



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 16, 2021
Meeting Time: 7 p.m.

The December 16, 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/3IHMcek>

For telephone call-in, call:

+929 436-2866 US

MEETING ID: 813 8907 1735

PARTICIPANT #: #

PASSCODE: 163968

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

A. 7:05 pm Public Hearing on 21.347 and 21.348 National Grid/Verizon Pole Petition for One (1) Jointly-owned (JO) Pole on Cross Path Road and National Grid petition to install 330 feet of underground conduit and two heavy-duty handholes on Cross Path Road (Petition #30408955)

Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on **Thursday, December 16, 2021 at 7:05 p.m.** on National Grid/Verizon New England's petition to install one jointly-owned (JO) pole on Cross Path Road and National Grid's petition to install 330 feet of underground conduit leading to the pole and two heavy-duty handholes on Cross Path Road (Petition #30408955). The City Council will hear all persons who wish to be heard thereon.

Documents:

[21.347 National Grid-Verizon Joint Pole Petition for Cross Path Road \(Petition No. 30408955\).pdf](#)

[21.348 National Grid Petition to Install Underground Conduit on Old Ferry Road \(Petition No. 30408955\).pdf](#)

[21.347 and 21.348 DPW Recommendation.pdf](#)

5. Updates from Council President and Committee Chairs

6. Recognitions and One-Minute Announcements by Councilors

7. Communications and Proclamations from the Mayor

8. Resolutions

9. Presentations

10. Consent Agenda

A. Minutes of December 2, 2021

Documents:

[12-02-2021_City Council Minutes.pdf](#)

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

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

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

A. 21.375 An Order Authorizing a Five-Year Contract for Connecticut River Channel Marking - 1st reading

Process note: Two readings are respectfully requested to complete the transaction within the 2020-2021 council session.

Documents:

[21.375 An Order Authorizing a Five-Year Contract for Connecticut River Channel Marking.pdf](#)

13. Financial Orders (on 2nd reading)

A. 21.357 An Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

B. 21.358 An Order to Appropriate \$3,000 in CPA Funds to Lathrop Communities for Continued Invasive Species Removal - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

C. 21.359 An Order to Appropriate \$31,922 in CPA Funds to Historic Northampton for Shepherd Barn Artifacts Project - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/16/2021
- Passed 1st reading - 12/2/2021

Documents:

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

D. 21.360 An Order to Appropriate \$20,000 in CPA Funds for Farmland Rehabilitation at the Community Farm and Garden - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

E. 21.361 An Order to Appropriate \$100,000 in CPA Funds to the Rocky Hill Accessible Trail Project - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/02/2021
- Passed 1st reading - 12/02/2021

Documents:

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

F. 21.362 An Order to Appropriate \$230,100 in CPA Funds to Valley CDC for a Mortgage Subsidy Program - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

G. 21.365 An Order to Appropriate \$608,000 in CPA Funds to Independent Housing Solutions for Housing the Disabled Homeless Project - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

H. 21.366 An Order to Appropriate \$13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

I. 21.367 An Order to Appropriate \$70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading (Councilor Foster recused) - 12/2/2021

Documents:

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

J. 21.368 An Order to Appropriate \$82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project - 2nd

reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

K. 21.369 An Order to Appropriate \$233,400 in CPA Funds to OPS and Conservation Commission for Priority Property Acquisitions - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

[21.369 An Order to Appropriate 233,400 in CPA Funds to OPS and Conservation Commission for Priority Property Acquisitions.pdf](#)

L. 21.372 An Order Authorizing Acquisition of a Parcel of Land on the Northerly Side of Westhampton Road - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

[21.372 An Order Authorizing Acquisition of a Parcel of Land on the Northerly Side of Westhampton Road.pdf](#)
[21.372 Order of Taking.pdf](#)
[21.372 Survey of Land Now or Formerly of Luman E. Bartlett.pdf](#)

M. 21.373 An Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various Capital Projects - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

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 - 2nd reading

History:

- Positive recommendation, Finance Committee - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

14. Orders

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

History:

- Tabled to 12/16/2021 - 12/2/2021
- Amendments submitted by Councilor Maiore and Councilor Jarrett - 12/10/2021

Documents:

[21.370 An Order to Amend the Council Rules - POST120221.pdf](#)
[21.370 An Order to Amend the Council Rules.pdf](#)
[Amendment to 3.1 SELECTION OF AN OUTSIDE AUDITOR.pdf](#)

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 - 2nd reading

History:

- Waiver to Referral to Legislative Matters Approved - 12/2/2021
- Passed 1st reading - 12/2/2021

Documents:

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

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

Requests

18. New Business

19. Adjourn

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

nationalgrid

October 14, 2021

The City Council of Northampton, Massachusetts

To Whom It May Concern:

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

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

Diane Clowes 413-582-7408

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

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

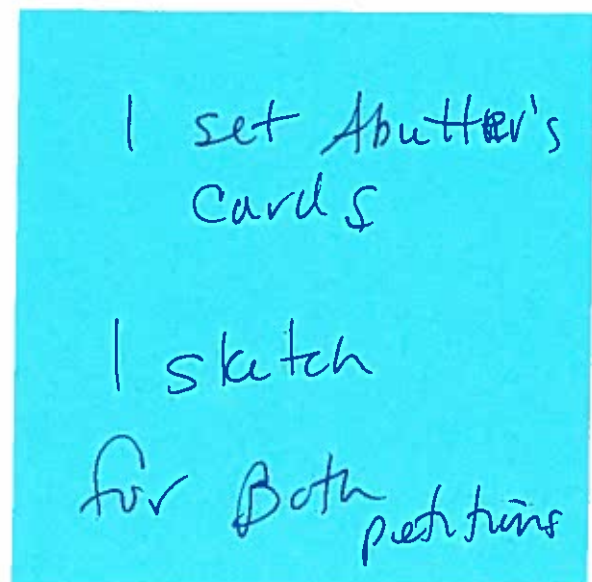
National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Jim Kehrer/lla

Jim Kehrer
Supervisor, Distribution Design

Enclosures



I set Abutter's
card &
I sketch
for both petitions

Questions contact - Diane Clowes 413-582-7408
PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Northampton, Massachusetts

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

Cross Path Rd. - National Grid to install (1) JO pole 20-50 on Cross Path beginning at a point approximately 85 feet north of the centerline of the intersection of Old Ferry Rd. for underground primary riser.

Location approximately as shown on plan attached.

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

30408955

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

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

Massachusetts Electric Company d/b/a
NATIONAL GRID *Jim Kehrer/lla*

BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.

BY *Albert E. Bessette*
Manager / Right of Way

Dated: September 22, 2021

30408955 Joint Pole Petition - Cross Path Rd.

Questions contact – Diane Clowes 413-582-7408

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Northampton, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 22nd day of September 2021.

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

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

30408955 Filed with this order:

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

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

Cross Path Rd. - National Grid to install (1) JO pole 20-50 on Cross Path beginning at a point approximately 85 feet north of the centerline of the intersection of Old Ferry Rd. for underground primary riser

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

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

Massachusetts

City/Town Clerk.
20 .

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

Attest:
City/Town Clerk

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

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

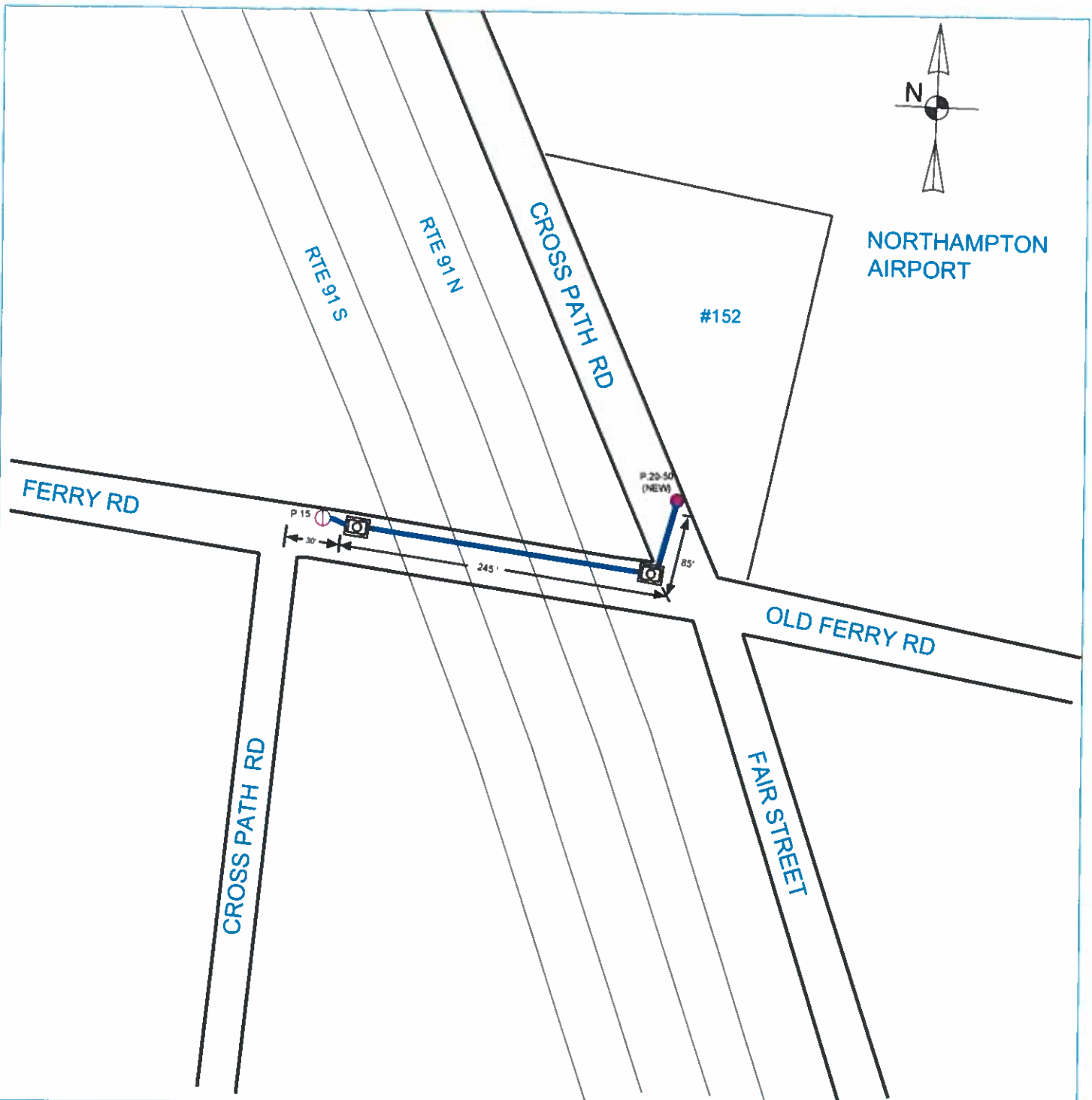
I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of 20____ and recorded with the records of location orders
of the said City, Book _____, and Page _____. This certified copy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

