CITY COUNCIL

CITY OF NORTHAMPTON

MASSACHUSETTS

Councilors:

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

Meeting Agenda
City Council Chambers
Walter J. Puchalski Municipal Building
212 Main Street, Northampton
Meeting Date: March 19, 2020
Meeting Time: 7 p.m.

Note: Arrangements for remote participation by City Council members and members of the public are being made in accordance with Governor Baker's Emergency Order Modifying the State's Open Meeting Law. More information will be posted Monday.

1. Announcement of Audio/Video Recording

This meeting is being audio/video recorded.

2. Public Comment

3. Roll Call

4. Public Hearings

A. Announcement of Public Hearing to consider FY2021 Water and Sewer Rates

By Order of the City Council, a Public Hearing will be held on Thursday, April 2, 2020 at 7:05 p.m. in Council Chambers, 212 Main Street, Northampton, MA.

The City Council will consider the proposed FY2021 water and sewer rates and hear all persons who wish to be heard thereon.

Documents:

20.032 An Order to Establish Water and Sewer Rates for FY2021.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

A. 20.031 A Resolution in Support of the Empower Act - 2nd reading

History:

- Passed 1st reading - 3/5/2020

Documents:

20.031 A Resolution in Support of the Empower Act.pdf

9. Presentations

10. Consent Agenda

A. Minutes of March 5, 2020

Documents:

03-05-2020_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.

13. Financial Orders (on 2nd reading)

14. Orders

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. 19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding - 1st reading

History:

- Referred to Legislative Matters (LM) and the Planning Board (PB) - 11/21/2019
- Positive recommendation with amendments, PB - 01/09/2020
- Public hearing opened and continued to 3/9/2020, LM - 2/10/2020
- Public hearing closed; positive recommendation with stipulation that OPS provide language for amendment to continue to require Findings for projects that don't otherwise trigger PB review (split vote - 3:1) - 3/9/2020

Documents:

19.173 An Ordinance to Allow Change from One Conforming Use to Another - w-PB amendments.pdf

9.3 post LM FINAL 3-11.pdf

B. 19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB - 1st reading

History:

- Referred to Planning Board (PB) and Legislative Matters (LM) - 12/5/2019
- Public hearing held, City Council adoption recommended by PB - 2/13/2020
- Public hearing held, positive recommendation, LM - 3/9/2020

Documents:

19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB.pdf

C. 20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB - 1st reading

History:

- Referred to Planning Board (PB) and Legislative Matters (LM) - 1/16/2020
- PB public hearing held, City Council adoption not recommended because design guidelines not in place [note: an ordinance has since been brought forward to change CBAC map to include Conz Street parcels rezoned to CB] - 2/13/2020
- Public hearing held; positive recommendation, LM - 3/9/2020

Documents:

20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB.pdf

D. **20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue - 1st reading**

History:

- Referred to Planning Board and Legislative Matters - 1/16/2020
- PB hearing held, City Council adoption recommended - 2/13/2020
- Public hearing held, positive recommendation, LM - 3/9/2020

Documents:

20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue.pdf

E. **20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street - 1st reading**

History:

- Referred to Planning Board (PB) and Legislative Matters (LM) - 1/16/2020
- PB public hearing held, PB recommends City Council adoption - 2/13/2020
- LM hearing held, positive recommendation - 3/9/2020

Documents:

20.006 An Ordinance to... Overlay District at Laurel Street.pdf

F. **20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB - 1st reading**

History:

- Referred to Legislative Matters (LM) by City Council - 2/20/2020
- Positive recommendation, LM, split vote 3:1 with Sciarra opposed - 3/9/2020

Documents:

20.024 An Ordinance to Change CBAC Map to include Conz Street Lots Rezoned to CB.pdf

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

18. New Business

19. Adjourn

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

City of Northampton

MASSACHUSETTS

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In City Council, March 19, 2020

Upon recommendation of the Mayor

20.032 AN ORDER
TO ESTABLISH WATER AND SEWER RATES FOR FY2021

Ordered, that:

Effective July 1, 2020, the per 100 cubic foot (CCF) rates for water and sewer for Fiscal Year 2021 will remain unchanged from Fiscal Year 2020. Rates will remain as follows:

WATER

Customers with 1" meter or smaller

Tier 1 consumption: 0 – 16 CCF $4.51 per CCF

Tier 2 consumption: >16 CCF $6.09 per CCF

Customers with meter larger than 1"

All consumption $5.99 per CCF

SEWER

Non-metered

$7.86 per CCF based on 80% of metered water consumption (FY19 rate $7.67)

Metered

$7.86 per CCF (FY19 rate $7.67)

In the Year Two Thousand and Twenty

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

R-20.031 A RESOLUTION
IN SUPPORT OF THE EMPOWER ACT

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

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

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

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

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

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

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

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

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

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

Roll Call

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:07 p.m. on a roll call the following City Councilors were present:

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

Announcement of Audio/Video Recording

At 7:07 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

Public Hearing

Public Hearing
None.

Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs
Monday, March 9, 2020 at 5 p.m. there will be a continuation of a public hearing opened at the last Legislative Matters Committee meeting to discuss nonconforming lots, Councilor Dwight reminded. The public is welcome to attend. They have a beefy agenda –other zoning changes to be discussed are probably also of interest to the public. For more information, he directed people to the agenda posted on the website at northamptonma.gov.

Councilor Foster gave an update from the City Services Committee. On Monday, Public Health Director Merridith O'Leary came to speak to them about the Coronavirus. She is hearing on neighborhood listservs and out in public that people have a lot of questions. Information is updating daily and the best sources of information are the Massachusetts Department of Public Health (MADPH) and the Centers for Disease Control (CDC). The health department is working to get information out as well, and the health director is happy to schedule additional question and answer sessions. Director O'Leary suggests waiting for a couple of weeks until more information is known. She held a coffee hour this morning at the senior center.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors
The Baystate Village Association is putting on the Baystate Village Bash Sunday, March 15th at the Nonotuck Community School, 221 Riverside Drive in Florence, Councilor Jarrett noted. The event is a potluck and a great way to meet neighbors and features Baystate Bingo and Twister. The association also puts on a picnic at Maines Field in the fall.

Communications & Proclamations from the Mayor

Communications and Proclamations from the Mayor
None.

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

Resolutions
20.031 A Resolution in Support of the Empower Act - 1st reading
Councilor Sciarra read the resolution.

Councilor Dwight moved to approve the resolution in first reading. Councilor Jarrett seconded.

Councilor Jarrett thanked the Youth Commission and especially Noah Kassis for its work in first

bringing this to their attention and helping them craft the resolution and then just being great advocates for themselves, for youth in general and for the whole city.

Councilor Jarrett briefly related the story of his own life at age 17. He graduated from high school just a few days after his 17th birthday and spent most of his 17th year living on his own in Albany, New York as a teaching intern at a local school. It was quite an experience being totally on his own and having to figure everything out for himself. His experience shows that 16- and 17-year olds have the ability to engage in the world as adults, and he thinks they should have the right to participate in civic affairs if they so choose.

Councilor Quinlan thanked Councilors Jarrett and Dwight, noting he was thrilled to join forces with them on the first resolution presented to the new council. He echoed a big thank you to the Northampton Mayor's Youth Commission and its chairperson Noah Kassis, adding that their preparation and enthusiasm were inspiring. As some may know, his own children were both members of the Youth Commission. Patrick caught the tail end of the effort to put a plastic bag ban in effect and, as the group evolved, his son Tucker was a two-year member and last year served as co-chair along with the formidable Margot Shocket-Greene. Their work on this initiative in particular was inspiring on multiple levels, he observed. It inspired the previous City Council to pass a resolution referred to in the body of this resolution, inspired the Mayor to sign off on it and inspired the Charter Review Committee to include lowering the voting age in municipal elections in proposed changes to the charter. In January, he learned of the Empower Act, which he viewed as even further momentum. As a community that's taking a leadership role, to him it says a lot about their city and its people, what they're about and what they're encouraging their young people to do. Last but not least, he is really proud they are in early on this. He asked fellow councilors to join him in urging their state legislators to pass the Empower Act.

Councilor Dwight read aloud a letter he submitted in testimony in support of S.389 An Act ensuring municipal participation of the widest eligible range:

"In recent years, we've witnessed multiple demonstrations of urgent political engagement by teenagers. They're expressing their desire to participate in the decision-making process that determines their futures. The issues are not inconsequential - climate change, gun violence, racism and bias and social inequity, among others. Today's youth activism reveals a sophistication unknown before. They have access to data and analysis that were not available to most of us when we who are of majority age were teens, and they use that access to organize and deliberate and critically-analyze the world at large; they just can't vote. We are also experiencing a crisis of diminishing engagement that is a result of calculated suppression and burgeoning cynicism and apathy. We now have an opportunity to cultivate civic participation by promoting suffrage to citizens at an early age and allowing them to vote in their communities and participate in local governance. We in Northampton have been discussing the possibility of expanding voting rights to 16- and 17-year-olds for three years at the initiative of our Youth Commission. To date, the City Council has unanimously supported a resolution endorsing the efforts to that end and we have also included a proposed charter amendment calling for enfranchising our young adults. The notion enjoys broad support in the community across the political spectrum and among all age groups. I believe we should take every opportunity to expand enfranchisement wherever possible. We subscribe to the ideals of democracy but we do not always demonstrate it. In this instance we have a cohort that is asking to be vested with the right to vote, who have urgent concerns and who want a say in how they are governed. That expressed desire should be the most compelling argument to consider the Empower Act positively. Thank you for your consideration and your attention to my testimony."

