



CITY COUNCIL  
**CITY OF NORTHAMPTON**  
MASSACHUSETTS

Councilors:

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

**Meeting Agenda**  
**On-line Video Conference**  
**Meeting Date: December 2, 2021**  
**Meeting Time: 7 p.m.**

The December 2, 2021 City Council meeting will be held by remote participation. The public can follow the council's deliberations by watching the meeting live on Comcast channel 15, live-streaming it on YouTube or joining the virtual meeting by phone or computer. For the active YouTube link, please see Northampton Open Media's website: <http://northamptonopenmedia.org/>

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

**INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING**

Join the meeting: <https://bit.ly/3CKV6gK>

For telephone call-in, call:

+929 436-2866 US

MEETING ID: 820 4956 2305

PARTICIPANT #: #

PASSCODE: 820394

**1. Announcement that Meeting is Being Audio/Video Recorded**

This meeting is being audio and 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**

**A. ARPA Survey and Transition Update**

**8. Resolutions**

**9. Presentations**

**A. City Council Rules Select Committee Final Report**

Presentation by City Council Rules Select Committee Members

Documents:

[FINAL\\_Final Report.pdf](#)

[CouncilRulesAsProposed tobeAmended.112321.pdf](#)

**10. Consent Agenda**

**A. Minutes of November 18, 2021**

**B. 21.364 Application for Supervised Display of Fireworks - First Night**

Documents:

[21.364 Application for Supervised Display of Fireworks - First Night.pdf](#)

**11. Recess for Committee on Finance (See Separate Agenda)**

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

**A - J 1st round of FY2022 Community Preservation Committee (CPC) Community Preservation Act (CPA) Funding Recommendations**

Documents:

[21.360 Community Preservation Committee Cover Letter.pdf](#)

**A. 21.358 An Order to Appropriate \$3,000 in CPA Funds to Lathrop Communities for Continued Invasive Species Removal - 1st reading**

Documents:

[21.358 An Order to Appropriate 3,000 in CPA Funds to Lathrop Communities for Continued Invasive Species Removal.pdf](#)

**B. 21.359 An Order to Appropriate \$31,922 in CPA Funds to Historic Northampton for Shepherd Barn Artifacts Project - 1st reading**

Documents:

[21.359 An Order to Appropriate 31,922 in CPA Funds to Historic Northampton for Shepherd Barn Artifacts Project.pdf](#)

**C. 21.360 An Order to Appropriate \$20,000 in CPA Funds for Farmland Rehabilitation at the Community Farm and Garden - 1st reading**

Documents:

[21.360 An Order to Appropriate 20,000 in CPA Funds for Farmland Rehabilitation at the Community Farm and Garden.pdf](#)

**D. 21.361 An Order to Appropriate \$100,000 in CPA Funds to the Rocky Hill Accessible Trail Project - 1st reading**

Documents:

[21.361 An Order to Appropriate 100,000 in CPA Funds to the Rocky Hill Accessible Trail Project.pdf](#)

**E. 21.362 An Order to Appropriate \$230,100 in CPA Funds to Valley CDC for a Mortgage Subsidy Program - 1st reading**

Documents:

[21.362 An Order to Appropriate 230,100 in CPA Funds to Valley CDC for a Mortgage Subsidy Program.pdf](#)

**F. 21.365 An Order to Appropriate \$608,000 in CPA Funds to Independent Housing Solutions for Housing the Disabled Homeless Project - 1st reading**

Documents:

[21.365 An Order to Appropriate 608,000 in CPA Funds to Independent Housing Solutions for Housing the Disabled Homeless Project.pdf](#)

**G. 21.366 An Order to Appropriate \$13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment - 1st reading**

Documents:

[21.366 An Order to Appropriate 13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment.pdf](#)

**H. 21.367 An Order to Appropriate \$70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project - 1st reading**

Documents:

[21.367 An Order to Appropriate 70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project.pdf](#)

**I. 21.368 An Order to Appropriate \$82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project - 1st reading**

Documents:

[21.368 An Order to Appropriate 82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project.pdf](#)

**J. 21.369 An Order to Appropriate \$233,400 in CPA Funds to OPS and Conservation Commission for Priority Property Acquisitions - 1st reading**

Documents:

**K. 21.357 An Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road - 1st reading**

Documents:

[21.357 An Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road.docx](#)

**L. 21.363 An Order Authorizing Expenditures from Accessible Parking Fines - 1st reading**

**Process note:** Two readings are respectfully requested to meet the immediate needs of people with disabilities.

Documents:

[21.363 An Order Authorizing Expenditures from Accessible Parking Fines.pdf](#)

**M. 21.373 An Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various Capital Projects - 1st reading**

Documents:

[21.373 An Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various Capital Projects.pdf](#)

**N. 21.374 An Order to Accept \$21.7 Million in American Rescue Plan Act Funds - 1st reading**

Documents:

[21.374 An Order to Accept 21.7 Million in American Rescue Plan Act Funds.pdf](#)

**13. Financial Orders (on 2nd reading)**

**14. Orders**

**A. 21.370 An Order to Amend the Council Rules - single reading only required**

Documents:

**15. 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.

**16. Ordinances**

**A. 21.371 An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022 - 1st reading**

**Process note:** Waiver of referral of the ordinance to Legislative Matters is respectfully requested.

Documents:

[21.371 An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022.pdf](#)  
[21.371 Amy Cahillane Letter.pdf](#)

**B. 21.335 An Ordinance Relative to Stop Signs on Evergreen Road and Chestnut Avenue - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) - 10/7/2021
- Positive recommendation - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.335 An Ordinance Relative to Stop Signs on Evergreen Road and Chestnut Avenue.pdf](#)

**C. 21.336 An Ordinance Relative to Off-Street Accessible Parking Spaces - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) - 10/7/2021
- Motion to amend title to substitute word 'Accessible' for word 'Handicapped'
- Positive recommendation, LM - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.336 An Ordinance Relative to Off-Street Accessible Parking Spaces.pdf](#)

**D. 21.337 An Ordinance Relative to Parking on Main Street - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) - 10/7/2021
- LM discussed Councilor Foster's language change request but deferred action based on Attorney Seewald's advice that he is undertaking a wholesale ordinance amendment to address this language change throughout the ordinance.
- Positive recommendation, LM - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.337 An Ordinance Relative to Parking on Main Street.pdf](#)

**E. 21.338 An Ordinance Relative to a Stop Sign on Cross Path Road - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) - 10/7/2021
- Positive recommendation, LM - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.338 An Ordinance Relative to a Stop Sign on Cross Path Road.pdf](#)

**F. 21.349 An Ordinance Relative to Parking on Meadow Street - 2nd reading**

**History:**

- Referred to Legislative Matters (LM) - 11/4/2021
- Positive recommendation, LM - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.349 An Ordinance Relative to Parking on Meadow Street.pdf](#)

**17. Zoning Ordinances**

**A. 21.318 An Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land - 2nd reading**

**History:**

- Referred to Planning Board (PB), Community Resources (CR) and Legislative Matters (LM) - 9/22/2021
- Positive recommendation, PB - 9/23/2021
- Positive recommendation, CR - 10/18/2021

- Positive recommendation, LM - 11/8/2021
- Passed 1st reading with attention drawn to some anomalies in the numbering and correction requested - 11/18/2021

Documents:

[21.318 An Ordinance to Amend 350-17 FFR District and 350 3-4 Zoning Map to Include Recreation Land - FINAL.pdf](#)

## **B. 21.319 An Ordinance to Require Installation of EV Charging Stations in Parking Lots over 25 Spaces - 2nd reading**

### **History:**

- Referred to Planning Board (PB), Community Resources (CR) and Legislative Matters (LM) - 9/22/2021
- Positive recommendation w/amendment to remove reference to conduit, PB - 9/23/2021
- Positive recommendation from CR as amended by PB - 10/18/2021
- Positive recommendation as amended by PB, LM - 11/8/2021
- Passed 1st reading - 11/18/2021

Documents:

[21.319 An Ordinance to Require Installation of EV Charging Stations in Parking Lots over 25 Spaces - POST PB.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

(413) 570-3133

## MEMBERS

*Councilor Rachel Maiore, Chair*  
*Al Simon, Citizen, Vice-Chair*  
*Ezekiel Baskin, Citizen*  
*Councilor William H. Dwight*  
*Councilor Marianne LaBarge*



## Report of the City Council Rules Select Committee

### Summary of Recommendations

The City Council Rules Select Committee was formed pursuant to a resolution adopted by the Northampton City Council on April 15, 2021. Sponsored by Councilor At-Large William H. Dwight, **21.233 A Resolution to Review and Revise the Rules and Committees of the City Council** requested that Council President Gina-Louise Sciarra appoint a select committee made up of three city councilors and two community members to review the Council Rules and Council Committees and present its recommendations to the City Council for deliberation and vote before the end of the current term. The committee was appointed on April 30, 2021 and held 10 virtual meetings by Zoom on June 28, 2021, July 13, 2021, August 5, 2021, August 23, 2021, September 15, 2021, September 29, 2021, October 12, 2021, October 26, 2021, November 9, 2021 and November 23, 2021. The meetings were open to the public and an opportunity for public comment was provided at every meeting.

This document summarizes the recommendations of the select committee resulting from its study of the current rules, as adopted by the 2020-2021 City Council on January 7, 2020. The Rules Committee's recommendations for changes to the council rules are attached as Exhibit A.

The committee considered several issues which did not result in recommended changes to the rules. These are listed in Exhibit A under the subheading, "Changes Considered and Not Agreed to."

### **REFLECTIONS ON CULTURAL NORMS**

Additionally, in the process of reviewing the rules, the Rules Committee became aware of numerous 'norms' or common practices of the City Council which have developed over time and are cultural in nature rather than being authorized or required by a specific council rule. An example of this is the practice of the Finance Committee meeting within the regular meeting of the full council rather than meeting separately on a different day as other subcommittees do. Members discussed and debated the advantages and disadvantages of these norms and decided to identify some of them within this report to encourage the council as a body to think critically about them going forward. Exhibit A contains a partial list of these unspoken rules.

Finally, due to time constraints, the committee was not able to have as full a discussion as desirable around some topics. These are listed as 'Topics Recommended for Further Study.'

Respectfully submitted,

City Council Rules Select Committee

By \_\_\_\_\_

City Councilor Rachel Maiore, Chair

Dated: November 23, 2021

## Rules Committee Recommendations:

- Public comment be limited to 90 minutes and two minutes per speaker (July 13, 2021; November 9, 2021).
- Rule 4.8 be modified to add that the city council will take public comment in person or by remote participation as the technology allows (August 5, 2021)
- Rule 4.14.1.4 providing that councilors may not participate remotely more than six times in a calendar year be removed and 'family illness or family caretaking' be added to permissible reasons for remote participation under 4.14.2 (August 5, 2021)
- Not to set a firm end time and to leave the 7 p.m. start time as is with the knowledge that it can be revisited either later by this committee or by the next council (August 5, 2021)
- Remove the Finance Committee from the set agenda (4.5 Order of Business) listed within the council rules (August 23, 2021)
- Financial orders will be introduced at a full City Council meeting and referred to either the consent agenda or the Finance Committee for more granular discussion and recommendation. The Finance Committee will then convene separately outside of the full council meeting and before the next meeting. (As voted September 15, 2021 and restated and clarified at the September 29<sup>th</sup> meeting)
- Amend Rule 4.5 Order of Business as follows (September 15, 2021):
  - Place public hearings at the beginning of the order of business
  - Combine 'Updates from Council President and Committee Chairs,' 'Recognitions and One-Minute Announcements by Councilors' and 'Communications and Proclamations from the Mayor' into 'Announcements from Councilors and the Mayor' and put immediately after roll call
  - Place resolutions after ordinances
  - Remove recess for Finance Committee
  - Put small subheadings explaining what each of the categories mean on the agenda as published so members of the public and councilors know what each agenda item is
- Substitute the following for existing language in Section 5.5 Matters Requiring Two ~~Votes~~ Readings: "Before a vote on a matter may be held, it must first have been introduced at a prior City Council meeting. Introduction shall include a description of purpose and effects. Council discussion is allowed for questions and clarification." (September 29, 2021)
- Change the title of Section 5.6 to 'Matters requiring one reading' instead of one 'vote' and eliminate administrative orders from the list. The text would read, "The following shall require only one reading of the council. . . (September 29, 2021)
- Delete Rule 2.5.1.6, the rule requiring the Administrative Assistant to obtain two copies of the recording of each meeting (October 12, 2021)
- Amend Rule 2.3.7 (Council President – Duties and Powers) as follows:
 

2.3.7 To hire the Administrative Assistant to the City Council and to supervise the individual in that position generally, including conducting an annual performance review. The administrative assistant appointment must be ratified by the full City Council. (October 12, 2021 and October 26, 2021)
- Amend Rule 2.5.1.5 (Administrative Assistant to the City Council Duties) to read as follows:
 

2.5.1.5. To ensure that all documents addressed to the Council shall be provided to each Councilor, and that any documents reviewed during the meeting become part of the permanent public record of Council-that meeting. ~~at which the documents are distributed.~~ (October 12, 2021)
- Amend Rule 2.5.1.2 as follows:

- 2.5.1.2 To provide staff support and recordkeeping to ~~all~~-standing Council committees and select committees as assigned and to assist committees with all aspects of reporting. (October 12, 2021)
- Move Public Comment into the body of the convened meeting after Roll Call (Roll Call>Public Hearings>Public Comment) (November 23, 2021)

Changes Considered and Not Agreed to:

- Limiting overall Public Comment to one hour (July 13, 2021)
- Removing the responsibility of acting as parliamentarian from the Administrative Assistant position (Rule 2.5.1.9) (October 12, 2021 meeting)
- Removing Rule 4.13.2 Votes Required to Pass Measures/Roll Call Votes and the requirement to rotate the order of roll call by alphabetical order so that no one member always votes first. (October 12, 2021)
- Combining City Services and Community Resources (9/15/2021. No vote taken, but consensus reached to leave two committees 'as is.')
- Change to membership and definition of Youth Commission to make sure it meets the robust legal requirements for a committee sponsoring/initiating legislation. This was agreed to be outside of the purview of the Rules Committee. (September 29, 2021)
- 2.6.1 ESTABLISHMENT OF STANDING COMMITTEES. All committees are required to have 4 members, **reduce committee membership to 3 members**-odd numbers better to voting
- 3.1.1 SELECTION OF AN OUTSIDE AUDITOR. **Currently Select Committee is set up to recommend. Eliminate this and give responsibility to Finance.** Are multiyear contracts allowed? Language is silent, but infers it is to be done yearly.
- 4.13.2 VOTES REQUIRED TO PASS MEASURES  
**Eliminate requirement for roll calls in subsections 1,2,3 except as required by statute.** The Presiding Officer can currently call for roll calls at its discretion. Use of raised hand or voice votes also at discretion of P.O.
- 5.1.5 SUPPORTING DOCUMENTS. This is an example of unnecessary instruction. A requirement that information be presented in a clear manner doesn't ensure that it is! **Eliminate this.**

## EXHIBIT A

[An outline summarizing the committee's 'Reflections on City Council Norms' drafted by Councilor Foster is to be presented for acceptance at the time of presentation of the final report.]

Topics Recommended for Further Study:

- Committee Structure and Purpose
- Policy for Onboarding New Councilors
- Youth Commission Structure and Purpose



## RULES OF THE 2020-2021 CITY COUNCIL OF THE CITY OF NORTHAMPTON

1. These Rules
  - 1.1. Adoption
  - 1.2. Repeal or Amendment
  - 1.3. Precedence
  - 1.4. Suspension
  
2. Organization
  - 2.1. Presiding Officer
    - 2.1.1. Duties
    - 2.1.2. Participation
    - 2.1.3. Order of Succession
  - 2.2. Election of Council President and Vice-President
  - 2.3. Council President - Duties and Powers
  - 2.4. Council Vice-President - Duties and Powers
  - 2.5. Administrative Assistant to the City Council
    - 2.5.1. Duties
  - 2.6. Council Committees
    - 2.6.1. Establishment of Standing Committees
      - 2.6.1.1. Committee on Finance
      - 2.6.1.2. Committee on Community Resources
      - 2.6.1.3. Committee on City Services
      - 2.6.1.4. Committee on Legislative Matters
      - ~~2.6.1.5. Committee on Public Works and Utilities~~
    - 2.6.2. Powers and Duties of Council Committees
    - 2.6.3. Select Committees
  
3. Duties and Powers of the City Council
  - 3.1. Selection of an Outside Auditor
  
4. Order
  - 4.1. Quorum
  - 4.2. Calling Meetings to Order
  - 4.3. Recognition of Mayor and Department Representatives
  - 4.4. Consent Agenda
  - 4.5. Order of Business

- 4.6. Minutes of Previous Meeting
  - 4.7. Conduct
  - 4.8. Public Comment
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      - 5.1.2. Presentation to Council, Mayor
      - 5.1.3. Adding Matters to Council Agenda
      - 5.1.4. Presentation and Enacting Style of Matters
      - 5.1.5. Supporting Documents
    - 5.2. Referral of Matters to Committee
    - 5.3. Solicitor Review of Ordinances
    - 5.4. Withdrawal of Matters
    - 5.5. Matters Requiring Two ~~Votes~~Readings
    - 5.6. Matters Requiring One ~~Vote~~Reading
    - 5.7. Enrollment Committee
    - 5.8. Automatic Carryover
6. Appendices
    - 6.1. Special Permit Granting Authority
    - 6.2. Examples of Presentation and Enacting Styling of Matters

## 1. These Rules

- 1.1. **ADOPTION.** When adopted by the City Council, these Rules shall take effect at the time of the first Council meeting following January 1, 2020.
- 1.2. **REPEAL OR AMENDMENT.** City Council Rules may only be repealed or amended with a two-thirds majority vote of quorum present. The latest version of these Rules shall be published online.
- 1.3. **PRECEDENCE.** The City Council Meetings shall conform to parliamentary practices as set forth in the Rules of the City Council. The procedures defined in the most current version of Robert's Rules of Order will resolve questions not addressed by the Council Rules.
- 1.4. **SUSPENSION.** Suspension of these rules or any part thereof shall require a two-thirds majority of the quorum present. Nothing herein shall be construed to authorize suspension of any provision of the Charter of the City of Northampton, or any ordinance of the City of Northampton.

## 2. Organization

### 2.1. PRESIDING OFFICER

- 2.1.1. **DUTIES.** When present, the Council President shall be the presiding officer of the City Council at every meeting. The duties as presiding officer shall be only those set forth herein:
  - 2.1.1.1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present.
  - 2.1.1.2. To announce in proper sequence the business that comes before the City Council.
  - 2.1.1.3. To recognize members who are entitled to the floor.
  - 2.1.1.4. To state and to put to vote all questions that legitimately come before the City Council as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions as defined by Robert's Rules;.
  - 2.1.1.5. To expedite business in every way compatible with the rights of all members of the body.

