CITY COUNCIL

CITY OF NORTHAMPTON

MASSACHUSETTS

Councilors:

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

Meeting Agenda
On-line Video Meeting
Meeting Date: April 16, 2020
Meeting Time: 7 p.m.

The City Council will continue to hold regular meetings via remote participation. The public cannot be physically present during the meeting but can watch it live on Comcast channel 15 or by live-streaming in on youtube. For the active youtube link, please see Northampton Open Media's website: http://northamptonopenmedia.org/

Live public comment will be available by telephone call-in or video conferencing technology. Please be aware that video conferencing software is ONLY being used to allow public comment at the beginning of the City Council meeting. Public access to the video conference will be discontinued when public comment has concluded. The meeting will continue to be available for viewing live on cable and by live-streaming on youtube.

INSTRUCTIONS FOR TELEPHONE CALL IN AND JOINING THE VIDEO MEETING WILL BE POSTED ON THE FINAL AGENDA

1. **Announcement that Meeting is Being Held Via Video Conference Software and Audio/Video Recorded**
   This meeting is being held via video conference software and audio/video recorded.

2. **Public Comment**

3. **Roll Call**

4. **Public Hearings**

5. **Updates from Council President and Committee Chairs**

6. **Recognitions and One-Minute Announcements by Councilors**

7. **Communications and Proclamations from the Mayor**

8. **Resolutions**

9. **Presentations**

10. **Consent Agenda**

    A. **Minutes of April 2, 2020**

    Documents:

    4-02-2020_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.

    A. **20.041 An Order to Authorize Acceptance of Easements from MassDOT for Damon Road Reconstruction - 1st reading**
    Process note: The Department of Public Works respectfully requests two readings to accommodate the state's construction schedule.

    Documents:

    20.041 An Order to Authorize Acceptance of Easements from MassDOT for Damon Road Reconstruction.pdf
    20.041 Detail of MassDOT Easements.pdf
    20.041 Grant of Easement.pdf
    20.041 Damon Road Alteration Plan.pdf

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

A. **20.032 An Order to Establish Water and Sewer Rates for FY2021 - 2nd reading**

History:

- Positive recommendation, Finance Committee - 4/2/2020
- Passed 1st reading - 4/2/2020

Documents:

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

B. **20.035 An Order to Accept a Donation of Land on Woodland Drive for Housing and Trail Uses - 2nd reading**

History:

- Amended to change 'Tiffany Lane' to Ladyslipper Lane' in Item #3 of second 'whereas' clause, Finance Committee - 4/2/2020
- Positive recommendation, Finance Committee - 4/2/2020
- Passed 1st reading

Documents:

20.035 An Order to Accept a Donation of Land on Woodland Drive for Housing and Trail Uses.pdf

C. **20.036 An Order to Accept a Donation of Easement for Electric Power to NSH Memorial Park - 2nd reading**

History:

- Positive recommendation, Finance Committee - 4/2/2020
- Passed 1st reading - 4/2/2020

Documents:

20.036 An Order to Accept a Donation of Easement for Electric Power to NSH Memorial Park.pdf

D. **20.038 An Order to Appropriate $3,000 in CPA Funds to Lathrop Communities for Invasive Species Removal - 2nd reading**

History:

- Positive recommendation, Finance Committee - 4/2/2020
- Passed 1st reading 7:0 with one abstention (Councilor Jarrett) and one absence (Councilor Foster)

Documents:

20.038 An Order to Appropriate 3,000 in CPA Funds to Lathrop Communities for Invasive Species Removal.pdf

E. **20.039 An Order to Appropriate CPA Funds for Beaver Brook Greenway Invasive Plant Control Project - 2nd reading**

History:

- Positive recommendation, Finance Committee - 4/2/2020
- Passed 1st reading 7:0 with one abstention (Councilor Jarrett) and one

absence (Councilor Foster) - 4/2/2020

Documents:

20.039 An Order to Appropriate CPA Funds for Beaver Brook Greenway Invasive Plant Control Project.pdf

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 - 2nd 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
- Continued to 4/2/2020 - 3/19/2020
- Amended to add sentence, "If the proposal triggers review by another Board under subsection b, above, no ZBA finding shall be required." - 4/2/2020
- Passed 1st reading 7:1 with Quinlan opposed - 4/2/2020

Documents:

9.3 post LM 3-31.pdf

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

18. New Business

19. Adjourn

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

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

Roll Call

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:17 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 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

Absent: Ward 2 Councilor Karen Foster

Announcement of Audio/Video Recording

At 7:17 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

Public Hearing
Public Hearing to Consider FY2021 Water and Sewer Rates

Public Hearing
Public Hearing to Consider FY2021 Water and Sewer Rates
Councilor Sciarra read the legal notice of the public hearing:
BY ORDER OF THE CITY COUNCIL, the Northampton City Council will hold a Public Hearing conducted via Zoom on **Thursday, April 2, 2020 at 7:05 p.m.** The City Council will consider the proposed FY2021 water and sewer rates and hear all persons who wish to be heard thereon.

Councilor Sciarra reviewed the proposed rates as set forth in **20.032 An Order to Establish Water and Sewer Rates for FY2021.**

Councilor Dwight moved to open the public hearing. Councilor Thorpe seconded. The motion passed unanimously 8:0 by voice vote with one absent. (Councilor Foster) The public hearing was opened at 7:20 p.m.

Mayor Narkewicz presented proposed FY2021 water and sewer rates. As councilors will note in the order, administrators are not recommending an increase in either water or sewer rates for FY2021; the recommendation is to maintain them at current levels. They are working very hard to insure that they are managing these funds very wisely and as efficiently as possible. As they also know, they are gearing up for large capital projects. So while they are not recommending a rate increase for FY2021 that does not mean they may not need rate increases in the future. He asked for the council's consideration and adoption of the rates to go into effect July 1st.

Councilor Sciarra asked if anyone wished to speak in favor or against. No one spoke.

There being no further comment, Councilor Dwight moved to close the public hearing. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent. The hearing was closed at 7:23 p.m.

Communications and Proclamations from the Mayor

Communications and Proclamations from the Mayor
Mayor Narkewicz confirmed he was joining the meeting live from his isolation chamber but feeling healthy and strong and hoping to be able to end his isolation soon once he receives clearance. He is continuing to work and to be in touch with city officials around the clock. He thanked city employees for working to adapt to this new situation, particularly public safety employees, who continue to carry out their work and be most at risk during this pandemic. City departments are working to continue to provide services remotely. City officials are continuing to maintain financial and administrative functions and are obviously working around the clock to respond and keep the community safe during the pandemic. He has been having daily emergency management team calls and today held a department head meeting to check in with all department heads. He is pleased with the work they are doing under the circumstances, whether it be the Recreation Department's efforts to help people find ways to safely recreate or Senior Services staff doing check-ins on seniors they serve who they know are isolated and vulnerable. All are working very

hard to address the needs of their constituents. He encouraged people to visit the city website and call city offices. They have a COVID-19 page that is updated almost hourly whether with updates from the Board of Health, construction orders, etc. They want people to have as much real-time information as possible.

He has remained in close contact with state officials, legislators, the governor's office and executive branch and has been participating in frequent zoom calls with the governor and lieutenant governor and mayors across the Commonwealth. They are putting out as much information as they can. The Health Department is very much engaged. He commended Health Director Merridith O'Leary and her team who not only are helping Northampton respond to the crisis but are setting up a regional response to do case investigations of patients who have tested positive. Many of their neighboring communities and smaller towns do not have the capacity or infrastructure so they are helping set that up using a grant from the Department of Public Health (DPH). He thanked the first responders who are in the position of having to respond to medical and other calls where COVID symptoms are involved. He is especially proud of the team that was able to open an emergency shelter at Northampton High School. The city's goal was to work with its partner Servicenet which was trying to maintain safety at its Grove Street and interfaith cot shelters but jointly they made the decision to close those two shelters and transfer shelter operations to Northampton High School. He is very proud of the city and staff and all volunteers who have stepped forward to volunteer time and supplies and, in some cases, local institutions who are helping feed folks at the shelter. They are entering night two and are hoping to keep those without housing safe during the outbreak so they can help prevent the spread of the virus.

Obviously, he urged people to continue to stay at home, to shelter, to avoid social contact and practice good social distancing, to continue to wash hands and continue to be very judicious in the trips they make outside their home. They continue to watch that curve and believe they are about to enter a several-week period where cases are about to spike. They are concerned with the impact that will have on their health care system and are working with the Cooley Dickinson Hospital to make sure they have contingencies in place in case they do have that increase in patient load. Everyone can do their part by keeping themselves and their families healthy, staying safe and staying home and following guidelines around social distancing.

He said he hoped to be able to announce information soon about extended deadlines for filing for abatements, payment of tax bills, etc. He is ready to release that information but, unfortunately, the state legislature seems to be in a bit of gridlock right now about giving mayors the authorization to do that. They are hoping that gridlock can be broken so they can give people reassurance that they have some additional time to pay some of the statutorily-required local bills.

He continues to work very closely with the local business community and was on a conference call earlier this week with business leaders. He is working closely with the CDBG office to try to access additional funding they hope to be receiving from the federal government and are working to make sure local businesses have access to all of resources supposed to be made available through the state and federal government.

They are working to support those businesses who are continuing to maintain takeout and delivery services, he continued. He encouraged everyone to please follow the city's COVID-19 page that has lots of information being added daily and to follow social media feeds. He asked residents to take care of themselves and their families and to check in on neighbors who may be isolated and alone. The way they're going to stay safe and healthy as a community is by taking care of themselves, their families and their entire community, he suggested. He thanked the council for the opportunity to update the public and concluded by thanking city staff, first responders, medical personnel at the hospital and residents themselves for their cooperation, their vigilance and their work to keep themselves and their families safe.

