the event that there is no preliminary election in advance of the regular city election, the drawing shall be conducted on the fourth Tuesday in September prior to the regular city election. In the event that there is no preliminary election in advance of a special city election, the drawing shall be conducted on the sixth Tuesday prior to the special city election. The drawing shall be open to the public.

SECTION 8-5. NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other political designation.

SECTION 8-6. WARDS

The territory of the city shall be divided into 7 wards by the city clerk to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits. Each ward shall be composed of voting precincts established under the General Laws. The city council shall review these wards to ensure uniformity in the number of inhabitants at least once every 10 years.

SECTION 8-7. APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

Article 9. CITIZEN PARTICIPATION MECHANISMS

SECTION 9-1. CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor - The city clerk or the secretary of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, in writing, advise the city council or the school committee and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition. The city clerk shall notify the first 10 voters that the blank forms are issued. Within 30 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10 per cent of the total number of registered voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the registrars of voters shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the secretary of the school committee, depending on how the petition is addressed. A copy of the registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the petitioners committee by certified mail.

(e) Supplementary Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least 5 per cent of the total number of registered voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of the total number of registered voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date not less than 35 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of registered voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if a city election is to be held within 120 days following the date of the certificate, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication - The full text of an initiative measure which is submitted to the voters shall be published in at least 1 local newspaper not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

(h) Time of Taking Effect - Subject to section 9-4, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 9-2. CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within 21 days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least 15 per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the school committee or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and section 9-1, as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". Subject to section 9-4, the measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

SECTION 9-3. INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

(1) proceedings relating to the internal organization or operation of the city council or of the school committee;

(2) an emergency measure adopted under the charter;

(3) the city budget or the school committee budget as a whole;

(4) any appropriation for the payment of the city's debt or debt service;

(5) an appropriation of funds to implement a collective bargaining agreement;

(6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;

(7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;

(8) any proceedings providing for the submission or referral to the voters at an election; and

(9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 9-4. REQUIRED VOTER PARTICIPATION

For any measure to be effective under initiative procedure and for any measure to be declared null and void under a referendum procedure, at least 20 per cent of the voters as of the most recent regular city election must vote at an election that includes on the ballot submission to the voters of 1 or more initiative or referendum questions.

SECTION 9-5. SUBMISSION OF OTHER MATTERS TO VOTERS

The city council may on its own motion and shall at the request of the school committee, if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular city election for adoption or rejection a measure in the same manner and with the same force and affect as are provided for submission by initiative or referendum petitions.

SECTION 9-6. CONFLICTING PROVISIONS

If 2 or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

Article 10. GENERAL PROVISIONS

SECTION 10-1. CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by statutes enacted in accordance with the state constitution.

SECTION 10-2. SEVERABILITY

This charter is severable. If any provision of this charter is held invalid, the other provisions shall not be affected by this holding. If the application of this charter to any person or circumstance is held invalid, the application of the charter to other persons and circumstances shall not be affected.

SECTION 10-3. SPECIFIC PROVISION TO PREVAIL

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

SECTION 10-4. RULES AND REGULATIONS

A copy of all rules and regulations adopted by a city agency shall be placed on file in the office of the city clerk not later than the effective date of the rule or regulation and shall be available for review by any person who requests such information at any reasonable time. Unless an emergency exists as determined by the mayor, no rule or regulation adopted by a city agency shall become effective until at least 5 days following the date it is filed.

SECTION 10-5. PERIODIC REVIEW OF ORDINANCES

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.

SECTION 10-6. PERIODIC REVIEW OF CHARTER

Not later than July 1, at 10-year intervals, in each year ending in a 9, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to be determined 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. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

SECTION 10-7. UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

(a) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, prescribe. Special meetings of any multiple-member body shall be

held on the call of the chair~~man~~ or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.

(b) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business within the bounds of any applicable ordinance that created it. Each multiple-member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record and certified copies shall be placed on file in the office of the city clerk within 15 days of approval.

(c) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.

(d) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on a matter representing an exercise of the powers of the multiple-member body. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.

(e) Residency - Unless otherwise allowed by law, regulation, ordinance or by this charter, all members of multiple-member bodies shall be residents of the city at all times during that members term of office. If a member of a multiple-member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled under section 3-3.

SECTION 10-8. NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.

SECTION 10-9. REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 10-10. COMPUTATION OF TIME

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is 7 days or more, Saturdays, Sundays and legal holidays shall be included.