- 2.1.1.6. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council.
- 2.1.1.7. To declare the meeting adjourned when the City Council so votes or, when applicable, at the time prescribed in the order of business, or at any time in the event an emergency.
- 2.1.1.8. To determine whether an amendment is germane to the motion under consideration.

2.1.2. **PARTICIPATION.** The Presiding Officer may make statements, ask questions and give opinions during debate without relinquishing the chair.

2.1.3. **ORDER OF SUCCESSION.** In the absence of the Council President, the first of the following list of persons who is not absent shall preside and shall retain voting privileges:

First, the Council Vice-President

Second, the Chair of the Committee on Finance

Third, the Chair of the Committee on Legislative Matters

If none of the above are present or able to preside, the City Council shall elect by majority vote a President pro-tempore who shall preside for that meeting and shall retain voting privileges. Should the City Council fail to elect a President pro-tempore the meeting shall be adjourned.

## 2.2. ELECTION OF COUNCIL PRESIDENT AND VICE-PRESIDENT.

2.2.1. The City Council President and Vice-President shall be elected:

2.2.1.1. At the first City Council meeting of a two-year session; and

2.2.1.2. In the event of a vacancy for either office.

2.2.2. At any meeting when a City Council President is to be elected, the previous Council President will preside. If the previous Council President is absent or no longer a member of the Council, the longest serving member of the Council will preside. If two members of the Council are equal in seniority, a coin toss will determine which Councilor presides over the election of the Council President. If more than two members of the Council are equal in seniority they will draw lots to determine which Councilor will preside over the election of the Council President.

2.2.3. After nominations are made by members of the Council, candidates may present to the council.

2.3. **COUNCIL PRESIDENT POWERS AND DUTIES.** The powers and duties of the Council President shall include all duties pursuant to the Charter and also:

- 2.3.1. To assign councilors to serve on any committee established by the City Council.
  - 2.3.2. To remove members of a committee from a committee, or reassign them, at any time.
  - 2.3.3. To appoint members to select committees, as provided below.
  - 2.3.4. To determine seating arrangements for the members of the City Council.
  - 2.3.5. To appoint the membership of Enrollment Committee and modify the membership meeting to meeting for any reason.
  - 2.3.6. To set an agenda for the City Council.
  - 2.3.7. To hire the Administrative Assistant to the City Council and to supervise the individual in that position generally, including conducting an annual performance review. The administrative assistant appointment must be ratified by the whole City Council.
  - 2.3.8. To issue a Committee Study Request to any committee. Such a request shall require a committee to report to the full Council on a particular policy or issue area within 120 days optionally accompanied by legislation. However a committee may by majority vote decline to consider or respond to such a request.
- 2.4. COUNCIL VICE-PRESIDENT - POWERS AND DUTIES. The powers and duties of the City Council Vice-President will include all duties pursuant to the Charter.
- 2.5. ADMINISTRATIVE ASSISTANT TO THE CITY COUNCIL
- 2.5.1. DUTIES. The Administrative Assistant shall report to the City Council President, who may assign duties in addition to the following:
- 2.5.1.1. To maintain a record of all matters and their status as they proceed through various legislative stages and committees, as well as all amendments and related documents.
  - 2.5.1.2. To provide staff support and recordkeeping to ~~all~~ standing Council committees and select committees as assigned and to assist committees with all aspects of reporting.
  - 2.5.1.3. To act as custodian of all books, documents and papers belonging to the City Council and to keep an accurate list thereof.
  - 2.5.1.4. To notify the chair of any Council committee, board, executive commission, or other body when a matter is referred to it and to provide the body with all documents relative to the matter.
  - 2.5.1.5. To ensure that all documents addressed to the Council shall be provided to each Councilor, and that any documents reviewed during the meeting become part of the permanent public record of ~~Council that meeting at which the documents are distributed.~~
  - ~~2.5.1.6. To secure two video records of meetings of the City Council that were so recorded.~~

~~2.5.1.7~~~~2.5.1.6.~~ To notify the appointees to all Council committees in writing upon their appointment.

~~2.5.1.8~~~~2.5.1.7.~~ To assist in preparing requests for proposals for an independent auditor in accordance with Sec 7-6 of the Charter.

~~2.5.1.9~~~~2.5.1.8.~~ To advise the Council President on matters of parliamentary procedure.

## 2.6. COUNCIL COMMITTEES

2.6.1. ESTABLISHMENT OF STANDING COMMITTEES. The following committees are established as described below.

### 2.6.1.1. COMMITTEE on FINANCE

~~2.6.1.1.1.~~ Process. Financial orders will be introduced at a full City Council meeting and referred to either the consent agenda or the Finance Committee for more granular discussion and recommendation. The Finance Committee will then convene separately outside of the full council meeting and before the next meeting.

~~2.6.1.1.1~~~~2.6.1.1.2.~~ Jurisdiction. Financial matters. The Committee shall review all orders authorizing a loan, supplemental appropriation, or financial transfer submitted by the Mayor in accordance with such authority by either the Massachusetts General Laws, the Charter of the City of Northampton, or the Code of Ordinances of the City of Northampton and make recommendations on ~~the matter referrals~~ to the City Council.

~~2.6.1.1.2~~~~2.6.1.1.3.~~ In addition to the outside audit provided by Section 7-6 of the Charter, the Committee may request access to all books, vouchers, notes, securities, and bonds in the possession of the Treasurer-Collector, City Auditor or any board or executive commission and make a report thereof to the City Council.

~~2.6.1.1.3~~~~2.6.1.1.4.~~ The Committee shall review all proposals to sell or lease any City-owned land or building not put to public use that are submitted to the City Council for approval and all proposals to purchase or lease real property that are submitted to the City Council for approval. The Committee shall make recommendations to the City Council on the matter. All instruments of conveyance and leases approved by the City Council shall be executed by the Mayor on behalf of the City unless otherwise provided by Massachusetts General Laws.

~~2.6.1.1.4~~~~2.6.1.1.5.~~ The Committee shall consist of four Councilors.

~~2.6.1.1.5~~~~2.6.1.1.6.~~ The Committee may hold public hearings on water, sewer, Stormwater and other municipal utility rates.

2.6.1.2. COMMITTEE on COMMUNITY RESOURCES

- 2.6.1.2.1. Jurisdiction. Matters affecting the community including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others.
- 2.6.1.2.2. The Committee may review and make recommendations on licenses and permits.
- 2.6.1.2.3. The Committee shall consist of four Councilors.

2.6.1.3. COMMITTEE on CITY SERVICES

- 2.6.1.3.1. Jurisdiction. Matters related to the activities and operation of municipal government.
- 2.6.1.3.2. The Committee shall serve as the standing committee to review all candidates for appointment to boards and commission in accordance with Section 2-10 of the Charter.
- 2.6.1.3.3. The Committee shall consist of four Councilors.

2.6.1.4. COMMITTEE on LEGISLATIVE MATTERS

- 2.6.1.4.1. Jurisdiction. Upon referral by the City Council, the Committee shall have the power to make recommendations on ordinances, orders, resolutions and the rules of the City Council. Such recommendations shall be made in consultation with the City Solicitor.
- 2.6.1.4.2. The Committee may choose to be the last committee to review any matter that is also referred to another Council committee. The Committee shall not be required to wait to receive the report of any executive commission.
- 2.6.1.4.3. The Committee shall consist of four Councilors.

2.6.2. POWERS AND DUTIES OF COUNCIL COMMITTEES. The following shall apply to all committees unless otherwise stated:

- 2.6.2.1. Election of officers. Council Committees shall elect officers from among their members, such as Chair and Vice-Chair. At a committee's first meeting, the member who was first in the order of those announced by the Council President to serve on the committee shall preside until a Chair is elected.
- 2.6.2.2. Meetings. Committees shall meet as required by the City Council, the Committee's Chair, or at the request of two members. Committees shall hold an initial meeting no later than three months

after the appointment of its members.

- 2.6.2.3. Requests to appear before committees. A committee may make information requests pursuant Section 2-7 of the Charter.
  - 2.6.2.3.1. Notice. A committee shall give a minimum of 7 days notice to a person it may require to appear before it. No person shall be required to respond to any question not related to those questions presented in advance and in writing. The Committee will notify the Mayor of any Information Request under this section.
  - 2.6.2.4. Committees shall have the power to hold hearings on and develop, review and recommend policies on any matter within their jurisdiction.
  - 2.6.2.5. Power to amend. Council committees may recommend amendments to any measure. However, when a measure has been referred to the Committee on Legislative Matters, the Committee on Legislative Matters shall consider all amendments previously proposed by other committees and report one version of an amended measure to City Council.
  - 2.6.2.6. Duty to report. “To report” shall mean transmitting a positive/favorable, negative/neutral or neutral recommendation and associated votes as well as any suggested textual amendments and related documents.
    - 2.6.2.6.1. For matters referred to the Committee on Legislative Matters, among others: All committees other than the Committee on Legislative Matters shall report to the Committee on Legislative Matters and the City Council within 60 days, whereupon the Committee on Legislative Matters shall report to the full City Council within an additional 30 days.
    - 2.6.2.6.2. For matters referred to the Committee on Legislative Matters exclusively: The Committee on Legislative Matters shall report to the full City Council within 60 days.
    - 2.6.2.6.3. For matters referred to committees not including the Committee on Legislative Matters: Committees shall report to the full City Council within 90 days.
    - 2.6.2.6.4. Committees shall make all reports in writing.

- 2.6.3. **SELECT COMMITTEES.** The City Council may establish select committees for the purpose of considering a particular policy or issue or for other purposes. Such committees may make recommendations and may sponsor ordinances, resolutions or other matters. Such committees may be created by resolution approved by a two-thirds vote of a quorum. The resolution shall specify the composition and scope of the select committee. No such committee shall exist beyond the current term of the Council. The Council President shall appoint all members to such committees, and may appoint members of the public who are residents of the City of Northampton or city employees provided the Mayor approve the appointment of any city employee. Select Committees shall elect their own Chair and other officers from among those appointed. At the first meeting, the person whose appointment was first announced by the Council President shall serve as temporary Chair until elections occur.
- 2.6.4. A majority of those appointed and serving on a committee shall constitute a quorum.

### 3. Duties and Powers of the City Council.

The City Council shall have those duties and powers pursuant the Charter and also:

- 3.1. **SELECTION OF AN OUTSIDE AUDITOR.** Pursuant Section 7-6 of the Charter, the City Council shall select an independent auditor according to the following provisions:
- 3.1.1. The Council shall by October 1 of the fiscal year for which the audit is to be done establish a Select Committee for the purpose of making a recommendation on an independent auditor to the full Council.
- 3.1.2. The Council shall award a contract to audit on or before March 1 of the fiscal year for which the audit is to be done.
- 3.1.3. The Council shall require the report of the audit to be filed in final form with the Council not later than January 15 in the year following its award.

### 4. Order

- 4.1. **QUORUM.** The presence of 5 members shall constitute a quorum of the City Council.
- 4.2. **CALLING MEETINGS TO ORDER.** The presiding officer shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Administrative Assistant to the City Council.
- 4.3. **RECOGNITION OF MAYOR AND DEPARTMENT REPRESENTATIVES.** The Mayor and all City department representatives are recognized at all Council Meetings.
- 4.4. **CONSENT AGENDA**
  - 4.4.1. When any item of business requires action by the City Council, but is of a routine nature, such item may be presented at a regular meeting of the City Council as part of the Consent Agenda. Items eligible for consideration on the Consent Agenda include: approval of minutes, appointments, licenses, and petitions.
  - 4.4.2. The Consent Agenda may be introduced by a motion “To approve the Consent Agenda,” and may be considered by the City Council as a single item.
  - 4.4.3. The presiding officer shall read the title of each item contained in the Consent Agenda before a vote.
  - 4.4.4. There shall be no debate or discussion by any City Council member regarding any item on the Consent Agenda, beyond asking questions for simple clarification.
  - 4.4.5. Any item may be removed from the Consent Agenda upon the request of any City Council member prior to the taking of a vote on the motion to approve it. All such items will be considered individually, in the order in which they were removed, immediately following consideration of the Consent Agenda.
  - 4.4.6. Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, referral or enactment of each item of business thereon, exactly as if each had been acted upon individually.
  - 4.4.7. When an appointment has not received a recommendation from the standing committee pursuant Sec 2-10 of the Charter, a vote within the Consent Agenda shall be equivalent to a motion to refer it to said standing committee. Otherwise a vote shall be equivalent to approval.
- 4.5. **ORDER OF BUSINESS.**

- 4.5.1. The order of business at every regular meeting of the Council shall be as follows unless otherwise decided by the Presiding Officer:

Roll Call

Public Hearings

Public Comment

~~Roll Call~~ Announcements from Councilors and the Mayor

~~Public Hearings~~

~~Recognitions and One Minute Announcements by Councilors~~

~~Communications and Proclamations from the Mayor~~

~~Resolutions~~

Presentations

Consent Agenda

- Approval of minutes
- Licenses and Petitions
- Appointments

~~Recess for Committee on Finance~~

Financial Orders

Orders

Ordinances (Not Yet Referred)

Ordinances

Resolutions

~~Updates from Council President and Committee Chairs~~

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

Requests

New Business

- 4.5.2. The agenda shall be published in this manner and adhered to at all meetings. The presiding officer may implement a change in the order of business unless any single Councilor objects, in which case the rules may be suspended as provided in these Rules.

- 4.6. MINUTES OF PREVIOUS MEETING. The Administrative Assistant to the City Council shall submit the minutes of the previous meeting with the Council agenda for the next regular scheduled meeting of the City Council.
- 4.7. CONDUCT. City Councilors and members of the public shall conduct themselves with civility and respect at all times.
- 4.8. PUBLIC COMMENT. Members of the public may address the Council and all Council Committees on any matter for a period of ~~three~~two minutes. This period may be extended or reduced at the discretion of the presiding officer. Public comment may be accepted for no more than 90 minutes. Whenever language translation is required for a member of the public to address the City Council, such person shall be provided ~~six~~four minutes. Individuals wishing to speak will be recognized by the presiding officer and shall state their name and

city or town of residence and, optionally, their address. Councilors will not respond to any comments from the public. The City Council will take public comment in person or by remote participation as the technology allows.

- 4.9. NEW BUSINESS. Any Councilor may introduce any written proposed order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.
- 4.10. RECESS. Any Councilor may call for and be granted a recess the length of which will be determined by the presiding officer.
- 4.11. ORDER AND MANNER OF SPEAKING. No City Councilor shall speak more than once on a question, to the prevention of any other who has not spoken,— and is desirous of speaking. The presiding officer may allow a brief immediate response to any statement posed directly to a particular City Councilor by a City Councilor. The presiding officer may request that any speaker discontinue any overly lengthy speech, but the right of a City Councilor to speak shall not be limited unless a formal motion is passed to set limits to debate for all City Councilors.
- 4.12. ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of privilege to appeal a decision from the presiding officer, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the presiding officer
- 4.13. VOTING
  - 4.13.1. DECIDING VOTES. The presiding officer shall decide all votes, but if a member rises to doubt a vote the presiding officer shall order a roll call vote.
  - 4.13.2. VOTES REQUIRED TO PASS MEASURES
    - 4.13.2.1. The affirmative vote, taken by roll call, of 6 members shall be required to adopt an appropriation order or transfer.
    - 4.13.2.2. The affirmative vote, taken by roll call, of 6 members shall be required to adopt a zoning ordinance.
    - 4.13.2.3. In the absence of statutory requirements providing otherwise, the affirmative vote, taken by roll call, of 5 members shall be required to adopt any other ordinance.
    - 4.13.2.4. In the absence of statutory requirements providing otherwise, an affirmative vote of a majority of a quorum shall pass any other measure.
  - 4.13.3. ROLL CALL VOTES.

4.13.3.1. REQUEST. Any member may request a roll call vote on any question before the City Council and the Administrative Assistant to the City Council shall take the census of the Council in that manner.

4.13.3.2. METHOD OF RECORDING. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

4.13.4. RECONSIDERATION.

4.13.4.1. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting.

4.13.4.2. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow time for the submission of new or additional information. Reconsideration shall not be used in a dilatory manner as defined in Robert's Rules of Order.

4.13.4.3. No motion shall be twice reconsidered.

4.14. REMOTE MEETING PARTICIPATION. Councilors may participate remotely in meetings pursuant to the following regulations:

4.14.1. Requirements

4.14.1.1. Any Councilor who participates remotely and all persons present at the meeting location shall be clearly audible to each other;

4.14.1.2. A quorum including the presiding officer shall be physically present at the meeting location;

4.14.1.3. Any Councilor who participates remotely may vote and shall not be deemed absent.

~~4.14.1.4. Any Councilor may not participate remotely more than six times in a calendar year.~~

4.14.2. Permissible Reasons for Remote Participation. Any Councilor may participate remotely if the presiding officer determines that one or more of the following factors make the participation of the Councilor's physical attendance unreasonably difficult:

4.14.2.1. Personal Illness;

4.14.2.2. Personal Disability;

4.14.2.3. Emergency;

4.14.2.4. Military Service; or

4.14.2.5. Geographic Distance

4.14.2.5-4.14.2.6. Family Illness or Family Caretaking

#### 4.14.3. Technology

4.14.3.1. The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any Councilor who requires TTY service, video relay service, or other form of adaptive communications.

4.14.3.1.1. Telephone, Internet, or satellite-enabled audio or video conferencing;

4.14.3.1.2. Any other technology that enables the remote participation and all persons present at the meeting location to be clearly audible to one another.

4.14.3.2. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

4.14.3.3. The presiding officer may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to call a brief recess while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

4.14.3.4. All costs associated with remote participation, if any, shall be borne by the Councilor remotely participating.

#### 4.14.4. Procedures

4.14.4.1. Any Councilor who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the presiding officer of their desire to do so and the reason for and facts supporting their request.

4.14.4.2. At the start of the meeting, the presiding officer shall announce the name of any member who will be participating remotely and the reason for their remote participation. This information shall be recorded in the meeting minutes.

4.14.4.3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

4.14.4.4. Any Councilor participating remotely may participate in executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location. Any Councilor participating remotely who cannot certify that no other person is present and/or able to hear the discussion at the remote location may not participate in executive session.

4.14.4.5. When feasible, the presiding officer shall distribute to remote participants, in advance of the meeting, copies of any documents of exhibits that they reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be a part of the official record of the meeting, and shall be listed in the

meeting minutes and retained in accordance with Massachusetts General Law Chapter 30A Section 22.

