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
City Council Chambers
Walter J. Puchalski Municipal Building
212 Main Street, Northampton
Meeting Date: February 6, 2020
Meeting Time: 7 p.m.

1. **Announcement of Audio/Video Recording**
   This meeting is being audio/video recorded.

2. **Public Comment**

3. **Roll Call**

4. **Public Hearings**

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. Warrants for March 3, 2020 Election

A. 20.016 Warrant for March 3, 2020 Presidential Primary Election

Process note: Two readings are respectfully requested. The deadline for posting the warrants is February 25, 2020.

Documents:

20.016 Warrant for March 3, 2020 Presidential Primary Election.pdf

B. 20.017 Warrant for March 3, 2020 Special Municipal Election

Process note: Two readings are respectfully requested. The deadline for posting the warrant is February 25, 2020.

Documents:

20.017 Warrant for March 3, 2020 Special Municipal Election.pdf

11. Charter Review Committee Recommendations - for referral

Process note:

5.2.1. In general, all matters may be referred to Council committees or executive multiple-member bodies, which shall constitute a request for a report on such matters.

Documents:

CRC Annotated Charter - Approved 11-19-19.pdf
CRC_EXECUTIVE_SUMMARY - Approved 11-19-19.pdf

12. Consent Agenda

A. 19.191 Appointment to the Board of Registrars - positive recommendation, City Services - 2/3/2020

Board of Registrars

Catherine Kay, 136 S. Main St, Florence

Term: April 2019 to March 2022

To fill a vacancy

Documents:

19.191 Appointment to the Board of Registrars.pdf

B. 20.013 Appointments to Various Committees - all positive recommendations, City Services - 2/3/2020

Board of Assessors

David Murphy, 78 North Elm Street, Northampton

Term: January 2020 - June 2023

To fill a newly created seat

Planning Board

Melissa Fowler, 87 Chesterfield Road, Leeds

Term: January 2020 – June 2021

To fill the unexpired term of Mark Sullivan

Documents:

20.013 Appointments to Various Committees.pdf

C. 20.022 Appointment to the Council on Aging - for referral to City Services

Council on Aging

Aurea "Agie" E. Domenech, 81 Conz St., Apt. 603, Northampton

Term: February 2020- June 2023

To fill a vacancy

Documents:

20.022 Appointment to the Council on Aging.pdf

D. 20.023 Appointment of Assistant Chief Jon Davine as Fire Chief - for referral to City Services

Documents:

20.023 Appointment of Assistant Chief Jon Davine as Fire Chief.pdf

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

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

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

A. 20.018 Order to Appropriate $25,000 in Whiting Street Trust Funds - 1st reading

Documents:

20.018 An Order to Appropriate 25,000 in Whiting Street Trust Funds.pdf

B. 20.019 Order to Reprogram $7,500 from CS Energy Management System to Senior Center Energy Control Upgrades - 1st reading

Documents:

20.019 Order to Reprogram 7,500 from CS Energy Management System to Senior Center Energy Control Upgrades.pdf

C. 20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 1st reading

Documents:

20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act.pdf

D. 20.021 An Order to Appropriate Free Cash to NPS for ERATE - 1st reading

Documents:

20.021 An Order to Appropriate Free Cash to NPS for ERATE.pdf

15. Financial Orders (on 2nd reading)

A. 20.007 An Order to Appropriate CPA Funds for Historic Preservation of Parsons House and Shepherd Barn - 2nd reading

History:

- Positive recommendation, Finance Committee - 1/16/2020
- Passed 1st reading - 1/16/2020

Documents:

20.007 An Order to Appropriate CPA Funds for Historic Preservation of Parsons House and Shepherd Barn.pdf

B. 20.009 An Order to Appropriate CPA Funds for Affordable Home on Glendale Road - 2nd reading

History:

- Positive recommendation, Finance Committee - 1/16/2020
- Passed 1st reading - 1/16/2020

Documents:

20.009 An Order to Appropriate CPA Funds for Affordable Home on Glendale Road.pdf

C. 20.010 An Order to Appropriate CPA Funds to Community Builders for North Commons Project - 2nd reading

History:

- Positive recommendation, Finance Committee - 1/16/2020
- Passed 1st reading - 1/16/2020

Documents:

20.010 An Order to Appropriate CPA Funds to Community Builders for North Commons Project.pdf

D. 20.011 An Order to Appropriate CPA Funds to NHA for Hampshire Heights Playground - 2nd reading

History:

- Positive recommendation, Finance Committee - 1/16/2020
- Passed 1st reading - 1/16/2020

Documents:

20.011 An Order to Appropriate CPA Funds to NHA for Hampshire Heights Playground.pdf

16. Orders

A. 20.002 Order to Set Date and Time of 2020 - 2021 City Council Meetings - 2nd reading

History:

- Passed 1st reading - 1/7/2020

Documents:

20.002 An Order to Set Date and Time of 2020-2021 City Council Meetings.pdf

17. 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.