Councilor Quinlan's sons have now transitioned into the age of qualified voters. They understood that this was going to be a long process and that it was not going to benefit them directly, Councilor Dwight observed. They and their cohorts among them in three previous Youth Commissions all worked very hard to see this realized. There's a level of activism and participation and expressed desire to be enfranchised that doesn't have an equivalent anywhere in the community. Councilors heard some pushback at the Charter Review Committee presentation to the effect that teenagers don't own property; they don't make enough money. It's disturbing to hear because the criteria of having to be a property owner and be wealthy was eliminated a hundred and fifty years ago. One man one vote is no longer the case. The arguments against this have been the same arguments heard when discussing offering African Americans or women the opportunity to vote; i.e. - 'They don't have the sophistication, they will vote the way their boss votes or their parents

	vote.' This is deeply cynical at a time when they have the manifestations of elections that prove the opposite. 'You don't have to be very intelligent to vote,' he proposed, offering as testimony the fact that the president of the United States was voted into office. All you have to do is want to be part of the community that governs you and how your community is governed. They have a cohort in this community that is asking for that – a simple request that is their opportunity to honor. A Gazette article published today reported that a number of western Massachusetts legislators, including Senator Comerford, have spoken in favor of the Empower Act and offering voting rights to 16- and 17-year olds across the state should their communities feel they are entitled to it. In an interview on WGBY, the interviewer asked Margot Shocket-Greene why teenagers should have the privilege of voting. Councilor Dwight interrupted to argue that voting is a right, not a privilege and that no one has to earn a right. He concluded by thanking Councilors Jarrett and Quinlan, who he credited with doing the bulk of the work along with Noah Kassis. Councilor LaBarge referred to the fact that a similar resolution was passed two years ago. She asked how long the Empower Act would take and why Northampton is not looking at doing a home rule petition. Councilor Dwight confirmed that it is. "We're doing a multi-flank attack," he assured. Northampton will be asking the state to grant it permission individually but, if the Empower Act is passed, its request would become moot. Councilors LaBarge and Nash both spoke enthusiastically in favor of the resolution, with Councilor Nash commending the Youth Commission on its preparation and the consistently high quality of the work its presented to the council. Both pledged to support it 100%. Councilor Maiore, who noted she has worked with Youth Commission members as a community organizer, expressed pride in being part of the city at a time when this initiative is moving forward. Councilor Dwight updated members on the status of the Empower Act. On February 24, 2020, it was recommitted to the Committee on Election Law after a vote not to pass it, he reported. Clearly, there are divided opinions and it is in jeopardy, so their support is especially important. Councilor Foster cited the way Northampton makes space for youth leadership and how disparate groups of people are honored and listened to as factors leading to her family's decision to raise their children here. While working on 'March for our Lives' she had the opportunity to witness up close the planning, hard work and incredible leadership and engagement of Northampton's youth. Not just the work of the high school students but how the community showed up in droves was impressive. "That space for leadership is something special," she observed. The sophistication and knowledge and drive of youth to take on this activism needs to be recognized and rewarded, she suggested. As they all know voting becomes a habit, she expressed hope that enfranchising 16 year olds would lead to their continuing that habit for the rest of their lives. Councilor Sciarra added her thanks to the sponsors. She stressed her strong feelings about the use of resolutions and their importance to the City Council as a tool to use its voice to send messages to state legislators about what they as representatives of their community believe. She called the motion to a vote, and it passed unanimously 9:0 by roll call vote. <u>See minutes of March 19, 2020 for second reading.</u>
<u>Presentations</u>	<u>Presentations</u> None.
<u>Consent Agenda</u>	<u>Consent Agenda</u> Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate discussion upon request. Councilor Dwight moved approval of the consent agenda with removal of the appointment of Jon Davine. Councilor Nash seconded. The motion passed unanimously 9:0 by voice vote. The following items were approved as part of the consent agenda:

A. Minutes of February 20, 2020
B. 20.022 Appointment to the Council on Aging - Positive recommendation, City Services - 3/2/2020

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

Councilor Dwight moved approval of Assistant Chief Jon Davine as Fire Chief. Councilor LaBarge seconded.

He asked to have this removed because this is a significant transition, Councilor Dwight related. They acknowledged the retirement of Fire Chief Duane Nichols, and he thinks this is the first time in 50 years there hasn't been a Nichols family member serving in some public safety capacity in the city. He expressed deep and heartfelt gratitude for their very thoughtful and temperate work.

Councilor Dwight recalled his first contact with Chief Davine in emergency services as the head of hazmat. His demeanor is similar to Duane Nichols – quiet, thoughtful and deliberative, which accomplishes a great deal. To his knowledge he is well thought of by all in the rank and file and is uniquely and distinctly qualified to be appointed.

City Services Committee members Quinlan and LaBarge also voiced support for the appointment. Quinlan noted that Assistant Chief Davine participated in a discussion on the coronavirus before staying to discuss his own appointment. When he talked about the department, an incredible sense of pride came through, he related.

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

Deliberate and vote on Individual Charter Review Committee Recommendations

Deliberate and vote on Individual Charter Review Committee Recommendations

She was advised by the city solicitor that the City Council should vote on each individual recommendation rather than taking the recommendations as a group, Councilor Sciarra reported. In the annotated charter they were given, proposed language for some recommendations is included, but for others, language needs to be crafted, and the order itself also needs to be crafted. Discussion and acceptance of the recommendations must take place in collaboration with the Mayor because both branches need to agree on the version that will go forward to the legislature. She noted that five members of the Charter Review Committee were present.

Councilor Dwight moved that Molly Fox, Bob Boulrice, Dylan Gaffney, Stan Moulton and Sam Hopper be recognized for purposes of discussion. Councilor Jarrett seconded. The motion passed unanimously 9:0 by voice vote.

This is new territory for them, since, when the charter was first adopted, the structure of government was different, Councilor Dwight observed. The Mayor has pointed out this is not something the council passes onto the Mayor subject to his review; rather, the order signifies an agreement between the Mayor and the council. As such, the Mayor will also be participating.

The process to generate the recommendations took a year, so he thought it appropriate to break the council's discussion into at least two meetings. He suggested starting with the simpler, less controversial proposals.

Recommended Changes by Section

RECOMMENDED REMOVAL OF ATTACHMENT 1

This attachment contains a list of the original special act and related laws that were superseded following adoption of the charter, such as the act creating the Board of Public Works, etc., Mayor Narkewicz explained. Since all the laws have since been superseded, it is no longer necessary to include them.

Councilor Dwight moved to make the recommendation from the City Council to amend the Charter by removing attachment A. Councilor LaBarge seconded.

The Mayor confirmed he is in agreement with the recommendation. The motion passed unanimously 9:0 by voice vote.

SECTION 2-2 (b) POWERS AND DUTIES
Councilor Sciarra read the sentence with the amendment as proposed: "Powers and Duties – The president shall prepare the agendas for city council meetings ~~in consultation with the mayor and city clerk.'~~

Councilor Dwight moved that the council recommend deletion of the phrase "in consultation with the mayor and the City Clerk." Councilor Quinlan seconded.

This just recognizes that the mayor and city clerk no longer play a role in setting the agenda, Mayor Narkewicz explained. The motion passed unanimously 9:0 by voice vote.

SECTION 2-6 EXERCISE OF POWERS; QUORUM; RULES; (c) (i)
Councilor Sciarra read the sentence proposed to be amended as follows: "Regular meetings of the city council shall be held at a time and place fixed by ~~ordinance~~ order."
Councilor Dwight moved to recommend the change from ordinance to order. Councilor Jarrett seconded. The motion passed unanimously 9:0.

SECTION 3-3 APPOINTMENTS BY THE MAYOR
Councilor Sciarra read the sentence with the proposed amendment: "The mayor shall appoint, subject to review by the city council under section 2-10, all city officers and department heads and the members of multi-member boards for whom no other method of appointment or selection is provided by the charter; provided, however, this shall not include persons serving under the school committee, persons serving under the superintendents of Smith Agricultural School, and persons serving under the city council.

Councilor Dwight moved that the council recommend this addition. Councilor LaBarge seconded.

As Sam Hopper pointed out, Northampton is unique in that it has two school districts within its boundaries, Councilor Dwight observed. This and a number of other changes acknowledge the fact that Smith Vocation-al and Agricultural School is a separate school district and entitled to the same recognition under the charter as any other school district. The motion passed unanimously 9:0.

