A regular meeting of the City Council was called to order by Mayor David J. Narkewicz at 7:05 p.m. On roll call, nine (9) 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
Ward 5 Councilor David A. Murphy - Absent
Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Eugene A. Tacy

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

Minutes
Accepted
Approved

Minutes of April 19, 2012.

Councilor LaBarge moved to approve the minutes of April 19, 2012; Councilor Tacy seconded. The motion passed unanimously (8-0).

Proclamation: Safe Prom and Graduation Season May–June 2012

Mayor Narkewicz read the Proclamation; Glenn Johnson, Northampton Prevention Coalition, accepted the Proclamation. Mr. Johnson noted the important role that parents play in their children’s lives and important milestone achievements.

Resolution to Amend the Constitution of the United States

Resolution to Amend the Constitution of the United States (2nd Reading)

Councilor Dwight moved approval in second reading; Councilor LaBarge seconded. The motion passed on a Roll Call vote of 8 Yes, 0 No.

The following Resolution passed second reading:

In City Council, May 3, 2012


Resolution to Amend the Constitution of the United States

WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people’s laws;

WHEREAS, this corporate misuse of the First Amendment and Constitution has reached an extreme conclusion in the United States Supreme Court’s ruling in Citizens United v. Federal Election Commission;

WHEREAS, Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections;

WHEREAS, Citizens United v. Federal Election Commission unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;
WHEREAS, Citizens United v. Federal Election Commission purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;

WHEREAS, Citizens United v. Federal Election Commission presents a serious and direct threat to our republican democracy;

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th Century, and including to reverse seven erroneous Supreme Court decisions.

THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts, acting in the spirit and history of our community, does hereby declare that we call upon the United States Congress to pass and send to the states for ratification a Constitutional Amendment to 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, reverse the Citizens United v. Federal Election Commission decision and to thereby restore Constitutional rights and fair elections to the people. To that end, the Mayor shall send copies of this resolution to Massachusetts State Representative Peter Kocot, Massachusetts State Senator Stanley Rosenberg, Governor Deval Patrick, United States Congressman Richard Neal and United States Senators John Kerry and Scott Brown, the United States Senate Committee on the Judiciary, the House of Representatives Committee on the Judiciary, the United States Attorney General, Eric H. Holder Jr., and the President of the United States, Barack Obama.

Rules suspended, passed two readings and enrolled.

Resolution: Northampton City Council Endorses the CDBG Year 29/FY2013 Action Plan to be Submitted to U. S. Department of Housing and Urban Development for the Program Year Beginning July 1, 2012 (1st Reading)

Councilors LaBarge, Dwight and Tacy spoke of the process and difficult decisions for allocation of these funds to applicants, with food and shelter as priority decisions. Mayor Narkewicz noted that, as Council President last year, he sent letters to Senators Kerry and Brown to encourage increased funding for CDBG. Councilor Spector suggested sending letters to the Appropriations Committee.

One-Minute Announcements:

Councilor Spector noted that the Northamptones will sing the National Anthem at the Red Sox game on Sunday, May 6, 2012.

Councilor Tacy noted a reminder of a free electronics recycling event on Saturday, May 5, 2012 in the lot next to Yes Computers. Donations will go to Northampton Public Schools.

Councilor LaBarge announced “A Starry Night”, inaugural auction for R.K. Finn Ryan Road Elementary School on May 11, 2012 at 6:30 pm to be held at the Garden House, Look Park. All proceeds will benefit the R.K. Finn Ryan Road PTO.

New Appointments to City Boards, Committees and Commissions (Recommended by Committee on Appointments & Evaluations, meeting of April 9, 2012):

Arts Council
Joan Axelrod-Contrada – 10 Pine Street, Florence – term April 2012-April 2015 (vacancy)
Carl Russo – 13 Park Street, Florence – term April 2012 – April 2015 (vacancy)

Board of Public Works
K. Christopher Hellman – 218 Elm Street, Northampton – term March 2012-March 2015 (replacing James Dostal)
### Committee on Disabilities
Ellenor M. Rennell – Associate Member, 81 Conz Street, Northampton – term April 2012-April 2015 (vacancy)

### Conservation Commission
Steven Sauter – Full member, 65 South Street #6, Northampton – term March 2012-March 2014 (replacing Sue Carbin)

### Northampton Energy & Sustainability Commission
Kristina Hodges – 6 Ahwaga Avenue, Northampton – Term to Expire March 2015 (Associate member, filling vacancy)