Attest:
City/Town Clerk



NORTHAMPTON AIRPORT

#152



UNDERGROUND PETITION

nationalgrid

LEGEND

- CONDUIT (2-4" CONCRETE ENCASED) W/ NGRID UNDERGROUND PRIMARY
- PROPOSED JO POLE
- HEAVY DUTY HANDHOLE (IN STREET)
- EXISTING JO POLE

Date: 08/24/2021

Plan Number: 30408955

To Accompany Petition Dated:

To The: CITY of NORTHAMPTON, MA

For Proposed: INSTALL (2) HDHH & ~330' CONDUIT / UG PRIMARY FROM EXISTING P.15 OLD FERRY RD TO PROPOSED P.20-50 CROSS PATH RD

Location: OLD FERRY RD & CROSS PATH RD

Date Of Original Grant:

Date: 08/24/2021 Drawn By: D.CLOWES

DISTANCES ARE APPROXIMATE



October 14, 2021

City Council
Town of Northampton

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

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

Diane Clowes 413-582-7408

If this petition meets with your approval, please return an executed copy to:

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

Very truly yours,

A handwritten signature in blue ink that reads "Jim Kehrer/lla".

Jim Kehrer
Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

Questions contact – Diane Clowes 413-582-7408

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the City Council of Northampton

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Old Ferry Rd @ Cross Path Rd. - Northampton, Massachusetts.

The following are the streets and highways referred to: **30408955**

Old Ferry Rd. @ Cross Path Rd. - Beginning at a point approximately 30 feet east of the centerline of the intersection of Cross Path Rd. and continuing approximately 330 feet in an easterly and northerly direction; National Grid to install 2-4" conduit bank (encased in concrete) for primary underground cable beginning at Pole 15 Old Ferry Rd. and continuing east for ~ 245' then north for ~ 85' to new pole # 20-50 Cross Path Rd.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Jim Kehrer/lla*

BY _____
Engineering Department

Dated: September 22, 2021

30408955-UG Conduit Petition Old Ferry Rd. @ Cross Path Rd.

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 22 day of September 2021.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Old Ferry Rd. @ Cross Path Rd. - Northampton, Massachusetts 30408955

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Old Ferry Rd. @ Cross Path Rd. - Beginning at a point approximately 30 feet east of the centerline of the intersection of Cross Path Rd. and continuing approximately 330 feet in an easterly and northerly direction; National Grid to install 2-4" conduit bank (encased in concrete) for primary underground cable beginning at Pole 15 Old Ferry Rd. and continuing east for ~ 245' then north for ~ 85' to new pole # 20-50 Cross Path Rd.

I hereby certify that the foregoing order was adopted at a meeting of the
....., held on the day of, 20
....., 20

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

Attest:
.....

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the
underground electric conduits described in the order herewith recorded, and that I mailed at least
seven days before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to construct the underground electric
conduits under said order. And that thereupon said order was duly adopted.

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.....
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Ngrid

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 22 day of September 2021.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked - Old Ferry Rd. @ Cross Path Rd. - Northampton, Massachusetts 30408955

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Old Ferry Rd. @ Cross Path Rd. - Beginning at a point approximately 30 feet east of the centerline of the intersection of Cross Path Rd. and continuing approximately 330 feet in an easterly and northerly direction; National Grid to install 2-4" conduit bank (encased in concrete) for primary underground cable beginning at Pole 15 Old Ferry Rd. and continuing east for ~ 245' then north for ~ 85' to new pole # 20-50 Cross Path Rd.

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....., 20

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

Attest:
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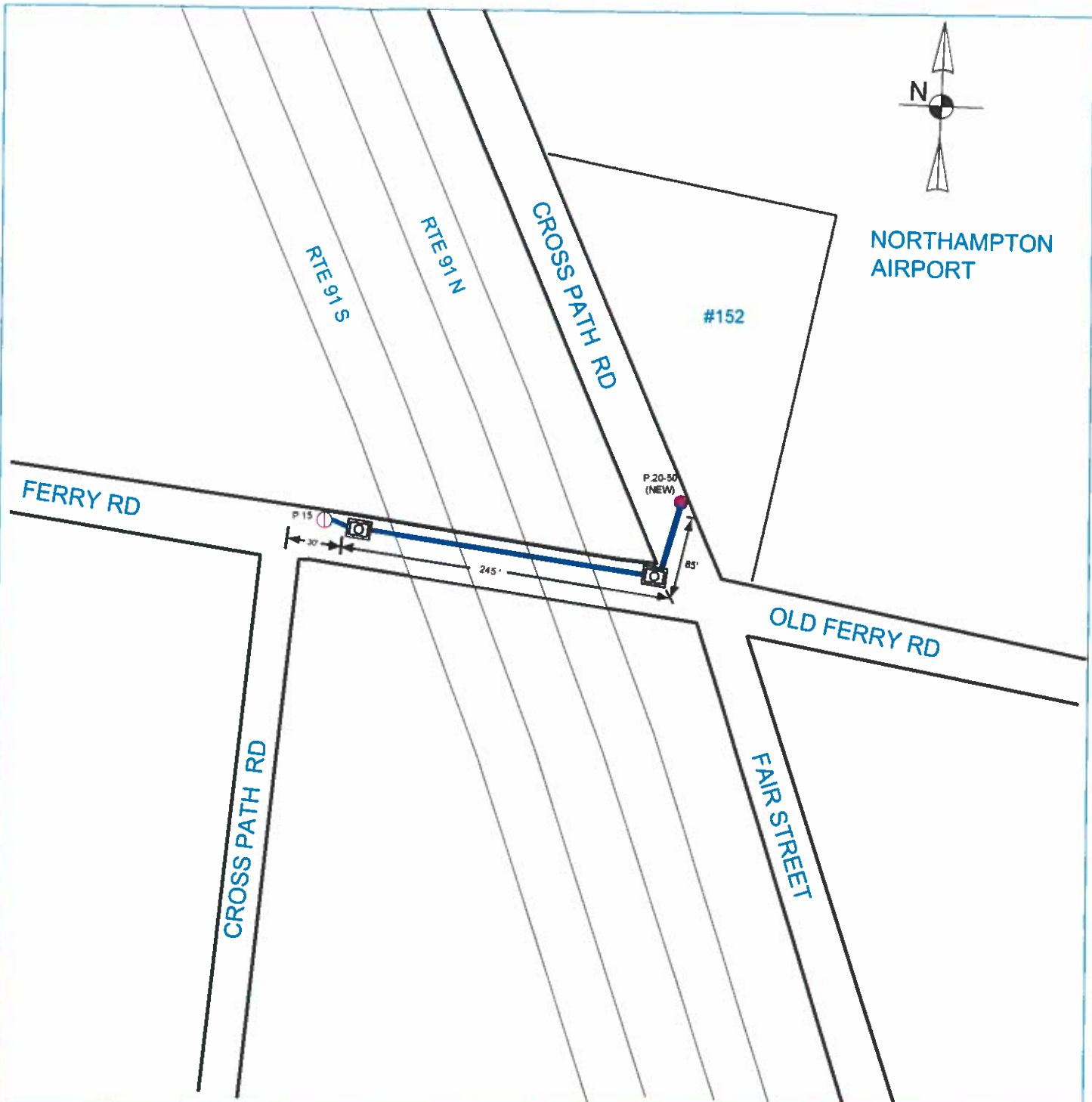
..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the
underground electric conduits described in the order herewith recorded, and that I mailed at least
seven days before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to construct the underground electric
conduits under said order. And that thereupon said order was duly adopted.

