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: March 5, 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

A. 20.031 A Resolution in Support of the Empower Act - 1st reading

Documents:

20.031 A Resolution in Support of the Empower Act.pdf

9. Presentations

10. Consent Agenda

A. Minutes of February 20, 2020

Documents:

02-20-2020_City Council Minutes.pdf

B. 20.022 Appointment to the Council on Aging - Positive recommendation, City Services - 3/2/2020

History:
- Referred to City Services - 2/6/2020
- Positive recommendation, City Services - 3/2/2020

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

C. 20.023 Appointment of Assistant Chief Jon Davine as Fire Chief - Positive recommendation, City Services - 3/2/2020

History:
- Referred by City Council - 2/20/2020
- Positive recommendation, City Services - 3/2/2020

Documents:

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

11. Deliberate and vote on Individual Charter Review Committee Recommendations

Process note: This discussion is expected to take more than one meeting. Not all items listed will be reached for final action.

- Expanding the Electorate
- Appointed vs. Elected City Clerk
- Temporary Absences and Vacancies in the Office of Mayor
- Filling Vacancies on the School Committee and Trustees of Forbes Library
- Extending School Committee Provisions to Smith Agricultural School

Documents:

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

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

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

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

14. Financial Orders (on 2nd reading)

A. 20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program - 2nd reading

History:

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program.pdf

B. 20.026 An Order to Accept DA Sullivan $10,000 Gift for Digital Display and Presentation System - 2nd reading

History:

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

20.026 An Order to Accept DA Sullivan 10,000 Gift for Digital Display and Presentation System.pdf

15. Orders

A. 20.027 An Order to Grant Easement to National Grid in

Conjunction with WWTP Upgrades - 2nd reading

History:

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades.pdf

B. ### 20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 2nd reading

History:

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way.pdf
20.028 Finn Street Metes and Bounds Description.pdf
20.028 Finn Street Order of Taking.pdf
20.028 Street Acceptance Plan - Finn Street.pdf

C. ### 20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 2nd reading

History:

- Positive recommendation, Finance Committee - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way.pdf
20.029 North Street Metes and Bounds Description.pdf
20.029 Street Acceptance Plan - North Street.pdf
20.029 North Street Order of Taking.pdf

16. Ordinances (Not yet Referred)

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

17. Ordinances

A. ### 19.125 An Ordinance Related to Wireless Antennas on Street Poles - 2nd reading

History:

- Referred to Legislative Matters (LM) and Planning Board (PB) - 9/5/2019
- Public Hearing Held/Positive Recommendation, PB - 9/26/2019
- Public Hearing Held/Positive Recommendation with the stipulation that amended language be provided by the Office of Planning and Sustainability (OPS) to address concerns about placement of equipment on the pole -

10/7/2019
- Amended by City Council to strike word 5G from phrase "for the purpose of providing 5G wireless telecommunications."
- Referred back to Legislative Matters for further discussion - 10/17/2019
- Continued to 12/9/2019, LM - 11/12/2019
- Revised ordinance submitted by OPS to 1) move design criteria for small cell facilities out of code and into DPW regulations, 2) reduce fee for right-of-way access from $400 to $270 as recommended by the FCC and 3) add $1,000 fee for installation on city-owned poles to offset additional maintenance and inspection costs.
- Amended to correct two scrivener's errors - remove '5G' and replace 'telecommunications' with 'facilities' in 350-10.9 D - 2/10/2020
- Positive recommendation as amended, Legislative Matters - 2/10/2020
- Amended to accept changes proposed by OPS post LM hearing and to change "shall pay annual $270" to "shall pay an annual fee of $270" in Section 285-10 C - 2/20/2020
- Passed 1st reading - 2/20/2020

Documents:

19.125 An Ordinance Related to Wireless Antennas on Street Poles - POST 1st reading.pdf

B. **20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings - 2nd reading**

History:
- Referred to Legislative Matters (LM) - 1/16/2020
- Positive recommendation, LM - 2/10/2020
- Passed 1st reading - 2/20/2020

Documents:

20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings.pdf

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

19. New Business

20. Adjourn

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

In the Year Two Thousand and Twenty

Upon the recommendation of the Northampton Mayor's Youth Commission, Councilor Michael Quinlan, Jr., Councilor Alex Jarrett, and Councilor William H. Dwight

R-20.031 A RESOLUTION
IN SUPPORT OF THE EMPOWER ACT

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

WHEREAS, in 2018 the Northampton City Council passed Resolution R-18.097 to petition the Massachusetts Legislature to allow the City of Northampton to establish a minimum voting age for residents of Northampton of sixteen years for all municipal elections.

WHEREAS, the Northampton Mayor's Youth Commission, the Northampton City Council, the Mayor of Northampton, and the Northampton Charter Review Committee have unanimously supported the lowering of the voting age to 16.

WHEREAS, the EMPOWER Act would permit 16 and 17-year-olds to vote in municipal elections in those cities and towns whose legislative body has voted to accept it.

WHEREAS, lowering the voting age will create a more perfect democracy in our municipality, by empowering young people to be involved in the local political system.

WHEREAS, the issues voted on at the municipal level such as School Committee and municipal spending on climate change mitigation, as well as many others, directly affect young people.

WHEREAS, the 16 and 17-year-olds of Northampton have already shown their passion for civic engagement and electoral politics through organizing strikes, marches, and walkouts, and hosting elected officials and candidates for elected office at youth-led forums.

NOW THEREFORE BE IT RESOLVED that the sponsors call upon the Northampton City Council to petition the Massachusetts Legislature to pass Senate Bill 389 and House Bill 720, of the 191st session, "An Act ensuring municipal participation of the widest eligible range", otherwise known as the EMPOWER Act.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the state sponsors of the Act, Senator Harriette L. Chandler and Representatives Andres X. Vargas and Dylan A. Fernandes; Chairs of the Joint Committee on Election Laws, Senator Barry R. Finegold and Representative John J. Lawn, Jr.; State Representative Lindsay Sabadosa; State Senator Jo Comerford; House Speaker Robert DeLeo; Senate President Karen Spilka and Governor Charles Baker.

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

Roll Call

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:16 p.m. on a roll call the following City Councilors were present:

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

Announcement of Audio/Video Recording

At 7:16 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

Public Hearing

Public Hearing
None.

Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs
The Legislative Matters Committee will hold a public hearing on proposed changes to the city charter on Monday, May 2, 2020 at 7 p.m. in council chambers, Councilor Dwight announced. Many have heard the Charter Review Committee's recommendations, but the chair and co-chair will be there to reiterate their presentation and provide more opportunity for community input and discussion. The hearing is the final step before bringing proposed changes to the full council for final action. Everyone is invited to come to speak to the changes or to hear what's being proposed.

Councilor Jarrett noted that the hearing is not yet on the city calendar and Councilor Dwight said a public hearing notice is in the process of being posted.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors
Councilor Jarrett updated members on the activities of the Complete Count Committee, the local volunteer group formed to increase awareness and encourage participation in the federal census. It's very important to get a complete count for proper representation on the local, state and national level but also for the funding it brings, he stressed. It is estimated that communities bring in $2,400 per person from various sources. It is safe – no personal information is shared with anyone, including other government departments, and this is the first census which offers the opportunity to respond online. Certain groups historically have been undercounted – people of color - especially men aged 18 to 49 - low-income renters, both urban and rural, single female headed households, etc. The area around Smith College is the lowest responding area, followed by downtown and the northern part of Ward 5 with public housing complexes such as Forsander Apartments and Meadowbrook. He is asking anyone listening and councilors themselves to communicate the importance of this to their constituents and be thinking of ways to reach underrepresented populations in their wards. There are also job opportunities – the census is still very much hiring.

As they head into pothole season, Councilor Nash reminded residents that the way to report a pot hole is to go to the Public Works page on the city website and click on the link to report a pothole.

The last override forum is this Monday, February 24, 2020 at the Leeds Elementary School at 7 p.m., Councilor Maiore announced.

City Clerk Pam Powers writes that the City Clerk's office needs election poll workers, Councilor Dwight reported. Workers are needed to cover information desks at the senior center and Smith Vocational and Agricultural School. Some familiarity with all Northampton voting locations is

	desirable. Pay is $12.75 an hour. Individuals are also needed at all voting locations to work as inspectors. Anyone interested should complete an application. And, early voting is next week from February 24, 2020 to February 28, 2020 from 8:30 a.m. to 4:30 p.m. for both the special municipal election and the presidential primary, Councilor Sciarra announced. Extended voting hours are available Thursday, February 27th until 7 p.m.
Communications & Proclamations from the Mayor	Communications and Proclamations from the Mayor None.
Resolutions	Resolutions None.
Presentations	Presentations None.
Consent Agenda	Consent Agenda Councilor Sciarra reviewed the single item on the consent agenda - the minutes of February 6, 2020. Councilor LaBarge moved to approve the consent agenda. Councilor Dwight seconded. The motion passed 9:0 by voice vote. The following item was approved as part of the consent agenda: A. Minutes of February 6, 2020
Recess for Committee on Finance Meeting	At 7:27 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:07 p.m. The City Council reconvened at 8:07 p.m.
Financial Orders (on 1st reading) 20.025 Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading	Financial Orders (on 1st reading) 20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded. Massachusetts General Law says that communities charge 8% interest or lower subject to their charters, Councilor Jarrett reported. Has Northampton decided on that 5%? He asked. Mayor Narkewicz said his understanding was that the rate is 5% statutorily, so he'll have to do some research. He'll give him a source for his information, he said. He thinks it's great that Northampton charges 5%, Councilor Jarrett assured. If there is an opportunity to lower it further, he wondered aloud how that would be decided. The Mayor said he would try to find that out. Councilor Dwight said it would be worth discussing as a possible addition to the charter. Mayor Narkewicz said he would not be in favor of putting interest rates in the charter since they are subject to change but they could look at it. Councilor Foster asked if he had an anticipated number of people who might take advantage of the program under the expanded income guidelines. She said she thinks it's a fantastic idea. She voiced the assumption that it would be a small enough number that the city would be able to absorb it in the budget. Mayor Narkewicz said he didn't know how many would choose to participate. People come in and out of the program so there is a natural ebb and flow in the number of participants. Administrators believe it is an important enough policy measure that it can be absorbed in the budget, he

confirmed. The Assessors are required to maintain an Overlay Account to fund abatements and exemptions of committed real and personal property taxes for any fiscal year, he explained.

Members asked questions to clarify details of the program. The total amount of taxes deferred may not exceed fifty percent (50%) of the owner's proportional share of the property, Councilor Jarrett clarified.

Councilor Maiore said she wished it could go beyond seniors to others who would fit into this bracket who are facing hardship.

Mayor Narkewicz acknowledged there are other people facing struggles. "For now these are the programs we're trying to avail ourselves of," he said.

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

See minutes of March 5, 2020 for second reading.

20.026 Order to Accept DA Sullivan $10,000 Gift for Digital Display and Presentation System - 1st reading

20.026 An Order to Accept DA Sullivan $10,000 Gift for Digital Display and Presentation System - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded.

There being no discussion, the motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.030 Order to Accept Donation of Voting Signs - 1st reading

20.030 An Order to Accept Donation of Voting Signs - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

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

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council February 20, 2020

Upon recommendation of the Mayor,

20.030 An Order to Accept Donation of Voting Signs

Ordered, that,

the City of Northampton accepts the donation of 20 "Vote Today" signs valued at approximately $240, donated to the Northampton City Clerk's Office by Rigali Walder Orthodontics in Florence, Easthampton and Amherst, in accordance with General Law Chapter 44, Section 53A.

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2nd reading)
20.018 Order to Appropriate $25,000 in Whiting

Financial Orders (on 2nd reading):
20.018 Order to Appropriate $25,000 in Whiting Street Trust Funds - 2nd reading
Councilor Dwight moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Street Trust Funds - 2nd reading

The following order passed two readings:

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.

Passed two readings and enrolled.

20.019 Order to Reprogram $7,500 from CS Energy Management System to Senior Center Energy Control Upgrades - 2nd reading

20.019 Order to Reprogram $7,500 from CS Energy Management System to Senior Center Energy Control Upgrades - 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council 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.

Passed two readings and enrolled.

20.020 Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading

20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading
Councilor LaBarge moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council 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.

Passed two readings and enrolled.

20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading

20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading
Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council 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.

Passed two readings and enrolled.

