



*CITY COUNCIL MEETING  
VIRTUAL MEETING  
Northampton, Massachusetts*

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**Roll Call**

A regular meeting of the City Council was called to order by Council President Jim Nash at 7 p.m. Upon a roll call, the following City Councilors were present:

At-Large Councilor Marissa Elkins	At-Large Councilor Jamila Gore
Ward 1 Councilor Stanley Moulton, III	Ward 2 Councilor Karen Foster
Ward 3 Councilor James Nash	Ward 4 Councilor Garrick Perry
Ward 5 Councilor Alexander Jarrett	Ward 6 Councilor Marianne LaBarge

**Announcement that Meeting Audio/Video Recorded**

Ward 7 Councilor Rachel Maiore was absent.

Council President Nash announced that the meeting was being audio/video recorded.

**Public Hearing**

**Public Hearing**

None.

**Public Comment**

**Public Comment**

Councilor Nash explained the procedure he would use in conducting public comment and opened the floor to comments.

**Richard Abuza, 245 Chestnut Street**, spoke in opposition to the telemetry cabinet on Chestnut Street. The addition of this telemetry automatic recording device has never been about installing a safety device, he asserted. He's been in the building trades for 50 years heavily focused on safety issues and is a MA licensed general contractor. If he thought this device added any additional safety benefit, he would be pleading with them to approve it since it is right next to his home. Automatic safety equipment to shut off natural gas and an irregular pressure situation have long been in place in a vault in the ground on Chestnut Street. If there were a problem, that equipment would automatically shut off the gas supply line. This has been presented to the community as some kind of regulation written by the DPU, but that is not accurate. This so-called regulation is not written by DPU; it is part of a plan written by Eversource to implement what they call best practices. In reality, the Eversource plan is not always followed. There is no telemetry cabinet on South Street next to the Academy of Music. This plan is just that - a plan that can be deviated from; it is not set in stone. Eversource has not demonstrated any penalty to them or to the city for not installing a regulator. This is about communication after the event. In the very remote chance of an extremely unlikely event none of them has ever experienced, Eversource is saying they will have slightly quicker awareness that the equipment has been activated. They are talking about putting a hazardous structure with steel obstacles next to a busy sidewalk for a hypothetical benefit. "I ask that you not do that," he implored.

**Katy Wight**, Vice President of the Forbes Library Board of Trustees, spoke in support of amending the city charter to increase the number of library trustees from five to seven. She is in her 8<sup>th</sup> year of serving on the board and, in that time, the library has expanded its services well beyond the basic work of lending books and movies. To support these efforts, the number of trustee committees as well as the time and effort expected of trustees increased greatly. When she first decided to run in 2015, she was told to expect to put in just a few hours a month. She is currently serving on seven separate committees and subcommittees; some meet infrequently but others meet every week. She also spends many hours between meetings doing activities to support those committees. Trustees are also expected to put in a lot of time doing fundraising work. Federal and state funding for libraries has remained fairly stagnant, which puts a lot of constraints on their budget. They also have a lot of capital projects in their pipeline which will enhance the building and the community but will require a lot of fundraising. They very much want to diversify their board and in order to do so feel they have to spread the workload out. Forbes Library trustees are the only unpaid elected officials in the city and it takes quite a bit of privilege to serve. She asks that they vote 'yes' on the amendment to the charter.

**Deanna O'Connor, 256 Chestnut Street**, spoke in opposition to the telemetry cabinet on Chestnut Street. She agreed with Richard that the stretch of sidewalk where Eversource is trying to place the box is very narrow and said she thinks it will impede the walkway. In the wintertime with snow removal, she thinks it will be even worse. She hopes the council will vote 'no' on the placement of the Chestnut Street box and instead focus on getting the city up to the intermediate pressure, which will eliminate the need for extra hardware in their neighborhood.

**Elizabeth Wroblicka, 406 North Farms Road**, urged support of the agenda item to approve an amendment of a conservation restriction. This restriction was approved and recorded last year. One paragraph needs to be amended to comply with IRS regulations. It has been before the Conservation Commission, which has approved it and recommended it to the City Council. It is before them tonight for approval, but she is speaking because the approval must be recorded by July 24th to meet IRS requirements and this is the only meeting to get it approved.

**Corrie Tamburro of 253 Chestnut Street** said she would like to reinforce her agreement with Deanna and Richard's request to vote 'no' to the Eversource telemetry box on Chestnut Street. She knows councilors have received several requests to vote against the installation. Her hope is simple; that councilors have carefully reviewed the documents and come to the conclusion that another piece of apparatus in this small, compact space just does not make sense. Not only is the area compact, but they have two disabled folks in the immediate area who use wheelchairs and already have trouble navigating the sidewalk, which gets even smaller in the winter with the snow. It is a heavily-trafficked area with bicyclists, baby carriages, dog walkers and joggers. Chestnut Street is a connection between the busy Bridge Road and the bike path as well as Florence Center. It is a beautiful residential street and it would be a shame to see this landscape change. She implored them to vote no on the install, saying it's just not logical.

There being no further comments, at 7:14 p.m., public comment ended.

Announcements

Announcements

Councilor Jarrett acknowledged the damage caused by recent flooding both regionally and in Northampton. On Monday he was standing next to a farmer as she watched all her equipment and crops get washed away and her effort for the season disappear. This was along the Mill River but he knows farms in the Meadows have also been seriously impacted. He is glad to hear state officials have visited and promised help and said he looks forward to hearing how that help will be delivered.

Councilor Foster gave a shout out to city officials, department heads and employees who are working very hard in the background to manage the flooding. In her ward on West Street between Earle Street and Lower College Lane, there is a flood control barrier. The road was closed in October of 2020 so the DPW could practice in case they ever needed to deploy it. What do you know? This week; they were prepared. These are the things that happen in the background that sometimes go unnoticed. She wanted to acknowledge not only the hard work during the event but the foresight and planning beforehand. A lot of folks were impacted and the impacts could have been tremendous had their city not been so prepared.