.....
.....
.....



NORTHAMPTON AIRPORT

#152



UNDERGROUND PETITION

nationalgrid

LEGEND

- CONDUIT (2-4" CONCRETE ENCASED) W/ NGRID UNDERGROUND PRIMARY
- PROPOSED JO POLE
- HEAVY DUTY HANDHOLE (IN STREET)
- EXISTING JO POLE

Date: 08/24/2021

Plan Number: 30408955

To Accompany Petition Dated:

To The: CITY of NORTHAMPTON, MA

For Proposed: INSTALL (2) HDHH & ~330' CONDUIT / UG PRIMARY FROM EXISTING P.15 OLD FERRY RD TO PROPOSED P.20-50 CROSS PATH RD

Location: OLD FERRY RD & CROSS PATH RD

Date Of Original Grant:

Date: 08/24/2021 Drawn By: D.CLOWES

DISTANCES ARE APPROXIMATE



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

413-587-1570
Fax 413-587-1576

Donna LaScaleia
Director

Memorandum

To: Donna LaScaleia

From: Kris Baker, P.E.

Date: December 1, 2021

Re: Petition No. 30408955 to Install Underground Conduit and a Joint Pole Location at Cross Path Road and Old Ferry Road

Approved 12-1-2021 M

National Grid is proposing to install the following as indicated on the Petition with Plan:

- One JO pole #20-50 on Cross Path Road, beginning at a point approximately 85 feet north of the centerline of the intersection of Old Ferry Road for an underground primary riser; and
- Approximately 330 feet of 2 to 4 inch conduit bank encased in concrete for primary underground cable beginning at Pole 15 on Old Ferry Road to the proposed pole #20-50 on Cross Path Road. The installation includes 2 heavy duty handholes in the street.

DPW Engineering staff conducted a site visit, and the new pole location was field-staked by National Grid.

The proposed conduit, handholes, and pole are greater than 10 feet from drain pipes, sewer pipes, and manholes. There are no trees in the vicinity of the project area and no apparent interference of trees. There is an existing 6" asbestos concrete water main in Old Ferry Road and in Cross Path Road, installed in 1963. The proposed conduit in Old Ferry Road appears to be located to the north of the water main, but within 5 feet, running parallel. In addition, the conduit as proposed crosses the Cross Path Road water line. The burial depth of the water line in this area is unknown and therefore, National Grid must conduct a test pit to locate the depth of the existing water line at the crossing prior to construction.

The proposed conduit, handholes, and pole may be installed as proposed following test pits to determine the water line depth at the crossing location in Cross Path Road. National Grid must obtain an Excavation/Trench Permit and coordinate with the Water Division at 413-587-1570 24 hours prior to excavation of both the test pits and the conduit. The crossing shall maintain a minimum clear vertical separation of 18 inches from the water line and the conduit running parallel to the water main shall be offset by a minimum of 5 feet.



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

Announcement of Audio/Video Recording
Public Comment

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra at 7 p.m.

Councilor Sciarra announced that the meeting was being audio and video recorded. The City Council accepted public comment for 16 minutes. (See **Public Comment Record Sheet** for names and topics of people making public comments.)

Roll Call

At 7:16 p.m. on a roll call the following City Councilors were present:

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

Public Hearings
Announcement of Public Hearing on 21.347 and 21.348 National Grid/Verizon Pole Petition for One (1) Jointly-owned (JO) Pole on Cross Path Road and National Grid petition to install underground conduit and heavy-duty handholes on Old Ferry Road (Petition #30408955)

Public Hearings
Announcement of Public Hearing on 21.347 and 21.348 National Grid/Verizon Pole Petition for One (1) Jointly-owned (JO) Pole on Cross Path Road and National Grid petition to install underground conduit and heavy-duty handholes on Old Ferry Road (Petition #30408955)

Councilor Sciarra made the following announcement:
Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on **Thursday, December 16, 2021 at 7:05 p.m.** on National Grid/Verizon New England's petition to install one jointly-owned (JO) pole on Cross Path Road and National Grid's petition to install 330 feet of underground conduit leading to this pole along with two heavy-duty handholes on Old Ferry Road (Petition #30408955). Instructions for accessing the hearing may be found on the December 16, 2021 City Council agenda to be posted on the city's website (www.northamptonma.gov) no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.

Consent Agenda

Consent Agenda
With the council's permission, Councilor Sciarra stated her intention to move the consent agenda up in the order of business.

There being no objection, Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request.

Councilor Dwight moved to approve the consent agenda. Councilor Quinlan seconded.

The administrative assistant proceeded to call the roll, but when she came to Councilor LaBarge, the Ward 6 councilor requested removal of **21.364 An Application for Supervised Display of Fireworks - First Night.**

Councilor Dwight withdrew his motion to approve and instead moved approval of the consent agenda with the removal. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

The following item was approved as part of the consent agenda:

A. Minutes of November 18, 2021 regular meeting

Councilor Dwight moved approval of 21.364 An Application for Supervised Display of Fireworks - First Night. Councilor Foster seconded.

Councilor LaBarge noted that the expiration date of Robert Gutkowski's "Fireworks Certificate of Competency" attached to the application is December 15, 2021.

Ms. Krutzler said she had spoken to Mr. Gutkowski's wife and she said her husband plans to renew his license prior to its expiration. Arts Council Director Brian Foote said he will forward a copy of the renewed license to the City Council office as soon as it is received.

Brian Foote confirmed he would forward a copy of the permit to Ms. Krutzler for forwarding to the Fire Department and state fire marshal. He pointed out that the state fire marshal has already approved the permit as presented.

Councilor Dwight said it is worth noting that it is not yet December 15th so this is an approved practitioner with prior experience providing firework displays in the city. Since the permit has the approval of the state fire marshal, he feels comfortable approving it.

When asked if the Mr. Gutkowski has worked in Northampton before, Director Foote said this will be the third time the Northampton Arts Council has worked with Pyrotecnico. Previously, the Northampton Center for the Arts collaborated with Pyrotecnico for much of the 20-year or more history of First Night. The vendor is well-versed and has good collaboration with other city departments, including the Fire Department and Central Services.

Councilor Nash said he is assuming the fire chief wouldn't allow the fireworks display to go forward if the operator were not in compliance.

That is correct, Mr. Foote indicated.

In defense of Mr. Gutkowski's reputation, Councilor Dwight clarified that Mr. Gutkowski's license has not been revoked, it is merely expiring and in the process of renewal. Mr. Gutkowski has been the sole practitioner of fireworks in the City of Northampton for two decades, he noted. He said he couldn't think of anyone more suited to the job or with the same familiarity and cooperation of every affiliated department. He has no discomfort at all moving forward and approving this, he assured.

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

<p><u>Updates from Council President and Committee Chairs</u></p>	<p><u>Updates from Council President and Committee Chairs</u> None.</p>
<p><u>Recognitions and One-Minute Announcements by Councilors</u></p>	<p><u>Recognitions and One-Minute Announcements by Councilors</u> In an announcement from the Literacy Project, Councilor Nash informed those present that the school is conducting an enrollment campaign. He read aloud a letter from a recent graduate. It is not just a program that offers high school equivalency test preparation; it also offers classes in basic skills as well as college and career preparedness and has strong partnerships in many communities. Staff and volunteers are excited to offer these services in downtown Northampton and other sites in the Pioneer Valley, namely, Ware, Greenfield, Amherst and Orange. The program is enrolling people for January, he noted. He directed people to www.literacyproject.org and (413) 584-6755 for more information.</p> <p>Northampton's holiday Toy Exchange is now called "Kids Recycling Toys for Other Kids," Councilor Maire shared. The annual event is sponsored by the Northampton chapter of the Kiwanis Club but will be run this year by the Northampton High School (NHS) Key Club and NHS Environmental Club. Used toys, games, puzzles and musical instruments in good</p>

condition will be collected this Friday from 4:30 to 8 p.m. at the high school cafeteria and the toy giveaway will take place Saturday from noon to 3 p.m. Residents are welcome to come pick out toys for their kids.

Councilor LaBarge echoed Councilor Maire's announcement of the annual Toy Exchange and Councilor Nash's promotion of the Literacy Project. She also thanked the Rotary Club. The club recently invited Mary Clare Higgins from Hampshire Community Action Commission (HCAC) as a guest speaker and decided to lend its support to help the children of HCAC's Healthy Families program enjoy a special holiday, she related.

Councilor Quinlan acknowledged the range of emotions he experienced this week, including sorrow for the family of Dr. Marty Nathan and grief for the community for the loss of Dr. Nathan's leadership. He has also been giddy with pride due to the accomplishments of two Northampton High School alums - Mount Holyoke College (MHC) senior Elena Frogameni for earning a Rhodes scholarship and Valdamar Brower for leading Springfield Central High School's football team to its 3rd state championship game.

The Council President agreed Northampton has lost a very bright light and a moral compass this week with the death of Marty Nathan.

