A regular meeting of the City Council was called to order by Mayor David J. Narkewicz at 7:52 p.m. On roll call, eight (8) Councilors were present:

At-Large Councilor Jesse M. Adams  
At-Large Councilor William H. Dwight  
Ward 1 Councilor Maureen T. Carney  
Ward 2 Councilor Paul D. Spector  
Ward 3 Councilor Owen Freeman-Daniels  
Ward 4 Councilor Pamela C. Schwartz - Absent  
Ward 5 Councilor David A. Murphy  
Ward 6 Councilor Marianne L. LaBarge  
Ward 7 Councilor Eugene A. Tacy  

Roll called by Mary L. Midura, Clerk to City Council

| Minutes Accepted | Minutes of April 5, 2012. Councilor LaBarge moved to approve the minutes of April 5, 2012; Councilor Adams seconded. The vote passed unanimously (8-0). |
| Resolution to Amend the Constitution of the United States | Resolution to Amend the Constitution of the United States  
Councilor Dwight moved approval in first reading; Councilor LaBarge seconded.  
Councilor LaBarge read a prepared statement in support of the Resolution.  
Councilor Dwight noted that it is the Council’s job to speak up for citizens.  
Councilor Adams noted his support for social justice. (See Additional Documents)  
Councilor Freeman-Daniels moved to amend with a “Friendly Amendment”; Councilor Spector seconded. The motion passed unanimously (8-0).  
Councilor Freeman-Daniels: After "Amendment To" and before "reverse the Citizens United" add: "hold the words people, person, or citizen as used in the United States Constitution do not include corporations, limited liability companies, or other corporate entities established by the laws of any state, the United States, or any foreign state,"  
Councilor Dwight moved approval in first reading, as amended; Councilor LaBarge seconded. The motion to approve in first reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).  
See meeting of May 3, 2012 for second reading. |
Mayor Narkewicz read the proclamation; Jay Vinsky accepted the proclamation. |

One-Minute Announcements:  
Councilor Tacy announced a free electronics recycling event on Saturday, May 5, 2012 in the lot next to Yes Computers. Donations will go to Northampton Public Schools.
Petition for Joint Pole Locations

Councilor Dwight moved to open the public hearing; Councilor Freeman-Daniels seconded. The motion passed unanimously (8-0).

Al Bessette, Right of Way Manager, represented Verizon.

There were no other proponents or opponents.

Councilor LaBarge moved to closed the public hearing; Councilor Dwight seconded. The vote passed on a voice vote of 7 Yes, 0 No, 1 Abstention (Councilor Freeman-Daniels).

Councilor Tacy moved approval of the petitions; Councilor LaBarge seconded. The motion passed unanimously (8-0).

Appointments

Reappointments to City Boards, Committees and Commissions:
- Arts Council
  - Brian Foote (re-appointment) – 58 Belmont Avenue, Northampton – Term June 2012-June 2015, 2nd term
  - Mary Clark (re-appointment) – 183 Riverside Drive, Florence – Term March 2012-March 2015, 2nd term
- Board of Public Works
  - Gary Hartwell (re-appointment) – 419 Riverside Drive, Florence – Term March 2012-March 2015
- Recreation Commission
  - Carol Bertrand (re-appointment) – 65 Hastings Heights, Florence – Term June 2012-June 2015

New Appointments to City Boards, Committees and Commissions:
- Arts Council
  - Eric Olsson (new appointment) – 201 Park Hill Road, Northampton – Term May 2012-May 2015 (filling vacancy of Janet Beattie), 1st term
- Board of Registrars
  - Charles Klepacki (new appointment) – 26 Ferry Avenue, Northampton – Term April 2012 – April 2016 (filling vacancy of Sheila Moos)
- Council on Aging

Councilor LaBarge moved to Suspend Rule 30 Reference to Committees; Councilor Spector seconded. The motion passed unanimously (8-0).

Councilor Freeman-Daniels moved approval of the reappointments; Councilor Dwight seconded. The motion passed unanimously (8-0).