A. 20.014 An Ordinance Relative to Parking on Bridge Street

Documents:

20.014 An Ordinance Relative to Parking on Bridge Street.pdf
20.014 Bridge Street Parking Diagram.pdf

B. 20.015 An Ordinance Relative to Metered Parking on Pleasant Street

Documents:

20.015 An Ordinance Relative to Metered Parking on Pleasant Street.pdf
20.015 An Ordinance Relative to Metered Parking on Pleasant Street.pdf

18. Ordinances

A. 19.137 An Ordinance to Amend Chapter 312 Vehicles and Traffic [to delete handicapped parking space on Pleasant Street - in parking lot off Gleason Plaza] - 2nd reading

History:

- Referred to Transportation and Parking Commission (TPC) and Legislative Matters (LM) - 9/19/2019
- Positive recommendation, TPC - 10/21/2019
- Due to oversight, left off 11/12/2019 LM agenda
- Positive recommendation, LM - 12/9/2019
- Passed 1st reading - 12/19/2019

Documents:

19.137 An Ordinance to Amend Chapter 312 Vehicles and Traffic.pdf

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

20. New Business

21. Adjourn

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

City of Northampton

MASSACHUSETTS

20.016
A Warrant
To establish the date, time, and location of an upcoming election for the Presidential Primary

In the City Council February 6, 2020

Upon the Recommendation of City Clerk Pamela L. Powers,

Ordered,

that meetings of the members of the Democratic, Republican, Green-Rainbow and Libertarian Party, in the City of Northampton, qualified to vote, will be held on Tuesday, March 3, 2020 in the several polling places designated for the purpose by the City Council, as follows:

WARD 1, Precinct A - In Jackson Street School Auditorium
WARD 1, Precinct B - In Jackson Street School Auditorium
WARD 2, Precinct A - In Smith Vocational-Agricultural High School
WARD 2, Precinct B - In Smith Vocational-Agricultural High School
WARD 3, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 3, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 5, Precinct A - In Florence Civic and Business Building, 90 Park Street
WARD 5, Precinct B - In Smith Vocational-Agricultural High School
WARD 6, Precinct A - In Robert K. Finn Ryan Road School
WARD 6, Precinct B - In Robert K. Finn Ryan Road School
WARD 7, Precinct A - In John F. Kennedy Middle School, Community Room
WARD 7, Precinct B - In Leeds School Gymnasium, Lower Level

The polls will be opened at seven o'clock in the forenoon and closed at eight o'clock in the evening of the said day, and all such members will in the wards in which they are entitled to vote between said hours give in their votes for to the primary officers for the election of candidates of political parties for the following offices:

Presidential Preference

One State Committee Man for each Political Party for the Hampshire, Franklin & Worcester District

One State Committee Woman for each Political Party for the Hampshire, Franklin & Worcester District

35 Members of the Democratic Ward Committee.
35 Members of the Republican Ward Committee.
10 Members of the Green-Rainbow Ward Committee
10 Members of the Libertarian Party Ward Committee

City of Northampton

MASSACHUSETTS

20.017
A Warrant
To establish the date, time, and location of a Special Municipal Election

In the City Council February 6, 2020

Upon the Recommendation of City Clerk Pamela L. Powers,

Ordered that,

a special municipal election will be held in the City of Northampton, on Tuesday, March 3, 2020 in the several polling places designated for the purpose by the City Council, as follows:

WARD 1, Precinct A - In Jackson Street School Auditorium
WARD 1, Precinct B - In Jackson Street School Auditorium
WARD 2, Precinct A - In Smith Vocational-Agricultural High School
WARD 2, Precinct B - In Smith Vocational-Agricultural High School
WARD 3, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 3, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct A - In the Senior Center, Great Room, 67 Conz Street
WARD 4, Precinct B - In the Senior Center, Great Room, 67 Conz Street
WARD 5, Precinct A - In Florence Civic and Business Building, 90 Park Street
WARD 5, Precinct B - In Smith Vocational-Agricultural High School
WARD 6, Precinct A - In Robert K. Finn Ryan Road School
WARD 6, Precinct B - In Robert K. Finn Ryan Road School
WARD 7, Precinct A - In John F. Kennedy Middle School, Community Room
WARD 7, Precinct B - In Leeds School Gymnasium, Lower Level

The polls will be opened at seven o'clock in the forenoon and closed at eight o'clock in the evening of the said day, and all such voters in the several wards and precincts in which they are individually entitled to vote between said hours give in their votes Yes or No on the following question:

Shall the City of Northampton be allowed to assess an additional $2,500,000 in real estate and personal property taxes for the purposes of funding the operating budgets of the City and Public Schools for the fiscal year beginning July 1, 2020?

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

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: December 19, 2019

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

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

<u>Board of Registrars</u>

Catherine Kay, 136 S. Main St, Florence
Term: April 2019 to March 2022
To fill a vacancy

City of Northampton

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

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com>
To: mayor@northamptonma.gov

Fri, Nov 22, 2019 at 6:02 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	Catherine
Last Name	Kay
Title, if applicable	*Field not completed.*
Address1	136 South Main Street
Address2	*Field not completed.*
City	Florence
State	MA
Zip	01062
Home Phone	4135847603
Work Phone	*Field not completed.*
Cell Phone	4135631318
Occupation & Place of Employment	Lawyer. Community Legal Aid, 20 Hampton Ave. #100, Northampton, MA 01060
Email	coopkay136@comcast.net
Are you a Northampton resident?	Yes
Years Lived in Northampton	32 years
Age	60 - 69
Sex	Female
Racial / Ethnic Background	white/caucasian
Boards and Committees	Registrars, Board of
Political Party Affiliation	Democrat
Please list "other" board or committee of interest	*Field not completed.*
What skills and experience will you bring to this committee assignment?	Organization. Knowledge and facility with laws and regulations. Passion for the electoral process. Experience on this Board.
Are you currently serving or	Yes

have you served on any city committee?	
Please list other city committees you have served on	Florence

Required: Please read the following, by signing below you state that you understand and agree.
The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.