Communications and Proclamations from the Mayor

Communications and Proclamations from the Mayor
ARPA Survey and Transition Update

Mayor Narkewicz delivered a Powerpoint presentation with an update on the city's timeline and preparation for deployment of American Rescue Plan Act (ARPA) funds. He also gave an overview of initial ARPA survey results.

In September, he outlined best practices for the distribution/use of ARPA funds, including designing a transparent, accessible and equitable project selection process and leveraging other state and federal resources, he reminded. Per the timeline presented, since the November election, he has been engaged in an administrative transition with Mayor-Elect/City Council President Gina-Louise Sciarra, a big piece of which has been bringing her up to speed on ARPA. After her inauguration, Mayor-elect Sciarra will put together an ARPA advisory committee to gather community input and advise her on the project selection process. Tentatively, in the Winter/Spring of 2022, a request for project proposals will be issued and, in the Spring of 2022, projects will be selected, funded and initiated.

ARPA is principally a COVID recovery fund and, as such, stipulates four principal ways project funds can be spent: 1) responding to the COVID-19 public health emergency and its negative impacts, whether to households, individuals, small businesses or non-profits, 2) paying workers providing essential work during the pandemic (sometimes referred to as premium pay), 3) recovery of lost local revenues and 4) necessary investments in infrastructure (limited to water, sewer or broadband). This spending category fits well with capital program planning, he noted.

Premium pay is something the state is looking at, Mayor Narkewicz observed. Essential workers include municipal workers. With respect to Northampton municipal employees, this will be the subject of collective bargaining next year, he advised.

Mayor Narkewicz proceeded to share top line data of the online ARPA survey, which was completed November 28th. Part 1 was aimed at understanding the impacts of the COVID pandemic on city residents, while Part 2 surveyed city residents on their priorities for COVID response and recovery efforts. Information was collected from October 1st through November 28th from 1,460 participants, nine of which took the survey in Spanish.

Part 1 of the survey revealed that mental, social and emotional health were key issues during the pandemic, Mayor Narkewicz reported. Although strong majorities of Northampton stakeholders reported their status as 'excellent' or 'good' on every measure asked, one in five shared that their household was doing only 'fair' or 'poor' in terms of mental health (23%) and social/emotional health (21%). Mental health also topped the list of problems cited, with 28% 'feeling nervous, anxious or on edge,' 18% 'feeling down, depressed or hopeless,' 16% 'feeling lonely or isolated' and about 13% each citing access to mental health and medical

services as problems.

Interesting to note is that today's state announcement on ARPA funding also prioritized health care and mental health services as big areas for funding, Mayor Narkewicz advised. It seems that what Northampton heard is similar to what the House and Senate may have heard in their hearings to assess the impacts of COVID, he observed.

The pandemic created financial difficulties for some Northampton residents, Mayor Narkewicz continued. Economic concerns (14%) and providing remote support to extended family members (13%) are listed as major or moderate problems facing Northampton households. 46% shared that COVID has had a major or slight impact on household income. 19% reported that someone in their household accessed unemployment insurance while 7% took advantage of food assistance. Few reported accessing mortgage, rental or utility assistance or difficulty accessing these services, although 7% said it was difficult to access unemployment benefits.

Of 360 respondents reporting that they have school-aged children, 50% reported that the pandemic had a negative impact on their children's education and 33% said it had a *major* negative impact (83% of survey population with school-aged children.)

The mayor shared samples of some of the comments gathered.

In survey Part 2, when asked to check their top five priorities for ARPA funding, 52% selected services and shelter for people experiencing homelessness and 50% selected housing assistance. Sustainability/climate change adaptation and mitigation, digital equity and food security were other priorities named.

In terms of most critically-important, city-wide community needs, 75% identified not enough affordable housing as the most important city-wide problem, followed by not enough support for small businesses (53%), streets and sidewalks being in poor condition (51%) and lack of public transportation (48%).

In terms of ARPA next steps, he will be working to finish the administrative transition and compile the final results of the ARPA survey and then awaiting inauguration and the start of Mayor Sciarra's term. Mayor Sciarra will be forming an ARPA advisory committee, issuing a request for proposals (RFP) and, in the Spring of 2022, selecting and funding projects.

Northampton is slated to receive \$21,747,984 which must be committed by December 31, 2024, he reiterated. The first payment has already been disbursed, and the second is to be disbursed in June.

Financial officers have been setting up accounting systems and have consulted the city's outside auditor. The auditor has recommended City Council take a vote to accept ARPA funds to document their receipt for state and federal accounting purposes. Some other cities have taken this vote and it is on the council's agenda later tonight, he advised.

Councilor Sciarra said it has been a pleasure going through this transition with the mayor around this exciting money. With regard to the advisory committee, it will have a few jobs, including helping steward the public process around the use of the funds. She wants to get members appointed and lay out a plan for public forums so people can tell them directly their thoughts on how the money should be spent. It will be made up of community members with experience with these categories of use and include representation from the council. She would also like the committee to work on figuring out the application process and helping to review applications.

The survey indicates a lot of pain and suffering going on in their community, Councilor Nash commented. "It's pretty profound," he observed. They as councilors have known it but to see it represented so starkly in these numbers is impressive. It is a survey that really sought to mine into people's state of mind. They are seeing a lot of pain and suffering and he appreciates the priorities that were laid out, he concluded.

Councilor Maiore pointed out that new programs and services won't mean a lot if they can't

get the word out to individuals in need. Public outreach is often where new services fail, she suggested. A lot of any program's success is just getting the word out to folks that services exists. She advocated for effective outreach across the board. "It's going to take a significant promotional campaign to alert our residents about what might be available," she stressed.

As far as the timeline, she asked if the city will have enough money to start initiating projects before the second installment is received in June.

He thinks they could begin the process knowing that the allocation is coming, Mayor Narkewicz said. Cities and towns have been waiting to see how states will be using the funds, but other communities are planning to begin this process in 2022. The money is supposed to be used for COVID recovery, he emphasized. Infrastructure is limited to very discrete items. There will be an educational component as the program is rolled out.

Councilor LaBarge asked how his department is going to reach out to the many people without computers, and Mayor Narkewicz stressed that the on-line survey was just an initial information-gathering tool. The mayor-elect envisions there being an expanded public process with other ways of outreach including public forums, he assured.

Councilor Sciarra said Councilor LaBarge brings up a good point. If public forums need to be remote, it means they will have to work extra hard to connect with people who aren't able to participate remotely, she noted.

The slide show will be posted to the city website on a page devoted to information about the ARPA program, Mayor Narkewicz said.

<p><u>Public Hearings</u></p>	<p><u>Public Hearings</u> None.</p>
<p><u>Resolutions</u></p>	<p><u>Resolutions</u> None.</p>
<p><u>Presentations</u></p>	<p><u>Presentations</u> <u>City Council Rules Select Committee Final Report</u> Councilor Sciarra asked if there was any objection to moving this presentation to in front of the general order to amend the council rules since it pertains only to the council's business and they have a lot of financial orders to get through. Hearing none, she proceeded to the next item on the agenda.</p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p><u>Recess for Committee on Finance Meeting</u> The City Council recessed for Finance Committee at 8:07 p.m. The Finance Committee adjourned at 7:30 p.m. The council reconvened at 9:53 p.m.</p>
<p><u>Financial Orders (On 1st reading)</u> <u>21.358 Order to Appropriate \$3,000 in CPA Funds to Lathrop Community for Continued Invasive Species Removal - 1st rdg.</u> <u>21.359 Order to Appropriate \$31,922 in CPA</u></p>	<p><u>Financial Orders (On 1st reading pending Finance Committee review)</u> <u>21.358 An Order to Appropriate \$3,000 in CPA Funds to Lathrop Communities for Continued Invasive Species Removal - 1st reading</u> <u>21.359 An Order to Appropriate \$31,922 in CPA Funds to Historic Northampton for Shepherd Barn Artifacts Project - 1st reading</u> <u>21.360 An Order to Appropriate \$20,000 in CPA Funds for Farmland Rehabilitation at the Community Farm and Garden - 1st reading</u> <u>21.361 An Order to Appropriate \$100,000 in CPA Funds to the Rocky Hill Accessible Trail Project - 1st reading</u> <u>21.362 An Order to Appropriate \$230,100 in CPA Funds to Valley CDC for a Mortgage Subsidy Program - 1st reading</u> <u>21.365 An Order to Appropriate \$608,000 in CPA Funds to Independent Housing</u></p>

Funds to Historic Northampton for Shepherd Barn Artifacts Project - 1st reading
21.360 Order to Appropriate \$20,000 in CPA Funds for Farmland Rehabilitation at the Community Farm and Garden - 1st reading
21.361 Order to Appropriate \$100,000 in CPA Funds to the Rocky Hill Accessible Trail Project - 1st reading
21.362 Order to Appropriate \$230,100 in CPA Funds to Valley CDC for Mortgage Subsidy Program - 1st reading
21.365 Order to Appropriate \$608,000 in CPA Funds to Independent Housing Solutions for Housing the Disabled Homeless Project-1st rdg.
21.366 Order to Appropriate \$13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment - 1st reading
21.367 Order to Appropriate \$70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project - 1st rdg.
21.368 Order to Appropriate \$82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project - 1st reading
21.369 Order to Appropriate \$233,400 in CPA Funds to OPS and