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Updates from Council President & Committee Chairs

Updates from Council President & Committee Chairs
They know that the city and state remain in a state of emergency but that doesn't mean that their work as councilors stops, Councilor Sciarra counseled. It does mean that they need to be very careful about not diverting resources from essential and emergency business, including staff time. She commended staff for their tireless efforts and asked councilors to continue to limit requests of city staff. She thanked councilors for the work they are doing in answering residents'

	questions, serving as points of connection for residents and sharing ever-changing and expanding resources being created. She encouraged residents to please call on them if needed. Councilor LaBarge announced that the April 6, 2020 meeting of the City Services Committee has been cancelled. In keeping with the spirit of deferring non-urgent items, the May 4, 2020 meeting will also be cancelled unless new appointments are referred. Because of the coronavirus the Disability Commission will not be meeting in April and probably not in May, Councilor LaBarge advised. The work of the commission advances, however, she assured. Councilor LaBarge offered liberal thanks to city staff and department heads, including the Mayor, DPW, Health Department, Fire Department, Police Department, teachers, custodians and uniformed officers. She thanked the doctors, nurses and staff at the Cooley Dickinson Hospital (CDH) who are working tirelessly to help people stricken with the virus. She thanked Councilors Sciarra and Dwight and City Council Administrative Assistant Laura Krutzler. As councilors working hard to minimize the spread of the corona virus, they are asking all residents to continue practicing social distancing, staying at home and washing hands often with soap and water for 20 seconds. Councilor LaBarge reminded listeners that many city businesses are struggling to make it through the crisis. She echoed the Mayor's words emphasizing how critical it is to get together and support local businesses. She mentioned those who have lost jobs and ended by letting people know that she is helping her friend Patty Healey and the Massachusetts Nurses Association (MNA) with a donation box on her lawn.
Recognitions and One-Minute Announcements by Councilors	**Recognitions and One-Minute Announcements by Councilors** Councilor Nash thanked everybody for their support while he and his wife were sick. "It was long and harrowing, and it's really great to be back," he shared. He also thanked everyone for respecting their privacy during their illness. He got clearance two days ago to leave his in-home isolation; they are virus free and can venture out in the community. Councilor Maiore shared the number for the CDH Call Center around COVID-19 concerns: 1-888-554-4234. Councilor Jarrett informed those listening that Western Mass Community Mutual Aid now has a website, www.wmacma.org, Coordinators are connecting people in neighborhoods through a series of neighborhood pods to make sure that everyone is checked in on, particularly those over 65. He reiterated that he is here if residents have any questions or concerns.
Resolutions	**Resolutions** None.
Presentations	**Presentations** None.
Consent Agenda	**Consent Agenda** Councilor Sciarra reviewed the single item on the consent agenda, the minutes of March 19, 2020. **Councilor Dwight moved approval of the consent agenda. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent.** The following item was approved as part of the consent agenda: A. **Minutes of March 19, 2020**
Recess for Committee on	**At 7:48 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:49 p.m. The City Council reconvened at 8:49 p.m.**

Finance Meeting	
Financial Orders (on 1st reading) 20.032 Order to Establish Water and Sewer Rates for FY2021 - 1st reading	**Financial Orders (on 1st reading)** **20.032 An Order to Establish Water and Sewer Rates for FY2021 - 1st reading** Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. Mayor Narkewicz mentioned that the parenthetical references to FY19 rates within the order is extraneous and probably should be removed. Councilor Dwight said he saw no harm in leaving it in for informational purposes. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster). **See minutes of April 16, 2020 for second reading.**
20.035 Order to Accept a Donation of Land on Woodland Drive for Housing and Trail Uses - 1st reading	**20.035 An Order to Accept a Donation of Land on Woodland Drive for Housing and Trail Uses - 1st reading** Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster). **See minutes of April 16, 2020 for second reading.**
20.036 Order to Accept Donation of Easement for Electric Power to NSH Memorial Park - 1st reading	**20.036 An Order to Accept a Donation of Easement for Electric Power to NSH Memorial Park - 1st reading** Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster). **See minutes of April 16, 2020 for second reading.**
20.038 Order to Appropriate $3,000 in CPA Funds to Lathrop Communities for Invasive Species Removal - 1st reading	**20.038 An Order to Appropriate $3,000 in CPA Funds to Lathrop Communities for Invasive Species Removal - 1st reading** Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. He has only had a few days to look at the order and in that time he has looked at the Select Committee on Pesticide Reduction (SCPR) report and spoken to Chris Hellman of the Community Preservation Committee (CPC), Councilor Jarrett related. The CPC based their decision in part on the work of the select committee. One of SCPR's recommendations is to ban pesticides entirely in places where children play but not city-wide. He would argue that children do play at conservation areas. SCPR has done some work but recommended appointment of another select committee to continue its work and establishment of a permanent pesticide reduction oversight committee, he noted. He is feeling like he wants to do some additional research and try to understand it better. A year and a half ago there was a CPC proposal for herbicide application at the community gardens at Village Hill. There was a lot of opposition and ultimately, the committee did not forward that application. He definitely hears that this is a very minimal application and knows some would describe it as similar to the way doctors might treat someone for cancer; i.e. - putting some poison in as with chemotherapy but ultimately doing so in order that the person will survive and thrive. There is always change in ecosystems, including change introduced by humans. He is interested in hearing other perspectives on this. He doesn't feel ready to vote on this tonight, so he thinks he will abstain. He does feel comfortable moving forward tonight since he will have time to do more research before the second reading. As a SCPR member from the previous council, Councilor Nash said he appreciated Councilor Jarrett's comments. During the committee's limited time working on pesticide reduction, they heard considerable testimony from both the Broad Brook Coalition (BBC), folks at Lathrop and Mr. Feiden in the planning department, and all spoke to the considerable lengths they go to not to broadcast the use of herbicides to address invasive species. The invasives they are treating are

very vibrant and can quickly take over an ecosystem. For him, he found their efforts to be lauded. When possible, they resort to mechanical methods, including pulling invasives by hand. But there is a tipping point they are trying to address to take back these ecosystems from these invasives. He described the care taken to insure very direct application, such as applying the herbicide directly to an individual plant with a cone over the plant.

"I am not in favor of spreading pesticides around," he assured, but, with climate change and environmental changes due to human habitation, he thinks there are times when application is appropriate. He trusts that both BBC and Lathrop are making efforts to minimize the use. Many people are nowhere near as careful when using these products at home or on commercial properties. He understands the reservations and agrees exploring and talking about it further is a good thing. He wished everybody took the care that BBC and Lathrop take when dealing with these products.

Councilor Jarrett confirmed he did not want to derail the process.

20.039 Order to Appropriate CPA Funds for Beaver Brook Greenway Invasive Plant Control Project - 1st reading

Councilor Sciarra called the motion to a vote, and it passed with seven in favor, one abstention (Councilor Jarrett) and one absent (Councilor Foster) by roll call vote.

See minutes of April 16, 2020 for second reading.

20.039 An Order to Appropriate CPA Funds for Beaver Brook Greenway Invasive Plant Control Project - 1st reading

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

Similarly, Councilor Jarrett said he would abstain from voting on this order.

The motion passed 7:0 by roll call vote with one abstention (Councilor Jarrett) and one absence (Councilor Foster).

See minutes of April 16, 2020 for second reading.

20.040 Order to Approve Gift Fund Expenditures for Emergency COVID19 Expenses - 1st reading

20.040 An Order to Approve Gift Fund Expenditures for Emergency COVID19 Expenses - 1st reading

Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent.

Councilor LaBarge moved to suspend the rules to allow a second reading. Councilor Maiore seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent.

Councilor LaBarge moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council April 2, 2020

Upon recommendation of the Mayor

20.040 An Order to Approve Gift Fund Expenditures for Emergency COVID-19 Expenses

Ordered, that

the Northampton City Council in accordance with Massachusetts General Law Chapter 44, Section 53 A (Grants and gifts; acceptance and expenditure) authorizes the expenditure of funds donated by the public to be used for any emergency COVID-19 expenses including, but not limited to, the establishment of an emergency shelter to serve vulnerable members of the community who lack housing.

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2nd reading) 20.033 Order for FY2020 Budget Transfers – 2nd reading

Financial Orders (on 2nd reading):
20.033 An Order for FY2020 Budget Transfers – 2nd reading
Councilor Dwight moved to approve the order in second reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Foster absent.

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council, March 19, 2020

Upon recommendation of the Mayor

FY20.033 AN ORDER FOR FY2020 BUDGET TRANSFERS

Order that,

The following budgetary transfers be made:

Department		Description	Org	Object	Transfer From:	Transfer To:
City Council	OM	Training and Seminars	11112	530005		$ 300
City Council	OM	Advertising	11112	534600		$ 200
City Council	OM	Travel	11112	571001		$ 700
City Clerk	OM	Ballot Printing	11612	538007		$ 7,000
City Clerk	OM	Ordinance Updates	11612	538008		$ 4,000
Debt	OM	Interest on Notes	17503	592500	$ (12,200)	
Total Budgetary Transfers:					$ (12,200)	$ 12,200

Passed two readings and enrolled.

Orders	**Orders** None.
Ordinances (Not Yet Referred) **20.037 Ordinance Re: Essential Services & Municipal Facilities**	**Ordinances (Not Yet Referred)** **20.037 An Ordinance Relative to Essential Services and Municipal Facilities** Councilor Dwight moved to refer the ordinance to the Planning Board and Legislative Matters. Councilor Thorpe seconded. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster).
Ordinances **19.173 Ordinance to Allow Change from One Conforming Use to Another without a Finding**	**Ordinances** **19.173 An Ordinance to Allow Change from One Conforming Use to Another without a Finding** Councilor Sciarra noted that a sentence had been added by the Office of Planning and Sustainability since the last meeting. Mrs. Krutzler pointed out the additional sentence at the end of 350-9.3 B (2) b), "If the proposal triggers review by another Board under subsection b, above, no ZBA finding shall be required." Councilor Dwight moved to put the ordinance on the floor with the sentence added as an amendment. Councilor Jarrett seconded. Councilor Dwight restated his motion to propose amending the ordinance by the addition of the final sentence "If the proposal triggers review by another Board under subsection b, above, no ZBA finding shall be required." Councilor Thorpe seconded. Councilor Dwight opened the discussion by saying he is not sure if councilors have outstanding questions. As far as he understands, no new information has been presented regarding the objections already raised. As a result, his position stands. As he stated last time, he is prepared to vote in favor. Councilor Jarrett asked if the sentence was redundant since the previous sentence states, "When no other board is required to review the proposed change, extension or alteration, the Zoning Board shall make a finding as defined in 9.2B." Ms. Misch confirmed it is just clarifying language meant to emphasize that there would be a review by one board or the other but not both. The amendment passed unanimously by roll call vote. Councilor Dwight moved to approve the ordinance as amended. Councilor LaBarge seconded. Councilor Nash thanked his colleagues for deferring discussion until he could be present since many of his constituents are particularly concerned about this ordinance. He read the following statement to explain his decision to vote yes. Tonight I will be voting "yes" for the compromise zoning language change concerning conformity and uses. I find the new language simplifies projects into two clear tracks. Owners of non-conforming properties seeking "by right" uses will go to the Zoning Board of Appeals while owners of non-conforming lots that seek uses that fall under Site Plan or Special Permit will go to Planning Board. I find this approach very practical. I am afraid that this decision to vote "yes" will greatly disappoint constituents around Dewey Court. I want to state that my oath of office is to our city and in my mind it would be a violation of this oath for me to vote against an improvement such as the one before us tonight. Choosing to keep confusing, unproductive language in place because it is helpful in a particular instance, but an obstacle overall, is not good governing. My job as a City Councilor is to improve the city, not to tie it in knots. In light of my oath, I hope people understand why I will be voting yes. Now I would like to a take a few moments to address a lingering concern.