SECTION 10-11. OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE, CITY

CLERK

A mayor-elect, the city council members-elect, the school committee members-elect and all other elected officials shall, on the first Monday in the January of each even-numbered year, except when the first Monday falls on a legal holiday, in which event on the following day, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. The city clerk shall first take the oath or affirmation to the discharge of the duties of the office by a judge of a court of record or by a justice of the peace. Upon receiving the oath or affirmation, each official shall document the same by entering the official's name in a journal maintained by the city clerk. In the case of the absence of the mayor-elect or any member-elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace. Additional inaugural procedures may be prescribed by ordinance.

SECTION 10-12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the city council, or appointed to an office of the city, shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the city council, or appointed to an office of the city, before performing any act under this appointment or election, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

SECTION 10-13. LIMITATION ON OFFICE HOLDING

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than 1 city office or position of employment. This section may be waived by the mayor upon the appointment of a person to an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the city clerk.

SECTION 10-14. FELONY CONVICTION

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

SECTION 10-15. ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the mayor to see that the charter is faithfully followed and complied with by all city agencies and city employees. Whenever it appears to the mayor that a city agency or city employee is failing to follow this charter the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the city council that the mayor personally is not following the charter it shall, by resolution, direct the attention of the mayor to those areas in which it believes there is a failure to comply with the charter. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

Article 11. TRANSITIONAL PROVISIONS

SECTION 11-1. CONTINUATION OF EXISTING LAWS

All general or special laws, city ordinances and rules and regulations of or pertaining to the city of Northampton, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, rescinded by law or until they expire by their own limitation. In any case in which this charter is found to be inconsistent with any general or special law that would otherwise be applicable, this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

SECTION 11-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All city agencies shall continue to perform the duties of the agency until re-elected, reappointed or until successors to the respective positions are duly appointed or elected or until the duties have been transferred and assumed by another city agency.

SECTION 11-3. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment of a city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency, shall be transferred immediately to that agency.

SECTION 11-4. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizance, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this charter and all taxes, assessments, fines, penalties and forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter. No legal act

Northampton Charter Review Committee
Summary of Recommendations 2019
(Approved Nov. 19)

This document summarizes the recommendations of the Charter Review Committee resulting from its study of the current City Charter, enacted in 2012 by special act of the Legislature, St. 2012, c. 277, and ratified by the voters of Northampton on Nov. 6, 2012. The Committee was established in January 2019 to provide for a review of the charter pursuant to Section 10-6 of the City Charter and Chapter 9 of the Northampton Code of Ordinances. The committee is composed of a representative from the executive branch, one member of the City Council and seven citizen members, one resident from each ward, appointed by the mayor in consultation with the ward councilor with confirmation by the City Council. Upon submission of this report to the city clerk, the Committee is dissolved.

The Committee held 19 public meetings, including forums on April 30 about election issues, on June 18 about the issue of appointing rather than electing the city clerk, and on Oct. 29 to review its recommendations. There was an opportunity for public comment at all meetings. The Committee's work was guided by consideration of outstanding issues carried over from its most recent predecessor committee; issues and suggestions presented by the mayor, other elected officials and department heads; written and verbal testimony from the community; and its own review of the existing charter. An annotated copy of the current City Charter also is provided, detailing all the changes recommended by the Committee. The approved minutes of all meetings as well as written testimony received by the Committee are available in the city clerk's office and on the city's website.

Where dates of meetings appear in this document, readers desiring background on recommendations approved by the Committee are encouraged to refer to the corresponding minutes for more information.

Major recommendations made by the Committee are organized in the following categories: expanding the electorate; changing the city clerk from an elected to an appointed position; addressing temporary vacancies in the office of the mayor; filling vacancies on the School Committee and Forbes Library Trustees; and extending to Smith Agricultural School certain provisions pertaining to the School Committee.

More minor recommendations of a "housekeeping" nature are found in the attached annotated copy of the current City Charter.

Finally, the Committee considered several other issues, primarily related to the city's commitment to equity and transparency in government, which did not result in recommended changes to the charter. Nevertheless, we regard them as important and urge further study by city officials for inclusion in this or future amendments to the charter. Those appear at the end of this summary under the categories of under-represented communities, access to information and access to elections.