### Housing Partnership
Toni B. Hochstadt – 28 Fruit Street, Northampton – term April 2012-April 2015 (vacancy)
Rachel Taylor-Doward – 29 North Maple Street, Florence – term April 2012-April 2015 (vacancy)

### Human Rights Commission
Jordana Amato – 58 Fern Street, Florence – term April 2012-April 2015 (vacancy)
Vijay Prashad – 281 Prospect Street, Northampton – term April 2012-April 2015 (vacancy)
Rick Hart – 68 Leonard Street, Leeds – Term to Expire March 2015 (vacancy)

### Planning Board
Karla Youngblood – 46 Rockland Heights Road, Northampton – Term to Expire March 2017 (Associate Member, filling vacancy)

### Tree Committee
Andrew Putnam – 134A South Street, Northampton – term April 2012-April 2015 (replacing Susan Ford)

## Appointed

**Councilor LaBarge** moved approval of the reappointments; **Councilor Dwight** seconded.

Councilor Freeman-Daniels stated these should be postponed, as he did not feel comfortable voting for these without the minutes from the Committee on Appointments and Evaluations. Councilors Spector, LaBarge and Schwartz noted the process of interviews held at Committee on Appointments and Evaluations, noting the many volunteers who serve on City boards. Councilor Spector noted that the best way to be informed is to read the application forms submitted by these residents.

The motion passed of a voice vote of 7 Yes, 1 No (Councilor Freeman-Daniels).

## Reappointments to City Boards, Committees and Commissions:

### Recreation Commission

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

Councilor LaBarge noted Mr. Parent’s 25 years on the Recreation Committee, with 15 years as Chair. Councilor Tacy stated that Mr. Parent is a huge asset to the City.

**Councilor LaBarge** moved approval of the reappointment; **Councilor Tacy** seconded. The motion passed unanimously (8-0).
New Appointments to City Boards, Committees and Commissions (To Be Referred to Committee on Appointments & Evaluations):

- **Housing Partnership**
  Patty McGill – 103 South Street, Northampton – term May 2012-May 2015 (replacing Alan Ells)

- **Recreation Commission**
  Dan Smith – 597 Westhampton Road, Florence – term June 2012-June 2015 (replacing Kevin Coffey)
  Thomas Dunphy – 6 Chesterfield Road, Leeds – term June 2012-June 2015 (replacing Theresa Flynn)

- **Transportation & Parking Commission**
  Richard E. Cooper – 136 S. Main Street, Florence – term May 2012-May 2015 (replacing expired term of Paul Sustick)

Councilor LaBarge moved to Refer to Committee on Appointments & Evaluations; Councilor Tacy seconded. The motion passed unanimously (8-0).

**License – Fireworks Display Permit – Northampton Family Fourth Committee – June 23, 2012**

LICENCE – Fireworks Display Permit – Northampton Family Fourth Committee – June 23, 2012 (rain date June 24, 2012) at 9:30 p.m. in Look Park

Councilor Dwight moved approval of the license; Councilor LaBarge seconded. Councilor Carney moved to recognize Priscilla Ross, Family Fourth Committee; Councilor Spector seconded. The vote to recognize passed unanimously (8-0).

Ms. Ross noted the success last year of the first year of this event. In answer to a question in Public Comment, Ms. Ross stated that all animals are moved out of the Park for the Fireworks.

The motion passed unanimously (8-0).

**2012 License Renewals – Second Hand Dealers**

2012 LICENSE RENEWALS – Second-Hand Dealers:

- Sid Vintage, 279 Main Street, Northampton
- New York Shop Exchange, 32 Masonic Street, Northampton
- Modern Myths, LLC, 34 Bridge Street, #4, Northampton

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

**2012 Taxi License Renewal – Green Cab Company**

2012 Taxi License Renewal – Peter Pan Bus Lines d/b/a The Green Cab Company

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

**Reports of Committees**

Reports of Committees:

- Committee on Appointments & Evaluations Minutes of March 12, 2012
- Finance Committee Minutes of March 27, 2012
- Transportation & Parking Commission Minutes of March 20, 2012

Councilor Carney moved approval of the committee minutes; Councilor Tacy seconded. The motion passed unanimously (8-0).
STREET DISCONTINUANCE:

Petition for Discontinuance as a City Street Parcels H-1 and H-2, The Hammerhead Portion of Village Hill Road

(Refer to Planning Board and Board of Public Works)

Councilor Spector noted that this should also be referred to the Joint City Council/Board of Public Works Conference Committee.