Councilors were invited and she was able to tour some of the damage on Wednesday with state officials and other folks at Grow Food Northampton, Councilor Elkins reported. She gave a shout out to Alisa Klein who helped organize the event along with Representative Sabadosa and Senator Jo Comerford's respective offices. It was really compelling. She grew up in Houston which has been prone to flooding and had some incredibly epic flood experiences and it was heartbreaking to have that be revisited. What was really compelling was that often flooding happens in the spring when farmers are better able to cope with it. One farmer in particular put a pin in it when describing what it was like to see his eggplant crop destroyed at the very height of its growing season. He said it was like he had been stabbed. They have been watching regionally what's happening in Vermont and New York and the fact of the matter is that their community, too, had a very significant event.

She encouraged folks to look for opportunities to volunteer as there is a need.

In other news, she and Councilor Jarrett were able to testify on a couple of bills in committee for consideration in Boston - specifically legislation to expand the pilot project for fossil-fuel free construction that Northampton did a home rule petition to join and the home rule petition itself. She thanked Adele Franks for pulling her and Councilor Jarrett in to testify. She is hopeful that Northampton will get a chance to act on its home rule petition and participate in the pilot project to move forward its climate sustainability and resilience goals.

As part of a series celebrating downtown and the entrepreneurial spirit, the Spill the Tea Sis Apothecary had its 1<sup>st</sup> anniversary Northampton block party last weekend, Councilor Perry shared. The series will continue all the way through October with the next one August 6<sup>th</sup>. In addition to the excellent outdoor music programming, the first 'Salsa in the Park' event is also happening before their next meeting August 16<sup>th</sup>. He encouraged all to practice their salsa skills.

Councilor LaBarge echoed Councilor Foster's praise of the city employees who have worked tirelessly to help control the flooding.

### **Northampton Flood Report**

Mayor Sciarra gave an update on local damage due to the recent flooding of the Connecticut and Mill Rivers. Yesterday, she joined Governor Healey and state officials in Williamsburg as they visited areas in Western Massachusetts. She is very grateful for the governor's visit and her attention to the gravity of the situation. In Northampton, the Mill and Connecticut Rivers both caused flooding in various areas of the city. The Mill River rises and falls very rapidly while the Connecticut is slower to rise and fall. At its crest, the Connecticut was just below 117 ft. At 115 feet, Route 5 by Island Road floods and the DPW coordinated with MassDOT to close that road, which has since reopened. The Ct. river is currently at 112 feet and is expected to hold there for an extended period. For context, the river is normally at 103 to 104 feet.

The Mill River caused flooding in sections of Florence requiring closure of the Pine Street bridge, Meadow Street, Florence Road and Spring Street and also triggering the requirement to erect vertical stop logs on West Street. (An emergency plan spelling out actions at various flood stages was triggered.) MassDOT closed the bridge at the West Street stop log structure until a dive team could come and inspect it. That team came on Wednesday and the bridge has since reopened. Maines Field, Veterans Field and Musante Beach were all submerged and damaged to various degrees. Maines Field (the only city softball field with lights) suffered significant damage and needs major repairs to the road, softball field, four sand volleyball courts and bathrooms; also, someone trapped at Maines Field Monday was rescued. At Florence recreation fields, there is damage to the soccer fields and parking lot on Meadow Street. Musante Beach lost buoys and ropes, received lots of sediment and lost some sand. Impacts to the Connecticut River Greenway are ongoing as the water has not receded so they don't yet know the extent of that damage.

Very thankfully, there was no significant damage to roads or bridges. City officials are closely monitoring and managing the water levels in the three drinking water reservoirs. All three are overfull at this point which may require them to take further action in the coming days. She is pleased to report that all city operations worked well. Their flood control plan was executed in accordance with Army Corps of Engineer standards and they do not have notable infrastructure damage beyond that just mentioned. She joined them in thanking everyone for their really remarkable work.

Mayor Sciarra offered heartfelt sympathy to the farmers who have been terribly affected and suffered severe damage. As they heard, DPW Director Donna LaScaleia and Chief of Staff Alan Wolf visited Grow Food Northampton yesterday with the Massachusetts Department of Agricultural Resources (MDAR) Deputy Commissioner, local farmers and other state officials to see damage there and discuss damage to other farms. Some farms are estimating they will have a total loss of crops for this season as well as next which is particularly devastating since they were just on the verge of harvest. Her office is actively collaborating with the governor's office, Senator Comerford and Representative Sabadosa to explore ways to access state assistance. She has been amazed by the resilience and optimism of the farmers. Despite the horrible loss and challenges they face, they remain hopeful. As a community, they need to stand by their side and support them as they rebuild. She encouraged anyone needing assistance to stay in connection with her office.

With regard to river safety, the Mayor cautioned everyone that water levels are still dangerously high. In addition to swift currents and debris in the water, bacteria levels are significantly elevated. She urged everyone to not swim in any of Northampton's rivers. Musante Beach is currently closed because ecoli testing exceeds tolerable levels and because of the damage described. It is not safe to use Musante Beach and the rivers at this time, she stressed.

Councilor Nash thanked the mayor for the fine work.

**Appointments to Commission to Investigate Racialized Harms**

Councilor Nash gave an overview of the City Council and Mayor's joint appointment process. Eight of the 11 individuals appointed are black Northampton residents and, among other things, commissioners will bring the following community connections to the table: the Northampton Reparations Committee, the Ruggles Center, Human Rights Commission, Youth Commission, VA, College Church, higher education and the arts community. The commission will be composed of educators, researchers, historians, lawyers, facilitators and advocates.

After much discussion, the appointment committee named the following residents: Alton McKray (Human Rights Commission), Jeremy Baker-Paquette (Youth Commission), Sarah Lynn Patterson, (Northampton Reparations Committee), Ousmane Power-Greene, (Ruggles Center), Garrick Perry and Marissa Elkins (Northampton City Councilors), Bill Newman, Rachael Naismith, Renika Montgomery-Tamakloe, Felicia Lundquist and Marsha Morris.

Mayor Sciarra echoed his thanks and thanked everyone who applied. At the next meeting in August she will be bringing forward an order for a financial appropriation for the commission.

Councilor Nash asked Councilors Perry and Elkins to take the lead in organizing and getting the commission together for its initial meetings and to also chair those first few meetings.

**Consent Agenda**

**Consent Agenda**

Councilor Nash reviewed the items on the consent agenda. Councilor Moulton requested removal of item #B1, the order of location for the telemetry cabinet on Barrett Street and Councilor Jarrett requested removal of #B2, the order for the telemetry cabinet on Chestnut Street.