Councilor LaBarge moved to Refer to Committee on Appointments & Evaluations; Councilor Spector seconded. The motion to refer to Committee passed unanimously (8-0).
Licenses – 2012 Renewals

- **Second-Hand Articles**
  - Antiques Corner, 5 Market Street, Northampton
  - Stuart F. Solomon Antiques, 9 ¾ Market Street, Northampton
  - Edward T. Hardy, 9 Corticelli Street, Florence
  - Jack Speyer Antiques, 416 North Main Street, Leeds
  - Norman E. Menard, 25 Garfield Avenue, Northampton
  - The Family Jewels, Inc., 56 Green Street, Northampton
  - Urban Exchange, 233 Main Street, Northampton
  - The Back Alley Antiques and Collectibles, 238 Bridge Street, Northampton
  - The Instrument Exchange, 13 King Street, Northampton
  - Kids Klosot, 22 Maplewood Shops, Northampton
  - Kids Stuff, 90 Maple Street, Northampton

- **Bowling and Billiards**
  - Sunday Billiards License – Packards, 14 Masonic Street, Northampton
  - Weekday Billiards License – Packards, 14 Masonic Street, Northampton
  - Sunday Bowling License – Northampton Bowl, 525 Pleasant St, Northampton
  - Weekday Bowling License – Northampton Bowl, 525 Pleasant St, Northampton

- **Junk Dealers**
  - Volume Recycling, 234 & 254 Easthampton Road, Northampton
  - Norman E. Menard, 25 Garfield Avenue, Northampton

Councilor Carney moved approval of the licenses; Councilor Spector seconded. The motion passed unanimously (8-0).

- **Truck**
  - Bill Willard, Inc., 1010 Ryan Road, Florence

Councilor Carney moved approval of the licenses; Councilor Spector seconded. The motion passed on a voice vote of 7 Yes, 0 No, 1 Abstention (Councilor Tacy).

- **Taxicab**
  - Cosmic Cab, 78 Conz Street, #4 Rear, Northampton

Councilor LaBarge noted the Committee on Public Safety’s meeting minutes of March 22, 2012, and asked for clarification regarding this license. Councilors Adams, Carney and Freeman-Daniels explained that the meeting was in regard to the operator’s license, not this business license.

Councilor Carney moved approval of the licenses; Councilor Spector seconded. The motion passed unanimously (8-0).

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2012 Licenses Approved

Recess for Finance Committee

Recess for Finance Committee

8:38 pm – 9:00 p.m.
Reports of Committees:

- Committee on Cultural and Recreation Services Minutes of January 3, 2011 (correct date), February 6, 2012 and March 5, 2012
- Transportation & Parking Commission Minutes of February 21, 2012
- Committee on Public Safety Minutes of March 5, 2012 and March 22, 2012
- Committee on Elections, Rules, Ordinances, Orders and Claims Minutes of March 12, 2012
- Committee on Social Services and Veterans Affairs Minutes of March 19, 2012

Councilor Carney moved approval of the committee minutes; Councilor LaBarge seconded. The vote passed unanimously (8-0).

Presentation: Superintendent Brian Salzer – FY2013 School Budget

Superintendent Salzer presented Core Values, Instructional and Financial Priorities, and drafts of Level Funded, Level Service, and Level Service Plus School Council Requests for FY2013 School Budget (See Additional Documents). Superintendent Salzer stated that City Councilors now have time before the Joint meeting of School Committee and City Council on Thursday, April 26, 2012 to review the proposed budget and contact him with any questions.

Presentation: Gateway Beautification Committee –

Gerald Budgar and Alison Kriviskey, Co-Chairs, and Sam Ostroff introduced the Gateway Beautification signs, costs and proposed locations for signs (See Additional Documents).

Street Acceptance – Petition for Isabella Street

Councilor Dwight moved to Refer to Planning Board and Board of Public Works; Councilor Adams seconded. The motion to refer passed unanimously (8-0).


Councilor Dwight moved approval in first reading; Councilor Murphy seconded.

Councilor LaBarge moved to recognize Fire Chief Duggan; Councilor Freeman-Daniels seconded. The motion to recognize passed unanimously (8-0).

Chief Duggan noted his memorandum dated March 29, 2012 to the Committee on Public Safety (See Additional Documents). Chief Duggan noted that EMS requests are volume driven, and the department would appreciate the City Council’s and Mayor’s support.

Councilor LaBarge noted concerns of past issues regarding stipends, praised the excellent quality of care, and questioned issues noted at the April 2, 2012 Committee on Public Safety meeting regarding internal issues.

Chief Duggan stated that internal issues are in regards to the EMS Oversight Committee and some difficulties and tensions negotiating a contract.

Mayor Narkewicz stated that the City intends to honor all obligations regarding contracts. Mayor Narkewicz also confirmed that requests made by Local 108 for discussions were immediately responded to and have been satisfied, and negotiations are moving forward.

The motion passed unanimously (8-0).