- 4.14.5. Application. This rule shall apply to Council Committees.
- 4.14.6. Amendment. This section may not be amended unless it is in accordance with the Mayor's Remote Meeting Participation Policy, Massachusetts General Law Chapter 30A Sections 18-25 and 940 Code of Massachusetts Regulations 29.10.
  
- 4.15. MINUTES OF EXECUTIVE SESSION. The City Council shall create and maintain accurate minutes of all executive sessions in accordance with the following:
  - 4.15.1. The minutes shall set forth the day, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
  
  - 4.15.2. Any vote taken in an executive session shall be recorded by roll call and entered into the minutes.
  
  - 4.15.3. The minutes of any executive session and the notes, or other materials used in the preparation of such minutes, and all documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, according to the provisions of M.G.L. Chapter 4 § 7 (26) (a), as long as publication would defeat the lawful purposes of the executive session, but no longer.
  
  - 4.15.4. Approving minutes.
    - 4.15.4.1. Votes to approve executive session minutes may be, but are not required to be, taken in executive session.
    - 4.15.4.2. Review of, deliberation on and amendments to executive session minutes shall be done in executive session.
  
  - 4.15.5. Releasing minutes.
    - 4.15.5.1. As provided in MGL Ch 30A, Sec 22(g)(1), The Council President, with the assistance of the Administrative Assistant to the City Council and City Solicitor, shall, at reasonable intervals, not to exceed three months, review the minutes of executive sessions to determine if the relevant statutory provisions warrant continued nondisclosure. Such determination shall be announced at the City Council's next meeting and such announcement shall be included in the minutes of that meeting.
    - 4.15.5.2. Whenever the Council President requests that a vote of the Council be taken to determine whether to release executive session minutes, that vote must be taken in executive session.

4.15.6. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the Council shall respond to the request within 10 days following receipt and shall release any such minutes that would not defeat the lawful purposes of the executive session.

4.15.7. Any notes, documents or other exhibits used in the preparation of the minutes of executive sessions shall be retained for at least 60 days following the approval of the minutes of the executive session by the Council. The Council President shall periodically review said notes and other documents prior to the discarding or destruction thereof.

## 5. Legislative Process

### 5.1. PROPOSED MATTERS

5.1.1. Matters proposed for inclusion in City Council agendas shall be filed with the Administrative Assistant to the City Council. Agendas shall be published in accordance with the Open Meeting Law.

5.1.2. **COMMUNICATION WITH MAYOR’S OFFICE.** The Administrative Assistant to the City Council shall serve as a point of contact with the Mayor’s office regarding the City Council’s agendas.

5.1.3. **ADDING MATTERS TO COUNCIL AGENDA.** The Council President shall have discretion over the items added to Council agendas, except that if the addition of an item has been once requested by a member of the City Council or the Mayor and at the discretion of the Council President that item is not placed on an agenda of a regular Council meeting, then before the next regular Council meeting any two members of the City Council may petition the Council President who shall then add the item to the agenda of the next regular Council meeting.

### 5.1.4. PRESENTATION AND ENACTING STYLE OF MATTERS

5.1.4.1. Matters shall be presented in a format as indicated in the table below:

Line	Ordinances	Orders	Resolutions
1. Date	“In the Year 2016”	“In the City Council, February 2, 2016.”	“In the Year 2016”
2. Sponsorship	“Upon the recommendation of...”		
3. ID Number	Not prefaced	Prefaced by “O”	Prefaced by “R”
4. Type of Matter	“An Ordinance”	“An Order”	“A Resolution”
5. Short Title	“Relative to...” “Entitled the ...	“To...” et al.	“To...”, “In support of...”, et al.

	Ordinance of 2016”, or “To ...” et al.		
6. Enacting Clause	“Be it ordained by the City Council of the City of Northampton in City Council assembled, as follows”	“Ordered, that”	“Be it resolved by the City Council of the City of Northampton in City Council assembled, as follows”

5.1.4.2. Administrative ID Number. The Administrative Assistant to the City Council shall assign each matter, upon formal submission, a unique identification number, in the form of the last two digits of the calendar year followed by an incrementally increasing number. The incrementally increasing portion shall reset to “1” every Council session.

5.1.4.3. Additions to the Code of Ordinances shall be indicated in bold and/or underline. Deletions shall be indicated by striking through.

5.1.5. SUPPORTING DOCUMENTS. Maps and visuals, along with all other supportive evidence essential to a matter, shall be presented in a clear and intelligible way.

5.2. REFERRAL OF MATTERS

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

5.2.2. Financial orders. No order or resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be voted on by the City Council until it has been considered by the Committee on Finance. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by the Committee unless directly connected with the financial features thereof, and then by recommendation only.

5.2.3. Ordinances. No ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

5.2.4. Licenses and permits. Licenses and permits may be referred to the Committee on Community Resources for the committee’s recommendation.

5.2.5. Should a committee fail to report within the time set forth in Section 2.6.2.6, or if a multiple-member body fails to report within 45 days of

referral to that body, the City Council shall be authorized to proceed with the matter in absence of such report.

5.3. SOLICITOR REVIEW OF ORDINANCES. At or before the meeting at which the Committee on Legislative Matters considers any matter for approval and/or recommendation the City Solicitor shall be requested to examine the matter's form and legal character.

5.4. WITHDRAWAL OF MATTERS. If the Council has previously acted on a matter, the matter may be withdrawn by this method. At the written request of any sponsor(s) of a matter, a matter shall be withdrawn from consideration in the City Council and in all City Council Committees to which the matter had been referred provided the withdrawal be placed on the agenda of a City Council meeting. No vote shall be required. However, if at that meeting all sponsors of a matter do not unanimously agree to withdraw a matter, the matter shall not be withdrawn. However at that time any Councilor shall upon their request have their individual sponsorship removed.

5.5. MATTERS REQUIRING TWO ~~VOTES~~ READINGS. ~~To be approved, every matter shall have two separate votes on two separate days unless otherwise provided in these Rules. Before a vote on a matter may be held, it must first have been introduced at a prior City Council meeting. Introduction shall include a description of purpose and effects. Council discussion is allowed for questions and clarification~~

5.6. MATTERS REQUIRING ONE ~~VOTE~~ READING. The following shall require only one ~~vote~~ reading of the Council:

~~5.6.1. Administrative orders submitted by the Mayor for either approval or disapproval~~

~~5.6.2.~~ 5.6.1. Licenses

~~5.6.3.~~ 5.6.2. Approval of minutes

~~5.6.4.~~ 5.6.3. Acceptances of reports

~~5.6.5.~~ 5.6.4. Petitions, and orders to grant petitions

~~5.6.6.~~ 5.6.5. Appointments, and

~~5.6.7.~~ 5.6.6. Orders to adopt or amend the Council Rules.

5.7. ENROLLMENT COMMITTEE. When matter has passed the required number of votes, it shall be signed by the Administrative Assistant to the City Council and signed by the Enrollment Committee consisting of two City Councilors.

5.8. AUTOMATIC CARRYOVER. Matters that have not passed the required number of votes by the end of the current session shall automatically carry over to the next session of the City Council and shall remain in the Council and in all committees and executive commissions to which they have been referred at the start of the next session unless:

5.8.1. A matter has already failed on the first of two required votes; or

- 5.8.2. A matter has received a negative recommendation from the Committee on Legislative Matters; or
- 5.8.3. The City Council votes to prevent automatic carryover of a matter to the next session. For this purpose, at the request of any City Councilor, the City Council President shall place any such pending matter on the agenda at the final meeting of the session. Only one vote shall be required to prevent automatic carryover, but 2/3 majority of the full Council shall be required; or
- 5.8.4. None of the sponsors of a matter will be serving in the next session of the City Council.

## 6. APPENDICES

### 6.1 SPECIAL PERMIT GRANTING AUTHORITY

#### Chair/Moderator

##### I. Selection of a Chair/Moderator

The City Council President will serve as the presiding officer of the hearing.

#### MEETINGS AND HEARINGS

##### II. Notice of Public Hearings

Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A. In addition to the legally required notices the City Council will make every

effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

### III. Calling of Public Hearing

All hearings held by the Council as a Special Permit Granting Authority Shall be open to the public.

### IV. Public Hearings

1. Public hearings, when called, will be conducted in the following manner:
  - A. The presiding officer will announce that it is time for a Public Hearing and will announce the subject of such hearing.
  - B. The presiding officer will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The presiding officer will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give their name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the presiding officer. The chair may limit testimony that is repetitive.
  - C. The presiding officer will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
  - D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
  - E. Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
  - F. Before opponents to an application or petition are called to speak, a member of the Council may move for invocation of a summary procedure and, if seconded and approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.
  - G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of their opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
  - H. After all opponents have been heard, the presiding officer will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.

- I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the presiding officer shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
- J. The presiding officer will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
- K. If new information is presented the presiding officer or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
- L. The presiding officer will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The presiding officer shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
- M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

#### V. Votes of the Council

All votes for Special Permits shall require a 2/3 majority of the Council to pass.

#### Applications before the City Council

#### VI. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.

#### 6.2 Examples of Presentation and Enacting Styling of Matters

*In the Year Two Thousand and Fifteen*

Upon the Recommendation of Councilor J. Calvin Coolidge

**15.073**

**AN ORDINANCE**

**RELATIVE TO ZONING IN CENTRAL BUSINESS (OR)  
ENTITLED THE ZONING ORDINANCE OF 2016 (OR)  
TO REVISE SEC. 000 OF THE CODE OF ORDINANCES**

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

*In the Year Two Thousand and Fifteen*

Upon the Recommendation of Councilor J. Calvin Coolidge

**R-15.003**

**A RESOLUTION**

**IN SUPPORT OF DEMOCRACY (OR)  
TO CREATE A SELECT COMMITTEE TO RECOMMEND A  
STATE LEGISLATIVE AGENDA**

*Be it resolved by the City Council of the City of Northampton, in City Council*

*In the City Council, January 1, 2016*

Upon the Recommendation of Councilor J. Calvin Coolidge

**O-15.001**  
**AN ORDER**

**TO APPROPRIATE FUNDS FROM COMMUNITY  
PRESERVATION ACT FUNDING**

*Ordered, that:*



**Department of Fire Services  
Commonwealth of Massachusetts**

**Application/Permit for Supervised Display of Fireworks (FP-027)**

This form shall be used as the application and permit for all supervised display of fireworks in the Commonwealth of Massachusetts.

A copy of this application and required documentation must be submitted to the head of the local fire department **at least twenty (20) days in advance of the proposed date of display** as required by 527 CMR 1.00: 1.12.8.39.2.2(1).

**Required Documentation to be Submitted**

- Diagram/site plan showing points where fireworks are to be discharged, location/distance to the audience, buildings, highways, overhead obstructions, etc. (handwritten maps are not acceptable; Maps must be Google, Bing, GIS)
- The number and description of the fireworks/pyrotechnics including the diameter of the shells.

A copy of the natural barrier letter from the State Fire Marshal's Office (if applicable).

- FAA, Coast Guard, or other agency approvals/notifications

One copy of this form and required documentation must be forwarded by the Head of the Fire Department to the State Fire Marshal (by email [dfs.licensing@state.ma.us](mailto:dfs.licensing@state.ma.us), fax, or mail) **not later than five (5) days after receipt of said application** as required by 527 CMR 1.00: 1.12.8.39.2.2(4).

Name of Sponsor: Northampton Arts, Inc. Phone #: 413.587.1069

Address of Sponsor: 240 Main St. #1 Northampton, MA. 01060

Location of Display (GPS coordinates): 42° 19' 04.34" N / 72° 37' 48.61" W

Nearest GPS Street Address to display set up: 85 Hampton Ave. Northampton, MA. 01060

Date of Display: December 31, 2021 Time of Display: 6:15 P.M. Rain Date: None

Largest Shell Size to be Fired 1.5-inch tubes Number of Aerial Shells: \_\_\_\_\_

Number of Ground Pieces: None Number of Cakes & Max. Diameter 61 Cakes & Strips

This Show Is: Public  Private \_\_\_\_\_

Fireworks/Special Effects Company: Pyrotecnico Fireworks, Inc. Phone #: 800.854.4705

Current Users Certificate Number: PY-001012 Date of Expiration: 01/14/2022

Name of Competent Operator: Robert Gutowski

Certificate of Competency #: FW-004546 Expiration Date: 12/15/21

Company Supplying Fireworks: (if different from applicant user certificate listed above): \_\_\_\_\_

Manner and Location of Storage of Fireworks Prior to Display:

On site, in a D.O.T. approved vehicle, secured and placarded

Signature of Competent Operator: Thomas Spangola Date: November 2, 2021

Facility Manager - Pyrotecnico Fireworks

I hereby certify that the competent operator named above has my approval and that in my opinion, the display described will be of such character, so located, discharged or fired as not to be hazardous to property or to endanger any person or persons. (G.L. Chapter 148, §39A)

There are no changes to the natural barrier approval (no new developments, etc)

Restrictions:

Chief Officer on site upon Arrival of Fire works  
and an Engine Company Required for the display

Signature of Head of Fire Department: [Signature] Date: 11/3/21

This permit will expire at midnight on Jan 2, 2022

One copy of this form must be forwarded to the State Fire Marshal (electronically, mail or fax) no more than five (5) days after receipt of said application by the head of the fire department as required by 527 CMR 1.00: 1.12.8.39.2.2 (4).

### For Fire Department Use Only

#### Before the Show

- Review DEP advisory on perchlorates
- Verify active license and company information at [www.mass.gov/dfs](http://www.mass.gov/dfs) (License Lookup)

#### Day of Show

- Pre show site inspection: Establish secured area with a suitable barrier such as snow fencing or equivalent (caution tape is not sufficient). Natural barriers, as approved by SFMO, have not changed. Secured area must be established and maintained from the arrival of the fireworks until the completion of the display.
- If using racks, determine that the rack placement conforms to the approved site.
- Check racks for correct spacing and stability. Check angling of mortars.
- If not using racks, determine that mortar tubes are sufficiently buried. Check angling of mortars.
- Determine weather and wind conditions just prior to display. If necessary conduct a test shot.
- All fireworks shall be fired electrically.

#### Following the Show

- A competent operator must ensure a search is made for any unignited shells and related materials immediately following the display and at the first available daylight.
- Upon completion of the search, a competent operator shall report all findings to the head of the local fire department.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/2/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	<b>CONTACT NAME:</b> PHONE (A/C No. Ext): 216-658-7100      FAX (A/C No.): 216-658-7101 E-MAIL ADDRESS: info@brittongallagher.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Pyrotecnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103	2299	INSURER A : Everest Indemnity Insurance Co.      NAIC # 10851
		INSURER B : Everest Denali Insurance Company      16044
		INSURER C : Arch Speciality Ins Co      21199
		INSURER D :
		INSURER E :
		INSURER F :

**COVERAGES**

CERTIFICATE NUMBER: 1775261236

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INER LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER. <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y	Y	SI8ML00891-211	1/14/2021	1/14/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SI8CA00141-211	1/14/2021	1/14/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTIONS	Y	Y	UJP1035252-01	1/14/2021	1/14/2022	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/EMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A				WC STATUTORY LIMITS    OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Excess Liability #2	Y	Y	SI8EX01314-211	1/14/2021	1/14/2022	Each Occ/ Aggregate Total Limits \$5,000,000 \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

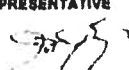
Additional insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Fireworks Display Date: December 31, 2021 / Rain Date: None

Location: EJ Gore Parking Garage - 85 Hampton Ave. Northampton, MA 01060

Additionally Insured: Northampton Arts, Inc. &amp; City of Northampton, MA

**CERTIFICATE HOLDER****CANCELLATION**

Northampton Arts, Inc. Memorial Hall #1 240 Main St. Northampton MA 01060	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


<b>PRODUCER</b> Applied Risk Services, Inc. 10825 Old Mill Rd Omaha, NE 68154  (877) 234-4420	<b>CONTACT NAME:</b> PHONE (A.C. No. Ext): (877) 234-4420		FAX (A.C. No): (877) 234-4421
	E-MAIL ADDRESS: PRODUCER CUSTOMER ID #		
<b>INSURED</b> Pyrotechnico Fireworks, Inc. dba Pyrotechnico PO Box 149 New Castle, PA 16103-0149  CTL 1273 1664791	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	INSURER A: Pennsylvania Insurance Co.		21962
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

<b>COVERAGES</b>	<b>CERTIFICATE NUMBER:</b>	<b>REVISION NUMBER:</b>
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR / WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIED PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJE <input type="checkbox"/> LOC					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP/AGG \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
<b>A</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes describe under SPECIAL PROVISIONS below		82-872096-04-26	06/07/2021	06/07/2022	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101. Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b> Pyrotechnico Fireworks Inc PO Box 149 New Castle, PA 16103	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  62533
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**VERIFICATION CERTIFICATE FOR  
INDEFINITE TERM SURETY BOND**

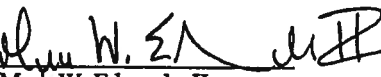
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THIS IS TO CERTIFY that Bond No. 21BSBFX8422 issued by Hartford Fire Insurance Company dated this 1 day of February, 2011, in the amount of Fifteen Thousand Dollars and 00/100 Dollars (\$15,000.00), on behalf of Pyrotecnico Fireworks Inc. (as Principal), and in favor of The Commonwealth of Massachusetts (as Oblige) , covers a term which began on the 1 day of February , 2011, and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond remains in effect, subject to all its agreements, conditions and limitations.

Signed, sealed and dated\* (enter below)

Hartford Fire Insurance Company

02/01/2021

BY:   
Mark W. Edwards, II  
Attorney-in-Fact

2/1/2021 – 2/1/2022

\*Use current or renewal date.

---

# POWER OF ATTORNEY

Direct Inquiries/Claims to:  
**THE HARTFORD**  
 BOND, T-11  
 One Hartford Plaza  
 Hartford, Connecticut 06166  
[Bond.Claims@thehartford.com](mailto:Bond.Claims@thehartford.com)  
 call: 888-268-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: MCGRIFF INSURANCE SERVICES INC  
 Agency Code: 21-250036

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of Unlimited :

Christopher C. Gardner of Union MS, R.E. Daniels, Shelby E. Daniels of Pensacola, FL, Robert Read Davis of Atlanta GA, Robert M. Verdin of Metairie, LA, Anna Childress, Mark W. Edwards II, Alisa B. Ferris, Robert R. Freel, Richard H. Mitchell, William M. Smith, Jeffrey M. Wilson of BIRMINGHAM, Alabama

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Shelby Wiggins*

Shelby Wiggins, Assistant Secretary

*Joelle L. LaPier*

Joelle L. LaPier, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 13th day of February, 2020, before me personally came Joelle LaPier, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.