**Councilor Moulton moved to approve the consent agenda with the removals. Councilor Elkins seconded. The motion carried 8:0 by roll call vote with Councilor Maire absent.**

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

- A. Minutes of May 24, 2023 Special City Council Meeting (FY2024 Budget Hearing)
- B. ORDERS FOR LOCATION OF TELEMTRY CABINETS AND WIRES (The DPW has reviewed the updated locations and advised the council that its earlier recommendations stand):
  - 3. Approve 23.302 Eversource Petition to Install Telemetry Cabinet on Hinckley Street at Nonotuck Street
- C. 23.339 An Order to Appropriate FY2024 Cash Capital to Various Capital Projects – 2nd reading
- D. 23.340 An Order to Authorize FY2024 Intermunicipal Agreements – 2nd reading
- E. 23.345 Appointments and Reappointments to Various Committees, all positive recommendations – 7/11/2013

**Board of Health**

**Dr. Suzanne Smith, 134 State Street, Northampton**

Term: July 2023 - June 2026

*Reappointment*

**Central Business Architecture Committee**

**Emily Wright, 244 South Street, Northampton**

Term: July 2023 - June 2026

*Reappointment*

**Conservation Commission**

**Jen Smith**, 24 Audubon Road #1, Leeds

Term: July 2023 - June 2026

*Reappointment*

**Elizabeth Spriggs**, 79 Reservoir Road #1, Leeds

Term: July 2023 - June 2026

*New Appointment*

**Council On Aging**

**Karen Lynds**, 71 Reservoir Road, Leeds

Term: July 2023 - June 2026

*New Appointment*

**Planning Board**

**Samuel Taylor**, 245 North Street, Northampton

Term: July 2023 - June 2026

*Re-appointment*

**Arts Council**

**Michael Brown**, PO Box 113, Leeds

Term: July 2023 - June 2026

*New Appointment*

**F. 23.357 Application for Secondhand Dealer License - Ryans Jewelers**

Renewal of Secondhand Dealer License:

Name of Business: Ryans Jewelers, 14 Strong Avenue

Applicant: John Malikowski

**G. 23.358 Appointment to Urban Forestry Commission - for referral to City Services**

**Urban Forestry Commission**

**Jordan Friede**, 49 Beacon St., Florence

Term: July 2023 – June 2026

*New Appointment*

**B. ORDERS FOR LOCATION OF TELEMETRY CABINETS AND WIRES (The DPW has reviewed the updated locations and advised the council that its earlier recommendations stand):**

**1. Approve 23.258 Eversource Petition to Install Telemetry Cabinet on Barrett Street at Jackson Street**

He visited the site again last week with Tracy Polacheck who raised concerns at the June 15th meeting, Councilor Moulton reported. The location of the box has been moved closer to

Jackson Street and she is satisfied with the new location. She believes it will not interfere in the future if she decides to subdivide her property and request a curb cut for another driveway.

**Councilor Moulton moved to approve the order for location. Councilor Elkins seconded. The motion carried 8:0 by roll call vote with Councilor Maire absent.**

**2. Approve 23.260 Eversource Petition to Install Telemetry Cabinet on Chestnut Street at Bridge Road**

Since they last met, he met with Bryan Meccariello from Eversource on site along with a number of neighbors and spoke with another lead engineer at Eversource, Councilor Jarrett reported. He also spoke extensively with the DPW director and has been corresponding with state representative Lindsay Sabadosa to get information about the Department of Public Utilities (DPU) mandate. As they are aware, the cabinets provide information about gas pressure and there is an existing regulator station that will shut off gas in case of an over pressure event. This particular regulator station serves approximately 805 households. The purpose of the telemetry cabinets is to serve reliability but from what he has gathered from Eversource and others, there is a safety component in that the more information Eversource has about the state of pressures the more able it is to handle events earlier that could affect multiple areas. He doesn't believe Eversource would spend more money than needed to achieve a plan considered reliable and safe by DPU, which requires the cabinets to be installed by the end of 2023.

If the cabinets are located further away from the regulator stations they provide less accurate readings. Many residents were in opposition to this being located and there wasn't a site in the general area they were comfortable with. An alternative would be across Bridge Road, but this is not ideal for the city because it would create crossing utilities and cause disruption for the public during the trenching required for installation of pipes and underground conduit. There is also a paving moratorium since Bridge Road was recently repaved so Eversource would be required to do a complete restoration. They heard from ADA coordinator Keith Benoit about whether the cabinets would impede the sidewalk, and the plans they have seen show that, although it would come very close to the sidewalk, it would not. They certainly would want to include as a condition that neither the telemetry cabinet nor the bollards that protect it would impede the sidewalk in any way.

Mr. Meccariello has committed to redoing the sidewalk around the regulator station to bring it into ADA compliance as it is currently not compliant, he noted.

He completely understands the desire not to have this added to an already crowded street-scape, but given the competing needs, he believes the current proposed location is the best choice.

He would ask for those two conditions to be imposed: 1) requiring the sidewalk to be brought into ADA compliance and 2) no intrusion on the sidewalk.

In the discussion that followed, councilors recognized Eversource Lead Engineer Bryan Meccariello, who shared drawings of the proposed installation and reiterated that Eversource is committed to doing and paying for the work to bring the sidewalk into ADA compliance.

Councilor Moulton said he supports Councilor Jarrett's suggestion for conditions and would propose the additional condition that the best-case scenario shown in Mr. Meccariello's drawings (showing the telemetry cabinet and bollards located at least five inches from the sidewalk) be required. "The worst-case scenario an inch away from the sidewalk. I don't think the worst case scenario is acceptable," he opined.

Mr. Meccariello said he is perfectly fine going with the best case.

Councilor Foster said residents brought this section of sidewalk to the Transportation and Parking Commission's attention a few months ago and she is happy that approval is being conditioned to require regrading. "Anything that impedes access for wheelchairs is unacceptable" she stated.

In response to a question from Councilor Gore, Mr. Meccariello explained that the telemetry cabinets allow Eversource employees to monitor the pressure of the gas 24/7, enabling them to take immediate action if the pressure exceeds established parameters.