SECTION 3-6 APPROVAL OF MAYOR, VETO
Councilor Sciarra read the sentence proposed to be amended as follows: "Every order, ordinance, ~~resolution~~ or vote adopted or passed by the city council relative to the affairs of the city, except for ~~memorial~~ non-binding resolutions, the ~~selection~~ confirmation of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage."

Councilor Dwight moved that the council recommend the deletion of the term resolution, deletion of the term memorial, deletion of selection and the addition of non-binding and confirmation.

The Mayor doesn't have the authority to veto a resolution because it is essentially an expression of the will of the council, Councilor Dwight explained. It is non-binding, doesn't carry the weight of law and is usually an aspirational statement of this body.

Replacement of the word 'memorial' with the word 'non-binding' is intended to substitute a broader term since the council issues resolutions other than those honoring retiring employees, etc. It also brings the language into line with contemporary nomenclature, Mayor Narkewicz added. Councilor Nash noted that the word 'resolution' in a later sentence should also be removed. Councilor Dwight said he would consider that as a friendly amendment to his motion. The motion passed unanimously 9:0.

SECTION 3-7 TEMPORARY ABSENCE OF THE MAYOR
Councilor Sciarra read the text proposed to be deleted and the text proposed to be added as shown.

Councilor Dwight moved to recommend the recommended deletions and to add the recommended language. Councilor LaBarge seconded.

This is more in line with actual practice, Mayor Narkewicz advised. It still allows the council to take

emer-gency action if the mayor becomes incapacitated but uses normal mechanisms already in place to allow the mayor to delegate routine duties to qualified officers while he is away on short-term absences. The charter now allows him to delegate duties such as signing contracts for up to 30 days, he pointed out. It basically is trying to align the charter with actual practice and is also in line with other charters, he observed.

The other important inclusion is that the mayor can appoint an employee to serve in his absence rather requiring the president of the council to assume this role, Councilor Dwight pointed out. This makes more sense and is in the best interests of the city, he suggested.

Councilor Nash said he sees this section of the charter as trying to do two different things. One has to do with the Mayor delegating authority when he is out of town and the other with the event that the mayor becomes incapacitated and unable to perform the duties of the office. To him, tying these two together under the heading of 'Temporary Absence' is not really clear.

The section is called 'Acting Mayor' so it is basically describing situations in which an acting mayor would be appointed, Mayor Narkewicz responded. It gives two situations, one where he/she is away for a period of time and the other where he/she is incapacitated.

Councilor Nash referred to an employment situation where an employee is not performing his duties and the supervisor needs to take corrective action. When the charter starts getting into language around the council taking action to replace the mayor, it should be more clearly outlined in the event the council needs to present appropriate documentation to HR to measure the mayor's job performance.

The section is called 'Acting Mayor' and basically addresses situations in which an acting mayor would be appointed, Mayor Narkewicz reiterated. There would never be a situation where the city council would go to HR and do a performance review and say the mayor is being replaced, Mayor Narkewicz stressed.

The section in question is basically the 25th amendment to the constitution, he continued. A clause in the U.S. constitution says that if the president becomes incapacitated a certain number of cabinet members can vote to make a determination of incapacity. It refers to a situation where the mayor is incapacitated and unable to perform, not failing to perform up to certain standards, since really the voters are the judges of a mayor's job performance.

As he reads this, if the city has a recalcitrant mayor who doesn't want to cede authority even though he's gone for a significant period of time, it empowers the city council to act if the mayor does not fulfill the required terms of an absence, Councilor Dwight said.

Councilors and the mayor discussed the intent of the provision.

To Councilor Nash's point, Councilor Foster said she thinks it makes sense that the determination of incapacitated be vague. Having seven councilors reach the conclusion that a mayor is incapac-itated is a fairly high bar. They have all come across situations where someone doesn't recognize his or her own incapacity. If they start to more narrowly define or list possible reasons, it's possible to miss something.

The solicitor said incapacitated is a legal term, Mayor Narkewicz added.

The key to this section is "Acting Mayor," Mr. Moulton suggested. It spells out when the city needs to appoint an acting mayor. Members tried to recognize that, in today's world, there is no need for an acting mayor every time the mayor leaves the city. The other instance is incapacitation, which hasn't changed. That language existed and they left it in, he stated.

Mayor Narkewicz suggested the possibility of renaming the section 'Temporary Absence or Incapacitation of the Mayor,' and Councilor Dwight accepted this as a friendly amendment to his motion.

Councilor Nash said his concern had been addressed.

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

SECTION 3-9 VACANCY IN OFFICE OF MAYOR
Councilor Sciarra read the paragraphs to be deleted and new paragraphs to be added.

Councilor Dwight moved that the deletion and addition be recommended. Councilor LaBarge seconded.

This was vetted by the City Clerk and the city solicitor, Mr. Moulton confirmed. The driver for this is the fact that the Mayor now serves a four-year term and there are regular city elections every two years.

The other major driver is that, in the new section e), if the current Mayor were not running for election and serving another term, the person elected in November would be sworn into office immediately instead of waiting until January.

Mayor Narkewicz confirmed that when Charter Review Committee members carefully read and unpacked the current language, it didn't fit with the four-year term of the mayor and the two-year cycle of elections. In a case such as the former Mayor Sean Dunphy, who was appointed to a judgeship in the final months of his term, this would allow a new mayor to be sworn in immediately.

Councilor Jarrett asked if the last sentence of section d) could be construed to mean the term would begin after the election [in November] and end after four years, not going all the way to January.

Mayor Narkewicz said he would check with the city solicitor to make sure the language is sufficient to indicate the mayor would serve a full four-year term.

All other sections make clear that the newly-elected mayor fills out the remainder of the outgoing mayor's term, Councilor Jarrett noted. He pointed out that section e) says the mayor-elect "shall serve the remainder of the mayoral term and the four-year term for which such person was elected." He suggested similar language might make sense for section d).

Sam Hopper noted that the language in section e) could not be copied verbatim because a mayor could leave with two years left in his unexpired term, and the clause was not intended to indicate that a new mayor would serve the remaining two years in addition to a four-year term.

Meanwhile, Councilor Foster pointed out the possibility that the process spelled out in Section 3-9 b) could potentially change the election cycle for the Mayor: Section 3-9 b) "Upon a vacancy in the office of mayor, the city council shall, under section 2-6(c) (ii), call a special meeting of the city council, and the city council shall, under section 801, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election."

In other words, for a mayoral term beginning in 2018, if a vacancy occurred early in the term, the next mayoral term would potentially start in 2020 (following the regular city election in 2019) instead of commencing in 2022 as otherwise expected.

Councilor Jarrett also noted that, in contrast to vacancies in the office of mayor filled by regular election, a new mayor elected by special election as provided in section b) would serve a short term, since the language there states that the vacancy would be filled "until the next regular city election."

Councilor Dwight said he would like to withdraw his motion and have the section reviewed by the city solicitor relative to the questions that were raised. "Given the general confusion, it wouldn't make sense to actually forward this without the clarity that is necessary." Councilor Maiore consented to the withdrawal of the original motion.

Councilor Dwight moved to refer the section to the city solicitor for review. Councilor Thorpe seconded. The motion passed unanimously 9:0 by voice vote.

SECTION 4-6 FILLING OF VACANCIES

Councilor Sciarra read the paragraph with the amendments as proposed.

Councilor Dwight moved to include the recommendations as presented. Councilor LaBarge seconded.

In large part, this is describing what is actually done, Councilor Dwight advised. The term 'appointed' makes more sense than 'elected' because a person appointed by the City Council is only elected by its members, not the general public. The proposal to strike the words "candidate for re-election" next to a school committee member's name on election ballots is a change being recommended for numerous elected positions throughout the charter. The final sentence just requires the process by which the city council and school committee jointly fill vacancies to be spelled out in an ordinance.

Councilor Sciarra called the motion to a vote, and it passed 8:0 with one absent (Councilor Maiore stepped out).

Article 5 OTHER ELECTED OFFICIALS
Delete SECTION 5.1 CITY CLERK

Councilor Sciarra read the section proposed to be deleted.

Councilor Dwight made the recommendation to make the deletion for purposes of discussion. Councilor Jarrett seconded.

If the mayor and city council agree to the greater recommendation to make the City Clerk appointed instead of elected, this section would need to be deleted, Councilor Dwight clarified. Members agreed by consent to take up the larger question of appointment vs. election.

Councilor Dwight moved to delete the section and to follow the recommendation of the committee to make the City Clerk an appointed position instead of elected. Councilor LaBarge seconded.

To frame the discussion, this proposal enjoyed a great deal of review and special testimony, Councilor Dwight reported. The vast majority of City Clerks in Massachusetts are now appointed. In times past with part-time mayors, it was deemed important to keep offices such as treasurer and clerk free from the mayor's influence and presumably autonomous. As municipal government grew more and more sophisticated, requiring professional skills, the trend of appointing formerly-elected positions emerged.