Expanding the Electorate

1. **The motion to approve lowering the municipal voting age to 16 was approved 8-0 by roll call vote.** *Motion approved May 21. Discussed Feb. 7 and April 30.* The Committee endorsed the recommendation of the Mayor's Youth Commission made at the public forum on election issues April 30. Leaders of the commission cited benefits including increasing voter turnout and encouraging civic engagement at a younger age. They also advocated for high school students having the right to vote for candidates who will make decisions about issues directly affecting them, such as the school budget. Youth commission leaders also pointed out that many high school students already are activists on issues such as March for Our Lives and the Green New Deal, and have the maturity and interest to be responsible voters.
2. **The motion to adopt ranked-choice voting for municipal elections was approved 8-0 by roll call vote.** *Motion approved May 21. Discussed Feb. 19, March 19, April 30 and May 7.* This recommendation received overwhelming community support as evidenced by testimony at the April 30 forum. Benefits include eliminating the need of costly preliminary elections that are a scheduling challenge; preventing the negative effect of "vote-splitting" and "bullet voting"; and encouraging more positive campaigning that potentially results in more candidates and increased voter participation.
3. **The motion to approve mailing ballots for municipal elections to all registered voters passed 7-0-1 by roll call vote.** *Motion approved May 21. Discussed March 19, April 2 and April 30.* The Committee concurs with the recommendation of the city clerk that mailing ballots to all registered voters remedies numerous problems associated with "absentee voting" and would very likely increase voter participation.
4. **The motion to approve removing the need to cite a specific reason to receive an absentee ballot for municipal elections passed unanimously 8-0 by roll call vote.** *Motion approved May 21. Discussed March 19, April 2 and April 30.* This charter change is recommended in the eventuality that motion #3 (approve mailing ballots) is not enacted. The current requirement to specify a need to receive an absentee ballot is viewed as restrictive, and the Committee concurs with the recommendation of the city clerk that should not be a requirement to receive an absentee ballot.
5. **The motion to recommend removing the designation "candidate for re-election" from the names of incumbents on municipal ballots passed unanimously 8-0 by roll call vote.** *Motion approved June 18. Discussed May 7 and June 4.* This recommendation is made to encourage more candidates to run for elective office by leveling the playing field on municipal ballots.
6. **The motion to approve extending voting rights in municipal elections to non-citizens was approved unanimously 9-0 by roll call vote.** *Motion approved Oct. 29. Discussed July 16 and Oct. 15.* The Committee endorsed this recommendation after favorable testimony by 15 speakers at the Oct. 29 public forum. The Committee believes that this is consistent with the city's commitment to equity, fostering an open and welcome community, embracing diversity and promoting a sense of inclusion for all.

Appointed vs. Elected City Clerk

The motion to recommend that the city clerk be an appointed position by the mayor with confirmation by the city council passed unanimously 9-0 by roll call vote. *Motion approved Sept. 3. Discussed Feb. 19, June 4, June 18, July 16, and Aug. 20.* This recommendation recognizes the professionalism inherent in the position of

city clerk due to the complex nature of the job, and to remove the perception of possible conflict involving a city clerk presiding over an election with their name on the ballot. The most recent prior charter review committee took no action on this change due to opposition from the then-city clerk (who was elected), who in 2019 testified that she supports the change to an appointed position. The mayor supported this recommendation to bring the city clerk in line with other department heads who are appointed. The current city clerk did not take a public position on the recommendation, but said she would not oppose the change. Several other city clerks were surveyed and testimony was heard from the secretary of the Massachusetts City Clerks Association. It was noted that 43 of 48 cities in Massachusetts now have an appointed city clerk.

Temporary Absences and Vacancies in the Office of Mayor

1. **The motion to approve amended language to Section 3-7 (Temporary Absence of the Mayor) passed unanimously 7-0 by roll call vote.** [**"The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of 10 business days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances. If the temporary absence of the mayor exceeds 10 business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote."]** *Motion approved July 16. Discussed Feb. 19, March 19 and June 18.* This recommendation clarifies that if the mayor is absent for 10 business days or less, he or she will delegate authority to the appropriate city official. Only if the temporary absence exceeds 10 business days or if the mayor is incapacitated, does the city council president then serve as acting mayor.
2. **The motion to approve the amended version of Section 3-9 (Vacancy in Office of Mayor) passed unanimously 9-0 by roll call vote**. ["**a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified under this section. In the event that the city council president is unable to serve as mayor under this subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon such vacancy.**

   b) Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a special meeting of the city council, and the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately.