Councilor Elkins expressed dissatisfaction that Eversource came to them hat in hand asking for forgiveness rather than first asking for permission. In the same time frame that Eversource is requesting this consideration, the company denied the city's request for a hookup for the resilience hub, she pointed out. It must be noted that this is all the product of an unsafe fossil fuel that they can't get around needing at this time but that comes with tremendous externalities for their community. They have constituents here that are reasonably unhappy with how this process went. "Eversource has not covered itself in glory here," she observed.

Councilor Perry thanked Councilor Elkins for making a valid point. He asked the difference between a low pressure delivery system and more modern intermediate pressure system.

In Northampton, one station which is already monitored feeds an intermediate pressure system and the other stations all monitor low pressure systems, Mr. Meccariello advised. The plan is to eventually replace the low pressure piping with intermediate pressure pipes.

Councilor Perry asked if these telemetry cabinets would then be obsolete.

They go away when the regulator stations go away, Mr. Meccariello said. He confirmed Eversource would remove the boxes when the stations go away.

In response to a question from Councilor Nash, Mr. Meccariello confirmed that these cabinets will cover all the stations in the city of Northampton and that they are not expecting additional requests.

Councilor Nash said 'terrific work' to Councilor Jarrett and also thanked Councilor Moulton for working with folks to see if they could come up with a solution.

Councilor Perry proposed adding the condition that the boxes be removed in a timely fashion when the regulator stations are removed.

Councilor Foster agreed they would want assurance that they won't sit there indefinitely.

Councilor Moulton said he would support that condition but would be in favor of it also being applied to the nine petitions already approved.

Unfortunately, they can't redo the orders already approved, Councilor Nash noted. Tomorrow, he and Mrs. Krutzler will get on the phone with the DPW director to discuss the broader concern of the other telemetry cabinets being removed when the regulator stations are decommissioned.

Mrs. Krutzler reviewed the four conditions as follows:

1. The existing sidewalk shall be brought into ADA compliance.
2. The telemetry cabinet and bollards shall not intrude into the sidewalk.
3. The telemetry cabinet and bollards shall be at least five inches from the sidewalk.
4. When the regulator station is decommissioned and removed, the telemetry cabinet shall be removed as well.

**Councilor Moulton moved to approve the order of location with those conditions. Councilor LaBarge seconded. The motion carried 8:0 by roll call vote with Councilor Maiore absent.**

For the text of financial orders approved as part of the consent agenda, see Financial Orders (on 2<sup>nd</sup> reading) below.

Financial Orders  
(on 1st reading)

Financial Orders (on 1st reading)  
23.352 An Order to Reprogram Funds to Jackson Street School Chimney Repairs - 1st reading

Councilor Nash read the order.

There is not too much to add, Mayor Sciarra advised. These are two completed projects with remaining funds that they asking to reprogram to make needed repairs to the Jackson Street School chimney, she advised.

Councilor Jarrett moved to suspend the rules. Councilor LaBarge seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

Councilor Moulton moved to approve. Councilor LaBarge seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

23.352 An Order to Reprogram Funds to Jackson Street School Chimney Repairs - 1st reading

The following order passed final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* July 13, 2023

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Upon recommendation of Mayor Sciarra

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**23.352 An Order to Reprogram Funds to Jackson Street School Chimney Repairs**

*Ordered, that*

\$5,254.18, the balance remaining from the completed Northampton High School Theater project (19303-586308), and \$8,800, the balance from the completed Northampton High School chimney repair (19303 586406), for a total of \$14,054.18 be reprogrammed and transferred to a new account to address Jackson Street School chimney repairs.

Rules suspended, passed final reading and enrolled.

23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 1st reading

23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 1st reading

Councilor Nash read the order.

This gives her a chance to talk about the fire suppression system that's in place at the Academy of Music (AOM) because she has heard a lot of misinformation including that it has no system at all, which is completely false, Mayor Sciarra related.

AOM has had a functional, well-maintained sprinkler system for several decades, the mayor confirmed. The sprinkler system is always in operation and is inspected by a certified sprinkler contractor on an annual basis. Since it has been in place for so long, the existing system is legacied and therefore grandfathered; nonetheless, the city has been proactively upgrading it to meet new code standards and capabilities. Upgrades are being done in two phases with Phase I upgrades completed in 2021. At that time, the city added a state of the art, nitrogen-filled 'dry sprinkler pipe zone' to the entire un-air-conditioned, unheated attic as well as adding additional wet pipe sprinkler zones to the main lobby, balcony and new restrooms. Phase II upgrades will be bid in the fall of 2023 with installation completed in February of 2024. This phase will add 30 sprinkler heads to the main auditorium ceiling fed from the previously-installed dry sprinkler zone in the attic and include additional wet pipe sprinkler heads in the opera boxes on either side. It was originally thought installation could be done from the attic but was realized by Central Services that this could negatively impact the historic beams so there is an increased cost due to the need to set up staging in the theater. Central Services got a new bid for completing the project in a way that will preserve the historic beams, protect the ceiling and allow the academy to install a new chandelier at its own cost.

Councilor Jarrett asked why the money is coming from stabilization.



They are taking it from stabilization because at this point free cash is not available to them because the fiscal year has closed, Director Nardi explained. Free cash won't be certified until sometime later in the fall.

Councilor LaBarge moved to refer the order to the consent agenda. Councilor Moulton seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

See minutes of August 17, 2023 for final reading.

23.354 An Order to Expand the Recreational Playing Field Account to Include Recreational Equipment Purchases - 1st reading

Councilor Nash read the order.

This is just to broaden the allowed use of the account to include other uses, Mayor Sciarra said.

When the account was first created, its intention and focus was on outdoor recreation sites, Recreation Director Ann-Marie Moggio explained. The School Department, Central Services and DPW parks division collaborate on the use of the funds if all are involved. When the account was first established it was more for infill at a baseball field or a mound cover for a pitcher's mound. What they are finding is that some of the indoor sites are needing repair and updates. Since it is a shared fund it is available for joint use and the departments don't have to figure out who is going to pay for an item. Some of the things needed right now are a diving board and a scoreboard at JFK Middle School.

When they looked at the name of the account they saw the need to broaden its scope.