We spent many years and many hours working to produce our current zoning. We first took several years to develop the Sustainable Northampton Plan under the leadership of OPS Director Feiden. We then spent two years exploring ways to align our zoning with the Sustainable Northampton Plan through the Zoning Revisions Committee, of which I was a member, and received considerable support from Senior Land Planner Carolyn Misch. After two years of meetings and community forums, the ZRC sent recommendations and guidelines to the Planning Board which then used this information to send new zoning language to City Council.

Once at council, the new zoning faced minimal pushback around small additions, new homes, and small developments. However, the sticking point for many including myself had to do with larger infill developments. The spirit of the proposed zoning seemed to break down when applied to larger properties and developments. City Council at the time wisely approved the new zoning while placing a two year moratorium on residential projects of seven or more units until better criteria was developed.

During those years I was an advocate for improving our zoning and I worked closely with Ward 3 City Councilors Owen Freeman-Daniels and Ryan O'Donnell to come up with equitable regulations. I also spent time talking with any city councilor willing to have a conversation. I pushed hard for development that matched neighborhood character. I was very interested in ways to incorporate flexible design. I continued to advocate on behalf of better guidelines right to when the new criteria went to city council, only then did I throw my support behind the final proposal.

There were two important aspects for me that got me to support the seven or more zoning for the URs. One was the incorporation of subdivision standards for driveways and sidewalks that better mirror streetscape, encouraging a relationship between the existing neighborhood and the new development. Secondly, all projects of seven or more units would require a Special Permit and would be subject to the scrutiny of the Planning Board. Armed with some clear criteria, it was my hope that Special Permit projects would be subject to strong challenges from the Planning Board and developers would prefer to explore avenues where properties could be developed "by right".

There is good reason for this. Our zoning for six units or less in urban residential is extremely development friendly. Property owners have considerable latitude to add units or expand their structures. It is a path of little resistance and the resulting projects by and large match their neighborhood but more importantly residents are more accepting of them as new neighbors, I think, because the regulations being followed apply to everyone in the neighborhood.

On the other hand, neighbors of projects that go before the Planning Board, especially Special Permit, have often voiced to me, and I'm sure others have heard this concern, that there is a foregone conclusion that criteria will be adjusted to meet the needs of the developer. I have been asked on numerous occasions, "Jim, is this just a done deal?"

Tonight I am asking for greater scrutiny from our Planning Department and Planning Board when developers are seeking Special Permits. I would like developers to better perceive the Special Permit process as the most difficult way forward. I would like neighbors to have better sense that the city is standing up for our zoning regulations. I say this on behalf of neighbors who have gone through proposals on North Street, Olive Street, Phillips Place, Dewey Court and elsewhere in the city.

For myself as a long-time advocate for equitable zoning, I would like to have a sense that an applicant for a Special Permit needs to make a strong case for their project to move forward. I especially would like to see this scrutiny when a "by right" avenue is available for the property owner as was the case on both Dewey Court and Olive Street.

I would like to add here that by not demonstrating such scrutiny, I worry we may be opening the city up to further legal action. Tonight we are considering this language change as result of a law suit. I will be voting "yes" to fix this glitch in our zoning ordinance and I am urging my colleagues to do so as well. However, I am concerned that there may be other legal vulnerabilities that the City Council cannot fix if greater scrutiny is not applied in the Special Permit process.

This in no way is meant to malign our hard working Planning Department and Planning Board.

But it is meant for us to more deeply consider and implore both of those entities to use the tools at their disposal vis-a-vis our zoning regulations to give neighbors a sense that the city is standing up for them and that zoning regulations are being consistently applied.

I want to be clear that I see this as a concern with process, and not an issue with anyone's dedication to our city. Our Planning Board works very hard. They spend many hours volunteering their time for our city. Everyone should thank them for their service when the opportunity arises. I also firmly believe Ms. Misch always has the best interests of our city at heart. She too works incredibly hard and I want to thank her for all the time she has spent with me and other councilors on this tedious zoning language change.

In closing I will be voting "yes" to protect and improve our city and I ask my colleagues to do so as well.

Councilor Maiore thanked Councilor Nash for his very thoughtful words. They were all curious to hear from him and wanted him to be present for this conversation. She felt like he articulated some of the feelings she's been having. She thinks they all agree they need infill but know they need the smart infill that their residents and city deserve. She sees the Planning Board and ZBA as ideally the place for these things to land and be decided because of their superior expertise and experience in this area. She appreciated his words.

Councilor LaBarge reiterated that she supports this ordinance; she thinks it is the right way to go for the City Northampton. She was a little concerned with Dewey Court with 15 apartments in that area and thinks seven apartments would have been enough.

Councilor Sciarra called the motion to a vote, and it passed 7:1 by roll call vote with Councilor Quinlan opposed and Councilor Foster absent.

See minutes of April 16, 2020 for second reading

Ordinances
19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB – 2nd reading

Ordinances
19.178 Zone Change Petition to Rezone 3 Wright Avenue from URC to GB – 2nd reading
Councilor Dwight moved to approve the zone change in second reading. Councilor LaBarge seconded.

This is a parcel in Ward 3 on Wright Avenue, Councilor Nash confirmed. This is a great use so NETA can expand its parking for its employees. It matches what is going on across the intersection at Northampton Liquors.

The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster).

The following ordinance passed two readings:

PETITION FOR AMENDMENT
OF THE ZONING MAP

To: Northampton City Council
Northampton Planning Board

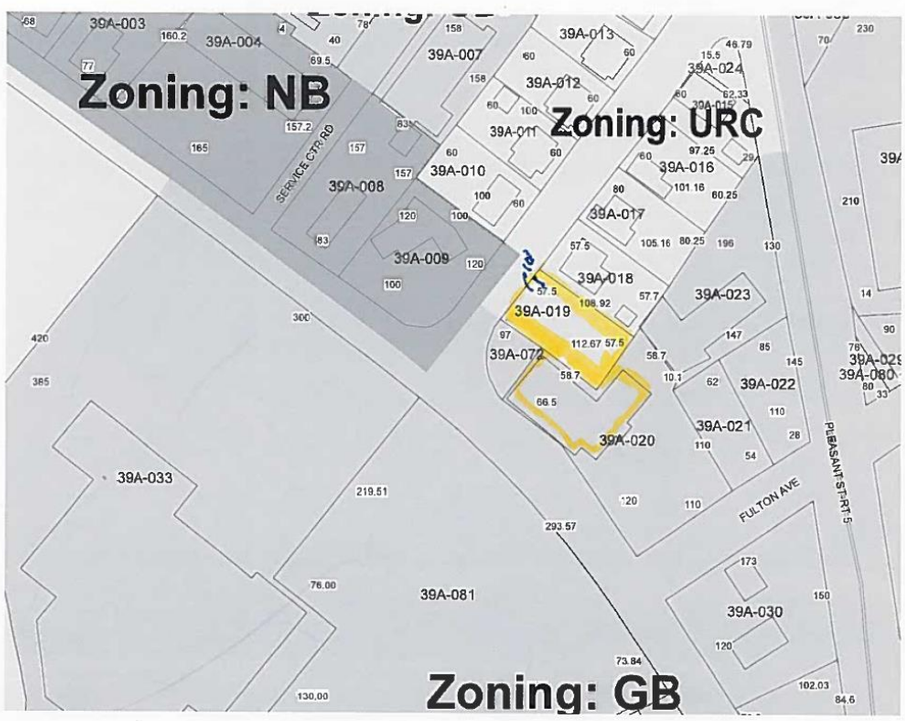
Pursuant to G.L. c. 40A §5, ten registered voters in the City of Northampton, petition the City Council to change the zoning district for the vacant lot at 3 Wright Avenue from the current zoning in the URC district to the adjoining GB zoning district.

"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 Ohanesy-Bates	E. Spencer Ohanesy-Bates
Frederick Kerst	
Nicholas Grimaldi	
Sarrie A. Bluemer	Sarrie A. Bluemer



Passed two readings and enrolled.

20.004 Ordinance to Rezone Nine Conz Street Parcels from NB to CB – 2nd reading

20.004 An Ordinance to Rezone Nine Conz Street Parcels from NB to CB – 2nd reading
Councilor Dwight moved to approve the ordinance in second reading. Councilor LaBarge seconded.

Councilor Nash said he wanted to address the overall change from NB to CB since he was not present for the first reading. He is supportive of rezoning the parcels from NB to CB. One of the key components is that the NB district will be going away. It is a zone that really doesn't fit the way the city is developing right now. The second piece is that the three new business zones, CB, GB and Entranceway Business (EB), all permit nightclubs by right. There is not another business zone where they could go where operation of a nightclub would be denied. He hopes they are on track to rectify a lot of things not quite lining up.

He referred to the history of how things developed at the WWII club. There is a bit of mystery around how it got permission to open up a nightclub serving liquor with no record of the City Council ever taking a vote. He is hopeful that once they get the form-based code, they can finally get everything (zoning and design standards) to match up, and they can move that one property away from having so many crazy kinds of threads that aren't tied.

To any constituents, he noted that he will be reaching out to the licensing board regarding any rowdy late-night activity. Signature Sounds does not have a history of people wanting to stay out until 2 in the morning and close down a bar. Generally, the crowd it attracts would not be one that neighbors are most concerned about. Crowds usually disperse around 10 or 11 o'clock.

In discussion with the prospective new owner, he does think there is inadequate parking for this particular business. They have parking for 60 cars at the WWII club. It was expressed that there is overflow parking in the neighborhood but there is no parking on Conz Street or Fruit Street. They're talking 250 maybe 300 people including staff; that leaves 150 vehicles that aren't quite accounted for. He suggested to Signature Sounds that they explore talking with some of the nearby private property owners. There is parking available but it isn't public He wouldn't want an arrangement where people expect to be able to park on private property and then start being towed. He does think there is an opportunity for a really great relationship because all of those lots are empty at night.

These are things he wants constituents to know he is working on as he votes yes tonight.

These have been two difficult conversations because they touch upon two particular projects, Councilor Dwight observed. They have to remind themselves that they're not actually voting on specific projects, they're voting on zoning that may allow these projects to occur. The Dewey Court issue may be moot and not happening anyways. They're not voting on letting Signature Sounds become a nightclub, they're voting on zoning that might allow that to occur. They make zoning not specific to any applicant or any particular process or proposal that's pending, he stressed. They are voting on a law that applies to anyone and everyone that comes within the purview of the law. He wanted that to be clear as they go ahead and make their vote.

