The Mayor declared the meeting open at 7:00 p.m. on roll call, nine (9) Councilors were present:

City Council Members Present:
- William H. Gough
- Charles M. Hyman
- William D. Drayton
- Robert B. O'Donnel
- James A. Murphy
- Charles A. L. Murphy
- Walter E. Mather
- John A. F. Keating

Roll call by Mary P. Mathews, Clerk to City Council

Communications from the Mayor

1. Reaffirmation: Brain Injury Awareness Month, March 2014

Mayor Nickels noted the proclamation and presented it to Mary Noel Collier. Ms. Collier spoke of her personal experience of Traumatic Brain Injury (TBI), sustained while riding her bicycle at the age of 7 without a helmet.

2. Upgrade of City of Northampton Bond Rating by S&P

Mayor Nickels noted the city’s bond rating has been upgraded by A/A+.

One-Minute Announcements of Events

- Reminder of Public Hearing: Ordinance No. 13-192, on the East Main Street and Dudley Street intersection. The public hearing is scheduled for March 10, 2014, at 7:00 p.m. at City Hall.
- Change of Date: Originally scheduled for Tuesday, April 8, 2014, at 7:00 p.m., the public hearing will now be held on Thursday, April 10, 2014, at 7:00 p.m.

Approval of Minutes of February 10, 2014

Councilor LaBarre moved approval of the minutes. Councilor Adams seconded. The motion passed by a vote of 8 in favor, 0 opposed.

Councilor Carney moved to approve the minutes. Councilor Adams seconded. The motion passed by a vote of 8 in favor, 0 opposed.

Report of Committees

- Public Safety: No report.

Authorization of Engineer to Proceed with Plans for the Fifth Ward

Councilor LaBarre moved authorization for the engineer to proceed with plans for the Fifth Ward. Councilor Adams seconded. The motion passed by a vote of 8 in favor, 0 opposed.

Councilor Carney moved to authorize the engineer to proceed with plans for the Fifth Ward. Councilor Adams seconded. The motion passed by a vote of 8 in favor, 0 opposed.

Councilor Carney moved to approve the reappointment of Councilor LaBarre to the Planning Board. Councilor Adams seconded. The motion passed by a vote of 8 in favor, 0 opposed.

Councilor Carney moved to appoint a Committee of the Whole to prepare the Board of Health report. The motion passed by a vote of 8 in favor, 0 opposed.
Zoning Board of Appeals
- Sara Northrup, 147 Hindley St., Florence – term March 2013 – March 2016, full member
- Elizabeth Silver, 67 Willow St., Florence – term March 2013 – March 2016, associate member
- Malcolm Barry Smith, 9 Park St., Florence – term March 2014 – March 2017, full member

Approved
Councillor LaBarge moved approval of the Reappointments; Councillor Carney seconded. The motion passed on Voice Vote of 9 Yeas, 0 Nays.

New Appointment:
Community Preservation Committee

Referred
Councillor LaBarge moved to Refer to Committee; Councillor Spector seconded. The motion passed on Voice Vote of 9 Yeas, 0 Nays.

RECESS FOR FINANCE COMMITTEE
7:38 p.m. – 8:42 p.m.

Financial Order: Authorization to Conservation Commission to Purchase or Otherwise Acquire Land at Broad Brook Gap RE: Gleason Parcels (1st Reading)
Councillor Murphy moved approval in first reading; Councillor Spector seconded. The motion passed on Roll Call Vote of 9 Yeas, 0 Nays.
See meeting of March 20, 2014 for second reading.

Financial Order: Authorization of Acquisition of Easement at Foley Trust, 53 Gothic Street, by Gift, Purchase, or Other (1st Reading)
Councillor LaBarge moved approval in first reading; Councillor Scarra seconded. The motion passed on Roll Call Vote of 9 Yeas, 0 Nays.
See meeting of March 20, 2014 for second reading.

Financial Order: Approval of Expenditure of $3,000 in Gift Funds from Cronin Family Gift Account for Scholarships to Participants of Northampton Recreation Department Programs (2nd Reading)
Councillor Spector moved approval in second reading; Councillor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yeas, 0 Nays.
The following Order passed second reading:
In City Council, March 6, 2014
Upon the recommendation of Mayor David J. Narkiewicz
Ordered, that
in accordance with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts: acceptance and expenditure) the Council approves the expenditure of $3,000 in gift funds from the Cronin Family Gift Account, for scholarships to eligible individuals and families to participate in Northampton Recreation Department Programs.

Rules suspended, passed two readings and enrolled.