He cited an example from the city's history of an assistant treasurer who was elected to replace a long-time treasurer but was never formally trained, placing the city in a very tenuous position.

This position is far too important at this point, as has been recognized by many municipalities, he proposed. The person needs to be vetted by the city as an employee. City Clerk Pamela Powers is an excellent employee and the city is fortunate to have her, but they have to remember they are voting on the position and not the person, he stressed.

This was considered rather strongly when the charter was last revised but it encountered some resistance from the clerk's office and other quarters. It was decided not to include it since it was a hot-button political issue. In this case, there was unanimity among the committee and those speak-ing to the issue, he presented.

Councilor LaBarge read from a letter she sent to the Charter Review Committee. "The only qualifications for an elected City Clerk is being 18 years of age, a resident of Northampton, a registered voter in Northampton and not convicted of a certain disqualifying crime," she recited. Someone could be elected because of popularity or name recognition and found not qualified for the job and there is no mechanism for removal from office; they would remain in office until the next election. Northampton has been very fortunate to have elected city clerks who have worked in the office for many, many years and were qualified, but that may not always be the case. If the city clerk were appointed by the mayor and confirmed by the city council, the administration could establish qualifications for education and experience. Elected city clerks have no job description and answer only to the voters.

She thinks this should be a non-elected position, she concluded. An appointed position would also allow for a larger field of qualified candidates and the ability to go outside Northampton for applicants.

Councilor Dwight mentioned that former City Clerk Wendy Mazza is in favor of the conversion. The treasurer position has been changed to non-elected, Councilor LaBarge added.

When they worked with the Collins Center on the previous charter, another factor considered was that the clerk's position is governed by laws; it is not a policy-making position, Mayor Narkewicz reasoned. "They're basically administrators," unlike the council, school committee or mayor who make policies for the city and schools. They carry out election laws, fulfill the responsibility of records custodian, meet filing deadlines, etc. They are really administrators who are following laws, similar to the treasurer. Slowly communities are moving away from elected clerks, and the Department of Revenue (DOR) has strongly recommended this. In terms of statistics, he thinks they are one out of only five of the 46 cities in Massachusetts with an elected clerk. In terms of independence, clerks follow the law and take an oath to carry out the law similar to building inspectors and health directors.

Councilor Maiore asked if city clerks in other communities are appointed by the mayor or by city council.

It's a mix, Mayor Narkewicz said. If the city clerk is still clerk to the council, the council is usually the appointing authority. The solicitor's recommendation was to follow the appointment process for other positions.

Councilors asked questions and offered comments. Mayor Narkewicz added that, because it is an elected position, the city clerk's salary now remains static and the position is not eligible for certain benefits.

The other potential awkwardness is the city clerk running an election in which he or she could be on the ballot in a contested race, Mr. Moulton pointed out. That was a big one, Councilor Dwight agreed.

In the case of mayoral appointment, a single person would be in charge of the person running elections, Councilor Jarrett observed. It could be argued that a Mayor could potentially put pressure on the clerk to handle an election in a certain way if bad actors were in place. Such a power dynamic might be less likely with a multi-member council. He agrees with the arguments in favor of conversion but wanted to raise the point for consideration, he explained.

Councilor Dwight reminded him that city clerks are bound by very strict and well-defined laws, which ultimately serve as their higher authority. If a mayor were to fire a clerk for doing his or her job, he could be held accountable. With a more amorphous appointing authority like the council, the protection is less well-defined. Also, the council approves the mayor's appointments while the reverse is not true, so the council serves as a counter balance to the mayor's appointing authority. Those potentials will always exist but the final question is whether the clerk meets the prescription of the law. If the mayor asks the clerk to subvert the law, that in itself is a crime and the mayor should be held accountable.

That was a concern that was brought up over and over again the last time it was resisted.

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

Councilor Dwight suggested going through the remaining sections for which the Charter Review Committee submitted proposed language; i.e. - Section 5-1 Trustees Under the Will of Charles E. Forbes, Section 5-2 Elector Under the Oliver Smith Will, Section 5-3 Supt. Of Smith Agricultural School, Section 5-4 Community Preservation Committee, Section 7-2 Annual Budget Policy and Section 7-6 Independent Audit.

Mayor Narkewicz mentioned that the next sections basically correct a mistake in the last charter that said numerous vacancies would be treated like vacancies in the city clerk's office.

SECTION 5-1 TRUSTEES UNDER THE WILL OF CHARLES E. FORBES
Councilor Sciarra read the paragraph as proposed to be amended. Changes include deletion of the sentence, “Vacancies shall be filled in a like manner as a city clerk vacancy” and the addition of a description of the process for filling vacancies on the library board of trustees. Also proposed to be deleted is the sentence, “Persons appointed by the trustees to fill a vacancy under this section shall not be entitled to have the words “candidate for reelection” printed with that person’s name on the election ballot.”

Councilor Dwight moved to recommend to add the language recommended. Councilor LaBarge seconded.

The whole intent is to replace vacant positions with elected people as soon as practical, Councilor Dwight asserted. He noted the section number also changed due to the deletion of the previous section (SECTION 5.1 CITY CLERK).

The motion passed unanimously 9:0 by voice vote.

SECTION 5-2 ELECTOR UNDER THE OLIVER SMITH WILL
Councilor Sciarra read the paragraph as proposed to be amended.

Councilor Dwight moved to recommend the recommendation. Councilor LaBarge seconded.

Members questioned why the sentence, “A person serving as Elector under the Oliver Smith Will under this section shall not be entitled to have the words “candidate for re-election” printed next to that person’s name on the election ballot.” is retained here when it has been deleted from other sections.

There is a blanket recommendation that no incumbent be allowed to have the words ‘candidate for re-election’ on an election ballot, Mr. Moulton explained. In case that blanket recommendation is not approved, CRC members wanted it explicitly stated in individual sections. Until the council actually votes on the blanket recommendation, it should be retained in individual sections.

Councilor Jarrett pointed out the inconsistency in that they have already acted to remove it from several sections. Councilor Dwight pointed out that those sections applied to people appointed to fill vacancies and not elected officials. Councilors discussed that it would be in order take up the blanket recommendation before proceeding.

Councilor Dwight withdrew his motion.

Article 8 ELECTIONS
Councilors took up the blanket recommendation to “*Remove the designation of “candidate for re-election” from the names of incumbents on municipal ballots*.”

Councilor Dwight moved to recommend removing all references to the term ‘candidates for re-election’ on the ballots. Councilor Nash seconded.

The reason for this is to level the playing field, Councilor Dwight explained. There is an assumption that gravitas is granted to a candidate by pointing out that he or she is an incumbent. “It could present an advantage or a disadvantage, so leveling the playing field one way or another,” Ms. Hopper added.

“I think this is a good idea, we should do it,” Councilor Nash pronounced.

The city solicitor will have to draft language to accomplish this because, by so doing, they are exempting themselves from state law, Mayor Narkewicz noted. Under state law, the term ‘candidate for election’ is required to appear on the ballot. He confirmed he concurs with the proposal.

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

Section 5-2 ELECTOR UNDER THE OLIVER SMITH WILL
Councilor Dwight moved to recommend deletion of “Vacancies shall be filled in a like manner as a

city clerk vacancy," and addition of the new language but deletion of the final sentence, "A person serving as Elector under the Oliver Smith Will under this section shall not be entitled to have the words "candidate for re-election" printed next to that person's name on the election ballot." Councilor Jarrett seconded.

Councilor Foster asked if the process by which the city council acts to fill the vacancy within 30 days is spelled out by ordinance.

It is not, Mayor Narkewicz said. He suggested either adding a sentence to the section stating that the process shall be established by ordinance or amending the final sentence of section 4-6 to read, "The process and procedures by which the city council or the city council and school committee ~~shall~~ jointly shall fill vacancies shall be established by ordinance," thereby changing it to apply to both the city council and city council and school committee jointly.

Mr. Moulton agreed it made sense to state that the process shall be established by ordinance.

Councilor Sciarra proposed the sentence, "The process and procedure by which the city council shall fill vacancies shall be established by ordinance," and others agreed. Councilor Foster so moved. Councilor Dwight seconded.

Members confirmed this sentence would be added to Section 5-2.

Councilor Jarrett asked if they should also add the phrase from section 4-6: "shall appoint by majority vote of those present" so that the second sentence would read as follows: Whenever a vacancy occurs in the office of Elector under the Oliver Smith Will, the city council shall, within 30 days following the date of that vacancy, ~~act to fill the vacancy~~ appoint by majority vote of those present a replacement."

Ms. Hopper brought out that there is distinction in the two situations so that the language should not be copied verbatim. Accordingly, no motion to amend was proposed.

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

Also in Section 5-2, Councilor Jarrett moved to change "A person elected" to "a person appointed" for consistency with a previous change. Councilor Dwight seconded. The motion passed unanimously 9:0.