Solutions for Housing the Disabled Homeless Project - 1st reading
21.366 An Order to Appropriate \$13,000 in CPA Funds to Northampton Parks and Rec for Pickleball Feasibility Assessment - 1st reading
21.368 An Order to Appropriate \$82,900 in CPA Funds to Michelson Galleries for 132 Main Street Facade Project - 1st reading
21.369 An Order to Appropriate \$233,400 in CPA Funds to OPS and Conservation Commission for Priority Property Acquisitions - 1st reading
21.357 An Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road - 1st reading
21.363 An Order Authorizing Expenditures from Accessible Parking Fines - 1st reading
21.372 An Order Authorizing Acquisition of a Parcel of Land on the Northerly Side of Westhampton Road - 1st reading
21.373 An Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various Capital Projects - 1st reading
21.374 An Order to Accept \$21.7 Million in American Rescue Plan Act Funds - 1st reading

Councilor Jarrett moved to approve agenda items A through O with the exception of Item H (21.357, 21.358, 21.359, 21.360, 21.361, 21.362, 21.363, 21.365, 21.366, 21.368, 21.369, 21.372 and 21.373) as a group in first reading. Councilor Quinlan seconded. The motion carried 9:0 by roll call vote.

See minutes of December 16, 2021 for second readings.

Councilor Dwight moved to suspend rules to allow a second reading on 21.363 An Order Authorizing Expenditures from Accessible Parking Fines. Councilor Thorpe seconded. The motion carried 9:0 by roll call vote.

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

The following order passed two readings:

City of Northampton
 MASSACHUSETTS

In City Council, 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.

Rules suspended, passed two readings and enrolled.

<p><u>Conservation Commission for Priority Property Acquisitions - 1st reading</u> <u>21.357 Order to Authorize the Conservation Commission to Acquire a Conservation Restriction on North Farms Road - 1st reading</u> <u>21.363 Order Authorizing Expenditures from Accessible Parking Fines - 1st reading</u> <u>21.372 Order Authorizing Acquisition of a Parcel of Land on the Northerly Side of Westhampton Road - 1st reading</u> <u>21.373 Order to Appropriate Free Cash and Enterprise Fund Retained Earnings to Various Capital Projects - 1st reading</u> <u>21.374 Order to Accept \$21.7 Million in American Rescue Plan Act Funds - 1st reading</u></p>	<p><u>21.367 An Order to Appropriate \$70,000 in CPA Funds to OPS for Ct. River Greenway Water Access Project - 1st reading</u> As the executive director of All Out Adventures, Councilor Foster said she needs to recuse herself since the non-profit has a financial interest in the Connecticut River Greenway Park.</p> <p>Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion carried 8:0 by roll call vote with Councilor Foster recused.</p> <p><u>See minutes of December 16, 2021 for second reading.</u></p>
<p><u>Financial Orders (On 2nd reading)</u></p>	<p><u>Financial Orders (On 2nd reading)</u> None.</p>
<p><u>Orders City Council Rules Select Committee Final Report</u></p>	<p><u>Orders City Council Rules Select Committee Final Report</u> Rules Committee Chair/Ward 7 Councilor Maiore gave an overview of the committee's work. In reviewing the rules, the group's focus was discussing how to make council meetings more concise while still remaining accessible. Members were very proud of Northampton's tradition of allowing public comment although it's not required but wanted to balance that with the idea that council meetings are essentially business meetings. Not conducting their business efficiently hurts equity in another way. Recommendations were thus in service to efficient and accessible meetings, she stated.</p> <p>Because of the ease and inclusivity of remote meetings, the council had unprecedented participation this council term, Councilor Maiore reminded. Rules committee members wanted to retain that accessibility but set some reasonable limits. As an overriding</p>

principle, the group resisted any rule change that would result in the council regularly acting to suspend its own rules. This is why they didn't recommend an end time for meetings and why they recommended allowing public comment for 90 minutes rather than an hour.

They also wanted to make sure that councilors themselves could participate remotely and so recommended changing limitations on that and adding family care and child care as acceptable reasons for remote participation.

The group talked in depth about the current practice of the Finance Committee being housed within the full council meeting and fact that, beyond lengthening meetings, it does not provide the public with the optimum level of participation enjoyed in subcommittee meetings. They also recommended the elimination of requiring two *votes* on every matter (although not two readings) and ceasing the custom of automatically reading documents into the record.

In many cases, members discovered that certain practices considered rules are not rules but rather norms and customs. Because of the way these norms impacted their work, they spent some time unpacking them. Councilor Foster could speak more to norms and non-rule recommendations and other members could speak more about the reasons for other recommendations. She concluded by offering to respond to questions.

DISCUSSION

Councilors asked questions and offered comments. Councilor Nash said he thinks the committee has come up with some worthy recommendations. He asked if this would be in effect for the next council meeting if the council votes tonight. If so, he mentioned being in a quandary about how this would affect financial orders introduced that evening and how they would proceed.

In response, Councilor Sciarra proposed that councilors consider postponing a vote on the order until December 16th. She *does* think it is important for this council to vote on the recommendations because the resolution passed said they would deliberate and vote on the rules. Also, it would be difficult for a new council to be presented with two sets of rules at its organizational meeting, which is not usually heavy on deliberation.

Councilor Dwight moved to recognize the councilor-elects. Councilor Thorpe seconded The motion passed unanimously 9:0 by roll call vote.

[Councilor-elects Marissa Elkins, Garrick Perry, Stanley Moulton, III and Jamila Gore were present on the Zoom call.]

Councilor Dwight referred to what he's taken to calling Councilor Foster's 'epiphany' with regard to the process for considering financial orders. He invited her to share this concept.

The intent of the change is that financial orders be introduced to the full council as they are now but that the council would then either refer an order to the consent agenda at the next meeting or to the Finance Committee for further deliberation, Councilor Foster explained. At the time of introduction of the order, the full council will have the same access to department heads, the mayor and the Finance Director for clarifying information as they do now. Relatively routine financial orders will go to the next meeting's consent agenda while those needing a 'deeper dive' will go to the Finance Committee. It is not the expectation that the Finance Committee will always need to meet, she noted.

A lengthy discussion followed centered on the mechanics of the process for introducing financial orders and referring them to either the Finance Committee or consent agenda. Councilor Sciarra began by expressing concern that, without deliberation, it would not be possible to make a decision on an order's future disposition.

"How do you make that decision without 'deliberating' on an item that's not on the floor for deliberation?" she asked, referring to the council's custom of requiring a motion and a second prior to extended discussion in keeping with parliamentary procedure.

She is perfectly clear on the concept, but it is still the mechanics she is working on, she

elaborated. She expressed her understanding that the relevant motion would be a motion to refer. She asked if the staff presentation would follow this motion.

Councilor Dwight said he doesn't think a motion is necessary in order for staff to make a presentation. After the presentation, they would not be deliberating the order itself but would be deliberating whether the order needs further discussion, he suggested. The council as a whole would make that decision. The order could be put on the floor for discussion and referral in the form of a motion, he confirmed.

"You're not going to debate the item; you're going to debate the referral, and that's important," he stated.

Councilor Sciarra asked if there would be two standing Finance Committee meetings.

Councilor Dwight said his understanding is that there will be one but with the potential for more. Subcommittees will only convene when items are referred to them, or on an 'as needed' basis, he pointed out.

Councilor Jarrett noted that the sticking point seems to him to be the legal question of process raised by Councilor Sciarra. In order to talk about the item and ask questions for clarification, do they need to put it on the floor for discussion? He asked. He suggested they clarify that question with Attorney Seewald. Noting how easy it would be to stray into deliberation, he suggested also seeking clarification about the limits on discussion, if any.

Councilors who served on the committee shared additional insights into the group's recommendations. The group's collective perception of the Finance Committee's importance was one reason for arriving at the compromise of having all councilors participate in the decision of whether to refer financial orders, Councilor Foster said. She and Councilor Maiore both appreciated the Finance Committee being within the City Council meeting because of the resulting ability for other councilors to be heavily involved. However, in the service of trying to streamline meetings, it didn't help to have a separate committee meeting within the regular meeting, she noted.

The reason for increasing public comment from one hour to 90 minutes was the solicitor's concern that suspending council rules to extend public comment could look biased and be perceived as dependent on the nature of the testimony, Councilor Maiore explained. They were concerned that with only 60 minutes they would be called upon to suspend the rules more often.

Councilor Dwight noted that another change being recommended is to incorporate public comment within the body of the meeting so the council's rules would be in effect during this segment.

Additional logistics such as how many of the associated meetings professional staff would be expected to attend were discussed. Councilor Sciarra asked why the Finance Committee itself couldn't report out on what was discussed at its separate meeting rather than requiring staff to attend for this purpose.

If any change presents a problem that's insurmountable, it's always possible for the next council to change the rules, Councilor Dwight reminded. "If it doesn't work, the council will be empowered to change it and make those adaptations."