See meeting of May 3, 2012 for second reading.
Financial Order: Order of Taking Mill River Greenway/Chatfield, $11,198.41 to Pay Back Interest, Taxes and Penalties

Councilor Tacy moved approval in second reading; Councilor Dwight seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Order passed second reading:
In City Council, April 19, 2012
Upon the recommendation of the Conservation Commission and Councilor Gene Tacy

WHEREAS, the Open Space, Recreation, and Multi-Use Trail Plan: 2011-2017, recommends expanding the Mill River Greenway; and

WHEREAS, the Conservation Commission identified 0.6± acres for protection with a Mill River Greenway Conservation Restriction; and

WHEREAS, the City has a secured interest of approximately $11,198.41 on this land relating to amounts owed to the City under Tax Title Liens created by Instruments of Taking recorded in the Hampshire Registry of Deeds; and

WHEREAS, the buyer of an abutting property is interested in purchasing said parcel, subject to a Conservation Restriction, for $11,198.41;

NOW, THEREFORE BE IT ORDERED,
Further, City Council adopts the attached Order of Taking for the purpose of creating a Conservation Restriction for conservation and habitat preservation along the Mill River; and

City Council approves the sum of Eleven Thousand One Hundred and Ninety-Eight and 41/100 Dollars ($11,198.41) to be paid as damages for all the takings described in the attached Order of Takings. All damages will be used to pay off back interest, taxes, and penalties.

Further, City Council declares the fee interest in such land as surplus and authorizes its sale to an abutter for the same purchase price, subject to the City of Northampton, acting through its Conservation Commission, retaining a Conservation Restriction, as defined in MGL Chapter 184, Section 31, on said land for conservation and passive recreation purposes.

Rules suspended, passed two readings and enrolled.
Order: Accept State Land Behind Pomeroy Terrace

Councilor LaBarge moved approval in second reading; Councilor Dwight seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Order passed second reading:
In City Council, April 19, 2012

Upon the recommendation of Conservation Commission, Department of Public Works, and Councilor Owen Freeman-Daniels

BE IT ORDERED

WHEREAS, The Open Space and Recreation Plan: 2011-2017 recommends preserving intact ecological areas and enhance neighborhoods and urban areas; and

WHEREAS, Section 7(i), Chapter 67, Acts of 2011 authorizes the state to transfer approximately 6 acres behind Department of Mental Health facilities on 78 Pomeroy Terrace; and

WHEREAS, The Conservation Commission identified this area as contributing to their goal of linking conservation areas along the westerly edge of the Connecticut River floodplain to protect the rich ecological resources in the area; and

WHEREAS, The Department of Public Works identified this area as potentially having an opportunity to address some drainage system needs in the area; and

NOW, THEREFORE BE IT ORDERED,

That the Conservation Commission is authorized to acquire for conservation and passive recreation purposes, as provided by Section 8C of Chapter 40 of the General Laws, any fee, easement or conservation restriction as defined in Section 31 of Chapter 184 of the General Laws or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired; Further that any such acquisition will be subject to the right of the City, acting through its Department of Public Works, to construct, repair, replace, maintain, and use any sanitary or storm sewer, drainage way, artificial detention or retention pond, restored or constructed wetland, or other infrastructure improvements.

Rules suspended, passed two readings and enrolled.

Enrolled

Ordinance: Amend Chapter 128 Animals and Fowl, Add Article III Prohibiting the Feeding of Wildlife and Regarding Waste Disposal (Refer to Committees)

Councilor Dwight moved to recognize members of the Board of Health; Councilor Freeman-Daniels seconded. The motion passed on a voice vote of 7 Yes, 1 No
Dr. Joanne Levin stated that the Board of Health has recommendations regarding this Ordinance (see Additional Documents).

Councilor Murphy moved to Refer to Board of Health, Committee on Public Safety, and Committee on Elections, Rules, Ordinances, Orders and Claims; Councilor Dwight seconded. The motion to refer to Committees passed unanimously (8-0).

Ordinance: Amend §40-5 List of Enforcing Officers and Penalties for Noncriminal Disposition, Add §128-20

Councilor Carney moved to Refer to Board of Health, Committee on Public Safety, and Committee on Elections, Rules, Ordinances, Orders and Claims; Councilor Freeman-Daniels seconded. The motion to refer to Committees passed unanimously (8-0).

See meeting of May 3, 2012 for second reading.

Ordinance: Amend §312-117 Handicapped Parking (1st Reading)

Councilor Spector moved approval in first reading; Councilor Dwight seconded. The motion passed unanimously (8-0).

See meeting of May 3, 2012 for second reading.

Ordinance: Amend §312-29 Diagonal Parking (2nd Reading)

Councilor LaBarge moved approval in second reading; Councilor Spector seconded. The motion passed unanimously (8-0).

The following Ordinance passed second reading:

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §312-102 Schedule I No Parking Anytime – Ridgewood Terrace (2nd Reading)

Councilor Spector moved approval in second reading; Councilor Tacy seconded. The motion passed unanimously (8-0).