Councilor Nash thanked Councilor Dwight for that clarification. He is voting with them not tied together, he confirmed.

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

The following ordinance passed two readings:

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

Passed two readings, ordained and enrolled.

20.005 Ordinance to Amend Zoning Map on Old South Street and Clark Avenue – 2nd reading

20.005 An Ordinance to Amend the Zoning Map on Old South Street and Clark Avenue – 2nd reading
Councilor Dwight moved to approve the ordinance in second reading. Councilor LaBarge seconded. The motion carried 8:0 by roll call vote with one absent (Councilor Foster).

The following ordinance passed two readings:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Twenty

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

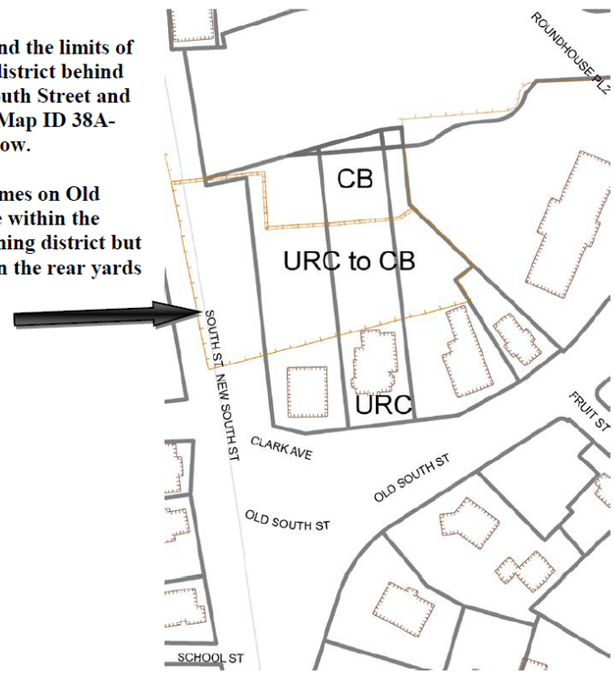
20.005 An Ordinance to Amend the Zoning Map on Old South St. and Clark Ave.

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.}



Passed two readings, ordained and enrolled.

20.006 Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street – 2nd reading

20.006 An Ordinance to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street – 2nd reading
Councilor LaBarge moved to approve the ordinance in second reading. Councilor Dwight seconded. The motion carried 8:0 by roll call vote with one absent (Councilor Foster).

The following ordinance passed two readings:

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

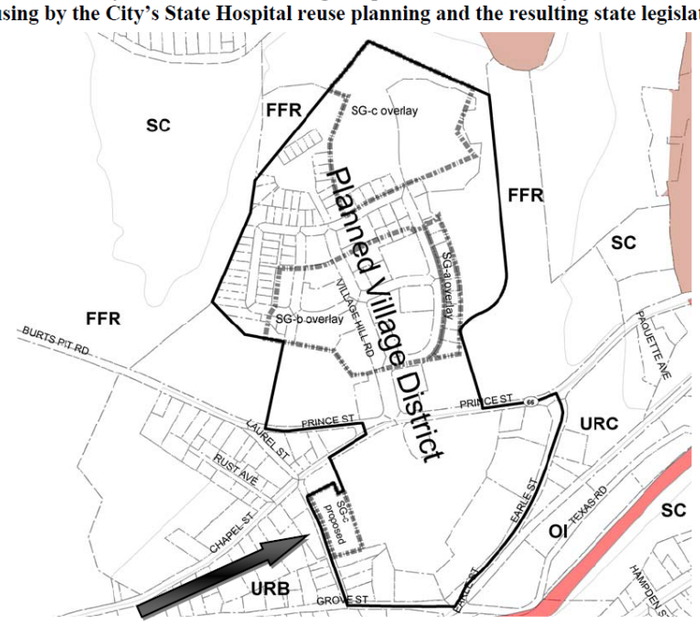
to Amend Zoning Map to Add New Smart Growth Overlay District at Laurel Street

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.}



Passed two readings, ordained and enrolled.

20.024 Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB – 2nd reading

20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB – 2nd reading

Councilor LaBarge moved to approve the ordinance in second reading. Councilor Dwight seconded. The motion carried 8:0 by roll call vote with one absent (Councilor Foster).

The following ordinance passed two readings:

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

Passed two readings, ordained 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 and seconded, the meeting was adjourned at 9:51 p.m. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Foster).** **Attest:_____ Administrative Assistant to the City Council**

City of Northampton
MASSACHUSETTS

In City Council, April 16, 2020

Upon the recommendation of the Mayor and the Department of Public Works

20.041 An Order to Authorize Acceptance of Easements from MassDOT for Damon Road Reconstruction

Ordered, that

WHEREAS, Damon Road and Bridge Road are public ways in and for the city of Northampton; and,

WHEREAS, Damon Road and Bridge Road are in need of reconstruction, and the city, in conjunction with the Massachusetts Department of Transportation ("MassDOT"), is undertaking the reconstruction and widening of the ways, including drainage improvements and slope stabilization, from Bridge Street (Route 9) to the easterly section of Bridge Road west of King Street (Routes 5 and 10) ("the Project"); and,

WHEREAS, the reconstruction of Damon Road from Route 9 to Route 5 is currently programmed on the 2020 Pioneer Valley Region Transportation Improvement Program (TIP) at a total cost of $10,043,653, with $8,034,922 in federal transportation funds reserved to fund the project with the City of Northampton responsible for the costs of right-of-way acquisition and any water and sewer utility improvements; and

WHEREAS in order to proceed with the Project, the city needs to acquire i) permanent fee interests, ii) permanent easements, iii) permanent utility easements; and iv) temporary construction easements ("the Land Acquisitions"); and

WHEREAS, the Project and the Land Acquisitions are shown on a plan entitled "Alteration Plan of Damon Road and Bridge Road Prepared for the City of Northampton," ("Plan") dated February 28, 2019, and signed and sealed by Jeffrey P. Bradford, PLS, dated April 12, 2019; and

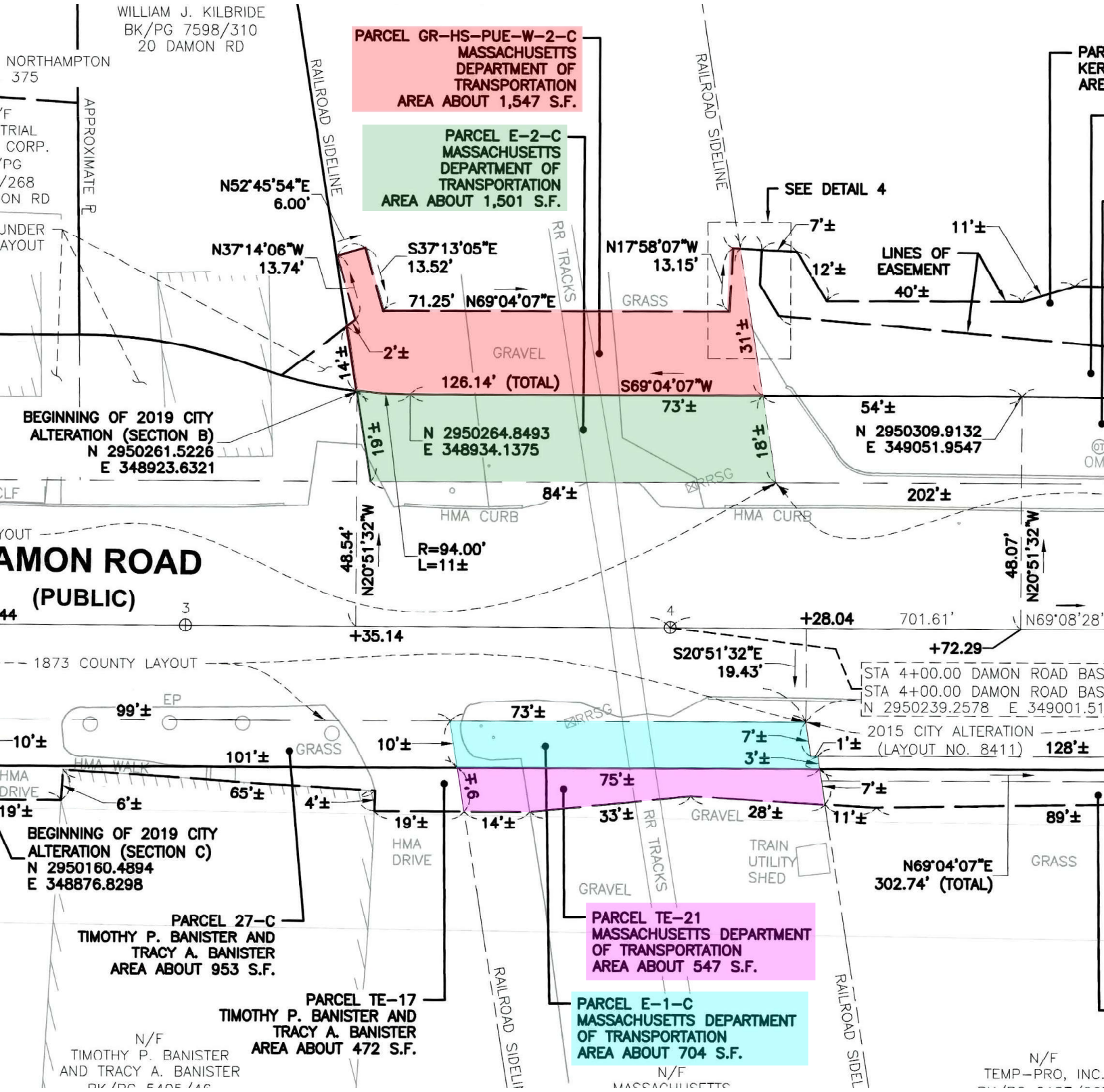
WHEREAS, on May 16, 2019, the Northampton City Council passed on second reading authorization to acquire all parcels needed to be acquired for the Project with the exception of the railroad land owned and controlled by the MassDOT, which the city cannot acquire absent agreement of MassDOT; and

WHEREAS, MassDOT has agreed to transfer an easement to the city for nominal consideration on the terms and conditions set forth in an instrument entitled “Easement Agreement;” and

WHEREAS, the City Council must approve the acquisition in order to accept the easement from MassDOT.