Financial Order: Reprogram $18,000 from Bridge Street School Detention Basin Project for the Purpose of Replacing Bathroom Partitions (2nd Reading)
Councillor LaBarge moved approval in second reading; Councillor Adams seconded. The motion passed on Roll Call Vote of 9 Yeas, 0 Nays.
The following Order passed second reading:
In City Council, March 6, 2014
Upon recommendation of Mayor David J. Narkiewicz
Whereas, City Council appropriated $75,000 for repair of the Bridge Street School Detention Basin on September 16, 2010;
Whereas, The DPM Engineering Staff were able to assist with the project which resulted in lower costs relative to the repairs;
Whereas, There is a balance of funds remaining from the project of $46,328.49 and it is the Mayor’s intention to reprogram this remaining balance for other capital needs;
Whereas, There is an identified need to replace bathroom partitions at Bridge Street School as the current metal partitions are deteriorated and must be replaced for health and safety reasons;
Whereas, Bridge Street School is the only school building where partition upgrades have not been completed and this project will involve replacement of all bathroom stalls in the school building;
Ordered, that
$18,000 be reprogrammed from the balance of the Bridge Street School Detention Basin project for the purpose of replacing bathroom partitions.

Rules suspended, passed two readings and enrolled.
Councilor LaBarge moved approval in second reading; Councilor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.

The following Ordinance passed second reading:

In City Council, March 6, 2014

Upon the Recommendation of the Committee on Rules, Orders, Appointments, and Ordinances

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 44-3 of said code; providing that Accounts be ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 44-3 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:


A. All accounts, except for salaries and wages, shall be in writing, and, before being referred to the City Treasurer or City Auditor, shall be examined and approved in writing by a majority of the proper board or committee having jurisdiction over the account.
B. Notwithstanding any other provision of this chapter, any board or committee may, by majority vote, authorize the Chairman, a department head, or some other person to approve the accounts of said board or committee or the accounts for a particular project of said board or committee. Any board or committee so voting shall notify the City Auditor in writing of said authorization. The authorization shall remain in effect until rescinded by the board or committee.
C. Accounts shall be examined and approved by boards and committees as follows:
   (1) Bills chargeable to the appropriation for contingent account by the Committee on Finance.
   (2) Claims: in accordance with MGL c. 94 or MGL c. 258, as applicable, except for claims related to Water, Sewer and Integrated Solid Waste Management Division which shall be by the Board of Public Works.
   (3) (Reserved) Editor’s Note: Former Subsection C (12), regarding almshouse under the Whiting Will, was repealed 12-19-2012.
   (4) (Reserved) Editor’s Note: Former Subsection C (12), regarding health except accounts delegated by the Board of Health related to the administration of Integrated Solid Waste Management activities which, by the Code of Ordinances, is now or hereafter delegated to the Board of Public Works.

(Rules suspended, passed two readings, ordained and enrolled.)

Councilor LaBarge moved to refer to Committee; Councilor Adams seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

Councilor Murphy moved to refer to Committee on Economic & Community Development, Housing, and Land Use and Committee on Rules, Orders, Appointments, and Ordinances; Councilor Carney seconded. The motion passed on Voice Vote of 9 Yes, 0 No.
Councillor Murphy moved approval in first reading: Councilor Specor seconded for purposes of discussion.

Councilor Specor thanked all members of the Storm Water Ad-Hoc Advisory Taskforce: Rick Clark, James Destal, Dan Felten, Emery Ford, Alex Ghaselin, Chris Hellman, Ruth McGrath, Megan Murphy Wolff, Robert Reckman, John Shemette, and David Toece. Councilor Specor noted the website link to the Taskforce report. Councilor Murphy noted that this Ordinance started in the City Council/Board of Public Works Conference Committee, and thanked Councilor Specor and Councilor Adams for their hard work on this Ordinance. Councilor Specor also noted the great contribution of former Councilor Tacy.

Councilor Adams moved to recognize City Solicitor Alan Steenwald, Jim Laurila, Terry Culhane, Dan Felten, and Susan Wright; Councilor Murphy seconded. The motion passed on Voice Vote of 9 Yes, 0 No.

Terry Culhane stated that the Mayor has offered to report exactly which city departments will be affected, and related costs. This may eliminate the need for Councilor Adams’ proposed amendment 280-8 “m”. Councilor Adams noted that, while no compromise was reached, the intent was to only fund storm water and flood control, not salaries, and he would like this and other enterprise funds to be run the same, and his hope that the conversation goes forward.

Councilor Adams withdrew proposed amendment 280-8 “m”.