SECTION 5-3 SUPERINTENDENTS OF SMITH~~'S~~ AGRICULTURAL SCHOOL
Councilor Sciarra reviewed the proposed changes to renumber the section, remove the possessive from "Smith' and change 'city clerk' to 'school committee' in the following sentence: "Vacancies shall be filled in a like manner as a School Committee ~~city clerk~~ vacancy."

Councilor LaBarge so moved. Councilor Quinlan seconded.

Members briefly discussed whether it needed to be made clear that the trustees/superintendents of Smith Agricultural School would be the ones acting to fill a vacancy in conjunction with the City Council rather than the Northampton School Committee. They ultimately decided the phrase "in like manner" indicated that the process would follow the model of School Committee appointments but involve Smith Agricultural School superintendents. The motion passed 9:0 by voice vote.

SECTION 5-4 COMMUNITY PRESERVATION COMMITTEE
Councilor Sciarra read the paragraph as proposed to be amended.

Councilor Dwight moved to forward the recommendation along with the deletion of the last sentence, "A person serving as a member of the Community Preservation Committee under this section shall not be entitled to have the words "candidate for re-election" printed next to that person's name on the election ballot." Councilor Maiore seconded.

Councilor Foster said she thought they also needed to change the word 'elected' to 'appointed.'

Councilor Foster wondered if it should be stated that a vacancy shall be filled in a like manner as a vacancy on the Electors under the Oliver Smith Will.

Mayor Narkewicz recommended that they retain the language spelling out the procedure for filing vacancies on the Community Preservation Committee rather than referencing the process used for the Electors under the Oliver Smith Will since it is not as well-known an entity.

Councilor Dwight withdrew his earlier motion and made the new motion to recommend the changes as presented with the change of "A person elected" to "A person appointed," deletion of the last sentence about 'candidate for re-election' and addition of a final sentence stating that "The process and procedures by which the city council shall fill vacancies under this section shall be established by ordinance." Councilor Jarrett seconded. The motion passed unanimously 9:0 by voice vote.

Section 7-2 ANNUAL BUDGET POLICY
Councilor Sciarra read the change to delete the word "and" and insert the phrase "and Smith Agricultural School trustees."

Councilor Dwight moved to approve the recommendation. Councilor LaBarge seconded.

Councilor Jarrett asked why Smith Agricultural School administrators are called trustees in some places and superintendents in others. Councilor Dwight pointed out that the name of the school is also inconsistently cited as "Smith Agricultural School" and "Smith Vocational and Agricultural High School."

Mayor Narkewicz said he would consult the solicitor about the correct name for both the school and its trustees.

Councilor Sciarra asked if the superintendent of Smith Agricultural School should be included, and Mayor Narkewicz said yes. He proposed changing the sentence to read, "The mayor shall call a joint meeting of the city council, school committee, Smith Agricultural School trustees and the superintendents of both districts before the commencement of the budget process to review the financial condition of the city. . . "

Councilor Dwight recommended the language as proposed by the Mayor with the understanding that this will be forwarded to the city solicitor to review and clarify the correct reference to Smith Vocational School. Councilor Jarrett seconded. The motion passed unanimously 9:0 by voice vote
.
SECTION 7-6 INDEPENDENT AUDIT
Councilor Sciarra read the paragraph as proposed to be amended by insertion of the word "three-year" in the following sentence: "The award of a three-year contract to audit shall be made by the city council on or before September 15 of each year."

Councilor Dwight moved to forward the recommendation. Councilor LaBarge seconded.

Councilor Dwight explained the rationale. Councilor Jarrett questioned how a three-year contract could be awarded each year.

Councilor Dwight acknowledged the difficulty. He proposed amending the sentence to state that the award shall be made by the city council "every three years" instead of "each year."

The motion passed unanimously 9:0 by voice vote.

SECTION 8-1 PRELIMINARY ELECTIONS
SECTIO 8-2 PRELIMINARY ELECTION PROCEDURES
Councilor Sciarra noted that the word Smith's is being changed to Smith in both sections.

Councilor Dwight suggested that this change could be subject to the city solicitor's determination of the proper legal name for Smith Agricultural School. Once that determination is made, the council could recommend replacement of the school's name with the proper designation in every occurrence.

	Section 10-7 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES Councilor Dwight moved to forward the recommended deletion. (changing the word chair~~man~~ to chair) Councilor LaBarge seconded. The motion passed unanimously 9:0. Councilors discussed whether to take up the next discussion at the March 19th City Council meeting and whether the solicitor should be asked to provide language prior to that meeting. Mayor Narkewicz voiced his understanding that the solicitor is looking to the city council to make policy-level decisions on the items for which new language is required prior to his drafting such language. Councilor Dwight asked that the solicitor be present at the next meeting. Mr. Moulton said he would be present at whatever meeting the council decides to take up the remaining recommendations. The City Council took a five-minute recess and then reconvened.
Recess for Committee on Finance Meeting	At 10:33 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 10:34 p.m. The City Council reconvened at 10:34 p.m.
Financial Orders (on 1st reading)	Financial Orders (on 1st reading) None.
Financial Orders (on 2nd reading) 20.025 Order to Adjust Income Limit for Senior Tax Deferral Program – 2nd reading	Financial Orders (on 2nd reading): 20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program – 2nd reading Councilor Dwight moved to approve the order in second reading. Councilor Quinlan seconded. Councilor Jarrett referred to the Mayor's response to his question at the last meeting of how the interest rate is set. The City Council sets the rate, and it was set at 5% in 2006. The Mayor has recommended that councilors wait at least a year before considering an adjustment to that rate given that they are making a big change now and do not know how many people will be taking advantage of the program. He is in agreement, he confirmed. The motion passed unanimously 9:0. The following order passed two readings:

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

City of Northampton
MASSACHUSETTS

In City Council February 20, 2020

Upon recommendation of the Mayor

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

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

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

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

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

Ordered, that

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

Passed two readings and enrolled.

20.026 An Order to Accept DA Sullivan $10,000 Gift for Digital Display and Presentation System – 2nd reading
Councilor LaBarge moved to approve the order in second reading. Councilor Nash seconded.

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council February 6, 2020

Upon recommendation of the Mayor

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

Ordered, that

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

Passed two readings and enrolled.

Orders
20.027 Order to Grant Easement to National Grid in

Orders
20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades – 2nd reading
Councilor LaBarge moved to approve the order in second reading. Councilor Foster seconded.

Conjunction with WWTP Upgrades – 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council, February 20, 2020

Upon the recommendation of the Department of Public Works

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

Ordered, that

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

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

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

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

NOW, THEREFORE, BE IT ORDERED

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

Passed two readings and enrolled.

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

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

The following order passed two readings:

City of Northampton

MASSACHUSETTS

In City Council, February 20, 2020

Upon the recommendation of Mayor David J. Narkewicz

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

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

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

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

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

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

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

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

20.028 Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way – 2nd reading

20.029 Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way – 2nd reading	Passed two readings and enrolled. 20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way – 2nd reading Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote. The following order passed two readings: **City of Northampton** MASSACHUSETTS In City Council, February 20, 2020 Upon the recommendation of Mayor David J. Narkewicz **O-20.029 AN ORDER AUTHORIZING ACQUISITION OF EASEMENTS FOR THE LAYING OUT OF NORTH STREET AS A PUBLIC WAY** WHEREAS, North Street is a major connector street in the city of Northampton; and WHEREAS, a portion of North Street beginning at its intersection with King Street will be included in the upcoming King Street (Rt. 5) Corridor Improvements, MassDOT Project No. 607502, which will be funded, in part, with federal highway funds; and WHEREAS, in order to be eligible for federal highway funds, the city must produce an official layout of North Street; and WHEREAS, no layout for North Street can be located; and WHEREAS, the proposed layout of the way is shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019, revised February 7, 2020; and WHEREAS, in order to complete the layout of North Street, the City Council must authorize the acquisition of easements over the way. **NOW, THEREFORE BE IT ORDERED,** The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of easements over that parcel of land shown as "North Street" on a plan entitled "Street Acceptance Plan of Land in Northampton, Massachusetts Surveyed for the City of Northampton," prepared by Heritage Surveys, Inc., dated August 28, 2019 and revised February 7, 2020, for the purpose of laying out a public way in and for the city of Northampton. No appropriation is needed for this acquisition. No betterment shall be assessed to the benefitted landowners. Passed two readings and enrolled.
Ordinances (Not Yet Referred)	Ordinances (Not Yet Referred) None.
Ordinances 19.125 Ordinance Related to Wireless Antennas on Street Poles – 2nd reading	Ordinances 19.125 An Ordinance Related to Wireless Antennas on Street Poles – 2nd reading Councilor Dwight moved to approve the ordinance in second reading. Councilor LaBarge seconded. Councilor Jarrett reviewed proposed changes as follows: ❖ Delete reference to Section 11.4 in first paragraph ❖ Revise Section 285-10F as follows: The provider shall restore any damage to the rights of way stemming from installation, maintenance,~~or~~ repair, or removal of the related infrastructure including damage to public shade trees, sidewalks, curbs or other elements. ❖ Add 285-10G: "Providers shall post a performance bond with the City that covers the cost of removal and restoration of sites where equipment is no longer being utilized." Councilor Jarrett moved to approve the proposed amendments. Councilor Dwight seconded. Councilor Jarrett raised the question of whether the city could follow the example of some other communities in exercising somewhat greater control over the siting of wireless facilities, Councilor Dwight reminded. He and Councilor Jarrett read a number of documents from other communities, including some in California and Belmont. Belmont did some deep research on the subject but primarily around the concern that the city be held harmless in the event that any damages were

realized due to the installation or removal of the telecommunications equipment.