His council would be, "Don't fear that change," he added. This body has the opportunity to make it work and work better.

Rules Committee Vice Chair Al Simon referred to his background of 18 years serving as an elected member of a town council in another community including 12 years as Finance Committee chair. Based on this experience, the perspective he brought was as someone who was used to doing things differently, so his question was often, "Why are you doing it this way?"

The Rules Committee had a lot of discussion and talked things through. People presented

the argument that this is the way they've always done it, which is a natural fallback. He thinks a lot of their recommendations really focused around two pieces: 1) to really use the subcommittees as subcommittees; in other words, letting them do the deep work of asking questions. In line with that, his idea would be to let the committee itself do the presentation to the full council and, 2) to really focus on how to make these meetings more efficient to be respectful of everybody's time – councilors as essential volunteers, city staff and residents.

“You really have to see a lot of the reforms as a package all of which add fundamentally to those two things,” he stressed. They really did spend the time to query why it is done this way and whether they could do it a better way to achieve those goals.

Members noted the following inconsistencies/omissions requiring further amendment:

- ❖ Councilor Sciarra noted the need to add “Financial Orders (Not yet Referred) to the Order of Business. (Councilor Dwight agreed.)
- ❖ Also ‘Resolutions (Not yet Considered’ since there is a requirement in the new rules to introduce something once before it is voted on, Councilor Jarrett added. (Councilor Dwight said that is also correct; he agrees with that.)
- ❖ Councilor Sciarra noted that Section 5.2.2 needs to be modified for consistency with the new option of referring financial orders to the consent agenda.

Councilor Dwight explained the distinction between a ‘reading’ and a ‘vote.’ In the past, the council has interpreted a ‘reading’ as implying a vote but it does not necessarily, he pointed out. First ‘reading’ is when the order is presented and introduced to the council.

Councilors discussed how to proceed. Councilor Dwight said his expectation was simply that the council would accept the final report. He agreed they shouldn't vote on the order tonight because it creates the constraint of functioning under the new rules at the next meeting but he does think they should discuss the recommendations. His recommendation would be not to vote on the order but to merely vote on and discuss accepting the recommendations.

Councilor Jarrett suggested that councilors layout all their concerns and questions and that the rules committee meet in between the council meetings to consider those concerns and possibly come up with amended language.

However, Councilor Dwight said the idea was to solicit the thoughts, concerns and even pushback from the council as a whole. He expressed the opinion that it is therefore up to the body to work out the changes. Amendments can be made on the floor so whatever amendments need to be made can be made at the last meeting, he proposed.

After additional discussion, **Councilor Dwight moved to table 21.370 to the next council meeting. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.**

See minutes of December 16, 2021 for final discussion and vote.

<p><u>Ordinances (Not yet Referred)</u></p>	<p><u>Ordinances (Not yet Referred)</u> None.</p>
<p><u>Ordinances 21.371 An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022 - 1st reading</u></p>	<p><u>Ordinances 21.371 An Ordinance Extending the Effective Date of Section 272-18 to July 1, 2022 - 1st reading</u> Councilor Jarrett said that as a worker/owner of the Pedal People cooperative, he is going to recuse himself. Councilor Dwight moved to suspend the rules to waive referral to Legislative Matters per the sponsor's request. Councilor Foster seconded. The motion carried 8:0 by roll call vote with Councilor Jarrett recused.</p>

Councilor Sciarra read the ordinance.

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

Downtown Northampton Association (DNA) Executive Director Amy Cahillane is with them, Councilor Maire noted. The plastics reduction ordinance was the pride of her first term, she shared. She’s glad they passed it and that Northampton is moving forward with it. She started working on that ordinance before she was even on the council, she related.

When sponsors proposed the January implementation date, they knew there was a possibility it would be suboptimal as a start date due to the pandemic and its after-effects, Councilor Maire said. The request for an extension was precipitated by a call from the DNA director, who wrote a letter describing an across-the-board supply chain issue. As co-sponsor of the ordinance, she wants to give businesses ample time. As an additional consideration, the solid waste coordinator is newly-hired, and DPW Administrator Cynthia Quinn seemed relieved to give her more time to gain her footing. There is also the issue of composting services to match the needs of businesses for increased composting. For those reasons, she is proposing to extend the implementation date to July 1, 2022. What Director Cahillane is describing is an across-the-board issue for most businesses, especially the food service industry.

Councilor Dwight moved to recognize Amy Cahillane. Councilor Maire seconded. The motion carried 8:0 by roll call vote with Councilor Jarrett recused.

This is a nationwide trend they are seeing reflected downtown, Director Cahillane attested. It is not just pizza places or Chinese take-out; it is system-wide and includes coffee shops and formal sit down restaurants. Businesses are experiencing high prices and difficulty in accessing supplies. Business owners have done the work to properly source the materials - they know what they need to do; they’re just not able to get the supplies and at the same time are facing incredibly high prices, labor shortages, the winter season and COVID. This would just be a very difficult time for them to go through this. In the interest of full disclosure it is entirely possible she will be back to tell them the same story in June of 2022 since there is presently so much uncertainty, she acknowledged.

“It’s not because businesses don’t want to comply; it’s that it’s physically just not possible for them to comply right now,” she presented.

Councilor LaBarge spoke in favor of the postponement.

As the cosponsor, Councilor Dwight pointed out that this was not intended to be punitive; it was designed with aspirations. At the same time, sponsors recognize and acknowledge the frustration because they are proposing this at a time when there is great uncertainty, which is why they built in a lot of exemptions and immersion time. There’s no upside to being rigid about this and inflexible. He thinks it’s appropriate at this time to allow for this delay and for the future council to be prepared for the possibility that there may be adjustments needed to make this work. “This is a wholly appropriate request,” he asserted.

Ms. Cahillane has worked very closely with the Youth Commission, he added. He spoke to them last night and they understood the reason for the delay although at the same time they are anxious to see the ordinance realized. He thinks it is appropriate for them to respond with understanding and compassion and to grant this delay, he concluded.

Councilor Nash commended the spirit of collaboration. The goal is to come up with a cleaner waste stream and not to punish folks, he agreed. Councilor Foster and Councilor Quinlan also spoke in favor of the extension.

The motion carried 8:0 with Councilor Jarrett recused.

21.335 Ordinance
Relative to Stop
Signs on Ever-

21.335 An Ordinance Relative to Stop Signs on Evergreen Road and Chestnut
Avenue - 2nd reading
21.336 An Ordinance Relative to Off-Street Accessible Parking Spaces - 2nd reading

green Road and Chestnut Avenue - 2nd reading

21.337 An Ordinance Relative to Parking on Main Street - 2nd reading
Councilor Dwight moved to approve the ordinance in first reading. Councilor Jarrett seconded.

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

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

Councilor Dwight moved to approve the parking and stop sign ordinances (21.335, 21.336, 21.337, 21.338 and 21.349) as a group in second reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

The following ordinances passed two readings.

**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:

1 SECTION 1
2
3 *That the § 312-113 of the Code of Ordinances be amended as follows:*
4
5 § 312-113 Schedule XII: Stop and Yield Intersections.

6
7 D. Multiway stop signs. Multiway stop intersections are established at the following
8 locations:
9

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

10
11

Passed two readings, ordained and enrolled.

21.336 Ordinance
Relative to Off-
Street Accessible
Parking Spaces -
2nd reading

**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:

1 SECTION 1
2
3 *That the § 312-117 of the Code of Ordinances be amended as follows:*
4
5 § 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.
6
7 B. Off-street handicapped parking spaces are established as follows:
8

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

Broad Brook-Fitzgerald Lake Greenway	One van-accessible space on the northeast corner abutting the information kiosk.
Musante Beach – North Lot	Two spaces on the northwest corner, one being van-accessible.
Musante Beach – South Lot	One van-accessible space on the northwest corner, abutting the parking lot entrance.
Ray Ellerbrook Fields	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.
Smith Vocational Agricultural Fields	Two spaces on the northwest corner, abutting the trail entrance, one being van-accessible.

9
10

Passed two readings, ordained and enrolled.

21.337 Ordinance
Relative to Parking
on Main Street -
2nd reading

**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:

1 SECTION 1
2
3 *That the § 312-102 of the Code of Ordinances be amended as follows:*
4
5 § 312-102 Schedule I: Parking Prohibited All Times.
6

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

7
8
9 SECTION 2
10
11 *That the § 312-109 of the Code of Ordinances be amended as follows:*
12
13 § 312-109 Schedule VIII: On-Street Parking Meter Zones.

14

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

15
16
17 SECTION 3
18
19 *That the § 312-117 of the Code of Ordinances be amended as follows:*
20
21 § 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.
22

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

23
24
Passed two readings, ordained and enrolled.

21.338 Ordinance
Relative to a Stop
Sign on Cross
Path Road - 2nd
reading

**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:

1 SECTION 1
2
3 *That the § 312-113 of the Code of Ordinances be amended as follows:*
4
5 § 312-113 Schedule XII: Stop and Yield Intersections.
6

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

7
8

Passed two readings, ordained and enrolled.