   c) Upon the adoption of an order for a special election under subsection b, the city clerk shall set the special election calendar as follows: nomination papers shall be made available within 7 days of the vacancy; nomination papers shall be filed with the board of registrars of voters within 28

days of the vacancy; the board of registrars shall certify such nomination papers within 30 days of the vacancy and the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall be held within 65 days of the vacancy, if required; a special election shall be held within 90 days of the vacancy.
d) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-two of the term for which the mayor was elected. In such case, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a four-year term.
e) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month forty-seven or forty-eight of the term for which the mayor was elected and the mayor will not be serving another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the four-year term for which such person was elected.
f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor."] *Motion approved Sept. 3. Discussed July 16, Aug. 20 and Sept. 3.* This recommendation is intended to ensure an orderly transition of power by making clarifications and correcting deficiencies in the prior language.

Filling Vacancies on the School Committee and Trustees of Forbes Library

1. **The motion to change wording of Section 4-6 (School Committee Filing of Vacancies) was passed 8-0 by roll call vote. ["Whenever a vacancy occurs on the school committee, the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to fill the vacancy. The city council and school committee shall appoint, by majority vote of those present, a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed to fill a vacancy by the city council and school committee shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot. The process and procedures by which the city council and school committee shall jointly fill vacancies under this section shall be established by ordinance."]** *Motion approved May 21.* The changes are recommended to avoid confusion and to align the language with how the joint committee conducts its selection.
2. **The motion to change the language of Section 5-2 (Trustees under the will of Charles E. Forbes) passed 6-0-1 by roll call vote. ["Five members shall be elected by and from the voters of the city at large for a term of four years, so arranged that all members are not elected at the same time. Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the**

president of the board shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately and shall serve for the unexpired term of the seat to which such candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, such candidate shall be elected for a full four-year term. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons appointed by the trustees to fill a vacancy under this section shall not be entitled to have the words "candidate for re-election" printed with that person's name on the election ballot.”] *Motion approved May 21. Discussed Feb. 19, April 2, April 16, and May 7.* This recommendation replaces language specifying that “Vacancies shall be filled in a like manner as a city clerk vacancy.” Officials of Forbes Library testified that the remaining members of the trustees best understand the skills needed to fill the vacancy on the board. The recommendation adopts language agreed to by the mayor and trustees of the library.

Extending School Committee provisions to Smith Agricultural School

1. **The motion to replace the words “city clerk” with “school committee” in Section 5-4, (Superintendents of Smith Agricultural School) passed unanimously 8-0 by roll call vote. [“Vacancies shall be filled in a like manner as a school committee vacancy.”]** *Motion approved March 19. Discussed Feb. 19.* The recommendation brings the procedure to fill a vacancy on the board of trustees for Smith Agricultural School in line with that used to fill a vacancy on the School Committee.
2. **The motion to include the Smith Agricultural School trustees to the invite list in Section 7-2 (Annual Budget) passed unanimously 8-0 by roll call vote.** *Motion approved March 19.* This motion was passed to remedy an oversight in the current charter. The mayor will include the Smith Agricultural School trustees when he conducts the joint meeting of the city council and the school committee before the commencement of the budget process.
3. **The motion to include the words “persons serving under superintendents of Smith Agricultural School” to language in Section 3-3 (Appointments by the mayor) passed unanimously 8-0 by roll call vote.** *Motion approved March 19.* The amended sentence of Section 3-3 adds the superintendents of Smith Agricultural School to the School Committee and City Council. [**“The mayor shall appoint, subject to review by the city council under section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided however, this shall not include persons serving under the school committee, persons serving under the superintendents of Smith Agricultural School, and persons serving under the city council.”]**

Topics for further study

Under-represented communities

The Charter Review Committee spent a good amount of time considering how to further the goal of better engaging under-represented communities in its own work as well as more broadly throughout municipal government. While the committee ultimately did not recommend any changes to the charter pertaining to this issue, it strongly encourages the City Council, mayor and other officials to continue efforts to reach out to under-represented communities and increase diversity in municipal government.

In particular, we urge continued attention to the “Re-Energizing Democracy” recommendations compiled in 2016 by the City of Northampton Department of Planning & Sustainability with the assistance of the Pioneer Valley Planning Commission. That report notes that while “Northampton has a long commitment of and success in involving and serving all community members and stakeholders and focusing on social equity … inequitable access to opportunity still exists for African-American, Latino/Hispanic and other residents in Northampton and across the United States because of our country's history of institutionalized racism.”