They had a long talk with Assistant Planning Director Carolyn Misch and learned in the process that the likelihood of Northampton being infested by 5G systems is low at this point, he continued. These things are being way over-hyped. They can't penetrate walls, curtains, or even leaves. In order to build in this community they literally would have to saturate the city with multiple towers. Right now, all they are really doing is effectively broadcasting to people in large stadiums.

Councilor Jarrett confirmed they met with Ms. Misch and went over a bunch of different possibilities. At this point, they didn't feel any confidence in the legal ability to regulate the distance between facilities. Another community regulated that they could not be within 500 feet of a home or school but there did not seem to be a legal basis for this restriction.

He thinks they could do more research, but, at this point the only thing they felt comfortable adding were the requirement for a performance bond and the addition of the provision about removal.

Councilor Jarrett read a comment from the city solicitor asking who would determine the amount of the performance bond. This detail will be included in the regulations promulgated by the DPW, he indicated.

Councilor Nash thanked Councilor Jarrett and Councilor Dwight for their due diligence around this issue. Councilors Thorpe and Maiore echoed this thanks.

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

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

<u>The following ordinance passed two readings:</u>

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

19.125 AN ORDINANCE
RELATED TO WIRELESS ANTENNAS ON STREET POLES

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

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

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

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

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

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

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

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

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

G. Providers shall post a performance bond with the City that covers the cost of removal and restoration of sites where equipment is no longer being utilized.

Amend
§ 350-2.1 by adding the following new definition
Small cell facilities (also known as small cells) are wireless telecommunications antennas and equipment that are mounted on structures less than 50 feet tall, including their antennas, or are not more than ten percent taller than adjacent structures, with antennas of less than three cubic feet in volume, and with wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that is no more than 28 cubic feet in volume, for the purpose of providing wireless telecommunications, consistent with Federal Communication Commission regulations, standards and orders for small cells, including no RF frequency in excess of FCC rules. Small cells are distinct from satellite antennas elsewhere defined in this section.

§ 350-10.9 by adding a new subsection as follows:
D. Small Cell Facilities
(1) Applications for approval of w**ireless small cell facilities shall be granted by the Department of Public Works in consultation with Office of Planning and Sustainability and Department of Central Services if it meets the requirements set forth in § 350-2.1 and meets the regulations to be promulgated by the Department of Public Works**

Passed two readings and enrolled.

20.012 Ordinance Relative to

20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings – 2nd reading

Demolition Review for Historically-Significant Buildings – 2nd reading	Councilor LaBarge moved to approve the ordinance in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote. The following ordinance passed two readings:

CITY OF NORTHAMPTON

MASSACHUSETTS

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

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

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

ORDINANCE

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

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

§161-3

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

Passed two readings and enrolled.

Information (Charter Provision 2-7) & Study Requests	Information (Charter Provision 2-7) and Information Study Requests None
Motion to Adjourn	Upon motion made by Councilor Dwight and seconded by Councilor Nash, the meeting was adjourned at 10:50 p.m. Attest:_____ Administrative Assistant to the City Council

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Nineteen

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

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same or different conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements. ~~that are pre-existing non-conforming such as lot size, frontage, or depth~~ [AS1]~~and when the lot size, frontage, and depth requirements do not change.~~

~~**(2)** With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).~~

Renumber subsequent subsections based upon the deletion above.

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Nineteen

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

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

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

Amend as shown

§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements. ~~that are pre-existing non-conforming such as lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not change.~~

(2) With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which a) meets all the dimensional~~,~~ and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements and b) ~~when the change~~ does not trigger a review under other sections of the Zoning Ordinance by any other Board. When no other board is required to review the ~~project~~ proposed change, extension or alteration, the Zoning Board shall make a Finding as defined in 9.2B. ~~which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).~~

~~**Renumber subsequent subsections based upon the deletion above.**~~

Etheredge & Steuer, P.C.
ATTORNEYS AT LAW
64 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS 01060

EDWARD D. ETHEREDGE
SHELLEY STEUER*▲

*Also Admitted in New York
▲Also Admitted in California

(413) 584-1600

FAX (413) 585-8406
ed@noholaw.com
ss@noholaw.com

November 18, 2019

RECEIVED
NOV 20 2019
CITY CLERKS OFFICE
NORTHAMPTON, MA 01060

Ryan R. O'Donnell, City Council President
City of Northampton
210 Main Street
Northampton, MA 01060

RE: 3 Wright Avenue
Zone Change Petition URC to UB

Dear Council President O'Donnell:

On behalf of Gretna Green Development Corp., owner of the property at 3 Wright Avenue (39A-019-001) and the enclosed Petition For A Zoning District Change signed by ten registered voters for the City of Northampton, pursuant to G.L. c. 40A, §5 to initiate an amendment to the Northampton Zoning Map.

The requested change to the Zoning Map is to include the property at 3 Wright Avenue in the abutting GB zoning district from its current regulation in the URC zoning district. The property at 3 Wright Avenue is presently a vacant lot. The owner, Gretna Green Development Corp. owns the abutting property at 118 Conz Street (Map 39A, Lot 20) which is occupied by its tenant, NETA. The lots have "merged" for zoning purposes.

Gretna Green wishes to develop the lot as additional parking for the property at 118 Conz Street operated by NETA and requires the zoning district change to apply for site plan review for additional parking for NETZ.

Your earliest action to move this process forward is much appreciated.

Sincerely,

Edward D. Etheredge

EDE/kap

cc: Carolyn Misch, Sr. Planner
Councilor James Nash

GRETNA GREEN DEVELOPMENT CORP.
One Monarch Place, Suite 2500
Springfield, MA 01144

October 30, 2019

Ryan R. O'Donnell, City Council President
City of Northampton
210 Main Street
Northampton, MA 01060

RE: 3 Wright Avenue
Zone Change Petition URC to UB

Dear Council President O'Donnell:

Gretna Green Development Corp. is the owner of the property at 3 Wright Avenue (39A-019-001), and pursuant to G.L. c. 40A, §5 by this letter requests the Northampton City Council to initiate an amendment to the Northampton Zoning Map.

The requested change to the Zoning Map is to include the property at 3 Wright Avenue in the abutting GB zoning district from its current regulation in the URC zoning district. The property at 3 Wright Avenue is presently a vacant lot. The owner, Gretna Green Development Corp., owns the abutting property at 118 Conz Street (Map 39A, Lot 20) which is occupied by its tenant, NETA. The lots have "merged" for zoning purposes.

Gretna Green wishes to develop the lot as additional parking with the property at 118 Conz Street which is operated by NETA and requires the zoning district change to apply for site plan review for additional parking for NETA.

Your earliest action to move this process forward is much appreciated.