Councilor LaBarge moved to suspend the rules. Councilor Perry seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

Councilor Perry moved to approve the order. Councilor Gore seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

23.354 An Order to Expand the Recreational Playing Field Account to Include Recreational Equipment Purchases - 1st reading

The following order passed final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* July 13, 2023

\_\_\_\_\_  
Upon recommendation of Mayor Sciarra

23.354 An Order to Expand the Recreational Playing Field Account to Include Recreational Equipment Purchases

*Ordered, that*

the purpose of the Recreational Playing Field account (19303 586918) be broadened to include recreational equipment purchases.

Rules suspended, passed final reading and enrolled.

23.355 An Order to Appropriate Stabilization Funds to Support the Design of Pickleball Courts at Ray Ellerbrook Park - 1st reading

Councilor Nash read the order.

This is for the design of pickle ball courts, Director Moggio advised. The Recreation Department did a feasibility study last fall which pointed to Ellerbrook Field as the place to put them. The appropriation will cover the design, site survey, permitting, construction documents, observation and bidding.

Councilor LaBarge expressed her understanding that the consultant is Berkshire Design, which does a wonderful job.

Councilor Foster asked if there will be an opportunity for public input following the design and whether funding for construction itself has been identified.

They do not have funding for construction, Director Moggio indicated. They will be looking at all avenues, including the Community Preservation Act (CPA). She expressed her understanding that there is a very passionate community of pickle ball players and assured them that the community will definitely be involved.

Councilor Foster shared that she served on the Parks and Recreation Commission before joining the council and remembers sitting around the table in 2019 talking about the need for pickle ball courts. She is glad to see this proposal moving forward and knows there is a community of people excited to see this happen.

Councilor Moulton thanked Director Moggio for being responsive to an identified need. Through its ARPA money, the city has given AllSports money for indoor pickleball courts so they will soon have both indoor and outdoor courts, he pointed out.

Councilor Nash asked if sound is going to be considered as part of the design.

Absolutely, Director Moggio assured. A big consideration of the feasibility study and site selection was making sure the site would be away from a lot of housing. The court will be in the corner of Ellerbrook Field and noise screening will be an important issue. It is definitely not next to housing for that reason.

They received a letter from a recent pickleball convert pointing out that it is easy in some cases to convert tennis courts to pickleball courts with the right equipment, Councilor Nash noted. He asked if the city had thought about that.

Look Park has done that, Director Moggio advised. The only other courts the city has are at JFK Middle School and the schools have been reluctant to put all the extra lines down that pickleball needs. Most of the courts are filled with tennis lessons every evening and weekends. They did offer some indoor time in the gym at JFK for pickleball and will do that again in the fall.

**Councilor LaBarge moved to suspend the rules. Councilor Moulton seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.**

**Councilor Perry moved to approve. Councilor Jarrett seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.**

**The following order passed final reading:**

23.355 An Order to Appropriate Stabilization Funds to Support the Design of Pickleball Courts at Ray Ellerbrook Park - 1st reading

**City of Northampton**

MASSACHUSETTS

In City Council

July 13, 2023

\_\_\_\_\_  
Upon recommendation of Mayor Sciarra

23.355 An Order to Appropriate Stabilization Funds to Support the Design of Pickleball Courts at Ray Ellerbrook Park

Ordered, that

The sum of \$29,150 be appropriated from the General Stabilization Fund (5000 340574) to support the design of pickleball courts at Ray Ellerbrook Park.

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Rules suspended, passed final reading and enrolled.

23.356 An Order to Authorize Approval of a Prior Fiscal Year Bill - 1st reading

Councilor Nash read the order.

Late this spring they were notified of this outstanding invoice by the vendor, Director Nardi advised. They have been working to get a copy of the invoice and just received it last week. There is no record of payment so it is money owed for services rendered.

Councilor Jarrett pointed out that the next order also requests suspension of the rules, so he suggested discussing the two orders as a group.

23.359 An Order to Approve FY2023 End of Year Budget Transfers - 1st reading

In looking at end of year expenses and talking to Chief Information Officer Antonio Pagan, she recognized they have moved a lot of purchases of software to his department and realized they may have under-budgeted. The transfer is to cover FY2023 software purchases, she explained.

Councilor LaBarge moved to suspend the rules for both orders as a group. Councilor Jarrett seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

Councilor Jarrett moved to approve the two orders as a group. Councilor Foster seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

The following orders passed final reading:

23.356 An Order to Authorize Approval of a Prior Fiscal Year Bill - 1st reading

**City of Northampton**

MASSACHUSETTS

*In City Council* July 13, 2023

Upon recommendation Mayor Sciarra

**23.356 An Order to Authorize Approval of a Prior Fiscal Year Bill**

*Ordered, that*

The City Council authorize payment of a prior fiscal year bill (FY2022) in the amount of \$8,605 to Nicolai Law Group, P.C.

Rules suspended, passed final reading and enrolled.

23.359 An Order to Approve FY2023 End of Year Budget Transfers - 1st reading

**City of Northampton**

MASSACHUSETTS

*In City Council* July 13, 2023

Upon recommendation of Mayor Sciarra

**23.359 An Order to Approve FY2023 End of Year Budget Transfers**

*Ordered, that*

the following FY2023 budgetary transfers be made:

Department	Org	Object	Transfer To:	Transfer From:
IT Services - Salaries	11551	511000		\$ (9,320)
IT Services - Professional & Tech	11552	530000	\$ 9,320	
<b>Total</b>			<b>\$ 9,320.00</b>	<b>\$ (9,320.00)</b>

Rules suspended, passed final reading and enrolled.

Financial Orders (on 2nd reading)

Financial Orders (on 2nd reading)

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

23.339 An Order to Appropriate FY2024 Cash Capital to Various Capital Projects – 2nd reading

23.339 An Order to Appropriate FY2024 Cash Capital to Various Capital Projects – 2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 15, 2023

Upon recommendation of Mayor Sciarra

**23.339 An Order to Appropriate FY2024 Cash Capital to Various Capital Projects**

*Ordered, that*

Pursuant to the FY2024-FY2028 Capital Improvement Program, the following Capital Projects be appropriated from the General Fund FY2024 Cash Capital Account:

Senior Services – Fitness Center Equipment Replacement	\$	20,000
Information Technology Services - UPS Systems Replacement – NPD	\$	40,000
Information Technology Services – Network Refresh	\$	50,000
Planning and Sustainability – Ice Pond Construction Administration	\$	40,000
Department of Public Works – Traffic Calming	\$	50,000
<b>TOTAL:</b>	<b>\$</b>	<b>200,000</b>

Passed final reading and enrolled.