The “Re-Energizing Democracy” report identifies three major barriers to participation by residents: lack of knowledge/time (including frustration with being unable to efficiently find information on the city's website, and uncertainty over how to gain experience and/or skill sets to serve on city boards); logistics (including residents whose first language is not English, and economically disadvantaged residents who may require transportation to and/or child care at meetings); and lack of trust/faith in government (including residents who report not feeling welcome at meetings and not receiving direct-person invitations to meetings).

We encourage city officials to consider remedies to these barriers including arranging meetings in neighborhoods convenient to members of under-represented communities; providing translation services; and considering incentives to encourage diversity in municipal government such as a tiered system of stipends based on financial need.

Finally, we recommend that the mayor and City Council, in appointing the next Charter Review Committee in 2029, consider how best to achieve a diverse membership by, for example, enlarging its size and/or using criteria reflecting the city's demographics in addition to ward representation.

Access to information

Throughout our deliberations, the committee heard concerns from residents and current and former officials about access to information, including the performance of municipal departments, the roles of public officials, the responsibilities of boards and committees, and the mechanics of running for office. In particular, the concerns dealt with availability of information to the public, particularly those residents without access to computers and online capabilities; the ability of information to present accurate “activity” data describing performance goals and accomplishments for departments; and the timeliness of some of the available information if it is to be used by officials for decision-making. Although the committee voted not to include recommendations in the charter about improved presentation and access to information, we suggested several possible remedies in a separate letter to the mayor included in the appendices.

Access to elections

Consistent with the committee's recommendations to encourage increased participation by voters, we also encourage further study by the city clerk of printing ballots, nomination papers and related election materials in

STATUS OF CITY COUNCIL ACTION
ON CHARTER REVIEW COMMITTEE RECOMMENDATIONS

CHARTER CHANGES BY SECTION	CITY COUNCIL ACTION	CITY COUNCIL ACTION
Attachment 1	Recommendation approved - 3/5/2020	
Section 2-2 (b) Powers and Duties	Recommendation approved - 3/5/2020	
Section 2-6 (c) Rules of Procedure	Recommendation approved - 3/5/2020	
Section 3-3 Appointments by the Mayor	Recommendation approved - 3/5/2020	
Section 3-6 Approval of Mayor, Veto	Recommendation approved w/ deletion of word "resolution" in second occurrence - 3/5/2020	
Section 3-7 Temporary Absence of the Mayor	Recommendation approved w/change of subtitle to "TEMPORARY ABSENCE **OR INCAPACITATION** OF THE MAYOR"	
Section 3-9 Vacancy in Office of Mayor	FINAL ACTION NOT TAKEN - SOLICITOR REVIEW REQUESTED	Amended Section 3-9 (d) to add phrase "in accordance with Section 3-1 (b)" to last sentence. Recommendation approved as amended - 9/17/2020
Section 4-6 Filling of Vacancies	Recommendation approved - 3/5/2020	
Section 5-1 Trustees Under the Will of Charles E. Forbes	Recommendation approved - 3/5/2020	
Section 5-2 Elector Under the Oliver Smith Will	Recommendation approved w/deletion of standard prohibition against words "candidate for election" appearing on ballot, addition of requirement that process for filling vacancies be established by ordinance and change of "elected" to appointed." - 3/5/2020	
Section 5-3 Supt. Of Smith Agricultural School	Recommendation approved - 3/5/2020	Voted to change references to "Smith Agricultural School" and "Smith's Agricultural School" to "Smith Vocational and Agricultural High School" in all occurrences - 9/17/2020

STATUS OF CITY COUNCIL ACTION
ON CHARTER REVIEW COMMITTEE RECOMMENDATIONS

Section 5-4 Community Preservation Committee	Recommendation approved with change of 'elected' to 'appointed,' deletion of the last sentence about "candidate for reelection" and addition of sentence requiring process for filling vacancies to be established by ordinance - 3/5/2020	
Section 7-2 Annual Budget Policy	Recommendation approved with sentence reworded as follows: "The mayor shall call a joint meeting of the city council, school committee, Smith Agricultural School trustees and the superintendents of both districts before the commencement of the budget process . . . " - 3/5/2020	
Section 7-6 Independent Audit	Recommendation approved w/amend-ment to state that the award shall be made by the city council every three years instead of each year - 3/5/2020	
Section 8-1 Preliminary Elections	Recommendation approved - 3/5/2020	
Section 8-2 Preliminary Election Procedures	Recommendation approved - 3/5/2020	
Section 10-7 Uniform Procedures Governing Multiple-Memb	Recommendation approved - 3/5/2020	
REMAINING SECTIONS		
ARTICLE 8. ELECTIONS		
Lower the Municipal Voting age to 16		
Adopt ranked-choice voting for municipal elections		Recommendation to employ ranked-choice voting in the City of Northampton approved - 9/17/2020
Mail ballots for municipal elections to all registered voters		