Signature	Catherine M. Kay
Date	11/22/2019

Email not displaying correctly? View it in your browser.

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: January 16, 2020

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

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

<u>Board of Assessors</u>

David Murphy, 78 North Elm Street, Northampton
Term: January 2020 - June 2023
To fill a newly created seat

<u>Planning Board</u>

Melissa Fowler, 87 Chesterfield Road, Leeds
Term: January 2020 – June 2021
To fill the unexpired term of Mark Sullivan

City of Northampton

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

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com> Tue, Jan 7, 2020 at 1:05 PM
To: mayor@northamptonma.gov

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	Melissa
Last Name	Fowler
Title, if applicable	*Field not completed.*
Address1	87 Chesterfield Road
Address2	*Field not completed.*
City	Leeds
State	MA
Zip	01053
Home Phone	*Field not completed.*
Work Phone	*Field not completed.*
Cell Phone	413-977-0455
Occupation & Place of Employment	Construction Project Manager - Self Employed - Fowler Consulting Services LLC - Working mostly with Western Builders for the last 4 years.
Email	melissa@goodstrongbean.com
Are you a Northampton resident?	Yes
Years Lived in Northampton	29
Age	50 - 59

Sex	Female
Racial / Ethnic Background	Caucasian
Boards and Committees	Planning Board
Please list "other" board or committee of interest	*Field not completed.*
What skills and experience will you bring to this committee assignment?	I have been working in the Construction industry since 1987 as a mechanical engineer and construction manager. I have a Bachelor's Degree in Mechanical Engineering from UMASS and a Master's Degree in Construction Management from the University of Florida. I'm a native of Northampton, born at Cooley Dickenson and graduated from Northampton High School in 1984. I moved away for College in 1991 and returned in 2012 to raise my then 5-year old son in Northampton. We were living in Metro Boston and I didn't want that childhood for him. I wanted him to grow up in the Pioneer Valley like I did. My skills are Project Management and Construction Management of Themed, Industrial, Commercial and Residential construction for the past 33 years. I worked for Disney as an Imagineer for almost 10 years; managing design and construction of new attractions at Walt Disney World. After that, I went on to manage design and construction of luxury estate homes in the Metro Boston area - homes up to 20,000 sf and $20M. My work path has also taken me through a genetic research facility in San Francisco CA, the first ever female management trainee for the Gilbane Building Co in Providence RI, production home building in Orlando FL, hotel renovations in Fort Myers FL and Kansas City KS and construction management in all 4 theme parks and 2 water parks at Walt Disney World FL. For the past 4 years I have been working almost exclusively with Western Builders here in the Pioneer Valley. I managed construction of the 5 new apartment buildings at the end of Paradise Road at Smith College. I built the Pet Hotel in Hadley. I've estimated, bid and have been awarded numerous projects for Western Builders, including the Sargent House on Main Street in Northampton and another housing unit up on Village Hill (which I still remember of course as the State Hospital). I'm currently finishing a 3-year program of renovations at the Basketball Hall of Fame in Springfield MA, including re-finishing all the panels on the outside of the Sphere last Summer. I'm also currently co-managing a 150-unit Assisted and Independent Living facility in Hudson MA. Throughout these 33 years I have become proficient at

	budgeting, scheduling, estimating, awarding contracts, accounting and all other aspects of construction management. I have sat in front of many planning boards. I understand the language and the needs between Cities, Designers and Builders. I am always looking for the win-win-win-win scenario between Owner, Builder, Design and Municipality. I have my General Contracting license and just recently started a Home Improvement Company (I will transition from Western Builders to do this). I have also done some consulting for real estate attorneys over the past 3 years. It has long been an interest of mine to serve my hometown in some way with the toolbox of skills I acquired through my career. Although it may not seem so from the description above, life has settled in for me now, 8 years after my move back here. Now is a great time for me to offer my assistance. I would love nothing more than to give back to my City and have a hand in its future.
Are you currently serving or have you served on any city committee?	No
Please list other city committees you have served on	*Field not completed.*

Required: Please read the following, by signing below you state that you understand and agree.
The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.

Signature	Melissa A. Fowler
Date	1/7/2020

Email not displaying correctly? View it in your browser.

City of Northampton

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

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

1 message

noreply@civicplus.com <noreply@civicplus.com> Tue, Jan 7, 2020 at 4:16 PM
To: mayor@northamptonma.gov

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	David
Last Name	Murphy
Title, if applicable	*Field not completed.*
Address1	78 North Elm Street
Address2	*Field not completed.*
City	Northampton
State	MA
Zip	01060
Home Phone	*Field not completed.*
Work Phone	582-7190
Cell Phone	530-2275
Occupation & Place of Employment	Real Estate Broker/Appraiser
Email	david.nurphy8@comcast.net
Are you a Northampton resident?	Yes
Years Lived in Northampton	64
Age	60 - 69
Sex	Male

Racial / Ethnic Background	*Field not completed.*
Boards and Committees	Assessors, Board of
Please list "other" board or committee of interest	*Field not completed.*
What skills and experience will you bring to this committee assignment?	I am Massachusetts Certified Real Estate Appraiser. I am a Massachusetts Accredited Assessor #930, re-certified until October 22, 2021. I served as a Northampton Assessor from 1998 until 2006.
Are you currently serving or have you served on any city committee?	Yes
Please list other city committees you have served on	Cable TV, Elm Street Historic, Housing Partnership, Central Business Architecture, Assessors, City Council

Required: Please read the following, by signing below you state that you understand and agree.
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Signature	David A. Murphy
Date	1/7/2020

Email not displaying correctly? View it in your browser.