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by purchase, gift, eminent domain, or otherwise, of three (3) permanent easements and one (1) temporary construction easement for the purposes of widening and reconstructing Damon Road, as shown on the Plan and on the terms and conditions set forth in the proposed Easement Agreement. No appropriation is needed for this acquisition because the easement is to be conveyed for nominal consideration.


WILLIAM J. KILBRIDE
BK/PG 7598/310
20 DAMON RD
NORTHAMPTON
375
APPROXIMATE R
RAILROAD SIDELINE
PARCEL GR-HS-PUE-W-2-C
MASSACHUSETTS
DEPARTMENT OF
TRANSPORTATION
AREA ABOUT 1,547 S.F.
PARCEL E-2-C
MASSACHUSETTS
DEPARTMENT OF
TRANSPORTATION
AREA ABOUT 1,501 S.F.
SEE DETAIL 4
N52°45'54"E
6.00'
N37°14'06"W
13.74'
S37°13'05"E
13.52'
N17°58'07"W
13.15'
7'±
11'±
12'±
LINES OF
EASEMENT
40'±
71.25' N69°04'07"E
RR TRACKS
GRASS
GRAVEL
2'±
14'±
31'±
126.14' (TOTAL)
S69°04'07"W
73'±
54'±
BEGINNING OF 2019 CITY
ALTERATION (SECTION B)
N 2950261.5226
E 348923.6321
N 2950264.8493
E 348934.1375
N 2950309.9132
E 349051.9547
19'±
18'±
84'±
202'±
HMA CURB
48.54'
N20°51'32"W
R=94.00'
L=11±
48.07'
N20°51'32"W
AMON ROAD
(PUBLIC)
+35.14
+28.04
701.61'
N69°08'28"
+72.29
1873 COUNTY LAYOUT
S20°51'32"E
19.43'
STA 4+00.00 DAMON ROAD BAS
STA 4+00.00 DAMON ROAD BAS
N 2950239.2578 E 349001.51
2015 CITY ALTERATION
(LAYOUT NO. 8411)
128'±
99'±
EP
73'±
10'±
101'±
GRASS
7'±
3'±
1'±
HMA WALK
HMA
DRIVE
65'±
4'±
6'±
9'±
75'±
19'±
14'±
33'±
28'±
11'±
89'±
GRAVEL
TRAIN
UTILITY
SHED
N69°04'07"E
302.74' (TOTAL)
BEGINNING OF 2019 CITY
ALTERATION (SECTION C)
N 2950160.4894
E 348876.8298
PARCEL 27-C
TIMOTHY P. BANISTER AND
TRACY A. BANISTER
AREA ABOUT 953 S.F.
PARCEL TE-21
MASSACHUSETTS DEPARTMENT
OF TRANSPORTATION
AREA ABOUT 547 S.F.
PARCEL TE-17
TIMOTHY P. BANISTER AND
TRACY A. BANISTER
AREA ABOUT 472 S.F.
PARCEL E-1-C
MASSACHUSETTS DEPARTMENT
OF TRANSPORTATION
AREA ABOUT 704 S.F.
N/F
TIMOTHY P. BANISTER
AND TRACY A. BANISTER
N/F
TEMP-PRO, INC.

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is made effective as of the ____ day of April, 2020 (the "Effective Date"), by and between the **Massachusetts Department of Transportation**, a body corporate and politic and a public instrumentality of the Commonwealth created and governed by Mass. Gen. Laws c. 6C, with a principal place of business at 10 Park Plaza, Boston, Massachusetts, 02116 ("Grantor") and the **City of Northampton**, Massachusetts, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts with a principal place of business at 210 Main Street, Northampton, MA (the "City" or the "Grantee").

WHEREAS, Grantor, by its Highway Division, under Project No. 608326, intends to make improvements to, repair, and reconstruct the roadway and related facilities known as Damon Road, a public way in the City of Northampton, on behalf of the said City ("the Project"); and

WHEREAS, Grantor acquired title to the Connecticut River Main Line (the "Line") in a deed from Pan Am Southern, LLC dated May 21, 2015, and recorded on May 22, 2015, in the Hampshire District Registry of Deeds ("Registry") in Book 11945, Page 59 ("Grantor's Property"); and

WHEREAS, the Project includes portions of Grantor's Property located between approximately Railroad Valuation Station 960+85 and Station 961+85, as shown on a certain plan entitled "Right of Way and Track Map, Connecticut River R. R. Co., Operated by the Boston and Maine Railroad, Station 909+40 to Station 962+20", and numbered Valuation Series V42.1M, Plan 19 (the "Railroad Plan"); and

WHEREAS, Grantor desires to grant to the City certain permanent and temporary rights in Grantor's Property for the Project on the terms and conditions set forth in this Agreement.

NOW THEREFORE, for consideration of Ten Dollars and No/100 ($ 10.00) paid to Grantor by Grantee (hereafter defined), and for other valuable consideration, including the covenants set forth herein, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Grant of Easements.

Grantor hereby grants, and Grantee accepts:

a) perpetual right and easement for all purposes for which public ways are used in the City of Northampton, including therewith the rights to install, construct, inspect, operate, maintain, repair, and replace the sidewalks and roadway serving as the public way and traffic signals and other related roadway facilities, in, on, and under the areas labelled as "E-1-C" containing 704 SF ± and "E-2-C" containing 1,501 SF ±; on the plan entitled "Alteration Plan of Damon Road and Bridge Road Prepared for the City of Northampton, Hampshire County" dated February 28, 2019, prepared by Greenman-Pedersen, Inc., and recorded on July 9, 2019 in the Hampshire County Registry of Deeds in Plan Book 245, Page 1, and as described in Exhibit A hereto.

b) a perpetual right and easement to install, construct, inspect, operate, maintain, repair, and replace guard rails, highway signs, utilities and wall(s), in, on, and under the area labelled on the Plan as "GR-HS-PUE-W-2-C" containing 1,547 SF ±, as described in Exhibit A hereto; and

c) a temporary right and easement for the purposes of constructing the improvements to Damon Road, including grading, general construction staging, laying of loam and seed, and any all other necessary ancillary purposes in connection with the Project in the area labelled as "TE-21" on the Plan, consisting of 547 SF ±, and as described in Exhibit A hereto.

The foregoing Temporary Easement shall automatically expire five (5) years from the date of recording of this Agreement without further action of either party necessary to effectuate termination, provided, however, that the aforesaid term may be extended with the consent of the Grantor, but only upon modification hereof signed by the Grantor and duly recorded with the Hampshire District Registry of Deeds.

2. Use. Grantee shall only use the Easement Areas for the purposes set forth herein. Grantee shall not cause or permit any trespass by Grantee or its employees, agents, or contractors (collectively, "Grantee's Agents") on parts of the Connecticut River Main Line outside the Easement Areas. Grantee shall neither store Hazardous Materials (as defined below) nor permit nuisances or encroachments to occur on the Easement Areas or on the Connecticut River Main Line and shall not build any temporary or permanent structure or store anything in the Easement Areas.

3. Grantee Acknowledgements. Grantee acknowledges that (i) the Easement Areas are part of an active railroad corridor operated and maintained by Pan Am Southern, LLC ("PAS" or "Designated Railroad"), pursuant to a certain retained rail freight easement and a certain operating agreement by and between Grantor and the Designated Railroad dated May 21, 2015 ("2015 Operating Agreement"); (ii) the National Railroad Passenger Corporation (hereinafter "Amtrak") operates intercity passenger rail service over the Line, pursuant to a Host Railroad Agreement dated May 1, 2012 and all supplements and amendments thereto (hereinafter the "Amtrak Agreement"); (iii) Springfield Terminal Railway Company, Inc. ("STR") provides rail freight services as a subsidiary of Pan Am Railways, Inc.; (iv) Grantor may in the future enter into licenses, leases, operating agreements, or other agreements with other railroads and/or rail service operators (collectively with PAS, Amtrak and STR, "Railroads") to operate passenger, freight, or related rail services on the Connecticut River Main Line; (v) as an active railroad corridor there may be negative impacts directly or indirectly caused by the transportation activities and future operations of Grantor and/or the Railroads, including, without limitation, noise, odor, vibrations, electromagnetic fields, particles, pollution, and fumes (collectively, "Negative Impacts"), which may also have an impact on the Easement Areas; and (vi) Grantor makes no representations as to the condition, title, or any other matter related to the Easement or the Easement Areas.

4. Maintenance and Repairs of the Easement Areas.

a) The rights granted hereunder are subject to Grantee's continuing obligation to maintain and repair the Easement Areas, in good and safe repair, and to preserve the safe and proper use of the Easement Areas, at its cost and expense, in accordance with the standards and requirements described herein ("Grantee's Work"). Maintenance shall include, without limitation, maintaining the pavement and other elements of the road, sidewalks and related facilities; removal of ice and snow from the Easement Areas; removal of debris from the Easement Areas; and removal of vegetation in the Easement Areas. From time to time, Grantor, the Railroads, Mass. Department of Public Utilities, Federal Rail Administration, or other regulatory bodies with jurisdiction may require that Grantee, at its cost and expense, undertake repairs and maintenance to achieve the foregoing standards and requirements. In no event shall Grantee or Grantee's Agents direct water, snow, ice or debris toward or onto the Grantor's remaining property, including the adjacent railroad right-of-way; Grantee shall be solely responsible for ensuring proper drainage within and along the Easement Areas, and for immediately addressing any damage or operational impacts caused by the transfer of water, snow, ice or debris onto Grantor's remaining property. Such maintenance and repair must also be accomplished in accordance with Grantor's and the Railroads' conditions, including terms and conditions for access to work; work plans that Grantee must provide at least thirty (30) days in advance of the proposed work start date describing the proposed work and materials to be used; evidence of such insurance as Grantor and the Railroads may require; safety plans; a timeline for the proposed work; a plan to hire the appropriate flagmen and others that may be needed to complete the work; and copies of all permits for the work, all satisfactory to Grantor and the Railroads, and to not unreasonably interfere with the proper and safe use of the Easement Areas by Grantor or the Railroads, and any other parties that Grantor allows to operate on and over the Easement Areas, and their respective successors and assigns. Any underground work shall also be subject to confirmation by Grantee with Dig Safe and any utility companies with facilities under the Easement Areas. Grantor and the Railroads shall have the right to inspect the Easement Areas at any time provided the inspections do not interfere with Grantee's use of the Easement Areas except in an emergency.

b) Grantee shall indemnify and hold harmless Grantor and the Railroads against all fines, damages, costs, expenses, and other penalties for Grantee's failure to perform required repairs or maintenance or for violations of work plans or conditions caused by the acts or omissions of Grantee or any of Grantee's agents.

c) If Grantee fails to perform any of the foregoing repairs or maintenance or capital improvements or other actions necessary in the Easement Areas, Grantor or the Railroads may undertake such work, and Grantee shall reimburse Grantor or the Railroads, as the case may be, for all costs and expenses incurred for such work.

d) Notwithstanding anything to the contrary contained herein, Grantee shall not be responsible for maintaining the rail tracks or other railroad-related facilities in the Easement Areas but shall be responsible for the costs of any damage it causes to such tracks or facilities.