*Jessica Ciccone*

Jessica Noelle Ciccone  
 My Commission #FF029702  
 Expires June 20, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of February 1, 2021

Signed and sealed in Lake Mary, Florida.



*Keith D. Dozois*

Keith D. Dozois, Assistant Vice President



**Northampton Arts, Inc.**

211231 Northampton Arts, Inc.

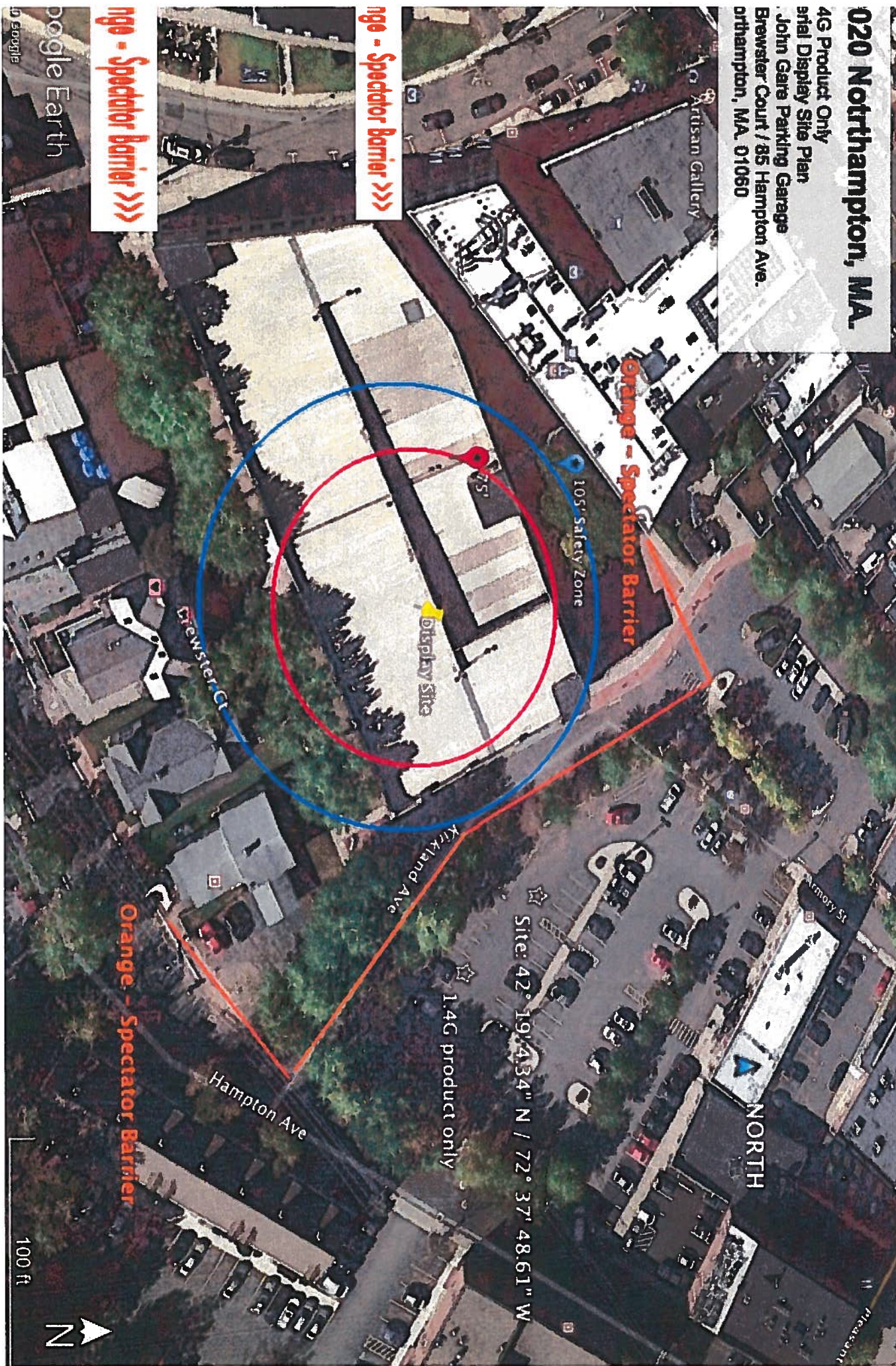
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# **PYROTECNICO DIRECTORY**

<b>Role</b>	<b>Resource</b>	<b>E-mail</b>	<b>Mobile #</b>	<b>Office #</b>
Purchasing	Nucerino, Lee A	lnucerino@pyrotecnico.com	724.813.0114	724.923.6613
Sales Coordinator	Killingsworth, Mary M	mkillingsworth@pyrotecnico.com	1 724.730.7037	724.923.6607
Show Producer	Raynor, Eugene G		603.321.0605	603.532.9323
Facility	Speeney, Tom	tspeeney@pyrotecnico.com	603.721.2700	800.458.4656
Equipment	Adam Nickerson	adam.nickerson@pyrotecnico.com	724.651.3443	
Logistics	Tim Kunkel	tkunkel@pyrotecnico.com	724.730.3969	724.923.6615

# 020 Northampton, MA

4G Product Only  
Initial Display Site Plan  
John Gare Parking Garage  
Brewster Court / 85 Hampton Ave.  
Northampton, MA, 01060



Red - Spectator Barrier >>>

Orange - Spectator Barrier >>>

Google Earth  
© 2008 Google

Cell #  
413-584-5891

*Department of Fire Services*

**FW-004546**

**Fireworks Certificate of Competency**

**Robert James Gutowski**  
448 Florence Road  
Florence MA 01062



**Expiration Date**  
**12/15/2021**

**State Fire Marshal**

A handwritten signature in black ink, appearing to read "Peter J. Costello". The signature is written in a cursive style and is positioned to the right of the "State Fire Marshal" text.



**Northampton Arts, Inc.**

211231 Northampton Arts, Inc.

---

# **SHELL / FINALE COUNT TOTALS**

**Show Date 12/31/2021 / Display Duration: 8 - 10  
minutes minutes**

*Sales Order SO-C42226 / Work Order WO-3205*

<b>Group</b>	<b>Qty</b>
<b>CAKE STR</b>	<b>26</b>
<b>IGNITERS</b>	<b>60</b>
<b>MODULAR STRIP STR</b>	<b>24</b>



**Northampton Arts, Inc.**  
211231 Northampton Arts, Inc.

---

# **SHELL / FINALE COUNT TOTALS**

**Show Date 12/31/2021 / Display Duration: 8-10 minutes**

*Sales Order SO-C42226 / Work Order WO-4078*

<b>Group</b>	<b>Qty</b>
<b>- None -</b>	<b>9</b>
<b>IGNITERS</b>	<b>42</b>



**Northampton Arts, Inc.**  
211231 Northampton Arts, Inc.

# EFFECT BREAKDOWN

SAFETY IS OUR #1 PRIORITY - SCAN TO REPORT ANY INCIDENTS OR NEAR MISSES



**Show Date 12/31/2021 / Display Duration: 8 - 10 minutes**  
**Sales Order SO-C42226 / Work Order WO-3205**

Order	Cup	Prod Type	Description	Qty	MfrType	Formation	#Flts	#Pos.	QtyPos	Notes
2	BODY	CAKE STR	25 STR TIME RAIN WILLOW GLIT CRK	2			1	2	1	
2	BODY	CAKE STR	25 STR WAVE WILLOW WHITE GLIT	2			1	2	1	
2	BODY	CAKE STR	25 STR TIME RAIN WILLOW GLIT CRK	2			1	2	1	
2	BODY	CAKE STR	25 STR PEONY RED + BLUE	2			1	2	1	
2	BODY	CAKE STR	25 STR PALM TREE PURPLE TL + GREEN STROBE	2			1	2	1	
2	BODY	CAKE STR	25 STR ORANGE GREEN YELLOW PEONY DRAGON EGGS	2			1	2	1	
2	BODY	CAKE STR	25 STR CRK PALM TREE CRK TL	2			1	2	1	
2	BODY	CAKE STR	25 STR BLUE TL>RED STROBE PIST TIME RAIN SG	2			1	2	1	
2	BODY	CAKE STR	19 STR BLUE PIST YELLOW STROBE COCO	2			1	2	1	
2	BODY	CAKE STR	19 STR GREEN TL>GREEN STROBE PURPLE	2			1	2	1	
2	BODY	CAKE STR	19 STR GREEN TL>PEACH BRIGHT YELLOW AQUA DAHLIA	2			1	2	1	
2	BODY	CAKE STR	19 STR RED TL RED PIST WHITE	2			1	2	1	
2	BODY	CAKE STR	19 STR RED TL>CHRYSS FLOWERS	2			1	2	1	
3	FINALE	MODULAR STRIP STR	7 STR BOMBETTE MULTICOLOR W/MULTICOLOR MINE ALL FIRE	8			1	8	1	ALTERNATE 2 MULTIS THEN 1 CRACKLIN
3	FINALE	MODULAR STRIP STR	7 STR BOMBETTE RED + BLUE W/TL ALL FIRE	8			1	8	1	ALTERNATE 2 RED BLUES THEN 1 CRACK
3	FINALE	MODULAR STRIP STR	7 STR MINE CRACKING ALL FIRE	8			1	8	1	MIXED IN WITH OTHER 7 SHOTS
		IGNITERS	ELECTRIC MATCH 5 METER	60						



**Northampton Arts, Inc.**  
211231 Northampton Arts, Inc.

# EFFECT BREAKDOWN

SAFETY IS OUR #1 PRIORITY - SCAN TO REPORT ANY INCIDENTS OR NEAR MISSES



**Show Date 12/31/2021 / Display Duration: 8-10 minutes**

**Sales Order SO-C42226 / Work Order WO-4078**

Order	Cue	Prod Type	Description	Qty	HitType	Formation	#Hits	#Fos	QtyPos	Note
2	BODY		WICKED PYRO PRO SERIES #3	1			1	4	1	
2	BODY		INDIVISIBLE	1			1	6	1	
2	BODY		SUNSET BOULEVARD	1			1	4	1	
2	BODY		BALLISTIC BOMB	1			1	4	1	
2	BODY		ALL IN	1			1	6	1	
2	BODY		WICKED PYRO PRO SERIES #6	1			1	4	1	
2	BODY		FIREFLY	1			1	2	1	
2	BODY		KALEIDOSCOPE EYES	1			1	6	1	
2	BODY		PYROPSYCHOSIS	1			1	6	1	
		IGNITERS	ELECTRIC MATCH 5 METER	42						

**E-MAILED**  
11-1-2021



U.S. Department  
of Transportation

Eastern Service Center  
Operations Support Group  
AIV-E2

1701 Columbia Ave.  
College Park, GA 30337

## **FIREWORKS DISPLAY NOTIFICATION**

Company Name: Pyrotecnico Fireworks, Inc  
Email Address of Person Submitting Request: rflowers@pyrotecnico.com  
Cell Phone Number for On-Site Technician: 800.854.4705  
Event Name: Northampton Arts, Inc - NYE Display  
Display Date: December 31, 2021 Rain Date: none  
Display Start Time: 6:15 P.M.  
Duration of Fireworks Display: 15 - 18 minutes  
Max Height of Fireworks: 100' AGL  
Address, City and State: 85 Hampton Ave. Northampton, MA. 01060  
Latitude: 42° 19' 04.34" N (North) Longitude: 72° 37' 48.61" W (West)  
List the Closest Public Use Airport Within 5 Nautical Miles of the Display if the Fireworks Will Reach or Exceed 500 Ft. Not Applicable  
Special Notes \_\_\_\_\_

**Please email your request to:**

[9-ATO-ESA-OSG-Fireworks@faa.gov](mailto:9-ATO-ESA-OSG-Fireworks@faa.gov)



*The Commonwealth of Massachusetts*  
*Department of Fire Services*

**Pyrotechnic User Certificate**  
**PY-001012**

This is to certify that in accordance with all Massachusetts laws and regulations a  
Pyrotechnic User Certificate is hereby issued to:

**Expiration Date: 01/14/2022**

Restrictions or Secondary License Type:

**Pyrotecnico Fireworks, Inc.**  
**PO Box 149**  
**New Castle PA 16103**

**State Fire Marshal**

Post in a conspicuous place. Verify the status of this Certificate at [www.mass.gov/dfs](http://www.mass.gov/dfs)

*Department of Fire Services*

**Permit to Transport Fireworks  
TF-004053**

This is to certify that in accordance with all Massachusetts laws and regulations a  
Permit to Transport Fireworks is hereby issued to:

**Expiration Date: 07/25/2022**

Restrictions or Secondary License Type:

**Pyrotecnico Fireworks, Inc.  
PO Box 149  
New Castle PA 16103**

State Fire Marshal



Post in a conspicuous place. Verify the status of this Certificate at [www.mass.gov/dfs](http://www.mass.gov/dfs)

**Permit to Transport Fireworks**

**TF-004053**

**Expiration Date: 07/25/2022**

**Pyrotecnico Fireworks, Inc.  
PO Box 149  
New Castle PA 16103**

Restrictions or Secondary License Type:



*City of Northampton  
Community Preservation Committee  
210 Main Street, City Hall  
Northampton, MA 01060*

November 23, 2021

Gina-Louise Sciarra  
City Council President  
210 Main Street, Room 16  
Northampton, MA 01060

Re: Community Preservation Committee Recommendations for Funding, Autumn 2021

President Sciarra and City Councilors,

In September 2021, the Community Preservation Committee (CPC) began reviewing project proposals submitted for Community Preservation Act (CPA) funding consideration. After extensive review including applicant presentations, site visits, public comment sessions and deliberation, the CPC voted to recommend 10 funding requests totaling \$1,392,322, representing all CPA project area: historic preservation, recreation, affordable housing, and open space preservation. The second round of FY22 funding will start in January.

The CPC encourages Councilors and the public to visit

<http://archive.northamptonma.gov/WebLink/Browse.aspx?id=718511&dbid=0&repo=CityOfNorthampton&cr=1>

to view the full applications submitted for each project funded this round. Meeting minutes, the City's Community Preservation Plan, information about the CPA, financial documents and other project materials can be accessed on the CPC's webpage:

[www.northamptonma.gov/1048/Community-Preservation-Committee](http://www.northamptonma.gov/1048/Community-Preservation-Committee)

Please do not hesitate to contact myself, or Preservation Planner Sarah LaValley with any questions about the projects, the Committee's recommendations, or if additional information is needed.

**Projects Recommended for Funding:**

**Rocky Hill Trails, Office of Planning & Sustainability, \$100,000**

CPA funds will be used to create an accessible soft-surface loop trail at the Pine Grove section of the Rocky Hill Greenway.

**Priority Open Space Acquisitions, Conservation Commission, \$228,301**

CPA funds will be used to permanently protect three open space parcels totaling 64 acres. 46 acres in the Mineral Hills, 5.2 acres in the Parsons Brook Greenway, and 13 acres in the Saw Mill Hills. These acquisitions will add to existing protected Greenways and provide wildlife habitat, riparian and trail connection, and educational and recreational opportunities

**Connecticut River Walkway, Office of Planning & Sustainability, \$70,000**

The project will create an accessible trail connection to the beach at the Connecticut River Greenway on Damon Road, for swimming, river access, fishing, and boat launching. CPA funds will match an existing state grant.

**Farmland Reclamation, Grow Food Northampton, \$20,000**

CPA funds will allow Grow Food Northampton to create additional community garden plots, edible hedgerows, and reclaim farm field edges. The area is protected by an Agricultural Preservation Restriction and was conserved in part using CPA funds.

**Critical Exterior Repairs, Michelson Galleries, \$82,900**

CPA funds will be used as a match for state historic grant funds to complete critical exterior work to the façade of the 1913 Northampton National Bank Building at 132 Main Street; part of the Downtown National Register District. The recommendation represents the difference between a simple repair to make the facade and a full restoration to meet the Secretary of the Interior's Standards for the treatment of historic properties

**Shepherd Barn Artifact Preservation, Historic Northampton, \$31,922**

CPA funds will allow Historic Northampton to restore 50 larger artifacts – business signs, sleighs, tools and weathervanes that will be installed in the Shepherd Barn, and will become publicly available for the first time in 30 years.

**Housing the Disabled Homeless, Independent Housing Solutions, \$608,000**

CPA funds will be used to help create a supportive but independent housing facility for 16 medically complex and chronically homeless individuals at 5 Franklin Street. CPA funds will be utilized to convert the building to serve residential needs

**Outdoor Pickleball Feasibility, Parks and Recreation, \$13,000**

CPA funds will be used to hire a landscape and engineering consultant to evaluate existing city-owner sites and recommend five possible locations to create a six-court pickleball facility for public use.

**Mortgage Subsidy Program, Valley Community Development Corporation: \$230,100**

CPA funds will be used to provide four \$50,000 down payment / closing cost assistance loans to allow low moderate income first time homebuyers purchase homes in Northampton. These will help close the gap between typical home prices and the amount of housing debt than a low or moderate income household can support and create homeownership opportunities.

**Invasive Species Removal, Lathrop Communities, \$3,000**

These funds will allow Lathrop Communities to continue to continue invasive plant removal and along Bassett Brook on their Florence Road campus and at the North Campus on Bridge Road, to promote native habitats. The City holds conservation restrictions on both properties, and public access is allowed.

Thank you,

Brian Adams  
Chair, City of Northampton Community Preservation Committee

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

21.358 An Order to Appropriate \$3,000 in CPA Funds to Lathrop Communities for Continued  
Invasive Species Removal

***Ordered, that***

WHEREAS, the Lathrop Communities submitted an application for Community Preservation Act Small Grant funding for continued priority invasive species removal at its North and East campuses, on both of which the City holds permanent Conservation Restrictions.

WHEREAS, the project will continue to help improve and preserve the health of sensitive habitats in the Parsons and Broad Brook watersheds, has strong community support, and will continue to leverage private funds and extensive volunteer efforts.

WHEREAS, the applicant has welcomed public use of its popular trails, and will continue to increase public knowledge of the trails on the property as part of this project.

WHEREAS, on October 6, 2021, the Northampton Community Preservation Committee, voted to recommend that \$3,000 in Community Preservation Act funds be used to support this project.

**NOW, THEREFORE BE IT ORDERED,**

That \$3,000 be appropriated from Community Preservation Act funding to the Lathrop Communities for the Invasives Removal and Education project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$3,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

# City of Northampton

MASSACHUSETTS

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## *In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

### 21.359 An Order to Appropriate \$31,922 in CPA Funds to Historic Northampton for Shepherd Barn Artifacts Project

Ordered, that

WHEREAS, Historic Northampton, Inc. submitted an application for Community Preservation Act for professional conservator treatment of artifacts to preserve and prepare them for exhibit in the Shepherd Barn;

WHEREAS, the collections yield important information about Northampton's history, and are frequently accessed for research by community members, businesses, and nonprofits;

WHEREAS, improved collections storage was a critical recommendation of the Massachusetts State Historic Records Board, and will protect these resources for the future;

WHEREAS, on November 17, 2021 the Northampton Community Preservation Committee, voted unanimously to recommend that \$31,922 in Community Preservation Act funds be used to support this project.