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: February 6, 2020

TO: City Council

FROM: Mayor David J. Narkewicz

SUBJECT: Appointments to Boards, Committees, and Commissions

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

<u>Council on Aging</u>

Aurea "Agie" E. Domenech, 81 Conz St., Apt. 603, Northampton
Term: February 2020- June 2023
To fill a vacancy

City of Northampton

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

Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

2 messages

noreply@civicplus.com <noreply@civicplus.com> Tue, Jan 28, 2020 at 8:42 PM
To: mayor@northamptonma.gov

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	Aurea E. goes by "Agie" - pronounced AhGee
Last Name	Domenech
Title, if applicable	*Field not completed.*
Address1	81 Conz St. ,
Address2	Apt. 603
City	Northampton
State	MA
Zip	01060
Home Phone	*Field not completed.*
Work Phone	*Field not completed.*
Cell Phone	4134046490
Occupation & Place of Employment	Retired
Email	Jacmiale@yahoo.com
Are you a Northampton resident?	Yes
Years Lived in Northampton	10
Age	60 - 69
Sex	Female

Racial / Ethnic Background	Hispanic
Boards and Committees	Council on Aging
Please list "other" board or committee of interest	*Field not completed.*
What skills and experience will you bring to this committee assignment?	Even though I am retired now for 10 years I had the experiences of work in different fields in my profesional life and I can be a latino representative in the Council.of Aging.
Are you currently serving or have you served on any city committee?	No
Please list other city committees you have served on	Northampton

Required: Please read the following, by signing below you state that you understand and agree.
The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.

Signature	Aurea E. Domenech
Date	1/28/2020

Email not displaying correctly? View it in your browser.

Mayor of Northampton Mass. <mayor@northamptonma.gov> Wed, Jan 29, 2020 at 8:40 AM
To: Marie Westburg <mwestburg@northamptonma.gov>

Hey Marie-

Any thoughts on Aurea?

~Court

Office of Mayor David J. Narkewicz
City of Northampton
210 Main Street, Room 12
Northampton MA 01060
413-587-1249 phone
413-587-1275 fax
www.northamptonma.gov

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: February 4, 2020
RE: Appointment of Fire Rescue Department Chief

I am appointing Assistant Chief Jon Davine to the position of Chief of the Northampton Fire Rescue Department, filling the vacancy created by the retirement of Chief Duane A. Nichols, effective March 14, 2020.

Assistant Chief Davine has been with the 68-member Northampton Fire Rescue Department since having first moved to the Pioneer Valley in 1998. Over his distinguished career of more than twenty years, he has steadily risen through the ranks of Fire Rescue, becoming Captain in five years, Deputy Chief in thirteen, before being promoted to his current rank of Assistant Chief in 2015.

Assistant Chief Davine has an Associate's Degree in Fire Protection and Safety Technology from Springfield Technical Community College and a Bachelor's Degree in Fire Service Management from UMass Amherst. He graduated from the Massachusetts Firefighting Academy's Chief Fire Officer Management Training Program in 2016. He is currently enrolled in the Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE) Security Studies Master's Degree Program at UMass Lowell.

Assistant Chief Davine has been a Hazardous Materials Technician since 2003 and is an original member of the Joint Hazard Incident Response Team attached to the Massachusetts State Police Bomb Squad. He is also currently a Training Coordinator and Emergency Manager for the City of Northampton. Assistant Chief Davine is a proud United States veteran, having served in the U.S Marine Corps from 1989 to 1993.

Assistant Chief Davine is a native of Adams, Massachusetts and a graduate of Hoosac Valley High School in Cheshire. He currently resides in Easthampton with his wife, Loren, and their twin sons, Drew and Zachary.

I am confident in Assistant Chief Davine's ability to lead our Fire Rescue Department and am honored to elevate him to the rank of Chief. I respectfully submit his appointment to the City Council for confirmation in accordance with the Northampton Charter, Article 2, § 2-10.

City of Northampton
MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor and the Whiting Street Fund Committee

20.018 An Order to Appropriate $25,000 in Whiting Street Trust Funds

Whereas, Mr. Whiting Street, a successful Northampton business man, left $25,000 to the City of Northampton in his will of 1875 with instructions that the money be used "for the relief and comfort of the worthy poor",

Whereas, the Whiting Street Fund Committee, which was created by Administrative Order, issued its third annual grant application seeking proposals from local organizations with the goal of helping low-income persons in our community and with a specific focus on helping resolve food insecurity issues in the community;

Whereas, the Whiting Street Fund Committee received and reviewed the applications and has made its recommendations to the Mayor;

Ordered, that

$25,000 be appropriated from the interest in the Whiting Street Trust Fund to the following organizations:

$10,000 to Abundance Farm to support their Pick-Your-Own Initiative in which food insecure residents can actively participate in the life of the Farm by harvesting free, organically grown fruits and vegetables. This program is conducted in collaboration with the Northampton Survival Center and continued funding will support staff needed for the larger programing and ongoing outreach to include planting workshops, cooking demonstrations, and printed educational information in multiple languages. Abundance Farm is located on the site of the Northampton's Alms House and adjoining Poor Farm which, from 1800 – 1950, served as a critical refuge for Northampton residents in need of shelter, food and other services.