21.349 Ordinance
Relative to Parking
on Meadow Street
- 2nd reading

**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:

1 SECTION 1
2
3 *That the § 312-102 of the Code of Ordinances be amended as follows:*
4
5 § 312-102 Schedule I: Parking Prohibited All Times.
6

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

7
8

Passed two readings, ordained and enrolled.

Zoning
Ordinances (Not
yet Referred)

Zoning Ordinances (Not yet Referred)
None.

Zoning Ordinances
21.318 Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land - 2nd reading
21.319 Ordinance to Require Installation of EV Charging Stations in Parking Lots over 25 Spaces - 2nd reading

Zoning Ordinances
21.318 An Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land - 2nd reading
21.319 An Ordinance to Require Installation of EV Charging Stations in Parking Lots over 25 Spaces - 2nd reading
 Councilor Dwight moved to approve 21.318 and 21.319 as a group in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

The following ordinances passed two readings:

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.



Passed two readings, ordained and enrolled.

**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 space per 15 parking spaces shall be installed.

Passed two readings, ordained and enrolled.

<u>New Business</u>	<u>New Business</u> None.
<u>Motion to Adjourn</u>	Upon motion made by Councilor Dwight and seconded by Councilor LaBarge, the meeting was adjourned at 11:49 p.m. The motion passed 9:0 by roll call vote.
	Attest: _____ Administrative Assistant to the City Council

City of Northampton

MASSACHUSETTS

In City Council, December 16, 2021

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

21.375 An Order Authorizing a Five-Year Contract for Connecticut River Channel Marking

WHEREAS, Northampton coordinates a multi-community effort to maintain channel markers on the Connecticut River for user safety, funded with contributions from multiple communities and other entities;

WHEREAS, A five year contract is necessary for the vendor to invest in necessary equipment and provides the best value to the City and its consortium;

Ordered, that

City Council authorizes the city, acting through its Office of Planning & Sustainability, to enter into a five-year contract for channel marking services.

City of Northampton

MASSACHUSETTS

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

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

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

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

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

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

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

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

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

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

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.

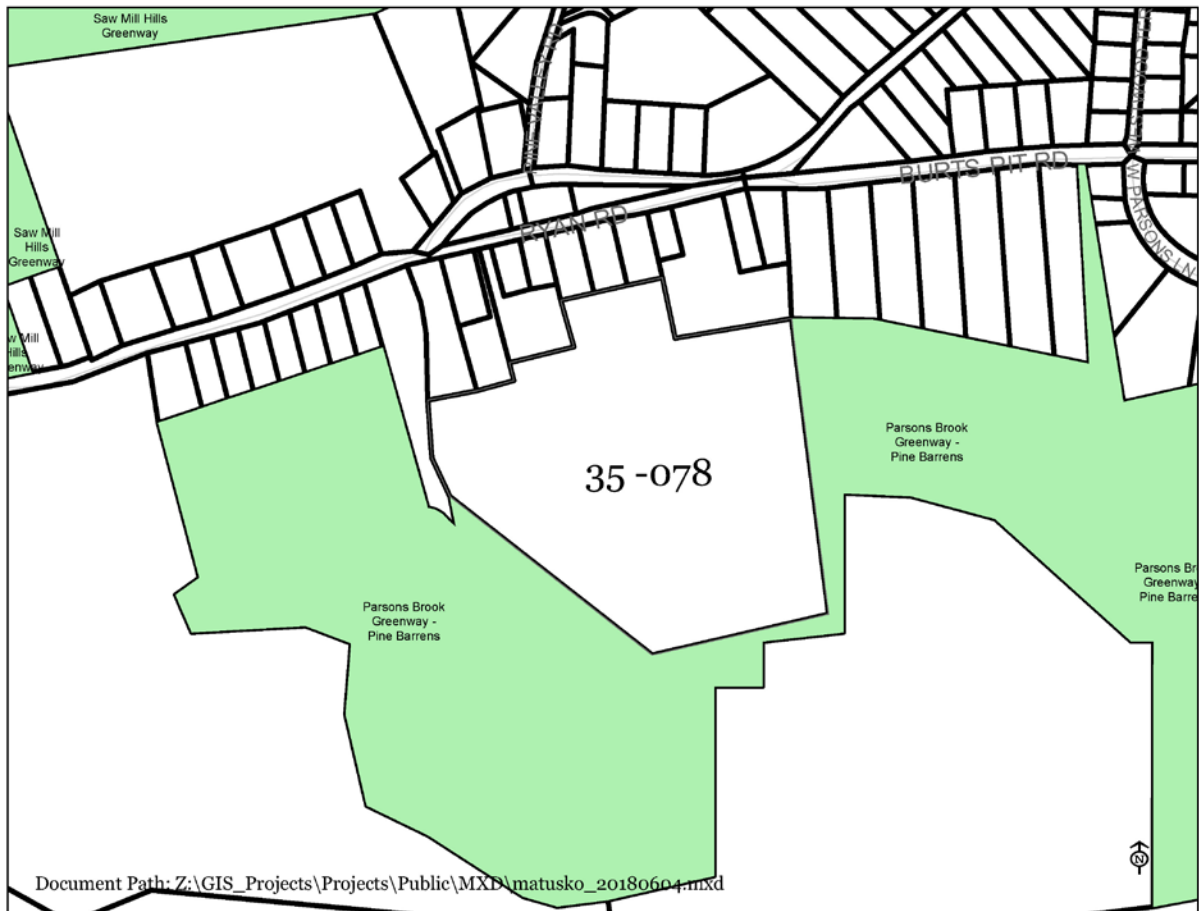
NOW, THEREFORE BE IT ORDERED,

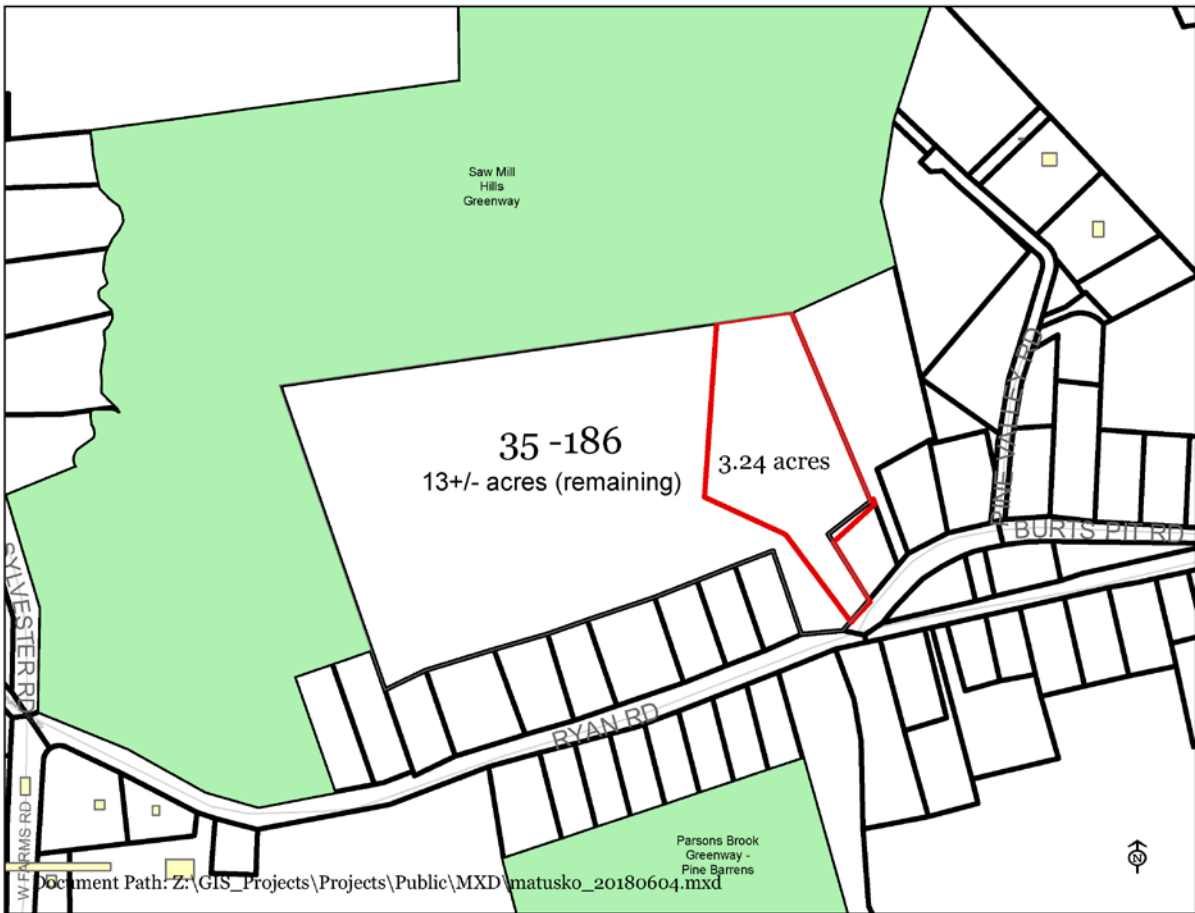
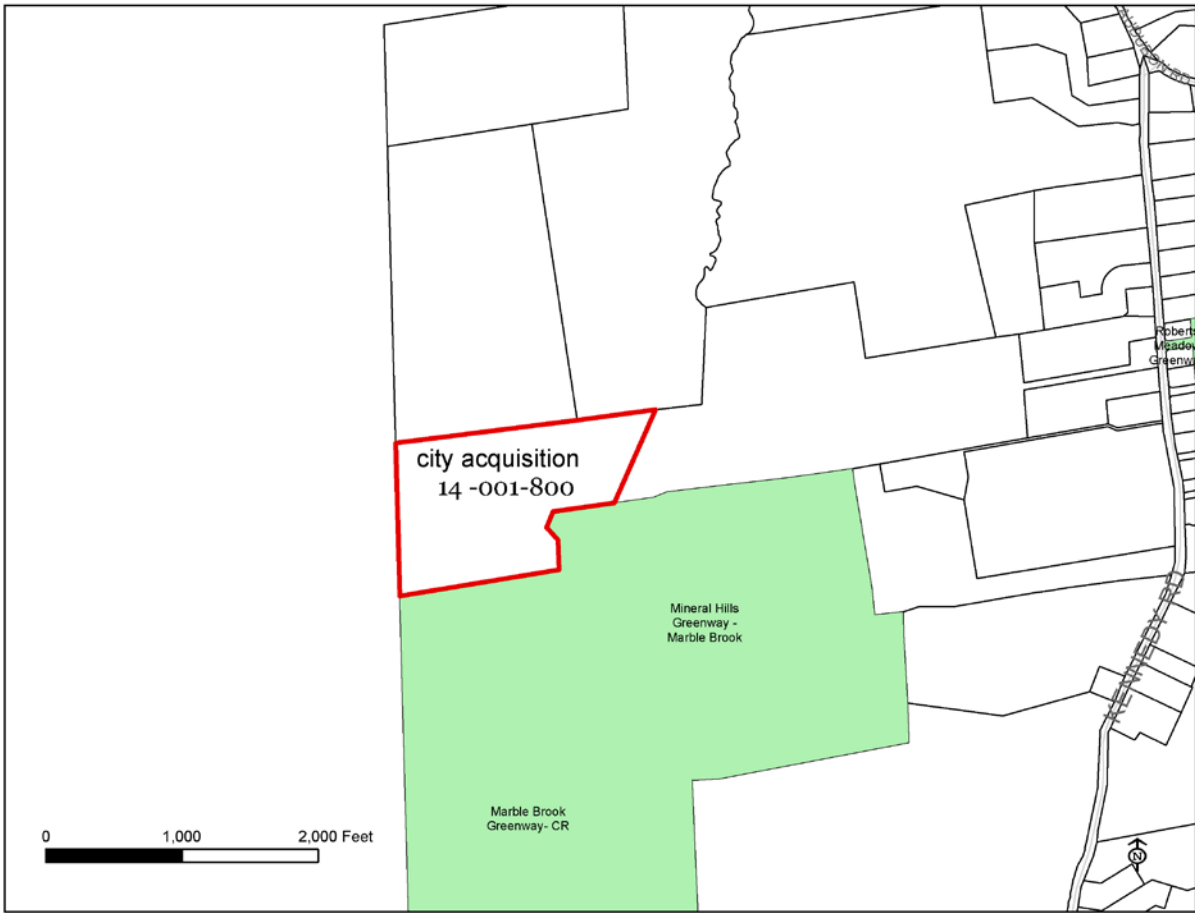
That the Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately 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