### **NOW, THEREFORE BE IT ORDERED,**

That \$31,922 be appropriated from Community Preservation Act funding to Historic Northampton, Inc. for the Shepherd Barn Artifacts project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$31,922 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932).

**City of Northampton**  
MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

**21.360 An Order to Appropriate \$20,000 in CPA Funds for Farmland Rehabilitation at the  
Community Farm and Garden**

Ordered, that

WHEREAS, Grow Food Northampton submitted an application for Community Preservation Act funding for farmland rehabilitation at the Community Farm and Garden;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail by increasing community garden access and supporting agricultural operations on permanently protected farmland;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee, voted to recommend that \$20,000 in Community Preservation Act funds be used to support this project.

**NOW, THEREFORE BE IT ORDERED,**

That \$20,000 be appropriated from Community Preservation Act funding to the Farmland Reclamation and Rehabilitation project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$20,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

**City of Northampton**  
MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

**21.361 An Order to appropriate \$100,000 in CPA Funds to the Rocky Hill Accessible Trail Project**

Ordered, that

WHEREAS, the Office of Planning and Sustainability and Conservation Commission submitted a Small Grants application for construction of a universally accessible trail network at the Pine Grove section of the Rocky Hill Greenway;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail to provide for passive recreation and promote further exploration and contributes to public health by encouraging walking and hiking;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee, voted unanimously to recommend that \$100,000 in Community Preservation Act funds be used to support this project.

**NOW, THEREFORE BE IT ORDERED,**

That \$100,000 be appropriated from Community Preservation Act funding to the Rocky Hill Accessible Trail project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$100,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

**21.362 An Order to Appropriate \$230,100 in CPA Funds to Valley CDC for a Mortgage Subsidy Program**

Ordered, that

WHEREAS, Valley Community Development Corporation submitted an application for Community Preservation Act funding for a Mortgage Subsidy Program;

WHEREAS, the project will provide \$50,000 in direct downpayment assistance through a deferred (interest and principal) payment loan to four homebuyers earning less than 100% of area median income to be able to afford a home in Northampton, with any loan recapture being redeposited into the Community Preservation Act revenue account;

WHEREAS, affordable homeownership for families is a high priority item in the Community Preservation Plan, and the project is supported by the Northampton Housing Partnership;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee, voted unanimously to recommend that \$230,100 in Community Preservation Act funds be used to support this project.

**NOW, THEREFORE BE IT ORDERED,**

That \$230,100 be appropriated from Community Preservation Act funding to the Northampton Mortgage Subsidy program. And, that the grantee meets the conditions above, with any mortgage note approved by the Mayor and subject to conditions imposed by the Mayor.

Specifically, \$230,100 is appropriated from the CPA Affordable Housing Reserve (account #2344930-359933

# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

21.365 An Order to Appropriate \$608,000 in CPA Funds to Independent Housing Solutions for Housing the Disabled Homeless Project

Ordered, that

WHEREAS, Independent Housing Solutions, Inc. submitted an application for Community Preservation Act funding for creation of a supportive, ADA-accessible facility at 5 Franklin Street to house sixteen medically complex chronically houseless individuals;

WHEREAS, the project serves a desperate local and regional need and has widespread support;

WHEREAS, the applicant will retain a qualified affordable housing development consultant for the duration of the project to guide the project through to completion;

WHEREAS, prior to the release of CPA funds, the applicant will provide to the City of Northampton either an affordable housing restriction that is senior to other private financing that shall limit housing to individuals earning 100% of area median income or below, or a mortgage that could be released if the CPA funds are returned with principal and simple interest;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee voted unanimously to recommend that \$608,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$608,000 be appropriated from Community Preservation Act funding to Independent Housing Solutions for the Housing the Disabled Homeless Project. And, that the grantee meets the conditions contained herein and that the final affordable housing restriction or mortgage and the budget is approved by the Mayor, subject to conditions that the Mayor may impose.

Specifically, \$25,252 is appropriated from the CPA Affordable Housing Reserve (account #2344930-359933), and \$582,748 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

**21.366 An Order to Appropriate \$13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment**

Ordered, that

WHEREAS, Northampton Parks and Recreation submitted an application for Community Preservation Act funds to conduct a feasibility study of existing City-owned recreation properties for the creation of outdoor pickleball courts;

WHEREAS, the project meets high priority goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail Plan by creating recreational opportunities for residents of all ages and enhancing quality of life;

WHEREAS, pickleball is one of the fastest growing sports in America and the project has widespread community support,

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee voted unanimously to recommend that \$13,000 in Community Preservation Act funds be used to support this project.

**NOW, THEREFORE BE IT ORDERED,**

That \$13,000 be appropriated from Community Preservation Act funding to the Pickleball Feasibility Assessment Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$13,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

# City of Northampton

MASSACHUSETTS

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## *In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

### 21.367 An Order to Appropriate \$70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project

Ordered, that

WHEREAS, the Office of Planning and Sustainability submitted a CPA application for construction of a universally accessible access to the beach and docks at the Connecticut River Greenway;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail to increase water-based recreation opportunities and provide additional opportunities for all users;

WHEREAS, the project has widespread community support and will continue the City's partnership with Northampton Community Rowing;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee, voted unanimously to recommend that \$70,000 in Community Preservation Act funds be used to support this project.

### **NOW, THEREFORE BE IT ORDERED,**

That \$70,000 be appropriated from Community Preservation Act funding to the Connecticut River Greenway Water Access project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$70,000 is appropriated from the CPA Budgeted Reserve account #2344930-359930).

# City of Northampton

MASSACHUSETTS

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## *In City Council, December 2, 2021*

*Upon the recommendation of the Community Preservation Committee*

### 21.368 An Order to Appropriate \$82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project

Ordered, that

WHEREAS, the Michelson Galleries submitted a CPA application for critical exterior repairs to the 1913 Northampton National Bank Building at 132 Main Street;

WHEREAS, preservation of the building, which is listed in the State and National Registers of Historic Places is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage;

WHEREAS, all work will conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties;

WHEREAS, funds will be returned to the Community Preservation Act Revenue account if the building is sold within five years;

WHEREAS, CPA funds will be utilized exclusively for critical exterior repairs, and in no way contribute to the operating expenses of the Galleries;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee voted unanimously to recommend that \$82,900 in Community Preservation Act funds be used to support this project.

### **NOW, THEREFORE BE IT ORDERED,**

That \$82,900 be appropriated from Community Preservation Act funding to the Michelson Galleries for the 132 Main Street facade project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$82,900 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932).

Further, that the City of Northampton, acting by and through its Historical Commission, is authorized to acquire for historic preservation purposes in the public interest, a historic preservation restriction, as defined in MGL Chapter 184, Section 31 of the General Laws on the above described premises, and that City Council hereby approves such historic preservation restrictions.

# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, the Conservation Commission, and the Community Preservation Committee*

**21.369 An Order to Appropriate \$233,400 in CPA Funds to OPS and Conservation Commission for Priority Property Acquisitions**

An Order

To approve purchase of 64 acres +/- in the Mineral Hills, Parsons Brook and Saw Mill Hills Greenways, and to appropriate Community Preservation Act funds for such purpose

WHEREAS, The *Open Space, Recreation, and Multi-Use Trail Plan: 2018-2025* recommends acquisition of land for recreation, conservation and open space needs, preserving character of rural areas, farms, forests and rivers, and provision of open space connections between public spaces;

WHEREAS, The City has an agreement or is negotiating to purchase three parcels: 46 acres in the Mineral Hills north of Chesterfield Road, 5.2 acres in the Parsons Brook Greenway south of Ryan Road, and 13 acres in the Saw Mill Hills Greenway north of Ryan Road that fulfill the Open Space Plan recommendations, meet unique open space and recreational needs and fill gaps in the City's open space network;

WHEREAS, on November 17, 2021, the Northampton Community Preservation Committee voted unanimously to recommend that \$233,400 in Community Preservation Act funds be used to support this project.

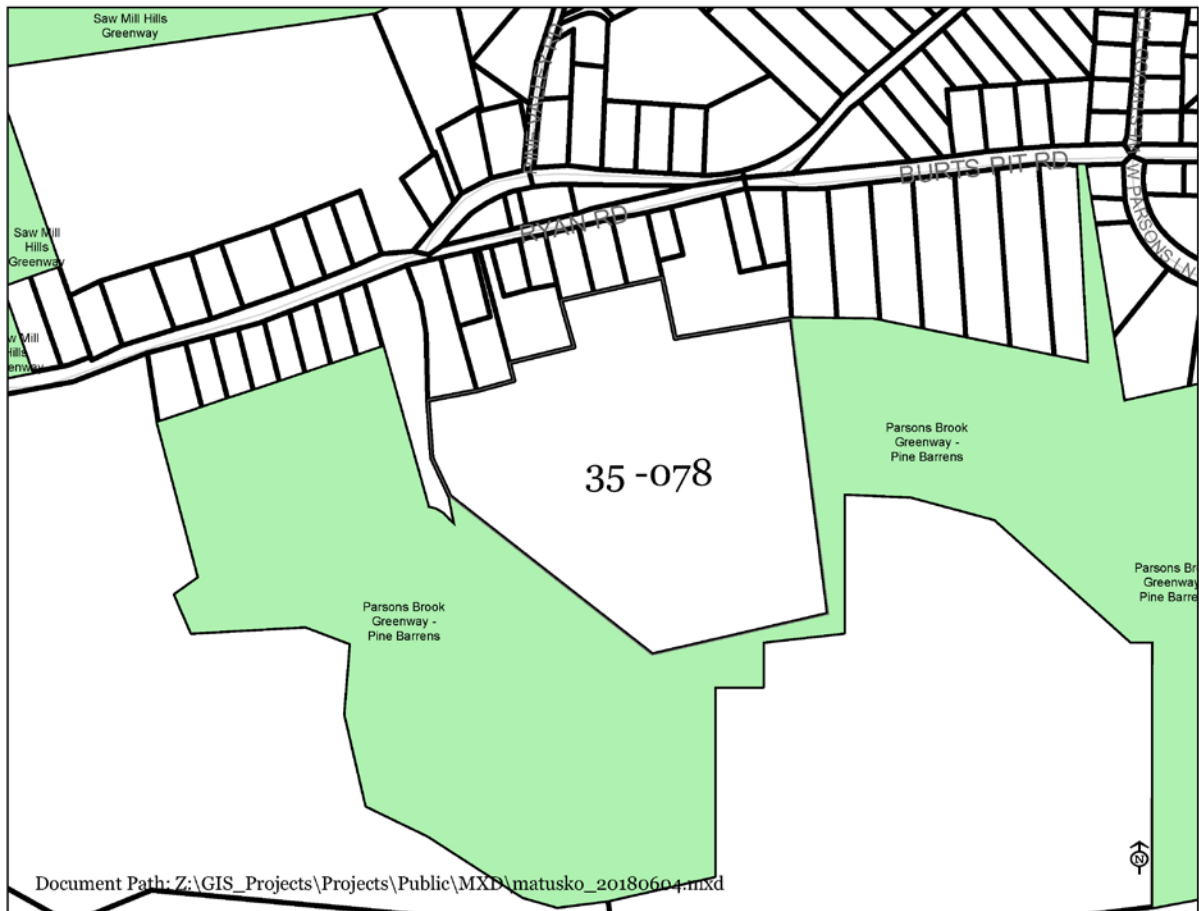
**NOW, THEREFORE BE IT ORDERED,**

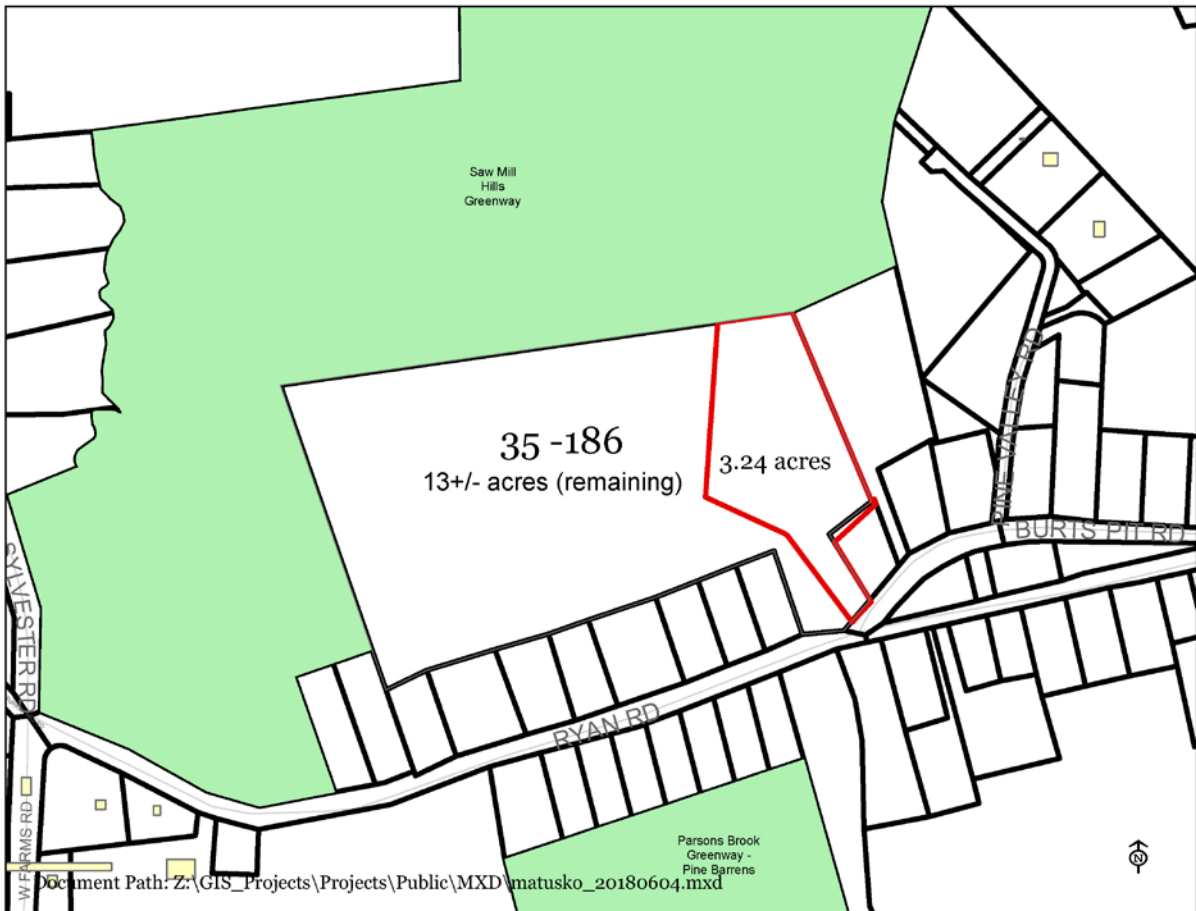
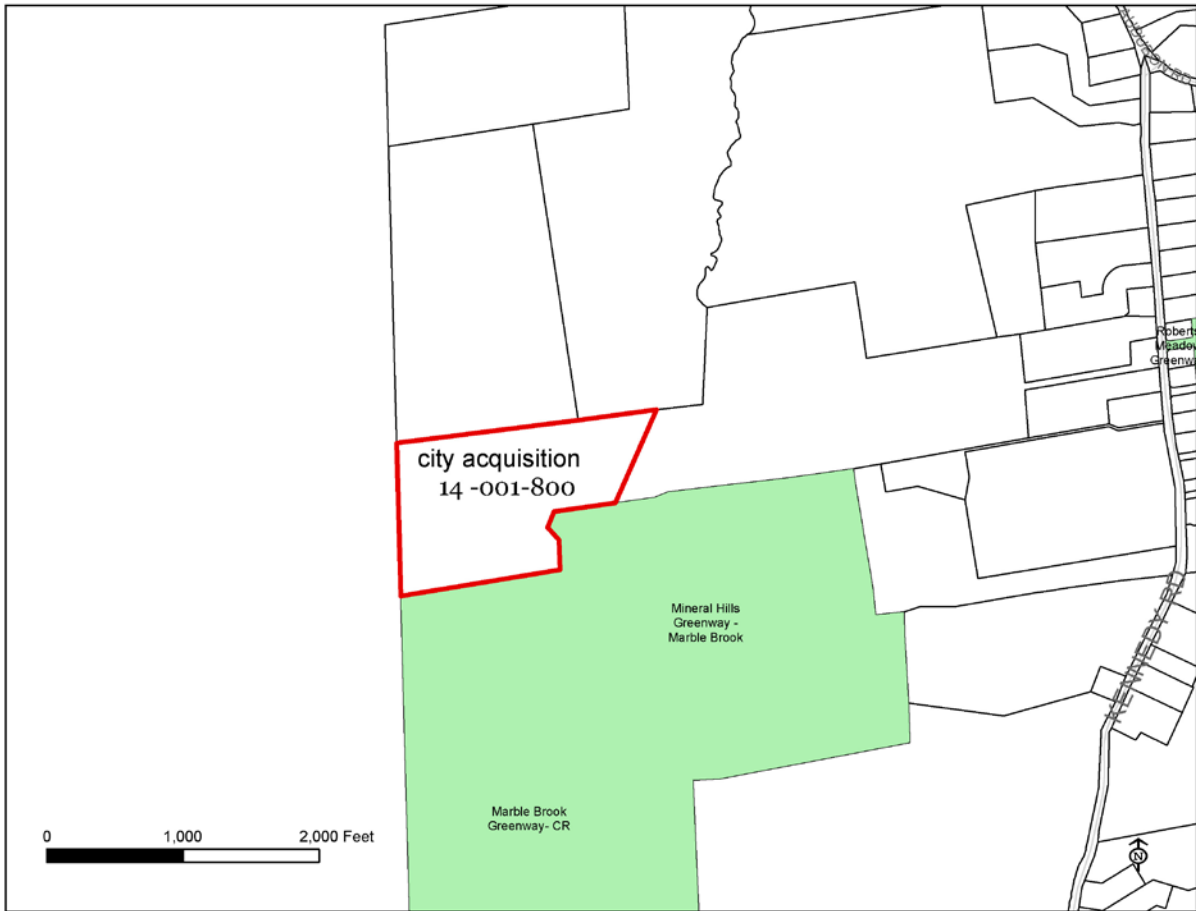
That the Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to grant conservation restrictions and related easements on any land so acquired. The property shall be held under the care, custody and control of the Conservation Commission, and the acquisitions are found to be in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

The Conservation Commission is authorized to contract for and expend any federal, state, or other aid available for this project;

That \$233,400 be appropriated from Community Preservation Act funding to the Northampton Conservation Commission and Office of Planning and Sustainability for the Priority Acquisitions Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$5,099 is appropriated from the CPA Budgeted Reserve (account #2344930-359930), and \$228,301 is appropriated from the CPA Open Space Reserve (account #2344930-359931).





# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission*

## **21.357 An Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road**

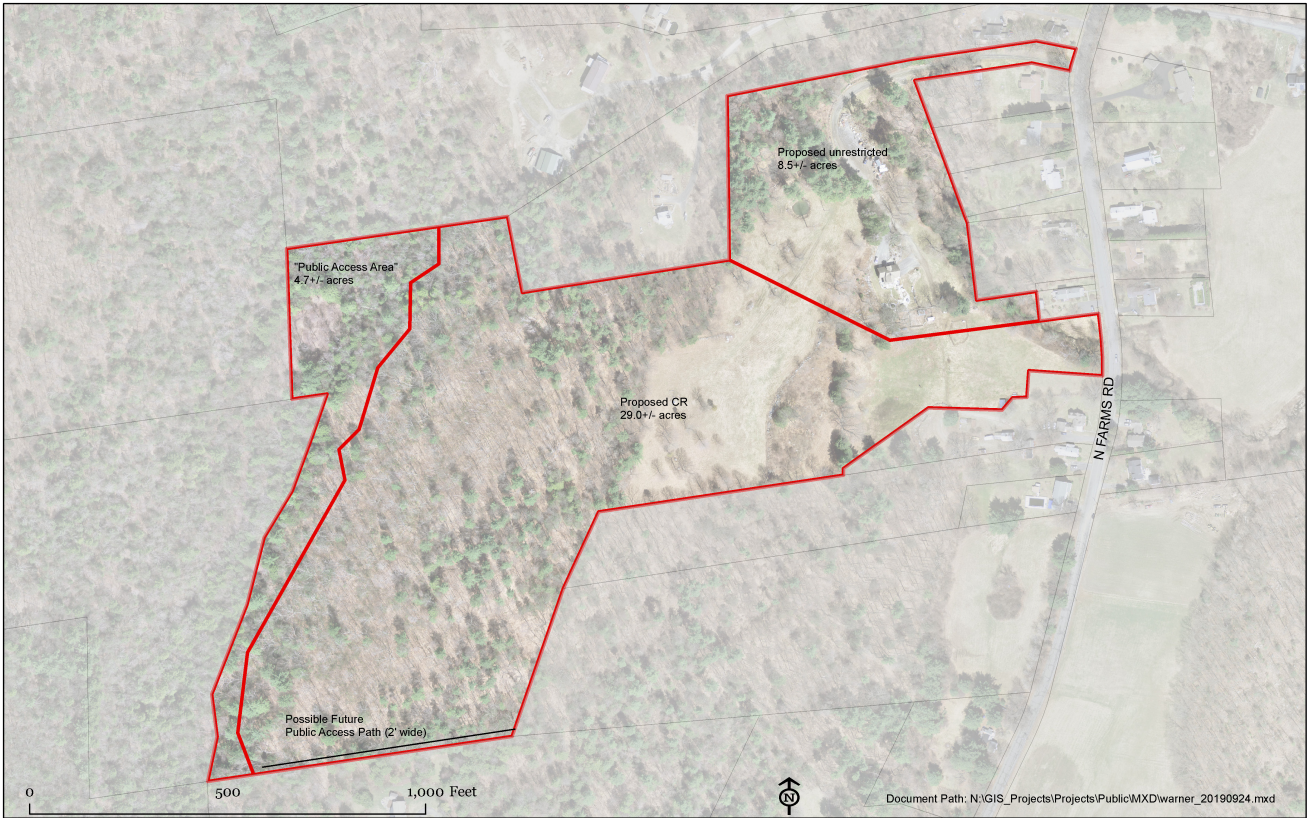
WHEREAS, the *Open Space, Recreation, and Multi-Use Trail Plan: 2018-2025* recommends linking conservation areas along Broad Brook and the surrounding areas to enhance wildlife values and create a continuous Broad Brook Greenway.; and

WHEREAS, Gary Warner has offered to donate to the City a conservation restriction on 34+/- acres on North Farms Road adjoining land already permanently protected as part of the Broad Brook Greenway; and

WHEREAS, the project will ensure that the open fields and forests contained on the Premises will be permanently available for sustainable agriculture and forestry, and will create public access on a portion of the area for hiking, and will provide a connection from North Farms Road to the Greenway;

### ***Ordered, that***

The Conservation Commission is authorized to acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to accept conservation restrictions on any land so acquired, with such related restrictions and agreements as the City determines are agreeable. Any such restrictions shall be held under the care, custody and control of the Conservation Commission, and are found to be in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.



# City of Northampton

MASSACHUSETTS

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*In City Council, December 2, 2021*

*Upon the recommendation of Mayor David J. Narkewicz*

## 21.363 An Order Authorizing Expenditures from Accessible Parking Fines

**Whereas,** The City Council has accepted the provisions of M.G.L. Chapter 40, section 8J, creating the Disability Commission, and the City allocates all funds received from fines assessed for violations of accessible parking to the Disability Commission, in accordance with M.G.L. Chapter 40, Section 22G;

**Whereas,** The Disabilities Commission recommends expending those funds for sign language and lip reading interpretative services and other communication services to make public meetings and public records accessible for people with disabilities and to implement the ***ADA Self-Assessment and Transition Plan***;

### ***Ordered that***

The City Council authorizes those requested expenditures, to be managed by the Office of Planning & Sustainability under direction of the Disabilities Commission.

# City of Northampton

MASSACHUSETTS

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*In City Council*

December 2, 2021

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Upon recommendation of the Mayor

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21.373 An Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various  
Capital Projects

*Ordered, that*

\$ 100,000 be appropriated from the FY22 Solid Waste Enterprise Retained Earnings to the landfill closure account (3200640 533030) to fund ongoing expenses which include the gas flare and piping system, erosion control measures and regulatory compliance considerations. \_.

\$ 175,000 be appropriated from the FY22 Storm Water Enterprise Retained Earnings to the drain replacement account (3200620-589022) in order to fund ongoing efforts related to controlling roadway flooding.

\$ 965,000 be appropriated from the FY22 Water Enterprise Retained Earnings to the waterline replacement account (3200610 589174) to fund DEP mandated repairs to the clearwell at the water treatment plant.

\$ 815,000 be appropriated from the FY22 Sewer Enterprise Retained Earnings to the Waste Water Treatment Plant (WWTP) improvements account (3200600 583003) to fund the design for phase II of WWTP upgrades.

\$ 70,000 be appropriated from the FY22 General Fund Undesignated Fund Balance (Free Cash) to the Highway Gasoline/Diesel account (14222 548001) to cover the increased cost of fuel.



City of Northampton

Massachusetts

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## **In City Council**

December 2, 2021

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Upon recommendation of Mayor Narkewicz & Mayor-Elect Sciarra

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### **21.374 An Order to Accept \$21.7 Million in American Rescue Plan Act Funds**

**Whereas**, on March 11, 2021 President Biden signed the American Rescue Plan Act of 2021 which will provide \$350 billion in emergency funding to state, local, territorial, and tribal governments around the country to respond to and recover from the COVID – 19 crisis;

**Whereas**, municipalities and functional counties in the Commonwealth will receive a total of \$3.4 billion of federal aid;

**Whereas**, the City of Northampton will receive \$21,747,984 of these relief funds over the course of the next two years;

**Whereas**, the funds must be committed by December 31, 2024 and fully expended by December 31, 2026;

**Whereas**, there are four eligible categories authorized by the Act which include responding to the public health emergency, providing essential worker premium pay, recovering revenue loss, and investments in water, sewer and broadband;

**Whereas**, the American Rescue Plan will provide a substantial infusion of resources allowing the City the opportunity to address the impacts of the pandemic;

## **Now Therefore Be it Ordered, that**

The City Council accepts the Federal American Rescue Plan (ARPA) funds to the City of Northampton in the amount of twenty one million seven hundred forty seven thousand nine hundred eighty four and 00/100 dollars (\$21,747,984). Said funds will be expended in accordance with the Coronavirus State & Local Fiscal Recovery Fund (CSLRF) authorized

purposes, including recovering municipal revenue loss, and are accepted in accordance with M.G.L Chapter 44, Section 53A.

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the City Council, December 2, 2021*

Upon the Recommendation of the City Council Rules Select Committee

**21.370 AN ORDER**  
**TO AMEND THE COUNCIL RULES**

*Ordered that the “RULES OF THE 2020-2021 CITY COUNCIL OF THE CITY OF NORTHAMPTON” be amended as shown on the attached document.*



## RULES OF THE 2020-2021 CITY COUNCIL OF THE CITY OF NORTHAMPTON

1. These Rules
  - 1.1. Adoption
  - 1.2. Repeal or Amendment
  - 1.3. Precedence
  - 1.4. Suspension
  
2. Organization
  - 2.1. Presiding Officer
    - 2.1.1. Duties
    - 2.1.2. Participation
    - 2.1.3. Order of Succession
  - 2.2. Election of Council President and Vice-President
  - 2.3. Council President - Duties and Powers
  - 2.4. Council Vice-President - Duties and Powers
  - 2.5. Administrative Assistant to the City Council
    - 2.5.1. Duties
  - 2.6. Council Committees
    - 2.6.1. Establishment of Standing Committees
      - 2.6.1.1. Committee on Finance
      - 2.6.1.2. Committee on Community Resources
      - 2.6.1.3. Committee on City Services
      - 2.6.1.4. Committee on Legislative Matters
      - ~~2.6.1.5. Committee on Public Works and Utilities~~
    - 2.6.2. Powers and Duties of Council Committees
    - 2.6.3. Select Committees
  
3. Duties and Powers of the City Council
  - 3.1. Selection of an Outside Auditor
  
4. Order
  - 4.1. Quorum
  - 4.2. Calling Meetings to Order
  - 4.3. Recognition of Mayor and Department Representatives
  - 4.4. Consent Agenda
  - 4.5. Order of Business

- 4.6. Minutes of Previous Meeting
  - 4.7. Conduct
  - 4.8. Public Comment
  - 4.9. New Business
  - 4.10. Recess
  - 4.11. Order and Manner of Speaking
  - 4.12. Order During Debate
  - 4.13. Voting
    - 4.13.1. Deciding Votes
    - 4.13.2. Votes Required to Pass Measures
    - 4.13.3. Roll Call Votes
      - 4.13.3.1. Request
      - 4.13.3.2. Method of Recording
    - 4.13.4. Reconsideration
  - 4.14. Remote Meeting Participation
  - 4.15. Minutes of Executive Session Meetings
5. Legislative Process
    - 5.1. Proposed Matters
      - 5.1.1. Timely Filing
      - 5.1.2. Presentation to Council, Mayor
      - 5.1.3. Adding Matters to Council Agenda
      - 5.1.4. Presentation and Enacting Style of Matters
      - 5.1.5. Supporting Documents
    - 5.2. Referral of Matters to Committee
    - 5.3. Solicitor Review of Ordinances
    - 5.4. Withdrawal of Matters
    - 5.5. Matters Requiring Two ~~Votes~~Readings
    - 5.6. Matters Requiring One ~~Vote~~Reading
    - 5.7. Enrollment Committee
    - 5.8. Automatic Carryover
6. Appendices
    - 6.1. Special Permit Granting Authority
    - 6.2. Examples of Presentation and Enacting Styling of Matters

## 1. These Rules

- 1.1. **ADOPTION.** When adopted by the City Council, these Rules shall take effect at the time of the first Council meeting following January 1, 2020.
- 1.2. **REPEAL OR AMENDMENT.** City Council Rules may only be repealed or amended with a two-thirds majority vote of quorum present. The latest version of these Rules shall be published online.
- 1.3. **PRECEDENCE.** The City Council Meetings shall conform to parliamentary practices as set forth in the Rules of the City Council. The procedures defined in the most current version of Robert's Rules of Order will resolve questions not addressed by the Council Rules.
- 1.4. **SUSPENSION.** Suspension of these rules or any part thereof shall require a two-thirds majority of the quorum present. Nothing herein shall be construed to authorize suspension of any provision of the Charter of the City of Northampton, or any ordinance of the City of Northampton.

## 2. Organization

### 2.1. PRESIDING OFFICER

- 2.1.1. **DUTIES.** When present, the Council President shall be the presiding officer of the City Council at every meeting. The duties as presiding officer shall be only those set forth herein:
  - 2.1.1.1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present.
  - 2.1.1.2. To announce in proper sequence the business that comes before the City Council.
  - 2.1.1.3. To recognize members who are entitled to the floor.
  - 2.1.1.4. To state and to put to vote all questions that legitimately come before the City Council as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions as defined by Robert's Rules;.
  - 2.1.1.5. To expedite business in every way compatible with the rights of all members of the body.

- 2.1.1.6. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council.
- 2.1.1.7. To declare the meeting adjourned when the City Council so votes or, when applicable, at the time prescribed in the order of business, or at any time in the event an emergency.
- 2.1.1.8. To determine whether an amendment is germane to the motion under consideration.

2.1.2. **PARTICIPATION.** The Presiding Officer may make statements, ask questions and give opinions during debate without relinquishing the chair.

2.1.3. **ORDER OF SUCCESSION.** In the absence of the Council President, the first of the following list of persons who is not absent shall preside and shall retain voting privileges:

- First, the Council Vice-President
- Second, the Chair of the Committee on Finance
- Third, the Chair of the Committee on Legislative Matters

If none of the above are present or able to preside, the City Council shall elect by majority vote a President pro-tempore who shall preside for that meeting and shall retain voting privileges. Should the City Council fail to elect a President pro-tempore the meeting shall be adjourned.

## 2.2. ELECTION OF COUNCIL PRESIDENT AND VICE-PRESIDENT.

2.2.1. The City Council President and Vice-President shall be elected:

- 2.2.1.1. At the first City Council meeting of a two-year session; and
- 2.2.1.2. In the event of a vacancy for either office.

2.2.2. At any meeting when a City Council President is to be elected, the previous Council President will preside. If the previous Council President is absent or no longer a member of the Council, the longest serving member of the Council will preside. If two members of the Council are equal in seniority, a coin toss will determine which Councilor presides over the election of the Council President. If more than two members of the Council are equal in seniority they will draw lots to determine which Councilor will preside over the election of the Council President.

2.2.3. After nominations are made by members of the Council, candidates may present to the council.

2.3. **COUNCIL PRESIDENT POWERS AND DUTIES.** The powers and duties of the Council President shall include all duties pursuant to the Charter and also:

- 2.3.1. To assign councilors to serve on any committee established by the City Council.
  - 2.3.2. To remove members of a committee from a committee, or reassign them, at any time.
  - 2.3.3. To appoint members to select committees, as provided below.
  - 2.3.4. To determine seating arrangements for the members of the City Council.
  - 2.3.5. To appoint the membership of Enrollment Committee and modify the membership meeting to meeting for any reason.
  - 2.3.6. To set an agenda for the City Council.
  - 2.3.7. To hire the Administrative Assistant to the City Council and to supervise the individual in that position generally, including conducting an annual performance review. The administrative assistant appointment must be ratified by the whole City Council.
  - 2.3.8. To issue a Committee Study Request to any committee. Such a request shall require a committee to report to the full Council on a particular policy or issue area within 120 days optionally accompanied by legislation. However a committee may by majority vote decline to consider or respond to such a request.
- 2.4. COUNCIL VICE-PRESIDENT - POWERS AND DUTIES. The powers and duties of the City Council Vice-President will include all duties pursuant to the Charter.
- 2.5. ADMINISTRATIVE ASSISTANT TO THE CITY COUNCIL
- 2.5.1. DUTIES. The Administrative Assistant shall report to the City Council President, who may assign duties in addition to the following:
- 2.5.1.1. To maintain a record of all matters and their status as they proceed through various legislative stages and committees, as well as all amendments and related documents.
  - 2.5.1.2. To provide staff support and recordkeeping to ~~all~~-standing Council committees and select committees as assigned and to assist committees with all aspects of reporting.
  - 2.5.1.3. To act as custodian of all books, documents and papers belonging to the City Council and to keep an accurate list thereof.
  - 2.5.1.4. To notify the chair of any Council committee, board, executive commission, or other body when a matter is referred to it and to provide the body with all documents relative to the matter.
  - 2.5.1.5. To ensure that all documents addressed to the Council shall be provided to each Councilor, and that any documents reviewed during the meeting become part of the permanent public record of ~~Council~~that meeting-at which the documents are distributed.
  - ~~2.5.1.6. To secure two video records of meetings of the City Council that were so recorded.~~

~~2.5.1.7~~~~2.5.1.6.~~ To notify the appointees to all Council committees in writing upon their appointment.

~~2.5.1.8~~~~2.5.1.7.~~ To assist in preparing requests for proposals for an independent auditor in accordance with Sec 7-6 of the Charter.

~~2.5.1.9~~~~2.5.1.8.~~ To advise the Council President on matters of parliamentary procedure.

## 2.6. COUNCIL COMMITTEES

2.6.1. ESTABLISHMENT OF STANDING COMMITTEES. The following committees are established as described below.

### 2.6.1.1. COMMITTEE on FINANCE

~~2.6.1.1.1.~~ Process. Financial orders will be introduced at a full City Council meeting and referred to either the consent agenda or the Finance Committee for more granular discussion and recommendation. The Finance Committee will then convene separately outside of the full council meeting and before the next meeting.

~~2.6.1.1.1~~~~2.6.1.1.2.~~ Jurisdiction. Financial matters. The Committee shall review all orders authorizing a loan, supplemental appropriation, or financial transfer submitted by the Mayor in accordance with such authority by either the Massachusetts General Laws, the Charter of the City of Northampton, or the Code of Ordinances of the City of Northampton and make recommendations on ~~the matter referrals~~ to the City Council.

~~2.6.1.1.2~~~~2.6.1.1.3.~~ In addition to the outside audit provided by Section 7-6 of the Charter, the Committee may request access to all books, vouchers, notes, securities, and bonds in the possession of the Treasurer-Collector, City Auditor or any board or executive commission and make a report thereof to the City Council.

~~2.6.1.1.3~~~~2.6.1.1.4.~~ The Committee shall review all proposals to sell or lease any City-owned land or building not put to public use that are submitted to the City Council for approval and all proposals to purchase or lease real property that are submitted to the City Council for approval. The Committee shall make recommendations to the City Council on the matter. All instruments of conveyance and leases approved by the City Council shall be executed by the Mayor on behalf of the City unless otherwise provided by Massachusetts General Laws.