Sincerely,

Paul C. Picknelly,
President and Treasurer

PETITION FOR AMENDMENT
OF THE ZONING MAP

To: Northampton City Council
Northampton Planning Board

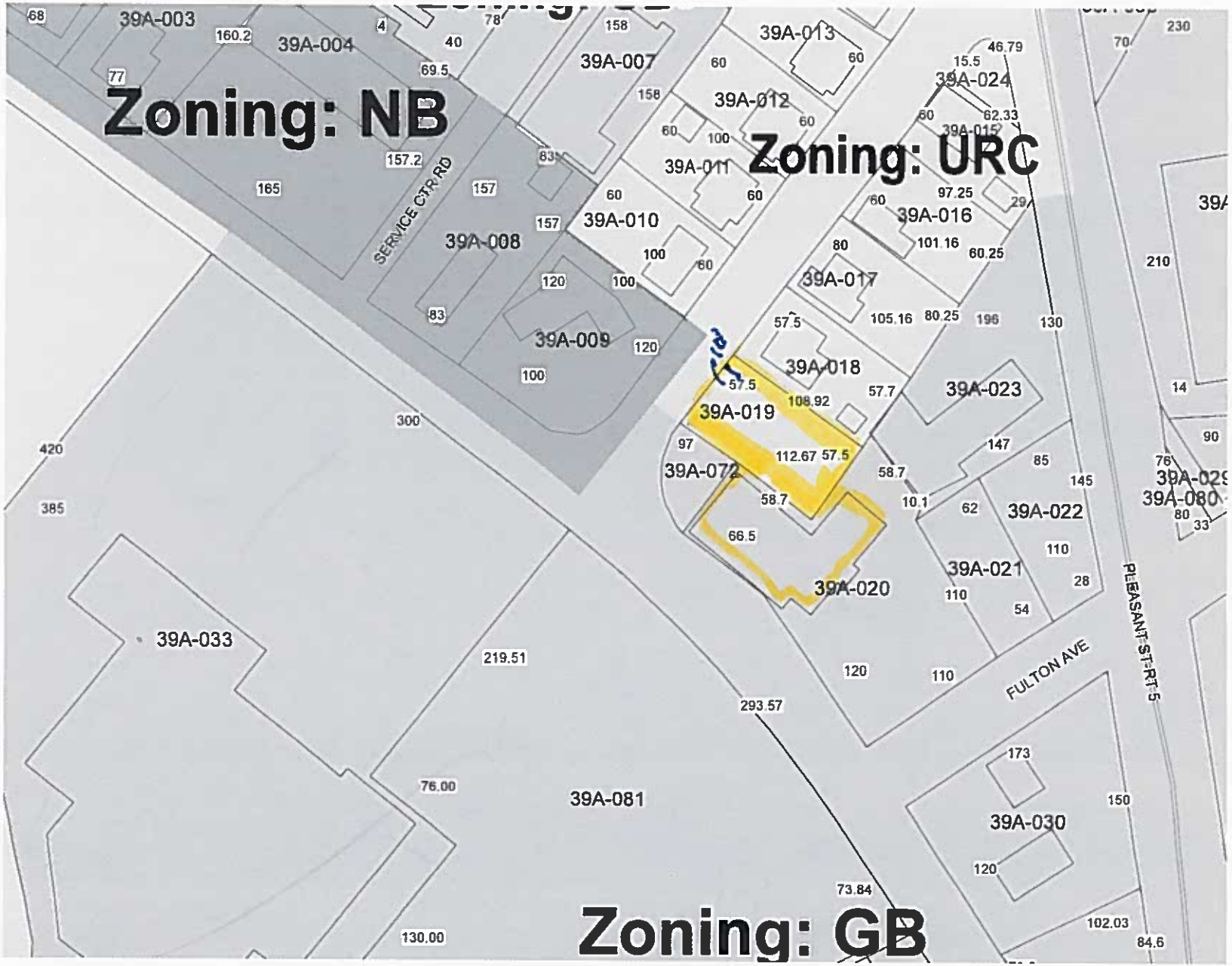
Pursuant to G.L. c. 40A §5, ten registered voters in the City of Northampton, petition the City Council to change the zoning district for the vacant lot at 3 Wright Avenue from the current zoning in the URC district to the adjoining GB zoning district.

"To amend the Zoning Map of the City of Northampton
to include the property at 3 Wright Avenue, Map 39A, Lot 19 in the
GB zoning district (change from URC) to match the
adjoining Conz Street property owned
by the same owner Gretna Green Development Corp.
in the GB zoning district".

Respectfully Submitted

Ten Registered Voters:

Print Name	Signature
Edward D. Etheredge	Edward D. Etheredge
Shelley Steuer	Shelley Steuer
Sharianne Walker	Sharianne Walker
Nancy Reeves	Nancy Reeves
Mary Ann Jenkins	Mary Ann Jenkins
Scott A King	Scott A King
Robert G. Ghazey	Robert G. Ghazey
Rebecca L LaRocque	Rebecca L LaRocque
E. Spencer Gharzy Bates	E. Spencer Gharzy Bates
Frederick Reist	[illegible]
Nicholas Grimaldi	[illegible]
Darrie A. Bluemer	Darrie A. Bluemer


Zoning: NB
Zoning: URC
Zoning: GB
39A-003
39A-004
39A-007
39A-013
39A-024
39A-012
39A-015
39A-011
39A-010
39A-016
39A-008
39A-017
39A-009
39A-018
39A-023
39A-019
39A-072
39A-022
39A-021
39A-020
39A-033
39A-081
39A-030
39A-029
39A-080
SERVICE CTR RD
FULTON AVE
PLEASANT ST-RT 5

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

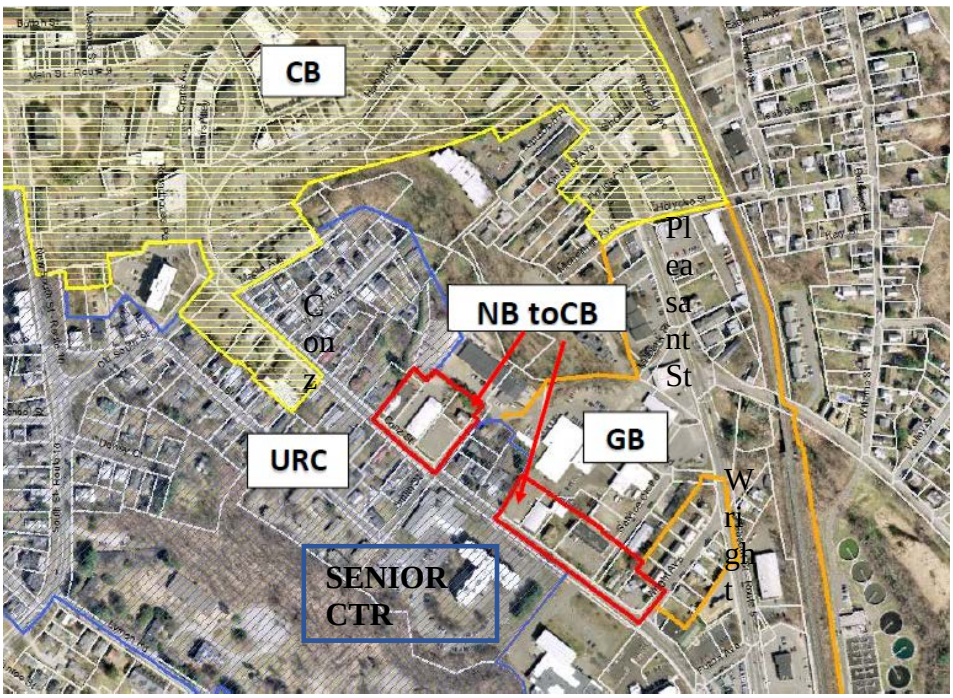
20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-3.4 Zoning Map to rezone some parcels in Neighborhood Business to Central Business.

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

Amend the Zoning Map as shown

Rezone Map Id's along Conz Street from Neighborhood Business to Central Business:
32C-102
32C-104
32C-105
32C-131 NB Portion Only
39A-002
39A-003
39A-004
39A-008
39A-009


CB
NB toCB
GB
URC
SENIOR CTR
Pleasant St
Wright

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

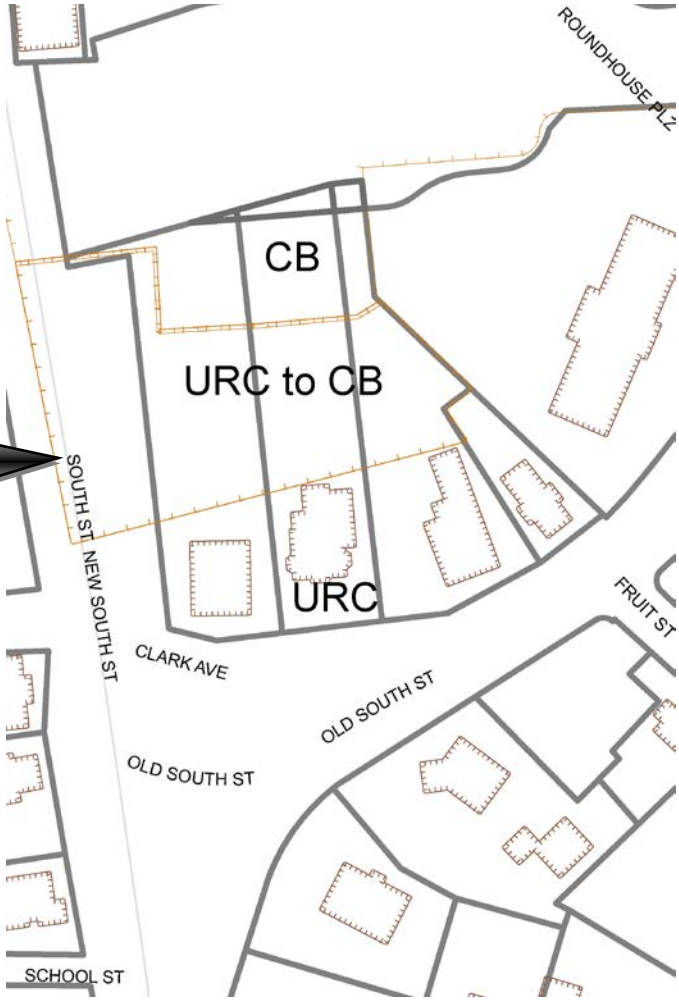
20.005 An Ordinance to Amend the Zoning Map on Old South St. and Clark Ave.