Orders
20.027 Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading

20.028 Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading
20.029 Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading

Orders
20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading
Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

Ordinances (Not Yet Referred)
20.024 Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

Ordinances (Not Yet Referred)
20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB
Councilor Dwight moved to refer the ordinance to Legislative Matters. Councilor Nash seconded. The motion passed unanimously 9:0 by voice vote.

Ordinances
19.125 Ordinance Related to Wireless Antennas on Street Poles - 1st reading

Ordinances
19.125 An Ordinance Related to Wireless Antennas on Street Poles - 1st reading
Councilor Sciarra read the ordinance as forwarded with a positive recommendation by Legislative Matters. It was noted that a few minor amendments have been proposed by the Office of Planning & Sustainability since Legislative Matters' approval.

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

Mayor Narkewicz said he was told there was a pretty extensive hearing in Legislative Matters and that the chair would potentially be able to recount the discussion.

Councilor Dwight summarized the discussion in Legislative Matters. The only objection raised was a complaint by former City Councilor David Murphy that an eleventh-hour change to the ordinance was presented the day of the meeting, he shared. He expressed his understanding that there is now another eleventh-hour change.

Mrs. Krutzler reviewed the two minor changes as highlighted on the screen.

The more significant change is transferring the technical requirements/design standards for small cell facilities from the zoning ordinance to the DPW's regulations since this is their area of expertise, Councilor Dwight explained.

The larger discussion is that the FCC established regulations that don't really give them much of a say in the regulation of telecommunications facilities. They can dictate to some degree what installations look like and require them to conform to standard right-of-way regulations but they cannot stop these systems or regulate radio-frequency (RF) emissions. "It is beyond our ability to do anything counter to what the FCC is facilitating here," he stressed.

In the absence of any regulations, they needed to scramble and get something. "We've been talking about this for about seven months," he related The versions have been changeable and adaptable because "we didn't know what we were doing," he candidly admitted.

Councilor Dwight reviewed the amendments as highlighted in yellow to change the Chapter reference from 285-53 to 285-10 and to change Section 350-10.9 D1 to make 'An application' plural and delete the reference to the DPW having 60-days to promulgate its regulations for small cell facilities. He moved to accept the latest amendments. Councilor LaBarge seconded.

Councilor Jarrett pointed out a second chapter reference in the opening paragraph that should be changed for consistency. He also pointed out a scrivener's error in 285-10 C. Councilor Dwight amended his motion to include these changes, correcting the text in 285-10 C to read as follows, "Each wireless small cell antenna on public ways (including those already installed) shall pay an annual fee of $270 for right-of-way access and inspections."

The motion to amend passed unanimously 9:0 by voice vote.

Councilor Jarrett said he has received comments from constituents and done some research since the Legislative Matters hearing. As Councilor Dwight said, they don't have the authority to regulate the use of this technology but they do have authority to regulate its placement, construction and aesthetics. The FCC has pre-empted them and has ignored calls from meteorologists who've said there will be a 30% reduction in the accuracy of weather forecasts and from medical professionals who call for more study about possible health effects. He cited the precautionary principle, which is that when an issue has the potential to cause harm and extensive scientific knowledge is lacking, they should proceed with caution and study the issues fully. We as a society have not done that around this issue, he asserted. He acknowledged the reported benefit that wireless telecommunications can bring in needed competition in the area of internet access which could lower rates. However, they have commissioned a study for a municipally-owned broadband network, which, if successful, would also bring in competition and better service, he reminded.

In this decision, they can't legally ask for this caution to be taken, but he wanted to bring in what some other cities have done, mainly in California.

Cities such as Mill Valley, California and Encinitas have enacted protective ordinances that adhere to the letter of state and federal law but are designed to discourage the use in residential areas, he reported. He read an excerpt from the Mill Valley ordinance. City officials there have limited locations to private properties within commercial zoning districts and, in the public right-of-way, to existing poles that are 1,500 feet apart. They have also required a performance bond to insure removal of the equipment when it is no longer needed. Encinitas prohibits 5G facilities within 500 feet of a home or a school, he added.

He wants to open a discussion as to whether they want to balance the regulations the FCC prescribes with the potential health concerns, Councilor Jarrett proposed. Do we want to think about this more and look at what other cities and towns have done? How do we feel about going forward without restricting the use to the extent legally possible versus trying to push that line? He asked rhetorically.

Councilor Dwight said he absolutely agrees. The absence of rules makes them very vulnerable. He understands there are at least one or two 5G towers here already. What drives his concern is that inviting competition is excellent but, on the other hand, it also means a potential bristling of towers all over the place.

He thinks what Councilor Jarrett is proposing makes very good sense but clearly requires a lot more research into what's allowed under Mass. General Law. He proposed they find out what's allowed within the limits of state law and what best serves this community. He would like to move something forward. The reason this was presented 'in a jumble' is there is some aspect of urgency in that there are wolves at the door, he quipped.

The FCC has seemingly acted without expressed concern about the intensification of radio-frequency (RF) transmissions, the proximity of humans to the installations and the impact of RF as far as any health hazards it may present, Councilor Dwight observed.

However, "in the absence of rules we are vulnerable as hell," he pointed out. "I'm with you and I'd glad to work with you" on researching and seeing what options are available, he confirmed. He still feels they should pass what they have now.

Councilor LaBarge agreed with Councilor Dwight. They can even change the language when they do a second reading, she noted.

Councilor Nash expressed his understanding that the absence of an ordinance actually opens them up to even more exposure. So this is actually granting more control.

Councilor Jarrett clarified that he is in agreement with the ordinance and would be happy to work with Councilor Dwight to see if they can strengthen it further. He agreed they should put it in place.

Councilor Maiore thanked Councilor Jarrett for doing that important research.

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

See minutes of March 5, 2020 for second reading.

20.012 Ordinance Relative to Demolition Review for Historically-Significant Buildings - 1st reading

20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings - 1st reading

Councilor Sciarra read the ordinance.

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

Despite fairly extensive amendments, this is basically a simple change to switch the construction date to which the demolition review applies from 1939 to 1945, Conservation/Preservation Planner Sarah Lavalley explained. Back when the demolition review ordinance was adopted in 2005, it was intended to press pause on the demolition of historic structures.