~~2.6.1.1.4~~~~2.6.1.1.5.~~ The Committee shall consist of four Councilors.

~~2.6.1.1.5~~~~2.6.1.1.6.~~ The Committee may hold public hearings on water, sewer, Stormwater and other municipal utility rates.

2.6.1.2. COMMITTEE on COMMUNITY RESOURCES

- 2.6.1.2.1. Jurisdiction. Matters affecting the community including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others.
- 2.6.1.2.2. The Committee may review and make recommendations on licenses and permits.
- 2.6.1.2.3. The Committee shall consist of four Councilors.

2.6.1.3. COMMITTEE on CITY SERVICES

- 2.6.1.3.1. Jurisdiction. Matters related to the activities and operation of municipal government.
- 2.6.1.3.2. The Committee shall serve as the standing committee to review all candidates for appointment to boards and commission in accordance with Section 2-10 of the Charter.
- 2.6.1.3.3. The Committee shall consist of four Councilors.

2.6.1.4. COMMITTEE on LEGISLATIVE MATTERS

- 2.6.1.4.1. Jurisdiction. Upon referral by the City Council, the Committee shall have the power to make recommendations on ordinances, orders, resolutions and the rules of the City Council. Such recommendations shall be made in consultation with the City Solicitor.
- 2.6.1.4.2. The Committee may choose to be the last committee to review any matter that is also referred to another Council committee. The Committee shall not be required to wait to receive the report of any executive commission.
- 2.6.1.4.3. The Committee shall consist of four Councilors.

2.6.2. POWERS AND DUTIES OF COUNCIL COMMITTEES. The following shall apply to all committees unless otherwise stated:

- 2.6.2.1. Election of officers. Council Committees shall elect officers from among their members, such as Chair and Vice-Chair. At a committee's first meeting, the member who was first in the order of those announced by the Council President to serve on the committee shall preside until a Chair is elected.
- 2.6.2.2. Meetings. Committees shall meet as required by the City Council, the Committee's Chair, or at the request of two members. Committees shall hold an initial meeting no later than three months

after the appointment of its members.

- 2.6.2.3. Requests to appear before committees. A committee may make information requests pursuant Section 2-7 of the Charter.
  - 2.6.2.3.1. Notice. A committee shall give a minimum of 7 days notice to a person it may require to appear before it. No person shall be required to respond to any question not related to those questions presented in advance and in writing. The Committee will notify the Mayor of any Information Request under this section.
  - 2.6.2.4. Committees shall have the power to hold hearings on and develop, review and recommend policies on any matter within their jurisdiction.
  - 2.6.2.5. Power to amend. Council committees may recommend amendments to any measure. However, when a measure has been referred to the Committee on Legislative Matters, the Committee on Legislative Matters shall consider all amendments previously proposed by other committees and report one version of an amended measure to City Council.
  - 2.6.2.6. Duty to report. “To report” shall mean transmitting a positive/favorable, negative/neutral or neutral recommendation and associated votes as well as any suggested textual amendments and related documents.
    - 2.6.2.6.1. For matters referred to the Committee on Legislative Matters, among others: All committees other than the Committee on Legislative Matters shall report to the Committee on Legislative Matters and the City Council within 60 days, whereupon the Committee on Legislative Matters shall report to the full City Council within an additional 30 days.
    - 2.6.2.6.2. For matters referred to the Committee on Legislative Matters exclusively: The Committee on Legislative Matters shall report to the full City Council within 60 days.
    - 2.6.2.6.3. For matters referred to committees not including the Committee on Legislative Matters: Committees shall report to the full City Council within 90 days.
    - 2.6.2.6.4. Committees shall make all reports in writing.

- 2.6.3. **SELECT COMMITTEES.** The City Council may establish select committees for the purpose of considering a particular policy or issue or for other purposes. Such committees may make recommendations and may sponsor ordinances, resolutions or other matters. Such committees may be created by resolution approved by a two-thirds vote of a quorum. The resolution shall specify the composition and scope of the select committee. No such committee shall exist beyond the current term of the Council. The Council President shall appoint all members to such committees, and may appoint members of the public who are residents of the City of Northampton or city employees provided the Mayor approve the appointment of any city employee. Select Committees shall elect their own Chair and other officers from among those appointed. At the first meeting, the person whose appointment was first announced by the Council President shall serve as temporary Chair until elections occur.
- 2.6.4. A majority of those appointed and serving on a committee shall constitute a quorum.

### 3. Duties and Powers of the City Council.

The City Council shall have those duties and powers pursuant the Charter and also:

- 3.1. **SELECTION OF AN OUTSIDE AUDITOR.** Pursuant Section 7-6 of the Charter, the City Council shall select an independent auditor according to the following provisions:
  - 3.1.1. The Council shall by October 1 of the fiscal year for which the audit is to be done establish a Select Committee for the purpose of making a recommendation on an independent auditor to the full Council.
  - 3.1.2. The Council shall award a contract to audit on or before March 1 of the fiscal year for which the audit is to be done.
  - 3.1.3. The Council shall require the report of the audit to be filed in final form with the Council not later than January 15 in the year following its award.

### 4. Order

- 4.1. **QUORUM.** The presence of 5 members shall constitute a quorum of the City Council.
- 4.2. **CALLING MEETINGS TO ORDER.** The presiding officer shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Administrative Assistant to the City Council.
- 4.3. **RECOGNITION OF MAYOR AND DEPARTMENT REPRESENTATIVES.** The Mayor and all City department representatives are recognized at all Council Meetings.
- 4.4. **CONSENT AGENDA**
  - 4.4.1. When any item of business requires action by the City Council, but is of a routine nature, such item may be presented at a regular meeting of the City Council as part of the Consent Agenda. Items eligible for consideration on the Consent Agenda include: approval of minutes, appointments, licenses, and petitions.
  - 4.4.2. The Consent Agenda may be introduced by a motion “To approve the Consent Agenda,” and may be considered by the City Council as a single item.
  - 4.4.3. The presiding officer shall read the title of each item contained in the Consent Agenda before a vote.
  - 4.4.4. There shall be no debate or discussion by any City Council member regarding any item on the Consent Agenda, beyond asking questions for simple clarification.
  - 4.4.5. Any item may be removed from the Consent Agenda upon the request of any City Council member prior to the taking of a vote on the motion to approve it. All such items will be considered individually, in the order in which they were removed, immediately following consideration of the Consent Agenda.
  - 4.4.6. Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, referral or enactment of each item of business thereon, exactly as if each had been acted upon individually.
  - 4.4.7. When an appointment has not received a recommendation from the standing committee pursuant Sec 2-10 of the Charter, a vote within the Consent Agenda shall be equivalent to a motion to refer it to said standing committee. Otherwise a vote shall be equivalent to approval.
- 4.5. **ORDER OF BUSINESS.**

- 4.5.1. The order of business at every regular meeting of the Council shall be as follows unless otherwise decided by the Presiding Officer:

Roll Call

Public Hearings

Public Comment

~~Roll Call~~ Announcements from Councilors and the Mayor

~~Public Hearings~~

~~Recognitions and One Minute Announcements by Councilors~~

~~Communications and Proclamations from the Mayor~~

~~Resolutions~~

Presentations

Consent Agenda

- Approval of minutes
- Licenses and Petitions
- Appointments

~~Recess for Committee on Finance~~

Financial Orders

Orders

Ordinances (Not Yet Referred)

Ordinances

Resolutions

~~Updates from Council President and Committee Chairs~~

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

Requests

New Business

- 4.5.2. The agenda shall be published in this manner and adhered to at all meetings. The presiding officer may implement a change in the order of business unless any single Councilor objects, in which case the rules may be suspended as provided in these Rules.

- 4.6. MINUTES OF PREVIOUS MEETING. The Administrative Assistant to the City Council shall submit the minutes of the previous meeting with the Council agenda for the next regular scheduled meeting of the City Council.
- 4.7. CONDUCT. City Councilors and members of the public shall conduct themselves with civility and respect at all times.
- 4.8. PUBLIC COMMENT. Members of the public may address the Council and all Council Committees on any matter for a period of ~~three~~two minutes. This period may be extended or reduced at the discretion of the presiding officer. Public comment may be accepted for no more than 90 minutes. Whenever language translation is required for a member of the public to address the City Council, such person shall be provided ~~six~~four minutes. Individuals wishing to speak will be recognized by the presiding officer and shall state their name and

city or town of residence and, optionally, their address. Councilors will not respond to any comments from the public. The City Council will take public comment in person or by remote participation as the technology allows.

- 4.9. NEW BUSINESS. Any Councilor may introduce any written proposed order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.
- 4.10. RECESS. Any Councilor may call for and be granted a recess the length of which will be determined by the presiding officer.
- 4.11. ORDER AND MANNER OF SPEAKING. No City Councilor shall speak more than once on a question, to the prevention of any other who has not spoken,— and is desirous of speaking. The presiding officer may allow a brief immediate response to any statement posed directly to a particular City Councilor by a City Councilor. The presiding officer may request that any speaker discontinue any overly lengthy speech, but the right of a City Councilor to speak shall not be limited unless a formal motion is passed to set limits to debate for all City Councilors.
- 4.12. ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of privilege to appeal a decision from the presiding officer, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the presiding officer
- 4.13. VOTING
  - 4.13.1. DECIDING VOTES. The presiding officer shall decide all votes, but if a member rises to doubt a vote the presiding officer shall order a roll call vote.
  - 4.13.2. VOTES REQUIRED TO PASS MEASURES
    - 4.13.2.1. The affirmative vote, taken by roll call, of 6 members shall be required to adopt an appropriation order or transfer.
    - 4.13.2.2. The affirmative vote, taken by roll call, of 6 members shall be required to adopt a zoning ordinance.
    - 4.13.2.3. In the absence of statutory requirements providing otherwise, the affirmative vote, taken by roll call, of 5 members shall be required to adopt any other ordinance.
    - 4.13.2.4. In the absence of statutory requirements providing otherwise, an affirmative vote of a majority of a quorum shall pass any other measure.
  - 4.13.3. ROLL CALL VOTES.

4.13.3.1. REQUEST. Any member may request a roll call vote on any question before the City Council and the Administrative Assistant to the City Council shall take the census of the Council in that manner.

4.13.3.2. METHOD OF RECORDING. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

4.13.4. RECONSIDERATION.

4.13.4.1. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting.

4.13.4.2. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow time for the submission of new or additional information. Reconsideration shall not be used in a dilatory manner as defined in Robert's Rules of Order.

4.13.4.3. No motion shall be twice reconsidered.

4.14. REMOTE MEETING PARTICIPATION. Councilors may participate remotely in meetings pursuant to the following regulations:

4.14.1. Requirements

4.14.1.1. Any Councilor who participates remotely and all persons present at the meeting location shall be clearly audible to each other;

4.14.1.2. A quorum including the presiding officer shall be physically present at the meeting location;

4.14.1.3. Any Councilor who participates remotely may vote and shall not be deemed absent.

~~4.14.1.4. Any Councilor may not participate remotely more than six times in a calendar year.~~

4.14.2. Permissible Reasons for Remote Participation. Any Councilor may participate remotely if the presiding officer determines that one or more of the following factors make the participation of the Councilor's physical attendance unreasonably difficult:

4.14.2.1. Personal Illness;

4.14.2.2. Personal Disability;

4.14.2.3. Emergency;

4.14.2.4. Military Service; or

4.14.2.5. Geographic Distance

4.14.2.5-4.14.2.6. Family Illness or Family Caretaking

#### 4.14.3. Technology

4.14.3.1. The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any Councilor who requires TTY service, video relay service, or other form of adaptive communications.

4.14.3.1.1. Telephone, Internet, or satellite-enabled audio or video conferencing;

4.14.3.1.2. Any other technology that enables the remote participation and all persons present at the meeting location to be clearly audible to one another.

4.14.3.2. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

4.14.3.3. The presiding officer may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to call a brief recess while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

4.14.3.4. All costs associated with remote participation, if any, shall be borne by the Councilor remotely participating.

#### 4.14.4. Procedures

4.14.4.1. Any Councilor who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the presiding officer of their desire to do so and the reason for and facts supporting their request.

4.14.4.2. At the start of the meeting, the presiding officer shall announce the name of any member who will be participating remotely and the reason for their remote participation. This information shall be recorded in the meeting minutes.

4.14.4.3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

4.14.4.4. Any Councilor participating remotely may participate in executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location. Any Councilor participating remotely who cannot certify that no other person is present and/or able to hear the discussion at the remote location may not participate in executive session.

4.14.4.5. When feasible, the presiding officer shall distribute to remote participants, in advance of the meeting, copies of any documents of exhibits that they reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be a part of the official record of the meeting, and shall be listed in the

meeting minutes and retained in accordance with Massachusetts General Law Chapter 30A Section 22.

- 4.14.5. Application. This rule shall apply to Council Committees.
- 4.14.6. Amendment. This section may not be amended unless it is in accordance with the Mayor's Remote Meeting Participation Policy, Massachusetts General Law Chapter 30A Sections 18-25 and 940 Code of Massachusetts Regulations 29.10.
  
- 4.15. MINUTES OF EXECUTIVE SESSION. The City Council shall create and maintain accurate minutes of all executive sessions in accordance with the following:
  - 4.15.1. The minutes shall set forth the day, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
  
  - 4.15.2. Any vote taken in an executive session shall be recorded by roll call and entered into the minutes.
  
  - 4.15.3. The minutes of any executive session and the notes, or other materials used in the preparation of such minutes, and all documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, according to the provisions of M.G.L. Chapter 4 § 7 (26) (a), as long as publication would defeat the lawful purposes of the executive session, but no longer.
  
  - 4.15.4. Approving minutes.
    - 4.15.4.1. Votes to approve executive session minutes may be, but are not required to be, taken in executive session.
    - 4.15.4.2. Review of, deliberation on and amendments to executive session minutes shall be done in executive session.
  
  - 4.15.5. Releasing minutes.
    - 4.15.5.1. As provided in MGL Ch 30A, Sec 22(g)(1), The Council President, with the assistance of the Administrative Assistant to the City Council and City Solicitor, shall, at reasonable intervals, not to exceed three months, review the minutes of executive sessions to determine if the relevant statutory provisions warrant continued nondisclosure. Such determination shall be announced at the City Council's next meeting and such announcement shall be included in the minutes of that meeting.
    - 4.15.5.2. Whenever the Council President requests that a vote of the Council be taken to determine whether to release executive session minutes, that vote must be taken in executive session.

4.15.6. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the Council shall respond to the request within 10 days following receipt and shall release any such minutes that would not defeat the lawful purposes of the executive session.

4.15.7. Any notes, documents or other exhibits used in the preparation of the minutes of executive sessions shall be retained for at least 60 days following the approval of the minutes of the executive session by the Council. The Council President shall periodically review said notes and other documents prior to the discarding or destruction thereof.

## 5. Legislative Process

### 5.1. PROPOSED MATTERS

5.1.1. Matters proposed for inclusion in City Council agendas shall be filed with the Administrative Assistant to the City Council. Agendas shall be published in accordance with the Open Meeting Law.

5.1.2. **COMMUNICATION WITH MAYOR’S OFFICE.** The Administrative Assistant to the City Council shall serve as a point of contact with the Mayor’s office regarding the City Council’s agendas.

5.1.3. **ADDING MATTERS TO COUNCIL AGENDA.** The Council President shall have discretion over the items added to Council agendas, except that if the addition of an item has been once requested by a member of the City Council or the Mayor and at the discretion of the Council President that item is not placed on an agenda of a regular Council meeting, then before the next regular Council meeting any two members of the City Council may petition the Council President who shall then add the item to the agenda of the next regular Council meeting.

### 5.1.4. PRESENTATION AND ENACTING STYLE OF MATTERS

5.1.4.1. Matters shall be presented in a format as indicated in the table below:

Line	Ordinances	Orders	Resolutions
1. Date	“In the Year 2016”	“In the City Council, February 2, 2016.”	“In the Year 2016”
2. Sponsorship	“Upon the recommendation of...”		
3. ID Number	Not prefaced	Prefaced by “O”	Prefaced by “R”
4. Type of Matter	“An Ordinance”	“An Order”	“A Resolution”
5. Short Title	“Relative to...” “Entitled the ...	“To...” et al.	“To...”, “In support of...”, et al.

	Ordinance of 2016”, or “To ...” et al.		
6. Enacting Clause	“Be it ordained by the City Council of the City of Northampton in City Council assembled, as follows”	“Ordered, that”	“Be it resolved by the City Council of the City of Northampton in City Council assembled, as follows”

5.1.4.2. Administrative ID Number. The Administrative Assistant to the City Council shall assign each matter, upon formal submission, a unique identification number, in the form of the last two digits of the calendar year followed by an incrementally increasing number. The incrementally increasing portion shall reset to “1” every Council session.

5.1.4.3. Additions to the Code of Ordinances shall be indicated in bold and/or underline. Deletions shall be indicated by striking through.

5.1.5. SUPPORTING DOCUMENTS. Maps and visuals, along with all other supportive evidence essential to a matter, shall be presented in a clear and intelligible way.

5.2. REFERRAL OF MATTERS

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

5.2.2. Financial orders. No order or resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be voted on by the City Council until it has been considered by the Committee on Finance. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by the Committee unless directly connected with the financial features thereof, and then by recommendation only.

5.2.3. Ordinances. No ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

5.2.4. Licenses and permits. Licenses and permits may be referred to the Committee on Community Resources for the committee’s recommendation.

5.2.5. Should a committee fail to report within the time set forth in Section 2.6.2.6, or if a multiple-member body fails to report within 45 days of

referral to that body, the City Council shall be authorized to proceed with the matter in absence of such report.

5.3. SOLICITOR REVIEW OF ORDINANCES. At or before the meeting at which the Committee on Legislative Matters considers any matter for approval and/or recommendation the City Solicitor shall be requested to examine the matter's form and legal character.

5.4. WITHDRAWAL OF MATTERS. If the Council has previously acted on a matter, the matter may be withdrawn by this method. At the written request of any sponsor(s) of a matter, a matter shall be withdrawn from consideration in the City Council and in all City Council Committees to which the matter had been referred provided the withdrawal be placed on the agenda of a City Council meeting. No vote shall be required. However, if at that meeting all sponsors of a matter do not unanimously agree to withdraw a matter, the matter shall not be withdrawn. However at that time any Councilor shall upon their request have their individual sponsorship removed.