23.340 An Order to Authorize FY2024 Intermunicipal Agreements – 2nd reading

23.340 An Order to Authorize FY2024 Intermunicipal Agreements – 2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council*

June 15, 2023

\_\_\_\_\_  
Upon recommendation of Mayor Sciarra

**23.340 An Order to Authorize FY2024 Intermunicipal Agreements**

*Ordered, that*

Whereas MGL C.40 s. 4A allows for joint operation of public activities among governmental units, and

Whereas, MGL c. 40, s. 4A requires that such inter-governmental agreements be approved, in a city, by the City Council and the Mayor, and;

Whereas the City of Northampton provides services to and shares services with other municipalities;

Therefore pursuant to MGL C. 40 s. 4A the City Council hereby authorizes the City of Northampton to enter into the following inter-municipal agreements for FY2024 (all agreements for one year unless specifically noted):

Contract with Town of **Williamsburg for Building Inspection and Zoning Enforcement Services** – agreement to provide the Town of Williamsburg with services for a lump sum annual fee.

Contract with Town of **Williamsburg for Electrical Inspection Services** – agreement to provide the Town of Williamsburg with services, with permit fees turned over to the City of Northampton.

Contract with the Towns of Amherst, Easthampton, Granby, Hadley, and South Hadley to provide **Sealer of Weights and Measures Services** – agreement to provide these services to the various communities and assessments to individual towns per the agreement.

Contract with the Towns of Amherst, Belchertown, Easthampton, Hadley and Southampton for **Municipal Hearing Officer Services** – agreement to provide Municipal Hearing Officer Services pursuant to MGL C.148A s.2c to hear complaints related to alleged violations of state building codes or the state fire codes for a lump sum per the agreement.

Contract with the Franklin Regional Council of Governments to partner with the City of Northampton, through its Health & Human Services Department (DHHS), relative to the following contracts: 1) to provide services relative to the **Hampshire Medical Reserves Corps** and 2) to provide emergency management services for the **Hampshire Public Health Emergency Preparedness Coalition**.

Contract with Amherst, South Hadley, Pelham, Ware, Belchertown and Easthampton – agreement to jointly create a coalition called the **Hampshire Opioid Abuse Prevention Collaborative** charged with mobilizing local boards of health, medical providers, educational facilities, social service agencies, community organizers and others in Hampshire County to create sustainable policies, programs and practices to change community ideas and expectations regarding opioid use and abuse, as well as to reduce the morbidity and mortality rates that result from opioid use and abuse.

**Health Information Exchange** – An MOU and BAA agreement for the enhancement of the regional capacity for timely and comprehensive data collection to improve data efficiencies, cost savings, and improved service delivery by expanding our regional public health data capabilities, partners: Berkshire Regional Planning Commission, Franklin Regional Council of Governments, Opioid Task Force, Pioneer Valley Planning Commission, Massachusetts Ambulance TRIP data MATRIS, Department of Public Health, Mass Registry of Vital Records Death Certificate data, PDMP/Mass PAT, MAVEN & other Mass CHIP data and other relevant behavioral health and substance use related data.

Contract with **Pioneer Valley Mosquito Control District**, working under the oversight of the Massachusetts Department of Agriculture, focused on mosquito surveillance and control. The City, through its Health and Human Services Department participates in this regional effort to assist western Massachusetts communities with mosquito related health concerns.

**Public Health Excellence (PHE) Collaborative**- The City of Northampton's Department of Health and Human Services (DHHS) Public Health Excellence (PHE) Collaborative has committed to regional public health infrastructure and data modernization and Regional Municipal Host for an additional 17 communities in Hampshire County with MOU's and data sharing agreements: Amherst, Chester, Chesterfield, Cummington, Easthampton, Granby, Goshen, Hadley, Hatfield, Huntington, Middlefield, Plainfield, Southampton, and Worthington. DHHS will improve effectiveness and efficiency of the currently fractured system by creating an umbrella system to assist with infectious disease management and surveillance by expanding a shared HIE and PHN service. DHHS will improve regional data surveillance and communication of communicable disease occurrence in bordering communities by expanding NHD's HIE for MAVEN data acquisition. DHHS will coordinate a rapid response framework of shared nursing response for timely containment of outbreaks by Local Health Departments for non-COVID-19 MAVEN duties and responsibilities.

**Regional Opioid Data Collaborative** - Contract with Baystate Health Systems, City of Springfield Department of Health and Human Services, Hampden County DA, Northwestern DA, Hampden County Sheriff's Department, Opioid Task Force, Berkshire Opioid Abuse Prevention

Collaborative, North Quabbin Community Coalition, Partners for a Healthier Community Inc., West Springfield Health Department and CORE of Westfield – agreement to work cooperatively to create methods to collect, store and aggregate data regarding opioid use and abuse in the region with the goal of analyzing trends and identifying short and long term intervention strategies.

Contract with Easthampton, Hadley, Holyoke, South Hadley, and Holyoke Gas and Electric to participate in the **Connecticut River Channel Marking** to maintain the Channel Markers from the Holyoke Dam north to the City's Connecticut River Greenway off Damon Road for FY2024.

**Pioneer Valley Planning Commission:** Three-year agreement to provide to the Planning and Sustainability Department the following: Planning technical assistance, traffic and transportation analysis, historic preservation planning, and housing rehabilitation services – through FY2026.

Contract with the Towns of Amherst and Pelham to seek and accept grants where possible and to otherwise explore the mutual advantages of **electricity community aggregation**.

Contract with **Pioneer Valley Bike Share** and to enter into agreements with the city of Westfield to participate in the Pioneer Valley Bike Share program along with the following entities which are already part of the existing inter-municipal agreement for the program: West Springfield, Chicopee, Holyoke, Springfield, Amherst, South Hadley, Hadley, UMASS, PVPC and Easthampton already approved through FY2025.

An MOU with the Town of Amherst to contract for **Kenel Services** as needed in FY2024.