STATUS OF CITY COUNCIL ACTION
ON CHARTER REVIEW COMMITTEE RECOMMENDATIONS

Remove the need to cite a specific reason to receive an absentee ballot for municipal elections		
Remove the designation "candidate for re-election" from the names of incumbents on municipal ballots	Recommendation approved - 3/5/2020	
Extend voting rights in municipal elections to non-citizens		Recommendation to extend voting rights in municipal elections to non-citizens approved - 9/17/2020
ARTICLE 5. OTHER ELECTED OFFICIALS		
DELETE SECTION 5.1 CITY CLERK	Recommendation approved - 3/5/2020	
Recommendation to make city clerk appointed not elected	Recommendation approved - 3/5/2020	

City of Northampton

MASSACHUSETTS

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In City Council, September 17, 2020

Upon the recommendation of the Community Preservation Committee

20.118 An Order to Appropriate $54,075 in CPA Funds for West Farms Road APR Project

Ordered, that

WHEREAS, The Northampton Conservation and Agricultural Commissions, and the Office of Planning & Sustainability submitted a Community Preservation Act application for protection of 36.1 acres at the Hickory Dell Farm on West Farms Road within the Mineral Hills Greenway with a permanent Agricultural Preservation Restriction;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail Plan to protect open space and agricultural land in active production, and protect heritage landscapes;

WHEREAS, CPA funds will provide the required local match for $559,550 in Massachusetts Department of Agricultural Resources funds;

WHEREAS, on November 20, 2019, the Northampton Community Preservation Committee voted unanimously to recommend that $54,075 in new Community Preservation Act funds be used to support this project (in addition to $21,375 funds on hand from previously appropriated CPA funds).