The Historical Commission has reviewed about 100 buildings in total, six of which were determined to be preferably preserved. A delay was enacted for some of them; most of them were allowed to proceed with an alternate plan such as changes to better reflect the streetscape or

	photo-documentation of the structure. 1900 is far earlier than what is recognized as historic at the state level so the commission is proposing a 1945 date. In response to a question, Ms. LaValley confirmed that a list of about 50 buildings constructed between 1900 and 1939 was created. The motion passed unanimously 9:0 by roll call vote. See minutes of March 5, 2020 for second reading.
Information (Charter Provision 2-7) & Study Requests	Information (Charter Provision 2-7) and Information Study Requests None
Motion to Adjourn	Upon motion made by Councilor Dwight and seconded by Councilor Nash, the meeting was adjourned at 9:08 p.m. Attest:_____ Administrative Assistant to the City Council

MAYOR DAVID J. NARKEWICZ

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

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.

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

City of Northampton

MASSACHUSETTS

In City Council February 20, 2020

Upon recommendation of the Mayor

20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program

Whereas, MGL C.59, s. 5, Clause 41A program allows qualifying seniors to defer their real estate taxes;

Whereas, the Clause 41A program is a tax deferral program, rather than a tax exemption;

Whereas, the Clause 41A program has an income limit threshold that stipulates gross receipts from all sources cannot be in excess of $20,000 during the preceding year;

Whereas, the statute allows that the city may, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of the Clause 41A program;

Ordered, that

the maximum qualifying gross receipts for the purposes of M.G.L. c. 59, §5, Clause 41A – Senior Property Tax Deferral Program shall be increased to the maximum income limit allowed under the law, which is equivalent to the income limit that applies under the "circuit breaker" state tax credit for single seniors who are not heads of households in accordance with M.G.L. c. 62, § 6 (k).

City of Northampton

MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor

20.026 An Order to Accept DA Sullivan $10,000 Gift for Digital Display and Presentation System

Ordered, that

The Northampton City Council gratefully accepts the donation of $10,000, a gift to the City of Northampton from D.A. Sullivan and Sons, Inc., and in accordance with Massachusetts General Law Chapter 44, Section 53A approves using the gifted funds to purchase a digital display and presentation system for the JFK Middle School Community Room.

City of Northampton
MASSACHUSETTS

In City Council, February 20, 2020

Upon the recommendation of the Department of Public Works

20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades

Ordered, that

WHEREAS, the Department of Public Works is undertaking upgrades to the Waste Water Treatment Plant on Hockanum Road; and,

WHEREAS, in conjunction with the upgrades of the Waste Water Treatment Plant, National Grid must install a new transformer in a different location than the one currently in place and install an additional utility pole; and,

WHEREAS, in order for National Grid to install the new transformer in a new location and additional utility pole, the city must grant an easement to National Grid; and

WHEREAS, the proposed easement is shown on a sketch plan dated December 2, 2019, prepared by National Grid and entitled "ELECTRIC DISTRIBUTION CONSTRUCTION EASEMENT."

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the Mayor to execute and deliver an instrument granting an easement to National Grid for the construction of a new transformer and utility pole installation in conjunction with upgrades to the Waste Water Treatment Plant on Hockanum Road, on such terms and conditions as the Mayor deems reasonable and appropriate.

City of Northampton

MASSACHUSETTS

_____

In City Council, February 20, 2020

Upon the recommendation of Mayor David J. Narkewicz

O-20.028 AN ORDER AUTHORIZING ACQUISITION OF EASEMENTS FOR THE LAYING OUT OF FINN STREET AS A PUBLIC WAY

WHEREAS, Finn Street is a major connector street in the city of Northampton; and

WHEREAS, a portion of Finn Street beginning at its intersection with King Street will be included in the upcoming King Street (Rt. 5) Corridor Improvements, MassDOT Project No. 607502, which will be funded, in part, with federal highway funds; and

WHEREAS, in order to be eligible for federal highway funds, the city must produce an official layout of Finn Street; and

WHEREAS, no layout for Finn Street can be located; and

WHEREAS, the proposed layout of the way is shown as "Finn Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 26, 2019; and

WHEREAS, in order to complete the layout of Finn Street, the City Council must authorize the acquisition of easements over the way.

NOW, THEREFORE BE IT ORDERED,
The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of easements over that parcel of land shown as "Finn Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 26, 2019, for the purpose of laying out a public way in and for the city of Northampton. No appropriation is needed for this acquisition. No betterment shall be assessed to the benefitted landowners.

Finn Street

Beginning at a point, S29°06'41"E a distance of 122.17 feet from a bound found on the easterly sideline of Prospect Street and the southerly sideline of Warfield Place and running thence,

On a curve to the left having a radius of 36.50 feet, a length of 40.44 feet, (a chord bearing S60°51'16"E, a chord distance of 38.41feet) to a point, thence

N87°24'08"E along land now or formerly of Stephen & Elizabeth M. Petegorsky; land now or formerly of Thu Kim; land now or formerly of John Edward Murray & Paula Rigano Murray; the southerly end of Warfield Place; land now or formerly of Jaya R. Agrawal & Simon A. Ahtardis; land now or formerly of Douglas A. Garton; land now or formerly of Frederick D. & Jennifer L. Kass; the southerly line of State Street, 490.38 feet to a bound, thence

N86°46'38"E along land now or formerly of State Street Northampton Properties, LLC; land now or formerly of Carmen M. & Wilfred Santiago; land now or formerly of Mary B. & John S. Biddle; land now or formerly of Tyler E. Boudreau; land now or formerly of King Enterprises LLC & Florence Savings Bank, a distance of 447.34 feet to a point, thence

S02°31'11"E along the westerly sideline of King Street, 40.01 feet to a point, thence

S86°45'39"W along land now or formerly of Nicholas D. & Betty Lou Duprey; land now or formerly of ServiceNet, Inc.; the northerly end of Carpenter Avenue; land now or formerly of Jose Maria Goncalves Porter; land now or formerly of David P. & Dorothy G. Goldstone; land now or formerly of Peter Volpe; land now or formerly of Alan & Paula Verson; the northerly line of State Street; land now or formerly of Sullivan Real Estate LLC; land now or formerly of Theresa L. Dunn, Trustee; the northern end of Aldrich Street; land now or formerly of Gwen Agna & Thomas M. Marantz; land now or formerly of Arron L. Simms & Rachel Mak; land now or formerly of Silvia B. Berger, 954.24 feet to an iron pipe, thence

N10°06'41"W along the easterly sideline of Prospect Street, 46.21 feet to a point, thence

N29°06'41"W along land now or formerly of Stephen & Elizabeth M. Petegorsky, 22.58 feet to the point of beginning.