Councilor Murphy clarified to move approval in first reading, as Amended in Committee on Rules, Orders, Appointments, and Ordinances meeting of February 25, 2014, with amendments by Board of Public Works. Councilor O’Donnell’s amendments, Councilor Adams’ amendments (except 280-8 “m”), and City Solicitor Steenwald’s amendments tonight. Councilor Carney seconded, for purposes of discussion.

City Solicitor Steenwald explained his amendments regarding direct and indirect costs, as defined by Department of Revenue (DOR) Enterprise Funds G.L. 444, §53F 1/2. This reflects time spent by employees directly working on enterprise funds; the DOR reviewed the City’s policy in July 2013. Mayor Narkiewicz noted that time spent on tax bills, enterprise funds, may include Finance, Auditor, Collector’s office. City Solicitor Steenwald noted 280-6 Mayor has discretion to recommend budget, BPW may recommend $2 million cap, Mayor has authority to decrease, increase or accept. City Council only has right to decrease from Mayor’s budget. City Solicitor Steenwald recommends to include the ability for the BPW to give specifics to the Mayor for any proposed increases, and to sustain enterprise with revenue, not subsidize with tax.

Councilor O’Donnell noted that 280-6 (b) does not account for inflation in the first five years, only after five years. Councilor Adams noted that the task force recommended no increase for five years, now no increase unless BPW has good reason. Councilor Specor noted citizens have voiced concerns over this. Councilor Dwight noted that the City Council would need to make justification to the community for any increase over the $2 million, and the City Council would have that responsibility.

Councilor Klein questioned why amendments from the City Solicitor were received just this afternoon. Councilor Dwight noted that the City Solicitor was in conversation with DOR, if Councilors have concerns, options include delay or minority reconsideration, consider time pressure as the Mayor must submit his budget — this Council could call a special meeting next week. Councilor Klein expressed concern that all process is done in a legal manner. Councilor Adams noted City Council Rule 36 and noted the City Solicitor has proposed significant changes.

Councilor Specor noted new information is often presented between a first and second vote; if the intent is the same, within legal framework. Councilor Murphy noted time between February 25, 2014 meeting of Committee on Rules, Orders, Appointments, and Ordinances, and to this date is not delinquent and the proposed changes are not substantial. Councilor Adams noted that he wished these legal changes earlier, he was comfortable to proceed with the vote tonight. Councilor LeBarge questioned the time frame for the budget. Susan Wright, Finance Director, stated that it would be most helpful if this were voted before the end of March, to be included in the budget for May 15, 2014 presentation to City Council.

Councilor LeBarge noted the many hearings and public forums, while being uncomfortable with this late information, and the public being misled by information of a five-year cap. Councilor Dwight stated that the BPW must not exceed $2 million, and the City Council retains the authority to hold to that. Councilor Adams noted that the cap is a recommendation, not a mandate. Councilors debated the procedure to include the late information.

Council President Dwight called a recess. 9:00 pm — 9:10 pm.

Councillors agreed that Council President Dwight should read the Ordinance in its entirety.

Regarding 280-2, Councilor Specor stated that the taskforce voted and recommended two fee structures, with the recommendation for a fee on a vote of 8-4, Councilor Carney noted the history of floods in 1874 of the Mill River and 1938; within one hour of the flood in 1874, 139 had died.

A scrivener’s error was noted in 280-6 (c). Councilor Scarras questioned the language of “one acre”; Terry Culhane explained that property also, simple single family bill, with problems with shift of all open space and outskirts land, ran off impervious, and pervious of one acre; the bill structure was designed to be fair and reasonable. Councilor Dwight noted that credits and abatements would also adjust the fee.

Councilor O’Donnell explained his proposed amendment to 280-6 (f), with a more progressive curve of the fee structure. Terry Culhane noted that the Board of Public Works is amenable to the proposed language. Jim Laurila noted that the data is preliminary; Councilor Dwight noted that property sizes are variable over time.
Councillor Curley moved approval of the Amendment, Councillor LaBarre seconded. The motion passed on Roll Call by 7 to 0 Ns.

City Solicitor Servano stated that Section 280-10 language did not include the Mayor's role.

Councillor Klein questioned whether the cost of any potential changes would be included in the budget, and whether there would be competitive bidding for the water and sewer projects. Councillor Klein also suggested that City Solicitor Servano prepare a cost estimate for the changes that would be made to the Board of Public Works.