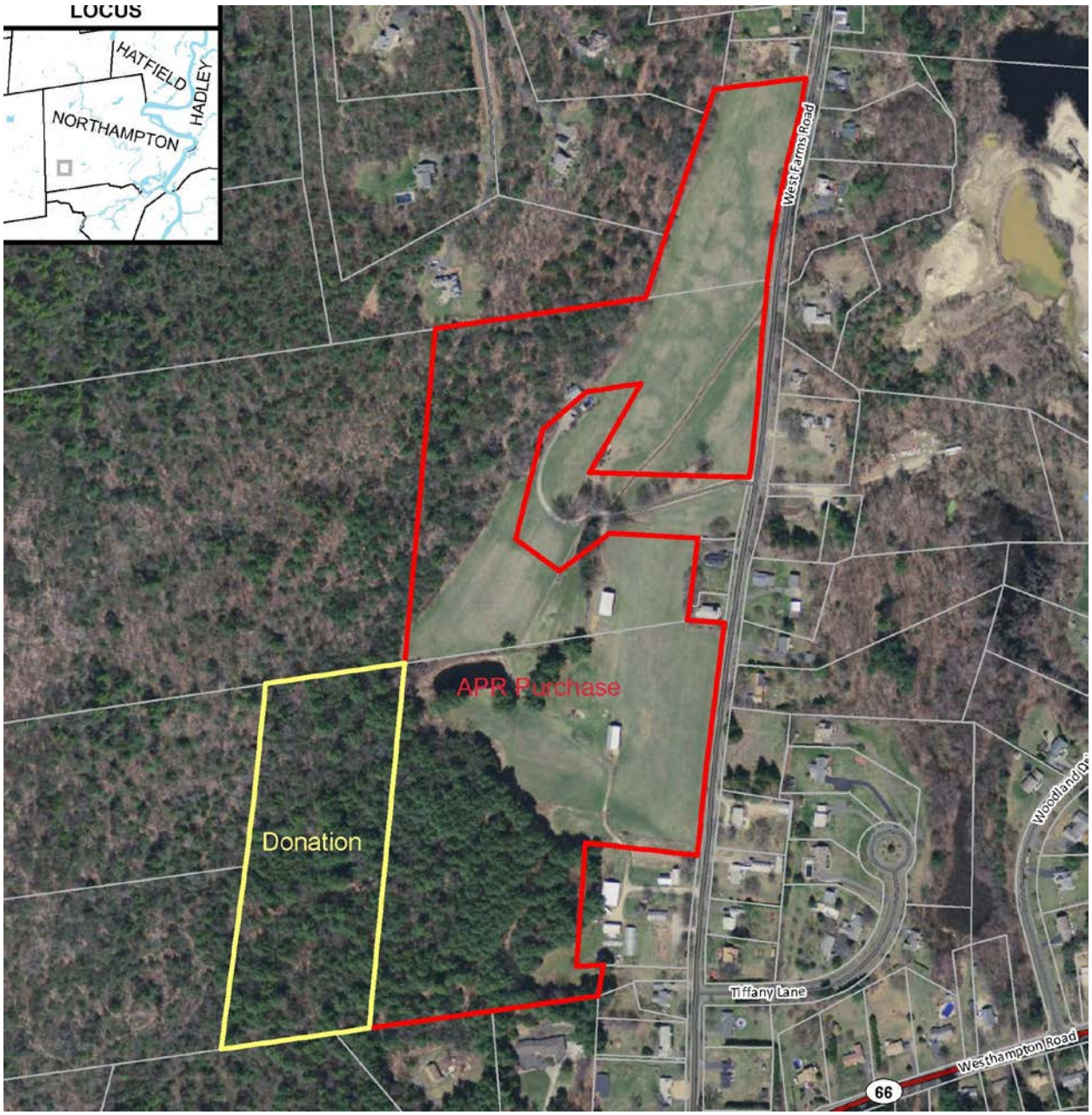
Ordered, that

$54,075 be appropriated from Community Preservation Act funding to the Office of Planning and Sustainability for the West Farms Road Agricultural Preservation Restriction Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $54,075 is appropriated from the CPA Open Space Reserve (account #2344930-359931).

Further, that the City, acting through its Conservation Commission is authorized to purchase or otherwise acquire for conservation, agricultural and passive recreation purposes, as provided by Section 8C of Chapter 40 of the General Laws, the Community Preservation Act, and Article 97 of the Amendments to the Massachusetts Constitution, the above-described agricultural

preservation restriction as defined in Section 31 of Chapter 184 of the General Laws, and that the City Council hereby approves such restrictions.



City of Northampton
MASSACHUSETTS

In City Council, September 17, 2020

Upon the recommendation of the Community Preservation Committee

20.122 An Order to Appropriate CPA Funds for Community Preservation Purposes

Ordered, that

The following amounts be appropriated or reserved from fiscal year 2021 Community Preservation Fund estimated revenues **$1,640,680 ($1,390,407 FY21 local assessment estimate, plus $250,273 estimated state match)** for fiscal year 2021 Community Preservation purposes:

$180,475 from FY21 Total Estimated CPA Revenue to the Community Preservation Fund Open Space Reserve (account # 2344930-359931)

$180,475 from FY21 Total Estimated CPA Revenue to the Community Preservation Fund Historic Preservation Reserve (account # 2344930-359932)

$180,475 from FY21 Total Estimated CPA Revenue to the Community Preservation Fund Affordable Housing Reserve (account # 2344930-359933)

$75,000 from FY21 Total Estimated CPA Revenue to the Community Preservation Fund Administrative Account (account # 2344930-359934)

$1,024,255 from FY21 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 FY21 Community Preservation bonding repayment purposes:

$60,000 for principal and $7,875 for interest for Bean Farm bond (account #3100931-393102-11)

$90,000 for principal and $18,900 for interest for Florence Fields bond (account #3100931-393103-12)

$265,000 for principal and $7,950 for interest for Pulaski Park I bond (account #3100931-393104-15)

$65,000 for principal and $15,400 for interest for Pulaski Park II bond (account #3100931-393105-16)

MASSACHUSETTS

In City Council October 1, 2020

Upon recommendation of the Mayor and City Council President

20.130 An Order to Designate Northampton Policing Review Commission Members as Special Municipal Employees

Ordered, that

Members of the Northampton Policing Review Commission - jointly appointed by the Mayor and City Council - are designated as special municipal employees in accordance with MGL c. 268A, § 1(n).