Area of roadway to be accepted= 39,933 square feet, more or less.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto as Exhibit A, does hereby take a perpetual easement over the parcels referenced below for and on behalf of the Inhabitants of the City of Northampton. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen. Laws Ch. 82.

The parcels hereby taken are shown as "Finn Street" on a plan entitled, "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton", prepared by Heritage Surveys, dated August 26, 2019. Said plan is recorded in Plan Book _____, Page _____. The parcel taken hereunder is more particularly bounded and described as set forth on Exhibit B, attached hereto.

No damages shall be payable as a result of this taking inasmuch as the city constructed the way known as Finn Street more than 20 years ago. No betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this _____ day of _____, 2020.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

_____
Gina-Louise Sciarra
AT-LARGE COUNCILOR

_____
William H. Dwight
AT-LARGE COUNCILOR

_____
Michael Quinlan, Jr.
WARD 1 COUNCILOR

_____
Karen Foster
WARD 2 COUNCILOR

_____
James Nash
WARD 3 COUNCILOR

_____
John Thorpe
WARD 4 COUNCILOR

_____
Alex Jarrett
WARD 5 COUNCILOR

_____
Marianne L. LaBarge
WARD 6 COUNCILOR

_____
Rachel Maiore
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Laura Krutzler, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on _____, 2020, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this _____ day of _____, 2020.

_____
Laura Krutzler
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A
CITY COUNCIL ORDER

EXHIBIT B

Legal Description with metes and bounds for Finn Street goes here.

EXHIBIT C
TITLEHOLDERS AND LIENHOLDERS

166 KING STREET, NORTHAMPTON, MA
Titleholder: Nicholas D. Duprey and Betty L. Duprey, Book 8311 / Page 212
Lienholder: Easthampton Savings Bank, Book 8311 / Page 216
Lienholder: Michael J. Netto and Linda L. Netto, 8311 / Page 232

176 KING STREET, NORTHAMPTON, MA
Titleholder: The Trustees of One Hundred Seventy Six King Street Condominium Trust, Book 2877 / Page 21

8-10 FINN STREET, NORTHAMPTON, MA
Titleholder: SERVICENET, INC., Book 9640 / Page 14
Lienholder: Commonwealth of Massachusetts, Book 12640 / Page 259
Lienholder: Massachusetts Housing Partnership Fund Board, 11542 / Page 99

13 FINN STREET, NORTHAMPTON, MA
Titleholder: Tyler E. Boudreau, Book 11835 / Page 127
Lienholder: MERS, Book 11835 / Page 129

18 FINN STREET, NORTHAMPTON, MA
Titleholder: Jose Maria Goncalves Porter, Book 12764 / Page 107
Lienholder: PeoplesBank, Book 12764/ Page 110
Lienholder: PeoplesBank, 13117 / Page 89

19 FINN STREET, NORTHAMPTON, MA
Titleholder: John S. Biddle Jr. and Mary B. Biddle, Book 6965 / Page 342
Lienholder: Florence Savings Bank, Book 10171 / Page 270

20-22 FINN STREET, NORTHAMPTON, MA
Titleholder: David P. Goldstone & Dorothy G. Goldstone, Book 11264 / Page 136
Lienholder: Florence Savings Bank, Book 11264 / Page 140

25 FINN STREET, NORTHAMPTON, MA
Titleholder: Carmen M. Santiago and Wilfred Santiago, Book 5534 / Page 217
Lienholder: MERS, Book 11968 / Page 200

26 FINN STREET, NORTHAMPTON, MA
Titleholder: Peter C. Volpe, Book 4808 / Page 159
Lienholder: UMassFive College Federal Credit Union, Book 9449 / Page 165
Lienholder: Massachusetts Housing Finance Agency, Book 4808 / Page 170

214-218 STATE STREET, NORTHAMPTON, MA
Titleholder: Sullivan Real Estate, LLC, Book 11269 / Page 65
Lienholder: Greenfield Savings Bank, Book 10390 / Page 304
Lienholder: Greenfield Savings Bank, Book 11270 / Page 271

215-217 STATE STREET, NORTHAMPTON, MA
Titleholder: Alan Verson and Paula Verson, Book 2171 / Page 53

224 STATE STREET, NORTHAMPTON, MA
Titleholder: Jennifer L. Kass and Frederick D. Kass, Book 9594 / Page 315
Lienholder: Florence Savings Bank, Book 9594 / Page 317

225 STATE STREET, NORTHAMPTON, MA
Titleholder: State Street Northampton Properties, LLC, Book 13111 / Page 217
Lienholder: Meredith E.K. Lewsi, Book 13111 / Page 221

37 FINN STREET, NORTHAMPTON, MA
Titleholder: Douglas A. Garton, Book 8388 / Page 62
Lienholder: The Ann M. Ouimette Amended and Restated Revocable Trust, Book 12441 / Page 342

43 FINN STREET, NORTHAMPTON, MA
Titleholder: Jaya R. Agrawal & Simon A. Ahtaridis, Book 12875 / Page 306
Lienholder: None of record

45 FINN STREET, NORTHAMPTON, MA
Titleholder: John Edward Murray and Paula Rigano Murray, Book 4366 / Page 112
Lienholder: Wells Fargo Bank N.A., Book 10833 / Page 222

46 FINN STREET, NORTHAMPTON, MA
Titleholder: Theresa L. Dunn, Trustee of the Theresa L. Dunn Irrevocable Residence Trust, Book 10335 / Page 113
Lienholder: None of record