5. Termination of Easement for Transportation Purposes. Grantor's enabling statute requires that its assets be available for transportation uses; therefore, if all or part of the Easement Areas are needed solely for transportation purposes, Grantor may terminate the Easement with regard to one or all of the Easement Areas. Any termination and/or relocation shall require six (6) months' advance written notice to Grantee. A termination shall be effective upon Grantor's recording of a notice of termination with the Registry. Such termination shall not constitute a taking or eminent domain action by Grantor. Grantor shall not be responsible or liable for any direct, indirect, or consequential damages incurred by Grantee.

6. Subordination to Grantor and Railroads Operating Requirements. The Easements are subject and subordinate at all times to the requirements of Grantor and the Railroads that may be in effect from time to time to maintain public safety and Grantor's and the Railroads' operation of their transportation systems. Grantee's use of the Easement Areas shall not obstruct, delay or prevent Grantor's or the Railroads' operation of their transportation services and if it does, then such occupation, work, use or activity permitted must be stopped or delayed at the request of Grantor or the Railroads, which shall not constitute a temporary taking or eminent domain action. Neither Grantor nor the Railroads shall be responsible or liable for any direct, indirect, or consequential costs or damages incurred by Grantee as a result of any such interruption or delay or for any compensation to or relocation costs for Grantee.

7. Compliance with Laws. Grantee shall comply with all laws, rules, orders, regulations, and ordinances applicable to its use of the Easement Areas at its cost and expense. Grantee shall also be responsible, at its cost and expense, for obtaining and complying with any permits or approvals necessary to carry out its permitted activities hereunder.

8. Costs; Taxes. Grantee shall be responsible for the costs of Grantee's work in the Easement Areas and any required relocation of utilities due thereto and any taxes assessed against the Easement or the Easement Areas due to Grantee's use.

9. Indemnification and Release. Grantee shall indemnify and defend (at the option of Grantor), and save Grantor and the Railroads harmless from and against any liabilities, losses, damages, costs, expenses (including reasonable attorneys' or other professionals' expenses and fees), causes of action, claims, demands or judgments of any nature, including, without limitation, any related to any "environmental condition" or to "oil" and "hazardous materials" (as those terms are defined in federal or state environmental laws, collectively, "Hazardous Materials"), that may be imposed upon or incurred by or asserted against Grantor or the Railroads, as a result of any of the following:

a) the exercise by Grantee or those claiming by, through or under Grantee of any rights or privileges hereunder;

b) the use of the Easement Areas by Grantee or any of Grantee's Agents, including due to their use of the Easement Areas prior to the date hereof;

c) the presence, discovery or revealing of any environmental condition including Hazardous Materials on the Easement Areas or other adjacent property of Grantor, which presence, discovery or revealing is a result of Grantee's or any of the Grantee's Agents' activities hereunder;

d) the placement of or accidental release of any Hazardous Materials on, at, under, over, or associated with the Easement Areas (or other adjacent property of Grantor) by Grantee or any of Grantee's Agents, including without limitation contamination of the Easement Areas or other adjacent property of Grantor caused by any material of any nature flowing from the Easement Areas;

e) any failure of Grantee or any of Grantee's Agents to perform or comply with any of the terms hereof.

Further, such indemnification includes the obligation of Grantee to perform, at Grantee's cost and expense and in accordance with any applicable laws, any required environmental response action within the Easement Areas or surrounding areas to the extent that such response action is required due to Grantee's use of the Easement Areas.

Grantee assumes all the risk of entry onto and use of the Easement Areas and hereby releases Grantor and the Railroads from any responsibility for any Grantee losses or damages related to the condition of the Easement Areas prior to the execution of this Easement Agreement. Grantee further covenants and agrees to not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action of any manner against Grantor or the Railroads relating to or arising from the condition of the Easement Areas prior to the execution hereof, Grantee's or any of Grantee's Agents' use of the Easement Areas, or any Negative Impacts.

The release and covenants of defense and indemnification for the benefit of Grantor shall not apply to the extent the "claim" arose because of Grantor's grossly negligent acts or omissions or willful misconduct.

The release and covenants of defense and indemnification for the benefit of the Railroads shall not apply to a Railroad to the extent the "claim" arose because of that Railroad's grossly negligent acts or omissions or willful misconduct.

The provisions of this Section shall survive the termination of this Easement.

10. Event of Default. If Grantee fails to comply with any term or condition herein (an "Event of Default"), Grantor may terminate this Easement after written notice from Grantor to Grantee of such Event of Default provided that Grantee shall have thirty (30) days from receipt of such notice to cure such Event of Default, except that if the Event of Default cannot with due diligence be cured within such thirty (30) day period, then so long as Grantee proceeds with due diligence to cure the same, the time within which Grantee must cure the same shall be extended for another thirty (30) days; provided, however, if the Event of Default threatens public safety or the ability of Grantor or a Railroad to operate its transportation system, then it shall be considered an emergency default and if Grantee does not affect an immediate cure, Grantor may use self-help

at the expense of Grantee and Grantee shall also pay an administrative fee equal to ten percent (10%) of such expenses.

11. Insurance. Grantee (and its contractors and their subcontractors performing work in either Easement Area) shall maintain the following insurance and provide Grantor with certificates of insurance and shall renew and replace any expired certificate, evidencing the insurance required hereunder, on which Grantor and the Railroads shall be listed as additional insureds as their interests may appear and which provide coverage as follows:

a) Commercial General Liability Insurance. Commercial General Liability Insurance for bodily injury and property damage, on an occurrence form, no less broad than ISO Form CG 2010 10 01. Coverage must include premises/operation and contractual liability subject to a minimum limit of One Million Dollars and 00/100 ($1,000,000.00) per occurrence and Three Million Dollars and 00/100 ($3,000,000.00) annual aggregate.

b) Workers' Compensation and Employers Liability Insurance. Workers' Compensation and Employers Liability Insurance including (i) workers' compensation insurance providing statutory coverage as required by the Commonwealth of Massachusetts and (ii) Employers Liability Insurance coverage with minimum limits of not less than Five Hundred Thousand Dollars and 00/100 ($500,000.00) per accident.

c) Umbrella Liability Insurance. Umbrella Liability Insurance providing excess coverage over the primary general liability and employers liability coverages. Such coverage shall be written on an occurrence basis and be no less broad than the underlying coverages. The policy shall be subject to a minimum limit of Two Million Dollars and 00/100 ($2,000,000.00) per occurrence and in the aggregate.

d) Automobile Liability Insurance. Automobile liability insurance with minimum limits of not less than One Million Dollars and 00/100 ($1,000,000.00) covering all owned, non-owned, hired, or leased vehicles of Grantee used in the Easement Areas.

e) Railroad Protective Insurance. Whenever any of Grantee's Agents are doing work beyond routine maintenance in or around the Easement Areas, such Grantee's Agent must obtain Railroad Protective Insurance with limits of not less than Five Million Dollars ($5,000,000) per occurrence covering bodily injury to or death of one person and injury to or destruction of property of any one person, and Ten Million Dollars ($10,000,000) in aggregate for all damages arising out of bodily injury to or death of two or more persons in any one accident, and for all damages arising out of injury to or destruction of property. Grantor and the Railroads shall be named insureds on the railroad protective liability insurance policy**.**

The required insurance coverages shall be placed with companies licensed to write such insurance in the Commonwealth of Massachusetts and having a "Best's Insurance Reports" rating of A- VII or better, shall be kept in full force and effect at all times, shall be primary to and non-contributory to any insurance or self-insurance maintained by Grantor, and shall require that Grantor be given at least thirty (30) days advance written notice in the event of any cancellation or material adverse change in coverage. Grantor and the Railroads shall be named as additional insureds under the Commercial General Liability and Umbrella Insurance Policies. Waiver of

Subrogation in favor of Grantor and the Railroads must be included in all coverages listed above. Throughout the term of the Easement, Grantor shall be provided with the foregoing certificates of insurance. Grantee shall be responsible for any deviations or omissions in compliance with these requirements by any of its contractors. The foregoing insurance requirements are minimum limits and coverages and shall not be construed to limit the liability of Grantee or Grantee's insurers.

12. Existing Title Encumbrances. The Easement is subject to existing rights, restrictions, and easements of record; any state of facts a personal inspection or accurate survey would disclose; any existing leases, licenses, and agreements relating to the Easement Areas.

13. Assignment or Transfer. This Easement is appurtenant to the public way known as Damon Road and may not be assigned.

14. Bind and Inure. The obligations and benefits hereunder run with the land and are binding upon and inure to the benefit of the respective parties, their successors and assigns.

15. Waiver. A consent or waiver by Grantor to Grantee's breach of any covenant, condition, or obligation hereunder shall not be construed as a consent or waiver to a future breach of the same covenant, condition, or obligation or to a breach of any other covenant, condition, or obligation hereunder.

16. Severability. The invalidity of any provision or other part of this instrument shall not impair or affect the validity or enforceability of this instrument.

17. Notices. Any notices given hereunder shall be in writing and deemed to have been properly given if hand delivered or mailed by certified mail, return receipt requested, or by recognized overnight courier with postage prepaid. Notices shall be deemed given when delivered by messenger or overnight courier service on the date of the delivery or refusal of delivery or three days after deposited in certified United States mail, postage prepaid, return receipt requested.

If to Grantor: Massachusetts Department of Transportation
Ten Park Plaza, Room 4160
Boston, MA 02116-3969
Attention: Director of Railroad Properties
Rail and Transit Division

Copy to: Massachusetts Department of Transportation
Ten Park Plaza, Room 3510
Boston, MA 02116-3969
Attention: General Counsel

Massachusetts Department of Transportation
Ten Park Plaza, Room 4160
Boston, MA 02116-3969
Attention: Project Manager, Rail

If to Grantee: City of Northampton
City Hall
210 Main Street
Northampton, MA 01060
Attention: Mayor_____

Copy to: City of Northampton_____
City Hall_____
210 Main Street_____
Northampton, MA 01060
Attention: City Solicitor____

18. Acceptance. The Grantee's Acceptance of this Grant of Easements and Easement Agreement is attached hereto and recorded herewith.