$5,000 to the Northampton Survival Center to support their Fresh First Program which provides an incentive for clients to come to the Center every week for fresh vegetables, fruits and

bread. The Fresh First Program focuses on improving access to fresh produce, collaborating with local farmers, and providing healthy recipes to use local produce. The Northampton Survival Center is in its forty-first year of operation as an emergency food pantry.

$5,000 to Grow Food Northampton, Inc. to support their Incentive based Food Access initiatives to provide more affordable locally grown, healthy food for low-income residents. The funding will help support SNAP Share, Tuesday Market SNAP Matching and the Neighborhood Markets Program bringing affordable farm stand food to various locations including the Senior Center, three housing communities, and three elementary schools.

$5,000 to Salvation Army's Northampton Service Unit to support emergency based food needs. The local unit provides food vouchers for local grocery stores, food bags, and disaster support in conjunction with other local service agencies. They provide "last resort" resources for those who may not qualify for other types of assistance. The Salvation Army has worked in Northampton for over 60 years and has been in existence since 1865 meeting basic human needs.

City of Northampton

MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor

20.019 Order to Reprogram $7,500 from CS Energy Management System to Senior Center Energy Control Upgrades

Ordered, that

$7,500 of surplus funds remaining in the CS Fire Energy Management Systems project (19303-586904), be reprogrammed for a new project to make energy control upgrades to the Senior Center.

City of Northampton

MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor

20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act

Ordered, that

Whereas the School Department wishes to enter into an agreement with the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Elementary and Secondary Education, and Department of Children and Families to allow participation in Title IV-E Claiming of Transportation Expenditures for Children in Foster Care;

Whereas the ***Every Student Succeeds Act (ESSA)***, promotes education stability by allowing a student the right to continue to attend the school in which they were enrolled at the time of their placement in foster care, unless it is determined not to be in the student's best interest;

Therefore, pursuant to MGL C. 44 MGL s. 70, the city, by vote of its city council, authorizes the Northampton School Committee as the Local Education Agency (LEA), with the approval of the Mayor, to enter into a Memorandum of Understanding for the purposes of Title IV-E reimbursement.

City of Northampton

MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor

20.021 An Order to Appropriate Free Cash to NPS for ERATE

Whereas, the ERATE program is the name for the Schools and Libraries Program of the Universal Service Fund which is administered by the Universal Service Administrative Company under the direction of the Federal Communications Commission (FCC). The program provides discounts to assist schools in the US obtain affordable telecommunications and internet access;

Whereas, the city has received $51,834.60 for FY2020 ERATE funds allocated to the Northampton Public Schools and the mechanism to make these funds available to the schools immediately requires an appropriation from Free Cash;

Ordered, that

$ 51,834.60 be appropriated from the FY2020 General Fund Undesignated Fund Balance (Free Cash) to the Northampton Public Schools equivalent to the ERATE reimbursement received by the city for the benefit of the school department to improve and expand technology connectivity.

City of Northampton

MASSACHUSETTS

_____

In City Council, January 16, 2020

Upon the recommendation of the Community Preservation Committee

20.007 An Order to Appropriate CPA Funds for Historic Preservation of Parsons House and Shepherd Barn

Ordered, that

WHEREAS, Historic Northampton, Inc. submitted an application for Community Preservation Act funding for continued work to restore and reopen the Shepherd barn and Parsons House, rebuild the Shepherd porch, and purchase an art rack for safe storage and display of artifacts;

WHEREAS, CPA funds will be used to secure an important historic resource that is valued by the community and the region, on which the City holds a permanent preservation restriction;

WHEREAS, the project has a great deal of community support and will further work done at Historic Northampton over the past ten years, will help preserve the City's sense of place, and includes contribution of extensive volunteer labor and materials;

WHEREAS, all work will be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties;

WHEREAS, on November 20, 2019 the Northampton Community Preservation Committee, voted unanimously to recommend that $198,834 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That **$**198,834 be appropriated from Community Preservation Act funding to Historic Northampton, Inc. for the Assessment and Preservation Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $198,834 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932).

City of Northampton

MASSACHUSETTS

_____

In City Council, January 16, 2020

Upon the recommendation of the Community Preservation Committee

20.009 An Order to Appropriate CPA Funds for Affordable Home on Glendale Road

Ordered, that

WHEREAS, Pioneer Valley Habitat for Humanity submitted an application for Community Preservation Act funding for creation of an affordable single-family home on Glendale Road;

WHEREAS, Habitat for Humanity has an excellent record of creating housing throughout the Pioneer Valley and beyond, and has already created three affordable units on Glendale Road;

WHEREAS, the project has wide community support, leverages funding from many other sources, and utilizes volunteer labor;

WHEREAS, the home will be restricted to individuals and families earning 60% of area median income or below;

WHEREAS, on November 20, 2019, the Northampton Community Preservation Committee voted unanimously to recommend that $30,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That $30,000 be appropriated from Community Preservation Act funding to Pioneer Valley Habitat for Humanity for the Glendale Road Small Home Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $30,000 is appropriated from the CPA Affordable Housing Reserve (account #2344930-359933).