47 FINN STREET, NORTHAMPTON, MA
Titleholder: Thu Kim, Book 9309 / Page 105
Lienholder: MERS, Book 11220 / Page 326

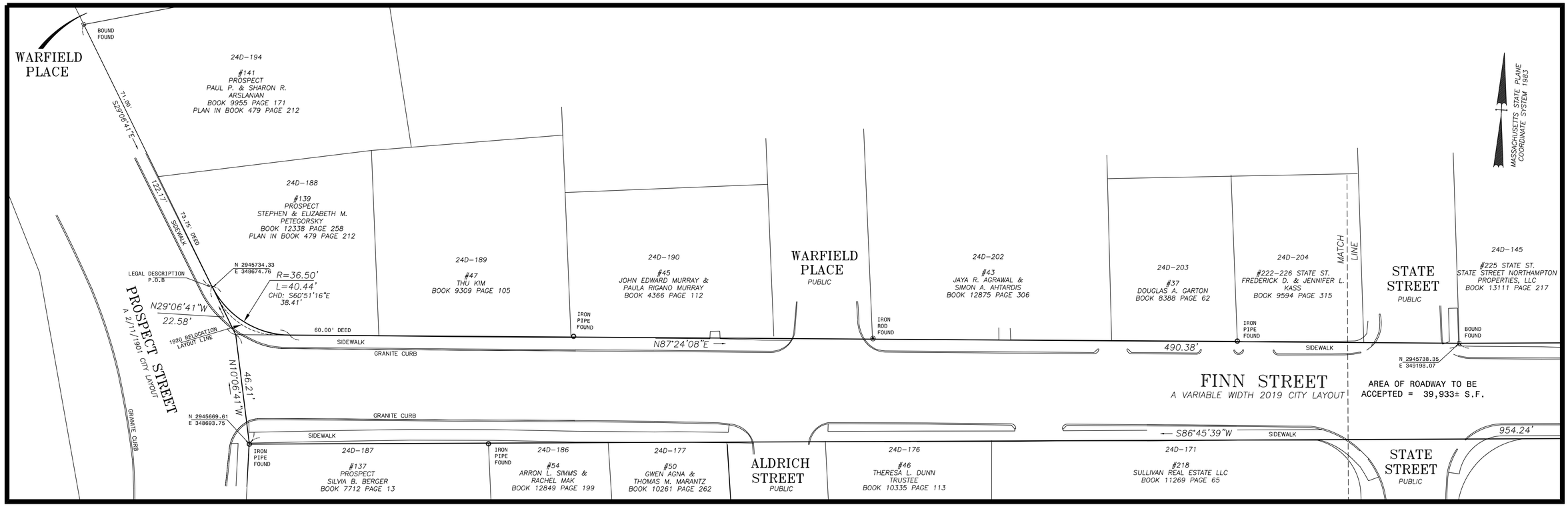
50 FINN STREET, NORTHAMPTON, MA
Titleholder: Gwen Agna & Thomas M. Marantz, Book 10261 / Page 262
Lienholder: Florence Bank, Book 12565 / Page 32

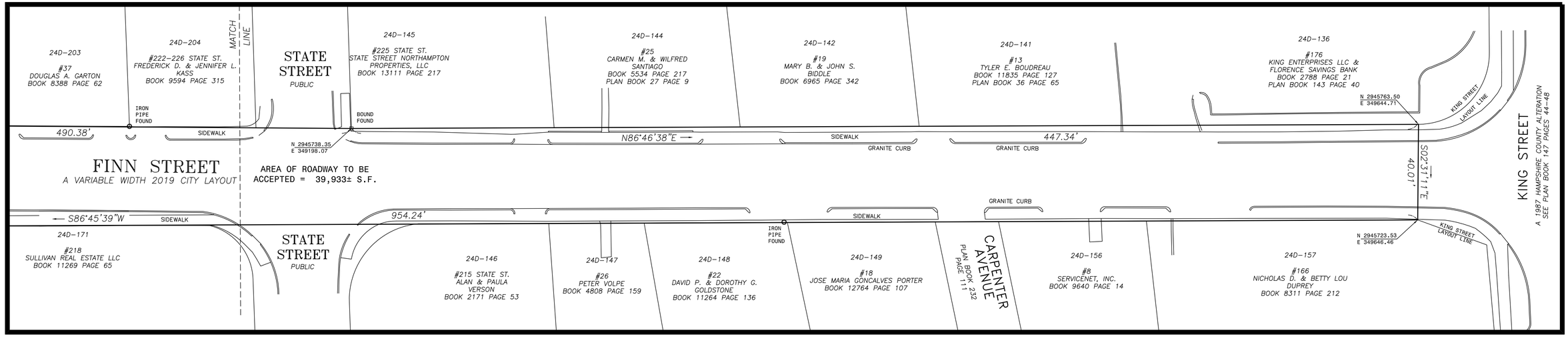
52-54 FINN STREET, NORTHAMPTON, MA

Titleholder: Aaron L. Simms & Rachel Mak, Book 12849 / Page 199
Lienholder: MERS, Book 12849 / Page 202

137 PROSPECT STREET, NORTHAMPTON, MA
Titleholder: Silvia B. Berger, Book 7712 / Page 13
Lienholder: Florence Bank, Book 12820 / Page 287
Lienholder: Florence Savings Bank, Book 7877 / Page 168
Lienholder: Source One Mortgage Services Corporation, Book 3965 / Page 64

139 PROSPECT STREET, NORTHAMPTON, MA
Titleholder: Stephen & Elizabeth M. Petegorsky, Book 12338 / Page 258
Lienholder: MERS, Book 12338 / Page 259





THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

8/26/19 _____
DATE REGISTERED LAND SURVEYOR

FINN STREET
ACCEPTED BY VOTE OF
THE NORTHAMPTON CITY COUNCIL

DATE:_____

CITY COUNCIL CLERK:_____

_____

LEGEND
BOUND FOUND
IRON PIPE FOUND
IRON ROD FOUND

REGISTRY OF DEEDS
HAMPSHIRE COUNTY

STREET ACCEPTANCE PLAN OF LAND IN
NORTHAMPTON, MASSACHUSETTS
SURVEYED FOR
THE CITY OF NORTHAMPTON

SCALE: 1" = 20'
0 10 20 30 40 60

DATE: AUGUST 26, 2019

HERITAGE SURVEYS, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
COLLEGE HIGHWAY & CLARK STREET
POST OFFICE BOX 1
SOUTHAMPTON, MASSACHUSETTS
(413) 527-3600

COMMONWEALTH OF MASSACHUSETTS
BRUCE A. COOMBS
No. 27814
REGISTERED PROFESSIONAL LAND SURVEYOR

JOB # 7404-160819 | DWG # 7404finn | MAP # 7404-190826

City of Northampton

MASSACHUSETTS

_____

In City Council, February 20, 2020

Upon the recommendation of Mayor David J. Narkewicz

O-20.029 AN ORDER AUTHORIZING ACQUISITION OF EASEMENTS FOR THE LAYING OUT OF NORTH STREET AS A PUBLIC WAY

WHEREAS, North Street is a major connector street in the city of Northampton; and

WHEREAS, a portion of North Street beginning at its intersection with King Street will be included in the upcoming King Street (Rt. 5) Corridor Improvements, MassDOT Project No. 607502, which will be funded, in part, with federal highway funds; and

WHEREAS, in order to be eligible for federal highway funds, the city must produce an official layout of North Street; and

WHEREAS, no layout for North Street can be located; and

WHEREAS, the proposed layout of the way is shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019, revised February 7, 2020; and

WHEREAS, in order to complete the layout of North Street, the City Council must authorize the acquisition of easements over the way.