In City Council, December 2, 2021

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

**21.372 AN ORDER AUTHORIZING ACQUISITION OF A PARCEL OF LAND
ON THE NORTHERLY SIDE OF WESTHAMPTON ROAD**

WHEREAS, the parcel subject to this Order is located on the Northerly side of Westhampton Road and is shown on a plan of land shown as “NO ASSESSORS ID N/F HEIRS OF LUMAN E. BARTLETT AREA = “3.110 AC +/-” on a plan entitled “PLAN OF LAND IN NORTHAMPTON MA MINERAL HILLS GREENWAY HAMPSHIRE REGISTRY PREPARED FOR THE CITY OF NORTHAMPTON,” dated January 13, 2020, and recorded in the Hampshire Registry of Deeds in Plan Book 249, Page 82 (“the Parcel”); and

WHEREAS, the Parcel is a landlocked parcel that is contiguous on both its east side and its west side with conservation and recreation land owned by the city and known as the Mineral Hills Greenway; and

WHEREAS, This property is owned by all of the heirs of Luman E. Bartlett, who died in 1925, and no heir is currently managing the property, paying taxes, or otherwise claiming the property; and

WHEREAS, This parcel is an inholding abutting conservation land on two sides and blocking the ability for conservation and public management between two disconnected units of the Mineral Hills Greenway.

NOW, THEREFORE BE IT ORDERED,

The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of the Parcel believed to be owned by the Heirs of Luman E. Bartlett shown as “NO ASSESSORS ID N/F HEIRS OF LUMAN E. BARTLETT AREA = “3.110 AC +/-” on a plan entitled “PLAN OF LAND IN NORTHAMPTON MA MINERAL HILLS GREENWAY HAMPSHIRE REGISTRY PREPARED FOR THE CITY OF NORTHAMPTON,” dated January 13, 2020, and recorded in the Hampshire Registry of Deeds in Plan Book 249, Page 82, to be held in the care and custody of the Northampton Conservation Commission for the purposes of conservation, recreation, and open space subject to the provisions of Article 97 of the Massachusetts Constitution.

As damages for the taking, the City Council hereby awards Two Thousand Five Hundred Dollars (\$2,500.00).

Affected Premises:
Northerly side of Westhampton Road
Northampton, MA

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Massachusetts General Laws Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take the parcel referenced below, with any and all improvements thereon, in fee absolute for and on behalf of the Inhabitants of the City of Northampton. The parcel taken hereunder shall be in the custody and control of the Northampton Conservation Commission for the purposes of conservation, recreation, and open space subject to the provisions of Article 97 of the Massachusetts Constitution.

The parcel hereby taken is shown as “NO ASSESSORS ID N/F HEIRS OF LUMAN E. BARTLETT AREA = “3.110 AC +/-” on a plan entitled “PLAN OF LAND IN NORTHAMPTON MA MINERAL HILLS GREENWAY HAMPSHIRE REGISTRY PREPARED FOR THE CITY OF NORTHAMPTON,” dated January 13, 2020, and recorded in the Hampshire Registry of Deeds in Plan Book 249, Page 82.

The property hereby taken is supposed to be owned by the Heirs of Luman E. Bartlett. See deeds recorded in the Hampshire Registry of Deeds in Book 709, Page 457 and Book 711, Page 41.

In accordance with M.G.L. Chapter 79, § 6, as amended, an award of Two Thousand Five Hundred (\$2,500.00) Dollars is made by the City of Northampton for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in the Property and entitled to any damages by reason of the taking. The City of Northampton reserves the right to amend the award at any time prior to payment for good cause shown.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this ____ day of _____, 2021.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

Gina-Louise Sciarra
AT-LARGE COUNCILOR

William H. Dwight
AT-LARGE COUNCILOR

Michael Quinlan, Jr.
WARD 1 COUNCILOR

Karen Foster
WARD 2 COUNCILOR

James Nash
WARD 3 COUNCILOR

John Thorpe
WARD 4 COUNCILOR

Alex Jarrett
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Rachel Maiore
WARD 7 COUNCILOR

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

I, Laura Krutzler, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of a certain parcel of land located in Northampton, Hampshire County, Massachusetts, was executed on _____, 2021, by Gina-Louise Sciarra, William H. Dwight, Michael Quinlan, Jr., Karen Foster, James Nash, John Thorpe, Alex Jarrett, Marianne L. LaBarge, and Rachel Maoire, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this ____ day of _____, 2021.

Laura Krutzler
Clerk to City Council
City of Northampton, Massachusetts

City of Northampton

MASSACHUSETTS

In City Council

December 2, 2021

Upon recommendation of the Mayor

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

In City Council

December 2, 2021

Upon recommendation of Mayor Narkewicz & Mayor-Elect Sciarra

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.

Proposed amendments to 21.370 AN ORDER TO AMEND THE COUNCIL RULES:

DRAFT Amendments by Councilors Maiore and Jarrett are in orange.

...

2.6.1.1. COMMITTEE on FINANCE

2.6.1.1.1. Process. Financial orders will be introduced and discussed at a full City Council meeting and referred to either the consent agenda of a future meeting, 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.

...

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
- Financial Orders (As Referred)

~~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

...

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, unless the Council determines that such consideration is not necessary, as provided in 2.6.1.1.1. 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.

...

5.5. 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, unless otherwise provided in these Rules. Introduction shall include a description of purpose and effects. Council discussion is allowed for questions and clarification, and full discussion by the Council is allowed.~~

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.

**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:

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. The Finance Committee shall oversee the process of selection of an independent auditor and shall make a recommendation on the award of a contract for auditing services 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. The award of a three-year contract to audit shall be made by the city council on or before September 15 of every third year.~~

~~3.1.3.~~3.1.1. The Council shall require the report of the audit to be filed in final form with the Council not later than ~~January 15~~ March 1 in the year following its award.

**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”.