City of Northampton

MASSACHUSETTS

_____

In City Council, January 16, 2020

Upon the recommendation of the Community Preservation Committee

20.010 An Order
to Appropriate CPA Funds to Community Builders for North Commons Project

Ordered, that

WHEREAS, The Community Builders submitted an application for Community Preservation Act funding for creation of affordable housing units at the North Commons project;

WHEREAS, in conjunction with the Village Hill Apartments, the project will create approximately 65 units of mixed income rental housing at Village Hill on two parcels, and 35 of these will be restricted to households and individuals earning 60% of area median income or below;

WHEREAS, playgrounds and approximately 30 acres of open space are are part of the project and will be open and available for use by the public;

WHEREAS, The Community Builders has an excellent record of providing affordable housing in Northampton and beyond;

WHEREAS, the project will leverage funds from a variety of other sources and has wide community support;

WHEREAS, on November 20, 2019, the Northampton Community Preservation Committee voted unanimously to recommend that $250,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That $250,000 be appropriated from Community Preservation Act funding to The Community Builders for the North Commons project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $142,000 is appropriated from the CPA Affordable Housing Reserve (account #2344930-359933), and $108,000 is appropriated from the CPA Undesignated Reserve (account #2344930-359930).

City of Northampton

MASSACHUSETTS

_____

In City Council, January 16, 2020

Upon the recommendation of the Community Preservation Committee

20.011 An Order to Appropriate CPA Funds to NHA for Hampshire Heights Playground

Ordered, that

WHEREAS, the Northampton Housing Authority submitted an application for Community Preservation Act funding for playground creation at Hampshire Heights;

WHEREAS, the Hampshire Heights development has never had a dedicated playground space, and the majority of its residents are youth and children for whom access to other playgrounds is limited;

WHEREAS, the project has wide support, including Hampshire Heights residents, the Housing Partnership, and Healthy Hampshire, and will contribute to positive health status of residents and enhance quality of life;

WHEREAS, CPA funds will be leveraged by additional grant funding and donated labor and services;

WHEREAS, on November 20, 2019, the Northampton Community Preservation Committee, voted unanimously to recommend that $200,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That **$**200,000 be appropriated from Community Preservation Act funding to the Northampton Housing Authority for the Hampshire Heights Playground Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, $200,000 is appropriated from the CPA Undesignated Reserve (account #2344930-359930)

City of Northampton

MASSACHUSETTS

In City Council January 7, 2020

Upon recommendation of the Northampton City Council

O-20.002
An Order

To Set the Date and Time of 2020-2021 City Council Meetings

Ordered, that, the attached City Council meeting schedule for 2020-2021 be and hereby is adopted.

City Council Meeting Schedule
2020-2021

All meetings begin at 7 p.m. except the January 7, 2020 organizational meeting, which starts at 4 p.m.

January 7, 2020	January 7, 2021
January 16, 2020	
January 30, 2020	January 21, 2021
February 6, 2020	February 4, 2021
February 20, 2020	February 18, 2021
March 5, 2020	March 4, 2021
March 19, 2020	March 18, 2021
April 2, 2020	April 1, 2021
April 16, 2020	April 15, 2021
May 7, 2020	May 6, 2021
May 21, 2020	May 20, 2021
June 4, 2020	June 3, 2021
June 18, 2020	June 17, 2021
July 9, 2020	July 15, 2021
August 20, 2020	August 19, 2021
September 3, 2020	September 2, 2021
September 17, 2020	September 16, 2021
October 1, 2020	October 7, 2021
October 15, 2020	October 21, 2021
November 5, 2020	November 4, 2021
November 19, 2020	November 18, 2021
December 3, 2020	December 2, 2021
December 17, 2020	December 16, 2021

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Twenty
Upon the Recommendation of Mayor David J. Narkewicz

20.014
AN ORDINANCE

RELATIVE TO PARKING ON BRIDGE STREET

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

SECTION 1

That the § 312-102 of the Code of Ordinances be amended as follows:

§ 312-102 Schedule I: Parking Prohibited All Times.

Bridge Street [Added 11-17-1988]	~~Both Sides~~ **Southeasterly**	Point 200 feet southwesterly of Pomeroy Terrace center line	Point 300 feet northerly of Pomeroy Terrace center line
Bridge Street	**Northwesterly**	**A point 834 feet northeasterly of Market Street**	**Point 300 feet northerly of Pomeroy Terrace center line**

SECTION 2

That the § 312-109 of the Code of Ordinances be amended as follows:

§ 312-109 Schedule VIII: On-street Parking Meter Zones.