Contract with the Towns of Amherst, Chester, Chesterfield, Cummington, Goshen, Hadley, Huntington, Middlefield, Pelham, Williamsburg, and Worthington to provide **Veterans Services Officer Services** – agreement to provide these services to the various communities and assessments to individual towns per the agreement.

**The following are agreements currently authorized by the city and have not expired:**

**Paramedic Intercept Agreements** with multiple towns and ambulance districts – through November of 2041

Agreement to participate in the **Northwestern District Anti-Crime Task Force** with all communities and their respective law enforcement entities within the jurisdiction of the Northwestern District, which are within the jurisdiction of the Northwestern District courts and that of the Northwestern District Attorney's Office – multi-year agreement with no end date.



Agreement to participate in the **Domestic Violence Intervention Project**, a regional partnership formed between the Northwestern District Attorney’s office, Safe Passage, The New England Learning Center for Women in Transition and area police departments – four-year agreement expires December 2026.

Contract to participate in the **Connecticut River Task Force** with the police departments of Easthampton, Hadley, South Hadley, Chicopee and the Northwestern District Attorney in partnership with the Massachusetts Environmental Police to enhance law enforcement efforts on the Connecticut River due to the heavy volume of boating activity within the regional boundaries of the adjacent agencies – three-year agreement to May of 2025.

Contract with Pioneer Valley Transit Authority for **Senior Transportation Services** – through November of 2041.

**Multi-year contract with the Town of Williamsburg** to provide wastewater treatment services for a period of ten years (FY2032).

**Agreement for Fiber Optic Cable with Five College Net, LLC** – Agreement to allow the city use of four strands of the Cable Network, including the right to transport and distribute digital signals for data – renewal of agreement for five years from 2019 – 2024 and allowing for automatic renewal for another five years from 2024-2028.

Contract with the Towns of Goshen, Southampton, Westhampton and Williamsburg - agreement to provide **Laserfiche Hosting Services** for an annual fee thru FY2025.

**DART Case Management Database** – A three year Memorandum of Understanding (MOU) between police departments, healthcare, behavioral health, and recovery centers allows the first responders who respond to an overdose to communicate to the outreach teams in the municipality in which the person resides, thereby triggering a DART outreach. Partners: Hampshire County Police Departments - Amherst, Belchertown, Chesterfield, Easthampton, Goshen, Granby, Hadley, Hatfield, Northampton, Plainfield, South Hadley, Southampton, Ware, Williamsburg, Worthington, Amherst College, MA State Police; Hampden County Police Departments - Chicopee, East Longmeadow, Ludlow, Palmer, Longmeadow, West Springfield, Westfield, Wilbraham, South County EMS, Northern Berkshire EMS; Behavioral Health Network, CSO, Gandara, Northampton Recovery Center, Western MA Training Consortium/Ware Recovery Center, The Nest Recovery Center, the Brien Center; Tapestry, Nothing But Kindness; Cooley Dickinson Hospital, Baystate Health Systems, Holyoke Medical Center, Mercy/Trinity Health Systems, Berkshire Health Systems, Mental Health Association (MHA, Northern Berkshire EMS (NBEMS); Hampshire County Jail and House of Corrections through FY2025.

Contract with Pioneer Valley Planning Commission for **EPA Stormwater MS4 Permit Assistance** – April 2022 through March of 2027

Passed final reading and enrolled.

<u>Recess</u>	<u>Recess</u> At 9 p.m., the City Council recessed briefly. The City Council reconvened at 9:07 p.m.
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<u>Orders</u>	<p><u>Orders</u> <u>23.341 An Order Suspending Section 285-4 C in Support of the Taste of Northampton – 2nd reading</u> Councilor Foster moved to approve the order. Councilor LaBarge seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.</p> <p><u>The following order passed final reading:</u></p>
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23.341 An Order Suspending Section 285-4 C in Support of the Taste of Northampton – 2nd reading

**City of Northampton  
MASSACHUSETTS**

**In City Council, June 15, 2023**

*Upon the recommendation of Mayor Gina-Louise Sciarra*

**23.341 AN ORDER SUSPENDING SECTION 285-4 (C) IN SUPPORT OF THE TASTE OF NORTHAMPTON**

**Ordered, that**

WHEREAS, on September 9, 2023, from 12:00 p.m. to 8:00 p.m., the "Taste of Northampton," will take place on Main Street between Old South Street and King/Pleasant Street; and

WHEREAS, the Taste of Northampton is sponsored by the City of Northampton and the Downtown Northampton Association; and

WHEREAS, the Taste of Northampton is open to all restaurants and eateries located in the City of Northampton, Florence and Leeds; and

WHEREAS, certain restaurants eligible for participation in the Taste of Northampton also own and operate a mobile food vehicle, which they would like to use at the event; and

WHEREAS, Section 285-4 (C) of the Northampton Code of Ordinances prohibits the use of a mobile food vehicle in the Central Business District.

NOW, THEREFORE, BE IT ORDERED

The City Council hereby suspends Section 285-4 (C) of the Code of Ordinances for the period of 12:00 p.m. to 8:00 p.m. on September 9, 2023, for any mobile food vehicle used at the Taste of Northampton by a food vendor otherwise eligible for participation in the Taste of Northampton.

**Passed final reading and enrolled.**

**23.344 An Order Amending the Charter to Increase the Number of Forbes Library Trustees – 2nd reading**

Councilor Foster said she appreciated library director Lisa Downing and trustee Kay Wight speaking to the need and desire for an expanded board and the impact it would have on library operations.

Councilor Jarrett noted there is plenty of interest as currently six people have taken out papers for three seats for the upcoming municipal election. He wishes the change could be in effect for this election but unfortunately it won't.

Councilor Perry moved to approve the order. Councilor Foster seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

**The following order passed final reading:**

23.344 An Order Amending the Charter to Increase the Number of Forbes Library Trustees - 1st reading

**City of Northampton**

MASSACHUSETTS

*In City Council*

June 15, 2023

Upon the recommendation of Mayor Gina-Louise Sciarra

**23.343 An Order Amending the Charter to Increase the Number of Forbes Library Trustees**

*Now, Therefore be it Ordered, that*

**AN ACT AMENDING THE SPECIAL ACT CHARTER OF THE CITY OF NORTHAMPTON.**

WHEREAS, The Trustees of the Forbes Library were created in the late 19th century under the will of the Honorable Charles Edward Forbes, as part of Judge Forbes's vision to create a public library for the benefit of the citizens of Northampton. All Trustees are elected and serve in a voluntary capacity, without compensation.