Councillor LaBarre stated that the annual report be made to the City Council and that the City Council recommend the changes to the Board of Public Works Conference Committee.
| March 6,  | City Council | Councillor | Councillor | Councillor | Councillor | Councillor | Councillor | Councillor | Councillor | Councillor | Total |
| | | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present |
| Roll Called by Mary L. Midura, Executive Secretary | Financial Order: Authorization to Conservation Commission to Purchase or Otherwise Acquire Land at Broad Brook Gap RE: Gleason Parcels (1st Reading) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Councillor Murphy moved approval in first reading; Councillor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No. | Motion Carried | 9 Yes 0 No |
| | Financial Order: Authorization of Acquisition of Easement at Foley Trust, 53 Gothic Street, by Gift, Purchase, or Other (1st Reading) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Councillor LaBarge moved approval in first reading; Councillor Sciarra seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No. | Motion Carried | 9 Yes 0 No |
| | Financial Order: Approval of Expenditure of $3,000 in Gift Funds from Crovin Family Gift Account for Scholarships to Participants of Northampton Recreation Department Programs (2nd Reading) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Councillor Spector moved approval in second reading; Councillor LaBarge seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No. | Motion Carried | 9 Yes 0 No |
| | Financial Order: Reprogram $18,000 from Bridge Street School Detention Basin Project for the Purpose of Replacing Bathroom Partitions (2nd Reading) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Councillor LaBarge moved approval in second reading; Councillor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No. | Motion Carried | 9 Yes 0 No |
| | Ordinance: Amend §44-3 Accounts (2nd Reading) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Councillor LaBarge moved approval in second reading; Councillor Adams seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No. | Motion Carried | 9 Yes 0 No |
|---------------|------------------------|--------------------------|-----------------------------|-----------------------------|------------------------|-------------------------------|--------------------------|-----------------------------|-------------------------------|-----------------------------|-------|
| 7:20 p.m.     |                        | Yes                      | Yes                         | Yes                         | Yes                    | Yes                           | Yes                      | Yes                         | Yes                           | Yes                         | 9 Yes |
|               |                        |                          |                             |                             |                        |                               |                          |                             |                               |                             | 0 No  |
|               |                        |                          |                             |                             |                        |                               |                          |                             |                               |                             | Motion Carried |

Ordinance: Amend §280-1 through §280-12 Adding Stormwater and Flood Control Utility Ordinance – Amendment Introduced March 6, 2014

Section 280-6. Rates.

(6) Small residential properties shall be divided into approximately equal numbers into four groups based on accreting amounts of impervious areas. The Board of Public Works shall determine the range of impervious area used for defining each group. All properties within each group shall receive the same bill. The bill for each group shall be calculated based on the average impervious and pervious areas of properties that fall into each group.

Councillor O’Donnell moved approval of the Amendment; Councillor Murphy seconded. The motion passed on Roll Call of 9 Yes, 0 No.

|               |                        | Yes                      | Yes                         | Yes                         | Yes                    | Yes                           | Yes                      | Yes                         | Yes                           | Yes                         | 9 Yes |
|               |                        |                          |                             |                             |                        |                               |                          |                             |                               |                             | 0 No  |
|               |                        |                          |                             |                             |                        |                               |                          |                             |                               |                             | Motion Carried |

Ordinance: Amend §280-1 through §280-12 Adding Stormwater and Flood Control Utility Ordinance – Amendment Introduced March 6, 2014

Section 280-9. Stormwater and flood control utility fee Exclusions.

(6) The City finds that all real property in the City contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no public property, including public property funded by taxpayers of the City of Northampton, or private property located in the City of Northampton shall be exempt from the stormwater and flood control utility fee charges.

Councillor Carney moved approval of the Amendment; Councillor LaBarge seconded. The motion passed on Roll Call of 9 Yes, 0 No.
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<td>Ordinance: Amend §280-1 through §280-12 Adding Stormwater and Flood Control Utility Ordinance – Amendment Introduced March 6, 2014 Section 280-10. Stormwater and Flood Control Utility Fee Credits. (1) The Stormwater Management and Flood Control Utility Fee Credit Policy as developed, maintained and, from time to time, amended by the Department of Public Works and approved by the Board of Public Works may be amended by the Mayor or by ordinance. Councillor Carney moved approval of the Amendment; Councillor Spector seconded. The motion passed on Roll Call of 9 Yes, 0 No.</td>
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<td>Ordinance: Amend §280-1 through §280-12 Adding Stormwater and Flood Control Utility Ordinance, as Amended by Committee on Rules, Orders, Appointments, and Ordinances February 25, 2014, as Amended by City Solicitor March 5, 2014, and as Amended by City Council March 6, 2014 (1st Reading) Councillor Murphy moved approval in first reading, as Amended; Councillor Spector seconded. The motion passed on Roll Call Vote of 9 Yes, 0 No.</td>
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