19. Governing Law. This instrument shall have the effect of a sealed instrument and shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

(Signature Pages to Follow)

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hand and seal this _____day of April, 2020.

Grantor:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

By: _____
Name:
Title:

Commonwealth of Massachusetts

Suffolk County, ss. Boston

On the _____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, _____ of the Massachusetts Department of Transportation, proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose as _____ of the Massachusetts Department of Transportation.

_____
Notary Public

_____
Print Name
My commission expires: _____

ACCEPTANCE OF EASEMENT

The Grantee, duly authorized by a vote of the Northampton City Council taken _____, 2020, hereby accepts the foregoing Grant of Easement and Easement Agreement from the Massachusetts Department of Transportation on this _____ day of _____, 2020, and by acceptance hereof agrees that it is bound by the terms and provisions hereof.

Grantee:

City of Northampton, Massachusetts

By: _____
Name: David J. Narkewicz
Title: Mayor

COMMONWEALTH OF MASSACHUSETTS

Hampshire County, ss.

On the ___ day of _____, 2020, before me, the undersigned notary public, personally appeared, David J. Narkewicz, Mayor of the City of Northampton, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as Mayor of the City of Northampton, Massachusetts.

_____
Notary Public

_____
Print Name
My Commission expires: _____

Exhibit A

Northampton, Damon Road
MassDOT Project No. 608236

The parcels below are shown on a plan entitled, "Alteration Plan of Damon Road and Bridge Road Prepared for the City of Northampton, Hampshire County" dated February 28, 2019, prepared by Greenman-Pedersen, Inc., and recorded on July 9, 2019 in the Hampshire County Registry of Deeds in Plan Book 245, Page 1.

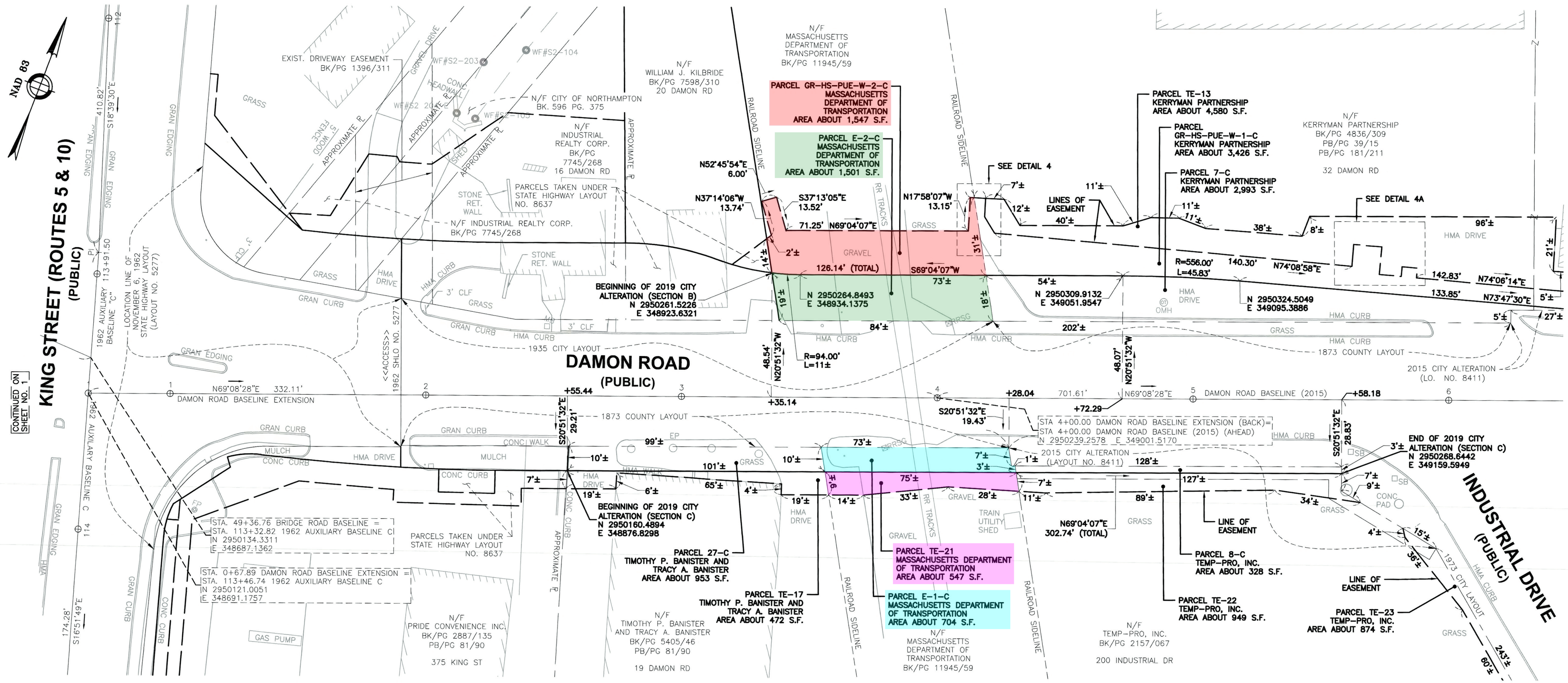
PARCEL E-1-C: A parcel of land supposed to be owned by Massachusetts Department of Transportation, adjoining the southerly location lines of the 1873 County layout and the 2015 City Alteration (LO. No. 8411) of Damon Road, and bounded by the line described as follows: Beginning at a point on the southerly location line of the 1873 County layout and the 2015 City Alteration (LO. No. 8411) of Damon Road, said point bearing S 20°51'32" E and being 19.43 feet distant from station 4+28.04 of the 2015 Damon Road baseline and extends thence, following said location line of the 1873 County layout southwesterly about 73 feet to a point on the property line dividing land of Massachusetts Department of Transportation and land of Timothy P. Banister and Tracy A. Banister: thence, leaving said location line and following said property line southeasterly about 10 feet; thence leaving said property line N 69°04'07" E about 75 feet to a point on the property line dividing land of Massachusetts Department of Transportation and land of Temp-Pro, Inc.; thence following said property line northwesterly about 3 feet to a point on the location line of the 2015 City Alteration (LO. No. 8411) of Damon Road; thence leaving said property line and following said location line southwesterly about 1 foot, and northwesterly about 7 feet to the point of beginning; containing about 704 square feet.

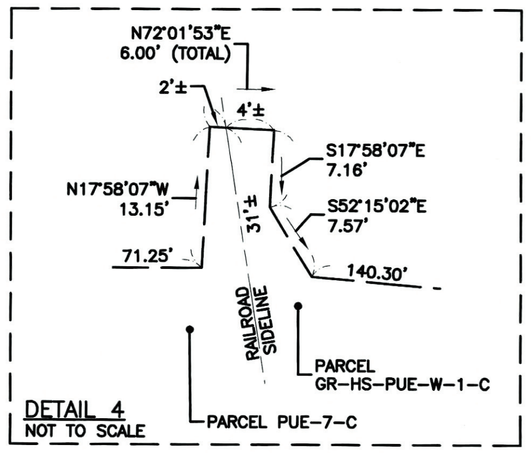
PARCEL E-2-C: A parcel of land supposed to be owned by Massachusetts Department of Transportation, adjoining the northerly location line of the 1935 City layout of Damon Road, and bounded by the line described as follows: Beginning at a point on the property line dividing land of Massachusetts Department of Transportation and land of William J. Kilbride, said point bearing N 20°51'32" W and being 48.54 feet distant from station 3+35.14 of the Damon Road baseline extension and extends thence, following said property line southeasterly about 19 feet to a point on the northerly location line of the 1935 City layout of Damon Road; thence leaving said property line and following said location line northeasterly about 84 feet to a point on the property line dividing land of Massachusetts Department of Transportation and land of Kerryman Partnership; thence leaving said location line and following said property line northwesterly about 18 feet; thence leaving said property line S 69°04'07" W about 73 feet; thence southwesterly by a curve to the right of radius 94.00 feet about 11 feet to the point of beginning; containing about 1,501 square feet.

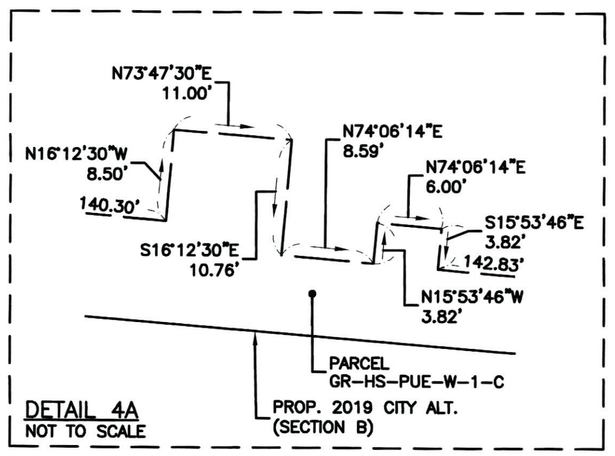
PARCEL GR-HS-PUE-W-2-C: A parcel of land supposed to be owned by Massachusetts Department of Transportation, adjoining the location line of the 2019 City Alteration (Section B) of Damon Road, and bounded by the line described as follows: Beginning at a point on said location line of the 2019 City Alteration (Section B) of Damon Road and on the property line

dividing land of Massachusetts Department of Transportation and land of William J. Kilbride, said point bearing N 20°51'32" W and being 48.54 feet distant from station 3+35.14 of Damon Road Baseline Extension, and extends thence, leaving said location line and following said property line northwesterly about 14 feet; thence leaving the said property line N32°17'23"E about 2 feet; thence N37°14'06"W 13.74 feet; thence N52°45'54"E 6.00 feet; thence S37°13'05"E 13.52 feet; thence N69°04'07"E 71.25 feet; thence N17°58'07"W 13.15 feet; thence N72°01'53"E about 2 feet to a point on the property line dividing land of Massachusetts Department of Transportation and land of Kerryman Partnership; thence following said property line southeasterly about 31 feet to a point again on the location line of the 2019 City Alteration (Section B) of Damon Road; thence leaving said property line and following said location line S69°04'07"W about 73 feet; thence by a curve to the right of radius 94.00 feet about 11 feet to the point of beginning; containing about 1,547 square feet.

PARCEL TE-21: A parcel of land supposed to be owned by Massachusetts Department of Transportation, adjoining the location line of Section C of the 2019 City Alteration of Damon Road, and bounded by the line described as follows: Beginning at a point on the location line of Section C of the 2019 City Alteration of Damon Road, said point being on the property line dividing land of Massachusetts Department of Transportation and land of Timothy P. Banister and Tracy A. Banister: thence, leaving said location line and following said property line southeasterly about 9 feet; thence leaving said property line northeasterly about 14 feet, about 33 feet, and about 28 feet to a point on the property line dividing land of Massachusetts Department of Transportation and land of Temp-Pro, Inc.; thence following said property line northwesterly about 7 feet to a point again on the said location line; thence leaving said property line and following said location line S 69°04'07" W about 75 feet to the point of beginning; containing about 547 square feet.