5.5. MATTERS REQUIRING TWO ~~VOTES~~ READINGS. ~~To be approved, every matter shall have two separate votes on two separate days unless otherwise provided in these Rules. Before a vote on a matter may be held, it must first have been introduced at a prior City Council meeting. Introduction shall include a description of purpose and effects. Council discussion is allowed for questions and clarification~~

5.6. MATTERS REQUIRING ONE ~~VOTE~~ READING. The following shall require only one ~~vote~~ reading of the Council:

~~5.6.1. Administrative orders submitted by the Mayor for either approval or disapproval~~

~~5.6.2.~~ 5.6.1. Licenses

~~5.6.3.~~ 5.6.2. Approval of minutes

~~5.6.4.~~ 5.6.3. Acceptances of reports

~~5.6.5.~~ 5.6.4. Petitions, and orders to grant petitions

~~5.6.6.~~ 5.6.5. Appointments, and

~~5.6.7.~~ 5.6.6. Orders to adopt or amend the Council Rules.

5.7. ENROLLMENT COMMITTEE. When matter has passed the required number of votes, it shall be signed by the Administrative Assistant to the City Council and signed by the Enrollment Committee consisting of two City Councilors.

5.8. AUTOMATIC CARRYOVER. Matters that have not passed the required number of votes by the end of the current session shall automatically carry over to the next session of the City Council and shall remain in the Council and in all committees and executive commissions to which they have been referred at the start of the next session unless:

5.8.1. A matter has already failed on the first of two required votes; or

- 5.8.2. A matter has received a negative recommendation from the Committee on Legislative Matters; or
- 5.8.3. The City Council votes to prevent automatic carryover of a matter to the next session. For this purpose, at the request of any City Councilor, the City Council President shall place any such pending matter on the agenda at the final meeting of the session. Only one vote shall be required to prevent automatic carryover, but 2/3 majority of the full Council shall be required; or
- 5.8.4. None of the sponsors of a matter will be serving in the next session of the City Council.

## 6. APPENDICES

### 6.1 SPECIAL PERMIT GRANTING AUTHORITY

#### Chair/Moderator

##### I. Selection of a Chair/Moderator

The City Council President will serve as the presiding officer of the hearing.

#### MEETINGS AND HEARINGS

##### II. Notice of Public Hearings

Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A. In addition to the legally required notices the City Council will make every

effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

### III. Calling of Public Hearing

All hearings held by the Council as a Special Permit Granting Authority Shall be open to the public.

### IV. Public Hearings

1. Public hearings, when called, will be conducted in the following manner:
  - A. The presiding officer will announce that it is time for a Public Hearing and will announce the subject of such hearing.
  - B. The presiding officer will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The presiding officer will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give their name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the presiding officer. The chair may limit testimony that is repetitive.
  - C. The presiding officer will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
  - D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
  - E. Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
  - F. Before opponents to an application or petition are called to speak, a member of the Council may move for invocation of a summary procedure and, if seconded and approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.
  - G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of their opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
  - H. After all opponents have been heard, the presiding officer will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.

- I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the presiding officer shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
- J. The presiding officer will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
- K. If new information is presented the presiding officer or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
- L. The presiding officer will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The presiding officer shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
- M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

#### V. Votes of the Council

All votes for Special Permits shall require a 2/3 majority of the Council to pass.

#### Applications before the City Council

#### VI. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.

#### 6.2 Examples of Presentation and Enacting Styling of Matters

*In the Year Two Thousand and Fifteen*

Upon the Recommendation of Councilor J. Calvin Coolidge

**15.073**

**AN ORDINANCE**

**RELATIVE TO ZONING IN CENTRAL BUSINESS (OR)  
ENTITLED THE ZONING ORDINANCE OF 2016 (OR)  
TO REVISE SEC. 000 OF THE CODE OF ORDINANCES**

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

*In the Year Two Thousand and Fifteen*

Upon the Recommendation of Councilor J. Calvin Coolidge

**R-15.003**

**A RESOLUTION**

**IN SUPPORT OF DEMOCRACY (OR)  
TO CREATE A SELECT COMMITTEE TO RECOMMEND A  
STATE LEGISLATIVE AGENDA**

*Be it resolved by the City Council of the City of Northampton, in City Council*

*In the City Council, January 1, 2016*

Upon the Recommendation of Councilor J. Calvin Coolidge

**O-15.001**  
**AN ORDER**

**TO APPROPRIATE FUNDS FROM COMMUNITY  
PRESERVATION ACT FUNDING**

*Ordered, that:*

**City of Northampton  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

*Upon the recommendation of Councilor Rachel Maiore*

**21.371 An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022**

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to extend the date on which Section 272-18, Environmental Protection and Solid Waste Reduction, shall take effect.

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

The Code of Ordinances shall be and hereby is amended as follows:

In section 272-18, by deleting in subsection F the word “January” and replacing it with the word “July”.

November 30, 2021

Gina-Louise Sciarra, Council President  
And Members of Northampton City Council  
Northampton City Council  
210 Main Street, #18  
Northampton, MA 01060

Re: Support for An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022

Dear Council President Sciarra and members of the Northampton City Council,

I am writing to you to state our support for the proposed Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022 (a compromise date reached through conversation between myself and Councilor Maiore) and to offer some context to this request, brought in light of the continuing challenges - particularly in the areas of supply chain and inflation - significantly impacting restaurants nation-wide, including here in our downtown community.

A November 1, 2021 letter from the National Restaurant Association highlighted the 'massive supply shortages and delays while food costs are soaring', citing data that indicates 95% of restaurants are experiencing significant supply delays or food shortages, with wholesale food and commodity prices soaring in 2021, particularly during this fall season.

I have reached out to our local restaurant community, and found that this experience is being felt downtown as well. A few cost increase examples provided by downtown restaurants:

- Rubber gloves (used nonstop) have gone up from \$10 / case to \$37.38 to \$48.46
- Blackberries went from \$27.80 / case in January, 2020 to \$41.15 / case now
- Avocados, which were \$48/case pre-COVID are now \$95/case
- Romaine lettuce, pre-COVID was \$27/case; now it is \$55/case

More specific to the Ordinance itself, the cost of paper and recyclable products are increasing as well. Again, from our downtown restaurants:

- Hinged lid containers - used for take-out:
  - Original plastic container pricing: \$.07
  - 'Earth choice' container (more environmentally-friendly, but will not be allowable under the new ordinance because it is plastic-lined): \$.36/container (when available)
  - Biodegradable Fiber container (what would be required under the new Ordinance): \$1.36 / container

For a restaurant which uses roughly 500 of these containers a week, this is a dramatic price increase, particularly in light of the significant price increases in other areas, as mentioned above. And those price increases are when items are available. As one restaurant noted, "(b)ased on the supply chain, it is not at all feasible to institute this [ordinance] so soon... We are trying to be responsible and ease into greener products, but you can't just get them from any suppliers. Plastics are hard to track down as well, so ordering is just a mix and match venture of whatever we can get, and the more options we have to work with right now, the better...."

Another restaurant offered the following supply chain example: "I've had a case of compostable straws on order since the last week of September that we have not received and that we have received word from the company that they 'do not have a clue when it may be received.'

Yet another: "[We] started transitioning to compostable to-go wares years ago, yet over the past year we've had to substitute conventional products from time to time because it was that or nothing.... We spend up to 4 hours per week chasing supplies. This was something we did in a few minutes per month in the times before."

Another downtown restaurant prospective: "While a majority of our products would fit under this updated ordinance, we have constantly had to adjust what we are able to bring in due to the supply chain issues and the subsequent...delays, shortages it has created. Requiring businesses to make these necessary changes at this time would be incredibly detrimental to our ongoing recovery both possibly financially, and absolutely from a timing / stress perspective.... I am ALL FOR this ordinance and the reasons behind implementing them, but the industries most impacted by this are those that are

most impacted by the pandemic and still trying (and many failing) to recover.”<sup>1</sup>

These cost and supply chain issues are being faced at the same time as outdoor dining comes to a close for most, and the winter season - with increased worries about COVID - gets underway. Simultaneously, the restaurant industry is struggling with the staffing shortages and increased labor costs being felt throughout so many industries.

In addition, we would note that the City of Northampton has no City-wide residential composting program in place to date (that we are aware of). As a result, should these restaurants somehow source the appropriate materials at inflated prices (if available at all), the likelihood is high that they will be taken home by the consumer and never composted. Absent a municipal solution on the disposal side of the transaction, this Ordinance is not accomplishing what it has set out to do. Additional time to implement would enable the City to create and act on plans for addressing composting locally.

Our small business community is far from recovered - the recovery period is just beginning, and implementation of this Ordinance at this moment in time will be detrimental to those recovery efforts. We respectfully request that the City Council reconsider the January, 2022 implementation date for this Ordinance, to allow time for the supply chain and pricing increases to stabilize nation-wide, and to enable our restaurants the time they desperately need to stand on more solid financial ground. We support Councilor Maiore’s proposed Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022; we also caution that given the uncertainty surrounding COVID, supply chain dynamics and commodities pricing, it is entirely possible that we will need to request future extensions. We will keep in close touch with the restaurant community during this extension period and would be happy to provide an update to the City Council as July 1, 2022 draws near.

If you or any City Council members have any questions, please feel free to reach out to me directly at (413) 387-5145 or [amy@northamptondna.com](mailto:amy@northamptondna.com).

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<sup>1</sup> In the interests of transparency, we did hear from one non-restaurant business also impacted by this Ordinance, who indicated that they are not experiencing any supply issues, and who is in favor of implementing the Ordinance as scheduled.

With gratitude,

A handwritten signature in black ink, appearing to read "Amy Cahillane". The signature is fluid and cursive, with the first name "Amy" being more prominent than the last name "Cahillane".

Amy Cahillane, Executive Director  
Downtown Northampton Association  
[www.northamptondna.com](http://www.northamptondna.com)

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

Upon the Recommendation of the Transportation and Parking Commission

**21.335  
AN ORDINANCE**

**RELATIVE TO STOP SIGNS ON  
EVERGREEN ROAD AND CHESTNUT AVENUE**

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

SECTION 1

*That the § 312-113 of the Code of Ordinances be amended as follows:*

§ 312-113 Schedule XII: Stop and Yield Intersections.

D. Multiway stop signs. Multiway stop intersections are established at the following locations:

Location	Direction of Travel	At the Intersection of
<b><u>Evergreen Road</u></b>	<b><u>East/West</u></b>	<b><u>Chestnut Avenue and Chestnut Avenue Extension</u></b>
<b><u>Chestnut Avenue</u></b>	<b><u>North</u></b>	<b><u>Evergreen Road and Chestnut Avenue Extension</u></b>

**CITY OF  
NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

Upon the Recommendation of the Transportation and Parking Commission

**21.336  
AN ORDINANCE**

**RELATIVE TO OFF-STREET  
ACCESSIBLE PARKING SPACES**

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

SECTION 1

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

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

B. Off-street handicapped parking spaces are established as follows:

Parking Lot	Location
<b>Florence Recreation Fields – West Lot</b>	<b>Three spaces on the northern edge, closest to the bathrooms, abutting the pedestrian crosswalk, one being van-accessible.</b>
<b>Florence Recreation Fields – East Lot</b>	<b>Six spaces dispersed along the western edge of the parking lot, one being van-accessible.</b>
<b>Sheldon Field – West Lot</b>	<b>Three spaces in the northwest corner, one being van-accessible.</b>
<b>Sheldon Field – East Lot</b>	<b>One van-accessible space abutting south of the entrance to the basketball court.</b>
<b>Maines Field</b>	<b>Two spaces on the southwest corner of the paved parking area, one being van-accessible.</b>
<b>Arcanum Field – North Lot</b>	<b>One van-accessible space on the southeast corner.</b>
<b>Arcanum Field – South Lot</b>	<b>Three spaces on the southeast corner, one being van-accessible.</b>
<b>Veteran’s Field</b>	<b>Two spaces on the southwest corner abutting the sidewalk to the skate park, one being van-accessible.</b>

<b>Broad Brook-Fitzgerald Lake Greenway</b>	<b>One van-accessible space on the northeast corner abutting the information kiosk.</b>
<b>Musante Beach – North Lot</b>	<b>Two spaces on the northwest corner, one being van-accessible.</b>
<b>Musante Beach – South Lot</b>	<b>One van-accessible space on the northwest corner, abutting the parking lot entrance.</b>
<b>Ray Ellerbrook Fields</b>	<b>Two spaces on the southeast corner abutting the western edge of the baseball diamond, one being van-accessible. One space on the northern edge closest to the soccer field.</b>
<b>Smith Vocational Agricultural Fields</b>	<b>Two spaces on the northwest corner, abutting the trail entrance, one being van-accessible.</b>

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**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

Upon the Recommendation of the Transportation and Parking Commission

**21.337  
AN ORDINANCE**

**RELATIVE TO PARKING  
ON MAIN STREET**

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

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SECTION 1

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

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

Location	Side	From	To
<b><u>Main Street</u></b>	<b><u>Northwest</u></b>	<b><u>Point 190 feet northeast of Crackerbarrel Alley</u></b>	<b><u>Point 238 feet northeast of Crackerbarrel Alley</u></b>
Main Street [Added 12-7-2017 by Ord. No. 17.376]	North- westerly	Center Street	Point 34 <b><u>58</u></b> feet southwesterly from Center Street
<b><u>Main Street</u></b>	<b><u>Southeast</u></b>	<b><u>Point 188 feet northeast of Old South Street</u></b>	<b><u>Point 235 feet northeast of Old South Street</u></b>

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SECTION 2

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

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

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Location	Side	From	To	Time Limit/ Class
Main Street [Added 12-7-2017 by Ord. No. 17.376]	North- west	Point 40 feet northeasterly from Crackerbarrel Alley	<del>Point 34 feet southwesterly from Center Street</del> <b>Point 172 feet northeasterly from Crackerbarrel Alley</b>	2 hours/Class 1A
<b><u>Main Street</u></b>	<b><u>North- west</u></b>	<b><u>A point 238 feet northeasterly from Crackerbarrel Alley</u></b>	<b><u>Point 58 feet southwesterly from Center Street</u></b>	<b><u>2 hours/Class 1A</u></b>
Main Street [Added 12-7-2017 by Ord. No. 17.376]	South- east	Point <del>202</del> <b>246</b> feet northeasterly from Old South Street	Point 428 feet northeasterly from Old South Street	2 hours/Class 1A

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SECTION 3

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

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21 § 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.

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Street	Side	Location
<b><u>Main Street</u></b>	<b><u>Northwesterly</u></b>	<b><u>14<sup>th</sup> space northeast of Crackerbarrel Alley, van accessible</u></b>

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**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

Upon the Recommendation of the Transportation and Parking Commission

**21.338  
AN ORDINANCE**

**RELATIVE TO A STOP SIGN ON  
CROSS PATH ROAD**

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:

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SECTION 1

*That the § 312-113 of the Code of Ordinances be amended as follows:*

§ 312-113 Schedule XII: Stop and Yield Intersections.

Location	Direction of Travel	At the Intersection of
<b><u>Cross Path Road</u></b>	<b><u>North</u></b>	<b><u>Riverbank Road</u></b>

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

Upon the Recommendation of the Transportation and Parking Commission

**21.349  
AN ORDINANCE**

**RELATIVE TO PARKING ON  
MEADOW STREET**

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

SECTION 1

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

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

Location	Side	From	To
<b><u>Meadow Street</u></b>	<b><u>South</u></b>	<b><u>Spring Street</u></b>	<b><u>A point 315 feet east of Spring Street</u></b>

# City of Northampton

## MASSACHUSETTS

### In the Year Two Thousand Twenty One

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

### 21.318 An Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-17 & 350 3-4 Zoning Map in order to accurately reflect the status of lands in Northampton permanently protected from development.

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

Amend as shown

### § 350-17 **Farms, Forests and Recreation District (FFR)**

#### § 350-17.1 **Purpose.**

The purpose of this article is to protect sensitive open space and ecologically important features, to preserve the farms, forests, river corridors, ecological habitat, and recreational lands of Northampton, and to allow landowners the ability to develop their property in a manner that is sensitive to these unique resources.

FFR is comprised of three different types of protected open space.

- 1) Rural publicly owned open space and greenways.
- 2) Lands permanently protected with conservation or agricultural restrictions
- 3) Urban Parks including those for organized recreational uses.

#### § 350-17.2 **Uses.**

Uses in the FFR are limited to any of the following so long as

1. No more than 25% of a parcel may be developed as , roads, sewage disposal or drainage facilities, or other development and, where possible, all improvements shall be spatially concentrated to preserve the protected resource. The Planning Board, through Site Plan Review may approve more than 25% developed areas only when created to enhance or expand the function urban parks or recreational facilities.

2. All site improvements shall be laid out and constructed to minimize environmental and other impacts on protected resources.
  3. Open space shall be laid out to maintain views of agricultural lands and open space, and to maintain distant vistas across open space from both on and off the site.
  4. Development shall be integrated into the existing landscape through the use of building placement, landform treatment, and visually compatible existing or new screening. When possible, development should be placed within existing woodlands and not in open fields, to preserve views and minimize visual impact.
- 
- A. Passive recreation, including site improvements to allow for such use that could include trail building, stream crossing components, wildlife viewing stations and the like. Supporting structures including temporary or permanent buildings.
  - B. Active recreation, including temporary or permanent buildings and structures necessary to support such uses. These may include but are not limited to permanent or temporary bathrooms, storage buildings, water fountains, snack bars, safety netting, seating, play or exercise structures and foundations, and parking areas. Site improvements to support such activities including trail building, stream crossings.
  - C. Agriculture and accessory structures, farm stands etc.
  - D. Land Conservation and restoration.
  - E. Events and/or other operations that support underlying agricultural uses. Such uses shall be accessory and in accord with requirements herein.
  - F. Social functions, such as special events, concerts, weddings, with service of food and beverage to support the primary function of protecting open space/resource area.
  - G. With Site Plan Approval by the Planning Board the construction or use of a building as a caretaker's residence.

**Chapter 350-3.4** Amend by including the parcels show in the attached map into the FFR layer.

# City of Northampton

## MASSACHUSETTS

**In the Year Two Thousand Twenty One**

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

### 21.319 AN ORDINANCE TO REQUIRE INSTALLATION OF EV CHARGING STATIONS IN PARKING LOTS OVER 25 SPACES

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to require installation of Electric Vehicle Charging stations and supporting conduit in parking lots larger than 25 spaces.

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

**Add New Subsections to Chapter 350-8.9 as follows**

- I. For new or expanded parking lots that result in the provision of 25 or more spaces, one electric vehicle charging ~~port~~ space per ~~25-15~~ parking spaces shall be installed.
- J. ~~For new parking lots that create a parking area of 25 or more spaces, conduit to support installation of electric vehicle charging ports at a ratio of one charging location per 15 parking spaces shall be installed.~~