Bridge Street	**Northwesterly**	**A point 436 feet northeasterly from Market Street**	**A point 834 feet northeasterly from Market Street**	**10 hours/Class 3D and Class 4A**

SECTION 3

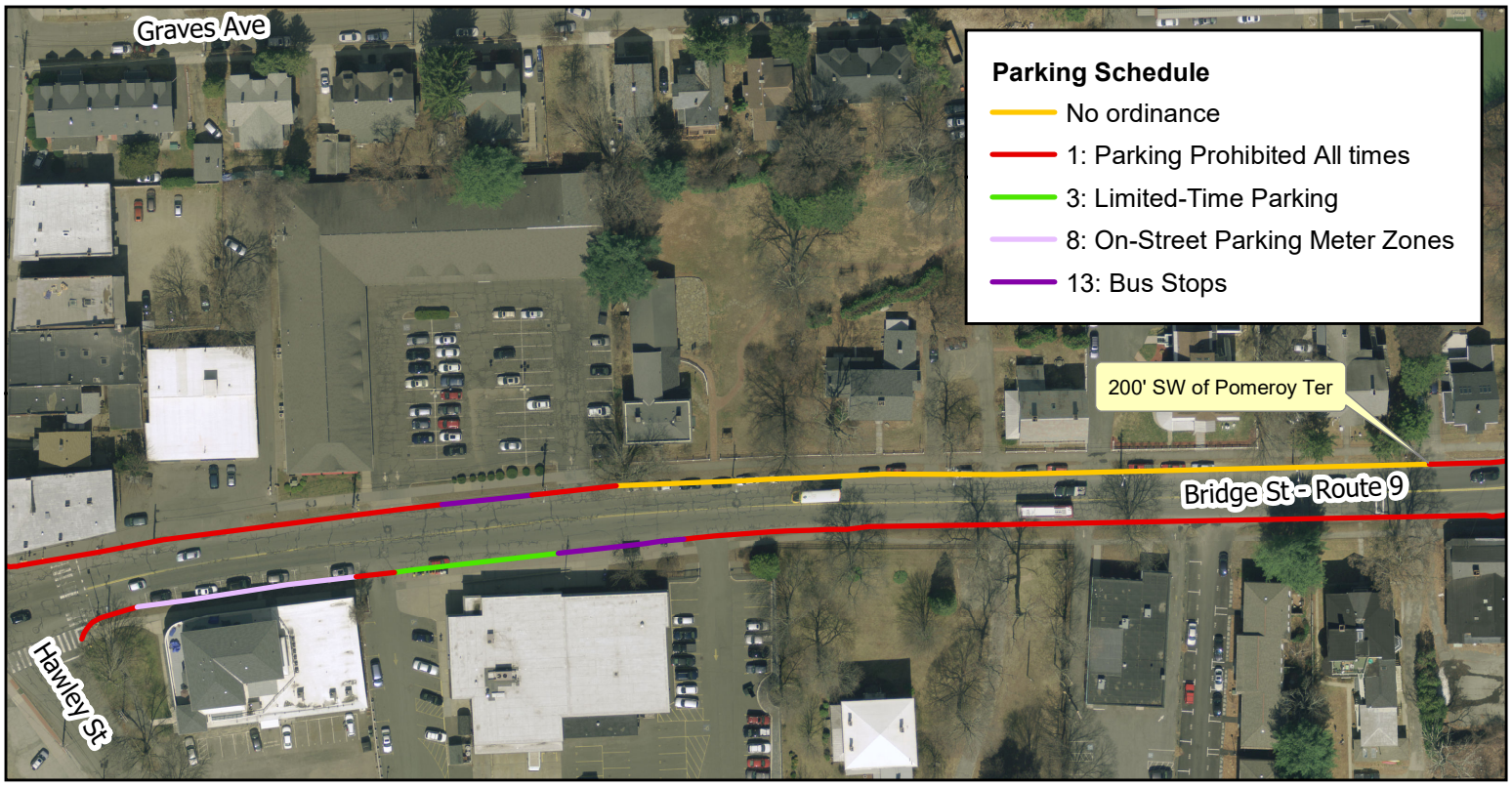
That the § 312-117 of the Code of Ordinances be amended as follows:

§ 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.