WHEREAS, Prior to 1982, the Trustees consisted of three members. In 1982, the Hampshire Probate and Family Court approved the petition of the Trustees to increase the number of Trustees to five.

WHEREAS, Since the increase to five Trustees, the Library has experienced continued growth as its role within Northampton and its functions have significantly diversified, partly as a result of the digital revolution. Given that increase, it has become increasingly difficult for the existing five Trustees to properly handle the workload associated with the oversight of the Library.

WHEREAS, On March 23, 2023, the Trustees voted to authorize a petition to the Hampshire Probate and Family Court to increase the number of Trustees to seven.

WHEREAS, In order to increase the number of Trustees, the city council must authorize a petition to the legislature to amend section 5.1 of the Northampton City Charter.

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

Whereas, The deferred operation of this act would tend to defeat its purposes, which is to improve the governance of the Forbes Library in the city of Northampton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Chapter 277 of the Acts of 2012, shall be amended by deleting in the first sentence of section 5.1 the word "Five" and inserting in its place the word "Seven."

**Passed final reading and enrolled.**

**23.350 An Order to Amend an Existing Conservation Restriction on North Farms Road - 1st reading**

This order is amending the specific 'safe harbor' language regarding tax proceeds for donors of conservation property, Office of Planning and Sustainability (OPS) Assistant Director Sarah LaValley explained. Everybody who donates property is eligible for a tax donation and the Internal Revenue Service (IRS) has always included template language. Recently, the IRS issued a rule change and gave everybody 60 days to comply or risk being audited and facing negative tax consequences. It is amending very specific technical language contained with the existing restriction, she advised.

Councilor Elkins moved to suspend the rules. Councilor Moulton seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

Councilor LaBarge moved to approve the order. Councilor Perry seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

23.350 An Order to Amend an Existing Conservation Restriction on North Farms Road - 1st reading

The following order passed final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council, July 13, 2023*

*Upon the recommendation of Mayor Gina-Louise Sciarra, Planning & Sustainability, and the Conservation Commission*

23.350 An Order to Amend an existing Conservation Restriction on North Farms Road

WHEREAS, Gary Warner donated to the City a conservation restriction on 34+/- acres on North Farms Road in 2022 to ensure that the open fields and forests contained on the Premises will be permanently available for sustainable agriculture, forestry, and a public trail; and

WHEREAS, the Internal Revenue Service has determined that prior template language included in donated restrictions may be inconsistent with the Internal Revenue Code and Treasury Regulations, and could expose a donor's deduction to possible IRS challenge; and

WHEREAS, substitution of new Safe Harbor language recommended by the Internal Revenue Service does not affect the requirement that the property be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition;

***Ordered, that***

The City Council approves and accepts amendments to the Restriction to adopt the Safe Harbor language recommended by the Internal Revenue Service, with the necessary amendments required to ensure the perpetual conservation of the Premises under Massachusetts law. Specifically, the amendment will include the language provided in issued IRS Notice 2023-30, Conservation Easements – Safe Harbor Deed Language for Extinguishment and Boundary Line Adjustment Clauses (“Notice 2023-30”).

Rules suspended, passed final reading and enrolled.

23.351 An Order to Approve a Conservation Restriction in the Saw Mill Hills - 1st reading

This land acquisition has come before the City Council twice before; once for initial approval and later for approval of CPA funds, Assistant OPS Director LaValley reminded. It is the 229-acre Pomeroy property, the largest acquisition the city has made in quite some time. Both the land grant and the CPA appropriation require a conservation restriction to be placed on the property, and the council authorized transferring the restriction to the Kestrel Land Trust back in May of 2022 when the city first applied for the Local Acquisitions for Natural Diversity (LAND) grant. In the past, the state Division of Conservation Services has accepted that initial approval as final approval from the city. They are now having concerns about potential legal challenges to conservation restrictions and so have requested subsequent approval now that the conservation restriction itself has been accepted by the state.

Councilor Nash expressed his understand that they are being asked to reapprove a restriction that they already approved.

Councilor Jarrett moved to suspend the rules. Councilor LaBarge seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

Councilor Moulton moved to approve the order. Councilor Perry seconded. The motion passed unanimously 8:0 with Councilor Maiore absent.

The following order passed final reading:

23.351 An Order to Approve a Conservation Restriction in the Saw Mill Hills - 1st reading

**City of Northampton**  
MASSACHUSETTS

*In City Council, July 13, 2023*

*Upon the recommendation of Mayor Gina-Louise Sciarra, Office of Planning & Sustainability, and the Conservation Commission*

**23.351 An Order to Approve a Conservation Restriction in the Saw Mill Hills**

WHEREAS, The City Council approved acquisition of 229 acres within the Saw Mill Hills in May, 2022 for conservation and passive recreation purposes and the granting of a conservation restriction, and such property was acquired by the City in the care and custody of the Conservation Commission in April, 2023; and

WHEREAS, Community Preservation Act funding and a Local Acquisitions for Natural Diversity Grant were used to fund the acquisition, both of which require conservation restrictions to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for passive outdoor recreational use; and

WHEREAS, the state Division of Conservation Services requires a separate authorization to approve the conservation restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws;

***Ordered, that***

The City Council approves the Conservation Restriction on the Russell Pomeroy Trail section of the Saw Mill Hills Greenway to the Kestrel Land Trust pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws.

**Rules suspended, passed final reading and enrolled.**

<u>Ordinances (Not Yet Referred)</u>	<u>Ordinances (Not Yet Referred)</u> None.
<u>Ordinances</u>	<u>Ordinances</u> None.
<u>Resolutions</u>	<u>Resolutions</u> None.
<u>New Business</u>	<u>New Business</u>
<u>Adjourn</u>	<p><u>Adjourn</u> Councilor Perry moved to adjourn. Councilor Foster seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent. The meeting was adjourned at 9:25 p.m.</p> <p>Attest: _____, Administrative Assistant</p>