The following Ordinance passed second reading:
Ordained and Enrolled

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §312-36 Parking Meter Locations and Regulations – Changes (2nd Reading)
Councilor Tacy moved approval in second reading; Councilor Adams seconded. The motion passed unanimously (8-0).

The following Ordinance passed second reading:

Ordained and Enrolled

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-3.4 Zoning Map and Section 156.2 Central Business
Architecture Map – Hawley Street (2nd Reading)
Councilor LaBarge moved approval in second reading; Councilor Freeman-Daniels seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).
Architecture Map – Hawley Street

The following Ordinance passed second reading:

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance:
Amend §350-3.4 Zoning Map and Section 156.2 Central Business Architecture Map – Conz Street (2nd Reading)

Councilor LaBarge moved approval in second reading; Councilor Freeman-Daniels seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Ordinance passed second reading:

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance:
Amend §350-3.4 Zoning Map – Damon Road and River Run (2nd Reading)

Councilor LaBarge moved approval in second reading; Councilor Freeman-Daniels seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Ordinance passed second reading:
Ordained and Enrolled

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-3.4 Zoning Map – West Farms Road (2nd Reading)

Councilor LaBarge moved approval in second reading; Councilor Freeman-Daniels seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Ordinance passed second reading:

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-3.4 Zoning Map – Pine Street (2nd Reading)

Councilor LaBarge moved approval in second reading; Councilor Freeman-Daniels seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Ordinance passed second reading:
Ordained and Enrolled

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-2, 10.12 Home Occupation, Consistent with Sustainable Northampton Plan, Modify Provisions for Home-Based Businesses (2nd Reading)
Councilor Murphy moved approval in second reading; Councilor Dwight seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz). The following Ordinance passed second reading:
Ordained and Enrolled

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-10.12 Home Occupation Special Permit (2nd Reading)

Councillor Murphy moved approval in second reading; Councillor Dwight seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councillor Schwartz).

The following Ordinance passed second reading:

In City Council, April 19, 2012
Meeting of April 19, 2012

City of Northampton
MASSACHUSETTS

In the Year Two Thousand and Twelve

UPON THE RECOMMENDATION OF

Planning Board

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended so as to provide for a Planning Board, as provided in Chapter 160B of the Laws of 1980, as amended; and providing that all other Ordinances of the City of Northampton, Massachusetts, be suspended, in accordance with the requirements of the Massachusetts General Laws, Chapter 160B, Section 2.

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

Section 1. The section of the Ordinance of the City of Northampton, Massachusetts, amended so that such section shall read as follows:

"Sections of the Ordinance of the City of Northampton, Massachusetts, amended so that such section shall read as follows:

Section 2. subdivision of lot (as defined in §350-2.1) requires a per lot special permit issued by the Zoning Board of Appeals, and shall comply with the following:

A. All provisions in section 2.
B. Any special permit approved by the Planning Board of Appeals shall be subject to the following:
C. The hours of operation shall be expressly stated in the special permit issued by the Zoning Board of Appeals.

Ordinance: Amend §350-2.1 and Appendix Tables of Use and of Use Dimensions (2nd Reading)

Councilor Murphy moved approval in second reading; Councilor Spector seconded.

The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

Rules suspended, passed two readings, ordained and enrolled.
The following Ordinance passed second reading:

In City Council, April 19, 2012

Rules suspended, passed two readings, ordained and enrolled.

Ordinance: Amend §350-5.3 Keeping of Chickens and Ducks (2nd Reading)

Councilor LaBarge read a letter from resident Paul Walker, and submitted photos for the record (See Additional Documents). Councilor LaBarge asked that the Ordinance be
Councilor Spector moved to postpone to May 3, 2012; Councilor LaBarge seconded. The motion to postpone to May 3, 2012, failed on a Roll Call vote of 4 Yes, 4 No, 1 Absent (Councilor Schwartz).

Councilor Murphy moved approval in second reading; Councilor Dwight seconded. The motion to approve in second reading passed on a Roll Call vote of 8 Yes, 0 No, 1 Absent (Councilor Schwartz).

The following Ordinance passed second reading:
In City Council, April 19, 2012

| Rules suspended, passed two readings, ordained and enrolled. |

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<tr>
<th>Updates from Council President and Committee Chairs</th>
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<tr>
<td>Council President announced a Public Hearing at 8:00 p.m. on Thursday, May 3, 2012 for a Petition for Pole and Wire Locations – National Grid – North Farms Road</td>
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New Business

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At 10:45 p.m., a motion to adjourn was made by Councilor Adams and seconded by Councilor Dwight. The vote to adjourn passed unanimously (8-0).

Attest: _________________________________________, Clerk of Council