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 350-3.4, the Zoning Map, to change the boundary between Central Business (CB) and Urban Residential-C (URC) zoning districts.

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

Amend
{§ 350-3.4 Zoning Map to expand the limits of Central Business (CB) zoning district behind the first set of homes on Old South Street and Clark Avenue, on a portion of Map ID 38A-222, 223, and 224, as shown below.

This change would keep the homes on Old South Street and Clark Avenue within the Urban Residential C (URC) zoning district but would expand the CB slightly in the rear yards of those homes.}



City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

20.006 An Ordinance

to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street

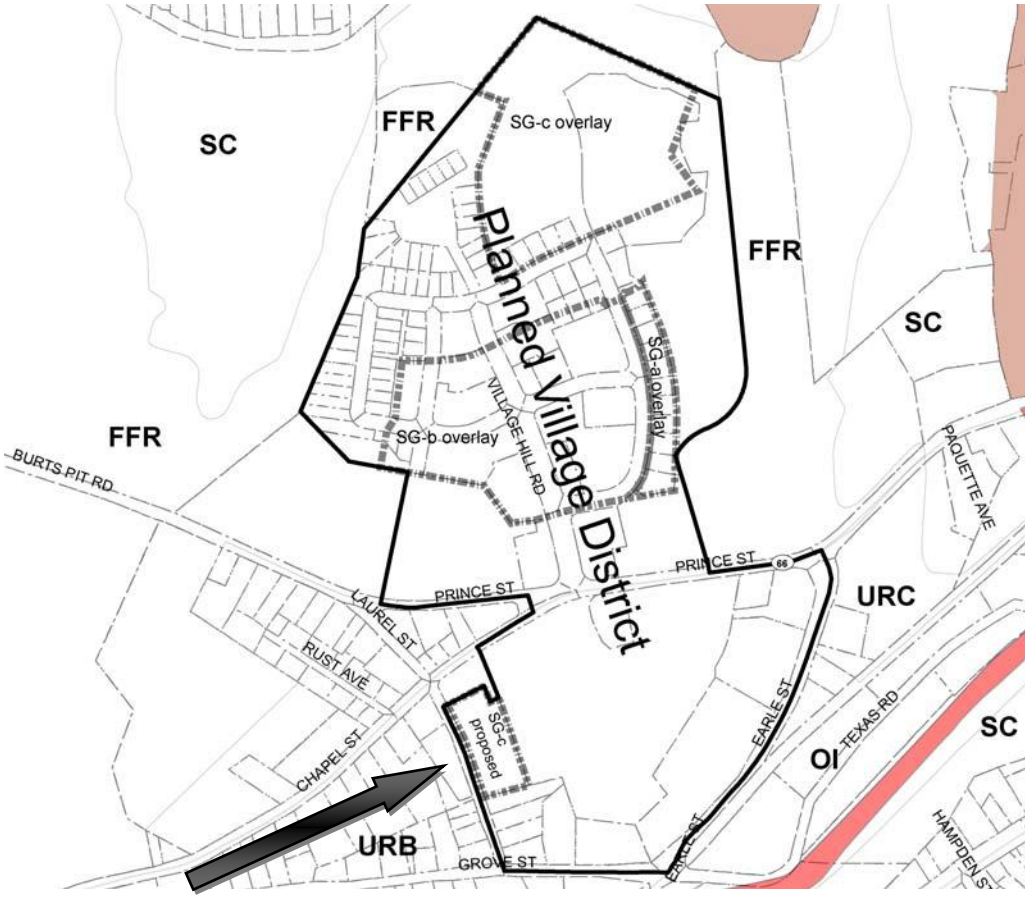
An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 350-3.4, the Zoning Map, to add a new Smart Growth-c overlay district.

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

Amend

{§ 350-3.4 Zoning Map to add additional Smart Growth-c overlay district (SG-c), in addition to the existing three SG overlays, overlain on the existing Planned Village District (PV), on Map ID 38A-049-001, as shown below.

SG-c does not increase the allowed density (the existing PV has no minimum lot size, frontage, width, depth, or setback requirements) but does allow Commonwealth Smart Growth Overlay bonus to the City for affordable housing. Map 38A-049 has already been dedicated to affordable housing by the City's State Hospital reuse planning and the resulting state legislation.}



City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

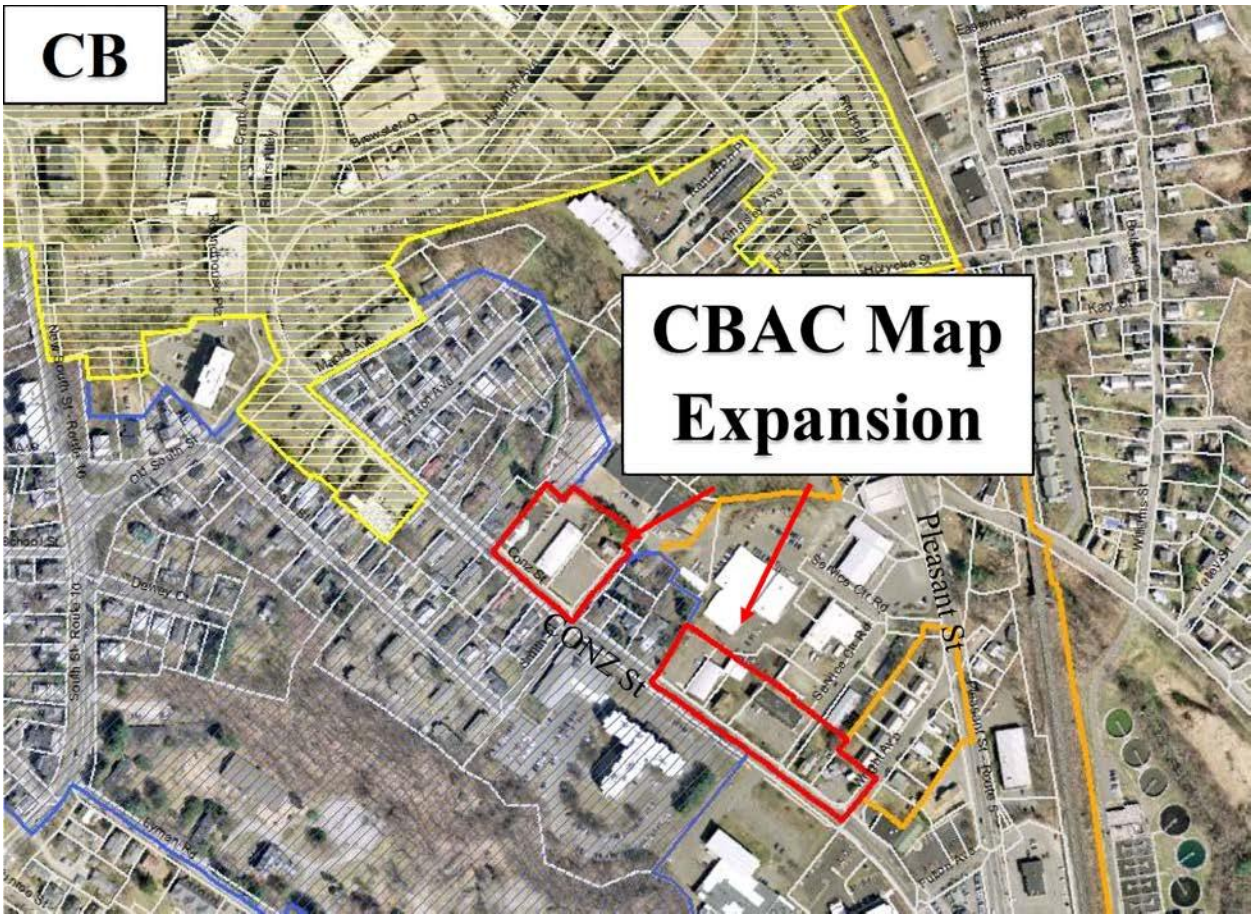
20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 156-2 CBAC Map to include parcels to be rezoned from NB to CB along Conz Street.

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

Amend the CBAC Map as shown

Map Id's along Conz Street:
32C-102
32C-104
32C-105
32C-131 Current NB Portion Only
39A-002
39A-003
39A-004
39A-008
39A-009


CB
CBAC Map
Expansion
CONZ St
Pleasant St
Old South St
South St - Route 10
Lyman Rd
Victoria Rd
Service Ctr Rd
Pleasant St - Route 5
Holyoke St
Kingsley Ave
Eastern Ave
Isabella St
Key St
S Summer St
Valley St
Fuller Ave
Lowell St
Smith St
Derby Dr
Sewster Dr
Maple Ave
Pleasant Ave
Shoal St
Fairmount Ave
Bartlett Ave
Cindy Ave
Hawthorne Ave
Bellevue St
School St