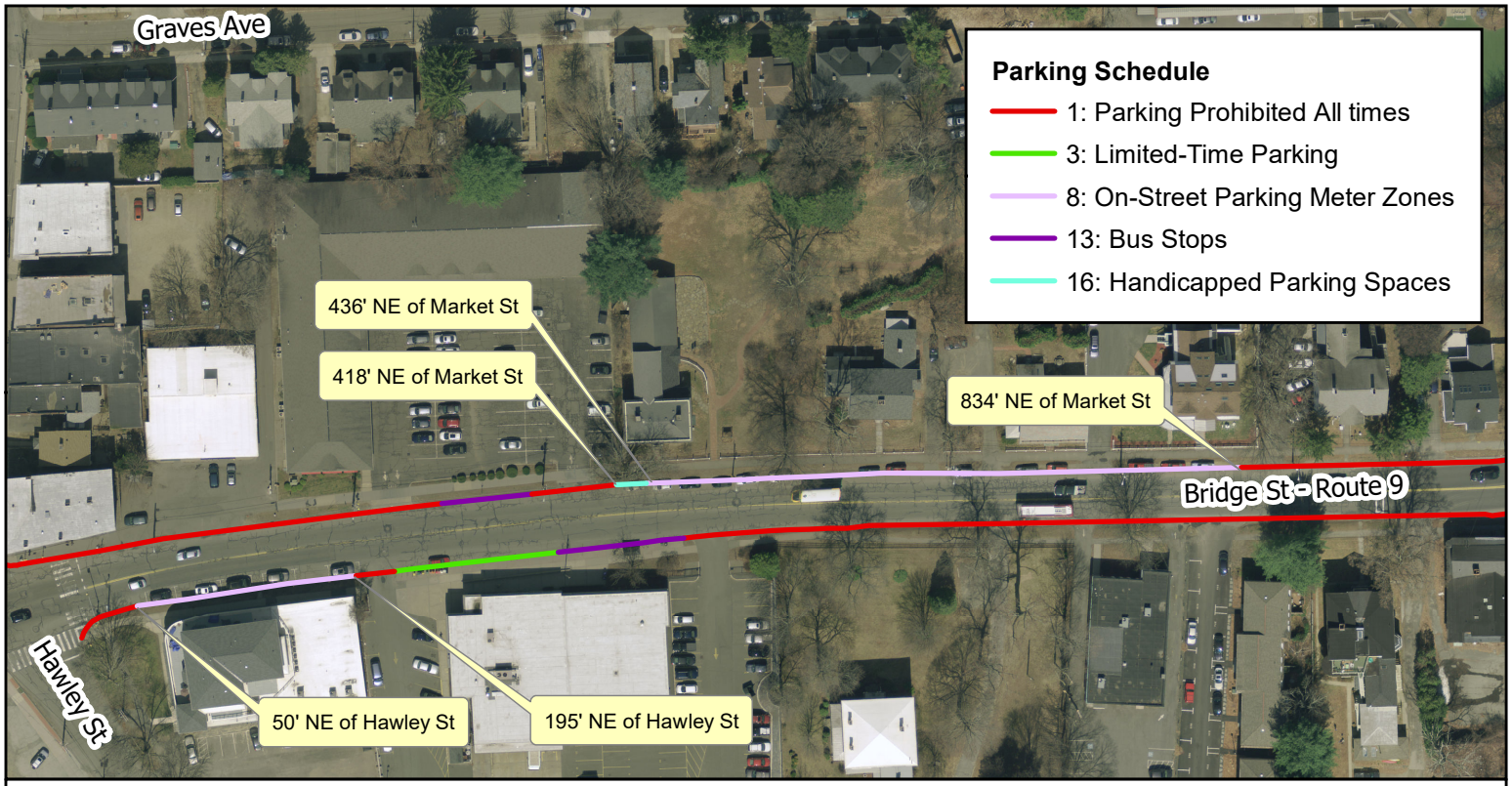
Bridge Street	**Northwesterly**	**Parking space at a point 418 feet northeasterly from Market Street**

Parking Schedule on Bridge Street

Existing Parking Ordinance(s)



Proposed Parking Ordinance(s)



City of Northampton

Prepared by:
Engineering Division
Department of Public Works
City of Northampton

November 14, 2019

1" = 125'

Disclaimer: The information on this map was derived from digital databases on the City of Northampton's GIS. Care was taken in the creation of this map. The City of Northampton cannot accept any responsibility for errors, omissions, or positional accuracy. Notification of any errors will be appreciated.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Twenty
Upon the Recommendation of Mayor David J. Narkewicz

20.015
AN ORDINANCE

RELATIVE TO METERED PARKING ON PLEASANT STREET

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

SECTION 1

That the § 312-102 of the Code of Ordinances be amended as follows:

§ 312-102 Schedule I: Parking Prohibited All Times.

Location *Tow-Away Zone	Side	From	To
Pleasant Street	**Westerly**	**Michelman Avenue**	**A point 31 feet southeasterly of Michelman Avenue**
Pleasant Street	**Westerly**	**Millbank Place**	**A point 27 feet northwesterly of Millbank Place**

SECTION 2

That the § 312-109 of the Code of Ordinances be amended as follows:

§ 312-109 Schedule VIII: On-Street Parking Meter Zones.

Location	Side	From	To	Time Limit/Class
Pleasant Street	**Westerly**	**A point 31 feet southeasterly from Michelman Avenue**	**A point 27 feet northwesterly from Millbank Place**	**10 hours/Class 3D and Class 4A**

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Twenty
Upon the Recommendation of Mayor David J. Narkewicz

20.015
AN ORDINANCE

RELATIVE TO METERED PARKING ON PLEASANT STREET

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

SECTION 1

That the § 312-102 of the Code of Ordinances be amended as follows:

§ 312-102 Schedule I: Parking Prohibited All Times.

Location *Tow-Away Zone	Side	From	To
Pleasant Street	**Westerly**	**Michelman Avenue**	**A point 31 feet southeasterly of Michelman Avenue**
Pleasant Street	**Westerly**	**Millbank Place**	**A point 27 feet northwesterly of Millbank Place**

SECTION 2

That the § 312-109 of the Code of Ordinances be amended as follows:

§ 312-109 Schedule VIII: On-Street Parking Meter Zones.

Location	Side	From	To	Time Limit/Class
Pleasant Street	**Westerly**	**A point 31 feet southeasterly from Michelman Avenue**	**A point 27 feet northwesterly from Millbank Place**	**10 hours/Class 3D and Class 4A**

City of Northampton

MASSACHUSETTS

In City Council September 19, 2019

Upon recommendation of the Mayor

19.137 An Ordinance
to Amend Chapter 312 Vehicles and Traffic

An ordinance regarding vehicles and traffic:

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 312-117; providing for On-Street and Off-Street Handicapped Parking Spaces.

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

Amend: 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.

DELETE AS FOLLOWS:

~~Pleasant Street~~ ~~(off Gleason Plaza)~~ ~~[Added 9-19-2002]~~	~~First parking space on the westerly most side of the most northerly end of the parking lot east of the first entrance off of Gleason Plaza~~