NOW, THEREFORE BE IT ORDERED,
The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of easements over that parcel of land shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019 and revised February 7, 2020, for the purpose of laying out a public way in and for the city of Northampton. No appropriation is needed for this acquisition. No betterment shall be assessed to the benefitted landowners.

North Street

Beginning at a point S65°23'52"E a chord distance of 27.68' from a bound found on the easterly sideline of King Street and running thence,

N70°44'20"E, along land now or formerly of Barry G. & Annette E. Goldberg; land now or formerly Massachusetts Electric Company; 270.22 feet to a point, thence

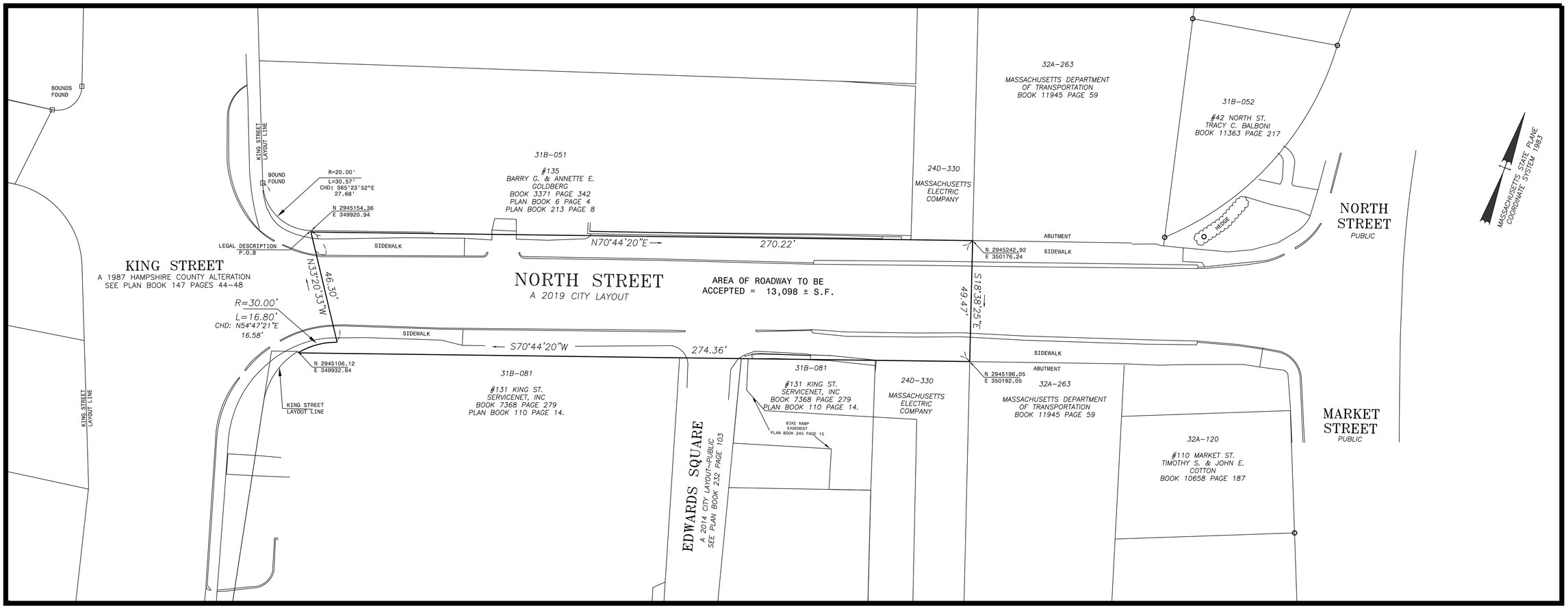
S18°38'25"E, across North Street 49.47 feet to a point, thence

S70°44'20"W, along land now or formerly of Massachusetts Electric Company; land now or formerly of ServiceNet, Inc.; the northerly end of Edwards Square; land now or formerly of ServiceNet, Inc., 274.36 feet to a point, thence

On a curve to the right having a radius of 30.00 feet, a length of 16.80 feet, (a chord bearing N54° 47'21"E, a chord distance of 16.58 feet) to a point, thence

N33°20'33"W along the easterly sideline of King Street, 46.30' to the point of beginning.

Area of roadway to be accepted= 13,098 square feet, more or less.



THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

8/28/19 _____
DATE REGISTERED LAND SURVEYOR

NORTH STREET
ACCEPTED BY VOTE OF
THE NORTHAMPTON CITY COUNCIL

DATE:_____

CITY COUNCIL CLERK:_____

_____

LEGEND
BOUND FOUND
IRON PIPE FOUND
IRON ROD FOUND

REGISTRY OF DEEDS
HAMPSHIRE COUNTY

STREET ACCEPTANCE PLAN OF LAND IN
NORTHAMPTON, MASSACHUSETTS
SURVEYED FOR
THE CITY OF NORTHAMPTON

SCALE: 1" = 20'
0 10 20 30 40 60

DATE: AUGUST 28, 2019
REVISED: FEBRUARY 7, 2020

HERITAGE SURVEYS, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
COLLEGE HIGHWAY & CLARK STREET
POST OFFICE BOX 1
SOUTHAMPTON, MASSACHUSETTS
(413) 527-3600

COMMONWEALTH OF MASSACHUSETTS
BRUCE A. COOMBS
No. 27814
REGISTERED PROFESSIONAL LAND SURVEYOR

JOB # 7404-160819 | DWG # 7404finn | MAP # 7404-200207

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto as Exhibit A, does hereby take a perpetual easement over the parcels referenced below for and on behalf of the Inhabitants of the City of Northampton. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen. Laws Ch. 82.