0 20 50 100

SCALE: 1" = 20'

PLAN PREPARED BY:

GREENMAN-PEDERSEN, INC.
181 BALLARDVALE STREET, SUITE 202
WILMINGTON, MASSACHUSETTS 01887
(978) 570-2999 WWW.GPINET.COM

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

COMMONWEALTH OF MASSACHUSETTS
JEFFREY P. BRADFORD
NO. 41862
PROFESSIONAL LAND SURVEYOR

4/12/2019
DATE

JEFFREY P. BRADFORD, PLS #41862

NORTHAMPTON_CITY_ALTERATION 8637.DWG Plotted on 11-Apr-2019 5:13 PM

City of Northampton

MASSACHUSETTS

_____

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)

City of Northampton

MASSACHUSETTS

In City Council, April 2, 2020

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

20.035 An Order to Accept a Donation of Land on Woodland Drive for Housing and Trail Uses

WHEREAS, David Teece has offered to donate to the City or its assignees 1.906± acres on Woodland Drive (Map ID 42-031) with a deed in lieu of foreclosure for back real estate taxes, stormwater fees, and all interest in penalties;

WHEREAS, Consistent with the City's Sustainable Northampton Comprehensive Plan and the Open Space, Recreation, and Multiuse Plan, the property can, subject to final due diligence and to permitting by the Zoning Board, be used for:

1. One first-time homebuyer or affordable home
2. One work-force housing or market rate home
3. A potential parklet that might, in the future, provide a walking and bicycling path a portion of the way from Woodland Lane to ~~Tiffany~~ Ladyslipper Lane

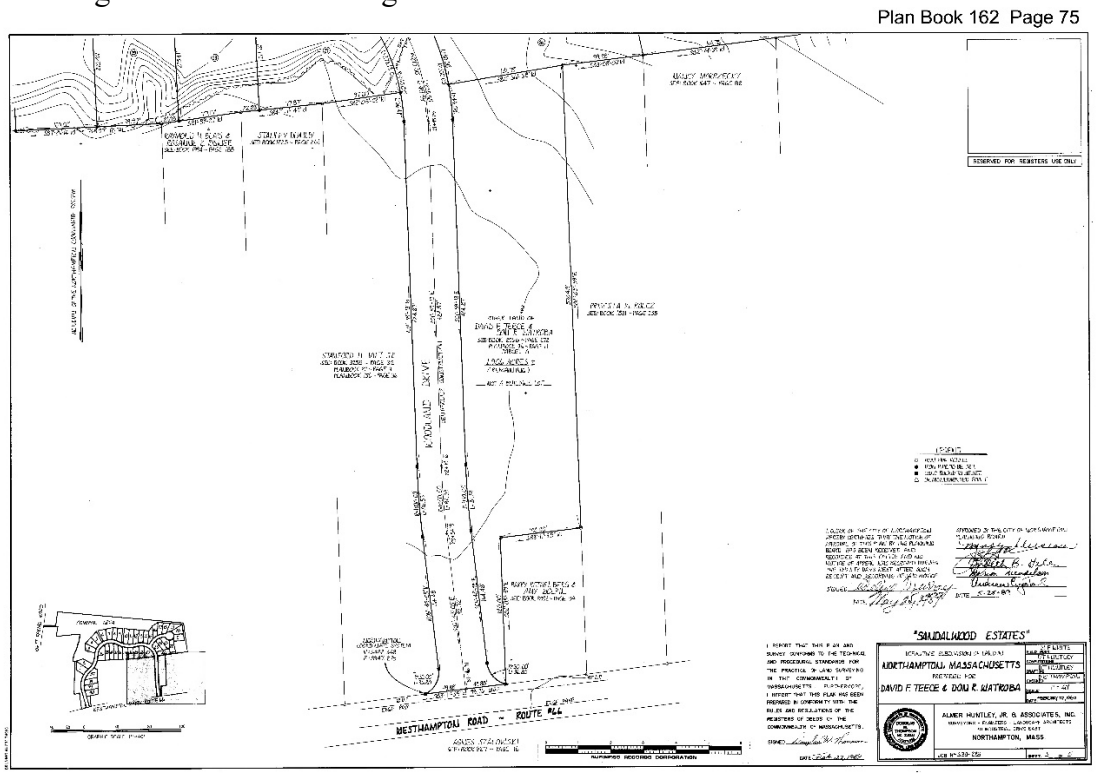
Ordered, that

The Mayor is authorized to accept said deed to the above referenced 1.906± acres;

Further that City Council declares the two potential building lots surplus to City needs;

Further that the Mayor is authorized to transfer deeds for the building lots subject to the city retaining an affordable housing restriction.

Plan Book 162 Page 75



City of Northampton

MASSACHUSETTS

_____

In City Council, April 2, 2020

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

20.036 An Order to Accept a Donation of Easement for Electric Power to NSH Memorial Park

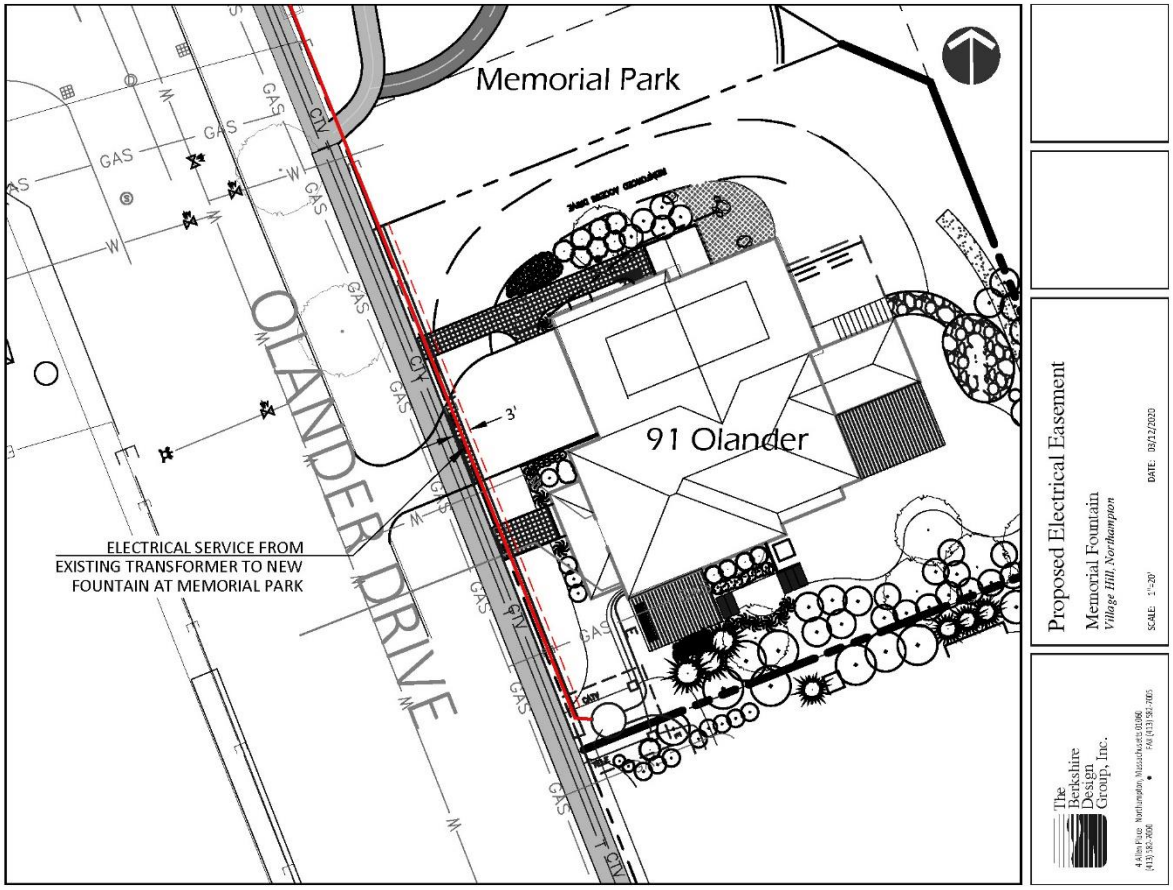
WHEREAS, The City has accepted the Memorial Park at the former Northampton State Hospital to preserve the memory of the State Hospital and its workers and patients; and

WHEREAS, The City's MassWorks grant will fund certain improvements at the Memorial Park, including extending electric power to the historic fountain there;

WHEREAS, Jonathan A. and Margaret K. Wright have offered to donate an easement for said power;

Ordered, that

The Mayor is authorized to accept said easement on behalf of the city.



City of Northampton

MASSACHUSETTS

In City Council, April 2, 2020

Upon the recommendation of the Community Preservation Committee

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

Ordered, that

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

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

WHEREAS, the project's control and removal of non-native invasive Japanese Barberry, Oriental Bittersweet, Mutiflora Rose, Winged Euonymus, Garlic Mustard, will complement City efforts to reduce invasives in critical areas.

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

WHEREAS, on February 5, 2020, the Northampton Community Preservation Committee, voted unanimously to recommend $3,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

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

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

City of Northampton
MASSACHUSETTS

In City Council, April 2, 2020

Upon the recommendation of the Community Preservation Committee

20.039 An Order to Appropriate CPA Funds for Beaver Brook Greenway Invasive Plant Control Project

Ordered, that

WHEREAS, the Broad Brook Coalition and Leeds Civic Association submitted an application for Community Preservation Act 'Small Grant' funding for priority invasive species removal within the Beaver Brook Greenway on Haydenville Road;

WHEREAS, the project's control and removal of invasive plants meets goals established by the Northampton Open Space Recreation and Multi-Use Trail Plan, and will promote native grassland habitat of rare and threatened species;

WHEREAS, the applicants have used Community Preservation Act funding at the Greenway effectively in the past, creating interpretive trails and a wildlife blind, matching grant funding with many hours of volunteer labor;

WHEREAS, on February 5, 2020, the Northampton Community Preservation Committee, voted unanimously to recommend $3,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That $3,000 be appropriated from Community Preservation Act funding to the Beaver Brook Greenway Habitat Improvement Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

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

City of Northampton
MASSACHUSETTS

In 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. If the proposal triggers review by another Board under subsection b, above, no ZBA finding shall be required.~~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.**~~