The parcels hereby taken are shown as "North Street" on a plan entitled, "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton", prepared by Heritage Surveys, dated August 28, 2019, revised February 7, 2020. Said plan is recorded in Plan Book _____, Page _____. The parcel taken hereunder is more particularly bounded and described as set forth on Exhibit B, attached hereto.

No damages shall be payable as a result of this taking inasmuch as the city constructed the way known as North Street more than 20 years ago. No betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this _____ day of _____, 2020.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

_____	_____
Gina-Louise Sciarra AT-LARGE COUNCILOR	William H. Dwight AT-LARGE COUNCILOR
_____	_____
Michael Quinlan, Jr. WARD 1 COUNCILOR	Karen Foster WARD 2 COUNCILOR
_____	_____
James Nash WARD 3 COUNCILOR	John Thorpe WARD 4 COUNCILOR
_____	_____
Alex Jarrett WARD 5 COUNCILOR	Marianne L. LaBarge WARD 6 COUNCILOR
_____	
Rachel Maiore WARD 7 COUNCILOR	

CERTIFICATE OF THE CLERK
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Laura Krutzler, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on _____, 2020, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this _____ day of _____, 2020.

_____
Laura Krutzler
Clerk to City Council
City of Northampton, Massachusetts

EXHIBIT A
CITY COUNCIL ORDER

EXHIBIT B

Legal Description with metes and bounds for Finn Street goes here.

EXHIBIT C
TITLEHOLDERS AND LIENHOLDERS

129-131 KING STREET, NORTHAMPTON, MA
Titleholder: Servicenet, Inc., Book 7368 / Page 279

135 KING STREET, NORTHAMPTON, MA
Titleholder: Barry G. Goldberg and Annette E. Goldberg, Book 3371 / Page 342
Lienholder: Peoples United Bank, Book 11225 / Page 246

NORTH STREET, NORTHAMPTON, MA
Titleholder: Massachusetts Electric Company, Book 1605 / Page 375

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

19.125 AN ORDINANCE
RELATED TO WIRELESS ANTENNAS ON STREET POLES

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding a new Section 285-10 and amending Section 350-10.9 and 11.4, providing for rules for wireless small cell telecommunications antennas on street poles.

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

Add

§ 285-10 Small Cell Telecommunications Antennas on Street Poles or within the City's rights of way.

A. It is City policy to embrace wireless small cell facilities to improve telecommunications and wireless service for all users, while minimizing adverse impacts and covering city monitoring and administration costs.

B. Wireless and all other telecommunication antennas are regulated by Zoning, Section 350-10.9 Telecommunications, Personal Wireless Facilities and Small Cell Telecommunications.

C. Each wireless small cell antenna on public ways (including those already installed) shall pay an annual fee of $270 for right-of-way access and inspections. Each such facility that is located within a traffic signal pole or light pole on public land shall pay a fee of $1,000 annually to offset additional maintenance and inspections necessary on these multifunctional poles (Fees shall be waived if the wireless telecommunications provider provides free community or city Wi-Fi services in accordance with a service agreement signed by the Mayor.)

D. The telecommunications provider shall be solely responsible for equipment and safety, for moving equipment at no cost to the City when required for any City construction project and must respond within ten calendar days of notice, and for ensuring that there is no impediment to pedestrian or traffic flow. Failure to meet these time limits shall result in a doubling of annual fees for the following year.

E. The provider shall indemnify and hold the City harmless from all loss or damage to persons, property related to injury arising from the construction, maintenance, use, repair of the wireless infrastructure, and from any loss or damages that results from the facilities, including shedding ice or debris.

F. The provider shall restore any damage to the rights of way stemming from installation, maintenance or repair of the related infrastructure including damage to public shade trees, sidewalks, curbs or other elements.

Amend

§ 350-2.1 by adding the following new definition

Small cell facilities (also known as small cells) are wireless telecommunications antennas and equipment that are mounted on structures less than 50 feet tall, including their antennas, or are not more than ten percent taller than adjacent structures, with antennas of less than three cubic feet in volume, and with wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that is no more than 28 cubic feet in volume, for the purpose of providing wireless telecommunications, consistent with Federal Communication Commission regulations, standards and orders for small cells, including no RF frequency in excess of FCC rules. Small cells are distinct from satellite antennas elsewhere defined in this section.

§ 350-10.9 by adding a new subsection as follows:

D. Small Cell Facilities

(1) Applications for approval of w**ireless small cell facilities shall be granted by the Department of Public Works in consultation with Office of Planning and Sustainability and Department of Central Services if it meets the requirements set forth in § 350-2.1 and meets the regulations to be promulgated by the Department of Public Works**

CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Twenty
Upon the Recommendation of the Mayor and Historical Commission

20.012 An Ordinance
Relative to Demolition Review for Historically-Significant Buildings

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to modify the buildings and structures to which Demolition review applies. The amendments will apply Demolition review to all buildings and structures built in 1900 and earlier, and all principal structures on a lot built in 1945 or earlier to allow for more effective protection and preservation of the City of Northampton's significant historic resources.

ORDINANCE

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:

Amend the text with the additions, modifications, and deletions shown below.

§161-3

Buildings and structures regulated by this chapter are buildings or structures built in 1945~~39~~ or earlier, determined to be historically significant and preferably preserved by the Northampton Historical Commission. Such regulated buildings or structures are all of those~~will be defined by age for properties~~ built in 1900 and earlier, and all principal buildings or principal structures (e.g., not including out buildings, sheds, accessory structures, fences) ~~and determined by inventory listing for those~~ built between 1901 and 1945~~39~~. ~~The Northampton Historical Commission will create the inventory within a two-year period from the date of the adoption of this chapter. The Historical Commission shall make a report to the City Council every six months after the date of the adoption of this chapter for the two-year period, to report on the progress. All reviews will be conducted based on a construction date of 1939 or earlier during the time that the inventory is being developed~~. After the initial age ~~- and inventory~~-based threshold determination, the Commission will institute the public hearing process to ascertain if the historically significant and preferably preserved criteria apply. At that time the determination will be made whether or not to activate a review period.