Councilor Tacy moved to Refer to Planning Board, Board of Public Works, and Joint City Council/Board of Public Works Conference Committee; Councilor Freeman-Daniels seconded. The motion passed unanimously (8-0).

Ordinance:

Amend §312-117 Handicapped Parking

Ordinance: Amend §312-117 Handicapped Parking (2nd Reading)

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

The following Ordinance passed second reading:

In City Council, May 3, 2012

Ordained and Enrolled

Rules suspended, passed two readings, ordained and enrolled.

At 8:00 p.m., Petition for Pole and Wire Locations – National Grid – North Farms Road #12459142

At 8:08 p.m., Councilor Dwight moved to Open the Public Hearing; Councilor Spector seconded. The motion passed unanimously (8-0).

Lisa Jasinksi, National Grid representative, was present.

There were no other proponents and no opponents.

Councilor Adams moved to Close the Public Hearing; Councilor Dwight seconded. The motion passed unanimously (8-0).

At 8:10 p.m., Councilor LaBarge moved approval of the Petition; Councilor Adams seconded. The motion passed unanimously (8-0).
Recess for Finance Committee
8:10 p.m. – 8:42 p.m.

Financial Order: Authorization of “Energy and Sustainability Revolving Fund” of $75,000 (1st Reading)

Councillor Dwight moved approval in first reading; Councillor LaBarge seconded.

Councillor Freeman-Daniels moved to amend the Order; Councillor Spector seconded:
"A detailed report of all expenditures will be prepared by the director of central services or the director’s designee and will be presented to the city council at the conclusion of each fiscal year."

“Said receipts…………requests for which will be presented to the NESC and to the Mayor for approval on a project by project basis.”

The motion to amend passed unanimously (8-0).

Approval in first reading, as amended, passed unanimously (8-0).

See meeting of May 17, 2012 for second reading.

Financial Order: Transfer of $115,887 from Receipts Reserved Account for Ambulance Fees (2335231-340660) to EMS Accounts (1st Reading)

Councillor LaBarge moved approval in first reading; Councillor Tacy seconded.

The motion passed unanimously (8-0).

See meeting of May 17, 2012 for second reading.

Financial Order: City Council Rescission of Receipt Reserved for Appropriation Fund “Ambulance Services” Effective July 1, 2012 (2nd Reading)

Councillor Tacy moved approval in second reading; Councillor LaBarge seconded. The motion passed on a Voice vote unanimously (8-0).

The following Order passed second reading:
In City Council, May 3, 2012
Upon the recommendation of Mayor David J. Narkewicz

WHEREAS, on September 18, 2003, the Northampton City Council established a receipts reserved for appropriation fund “Ambulance Services” in accordance with M.G.L. Chapter 40, Section 5F to ensure that the operation of ambulances by the Northampton Fire Department (NFD) could be supported by user fees and not create an additional financial burden on the General Fund and the taxpayers of Northampton; and

WHEREAS, through the dedication and commitment to excellence of the Northampton Fire Department, ambulance operations have since grown into a full-time, fire-based Emergency Medical Services (EMS) program offering high quality 24-hour-a-day emergency ambulance service to the residents of Northampton staffed by highly-trained and skilled NFD personnel; and

WHEREAS, having now firmly established an ambulance service than can and does support itself financially through user fees the original purpose of the receipts reserved for appropriation fund has been satisfied.

NOW THEREFORE BE IT ORDERED:

That the City Council hereby rescinds the establishment of the receipt reserved for appropriation fund “Ambulance Services” effective July 1, 2012.

Rules suspended, passed two readings and enrolled.
### LATE FILE: Ordinance:
Amend §89-11 - §89-13 Delete Office of Community & Economic Development

Councilor LaBarge moved to Suspend Rule 38 Time for Filing Business Transacted at Meetings; Councilor Tacy seconded. The motion passed unanimously (8-0).

Councilor LaBarge moved to Refer to Committee on Economic Development, Housing and Land Use and To Committee on Elections, Rules, Ordinances, Orders and Claims; Councilor Dwight seconded. The motion passed unanimously (8-0).

### Updates from Council President and Committee Chairs

Council President Dwight announced the agendas of the City Council Budget Hearings on May 8, 2012 and May 9, 2012 from 5:00 p.m. – 9:00 p.m. in City Council chambers.

The FY2013 Budget will be online on the City website by Friday, May 4, 2012.

### New Business

Councilor Tacy noted the news article about water and sewer rate increases; this was the first news that Councilor Tacy knew of the rate increases, and he is on the joint conference committee. The DPW asked if there are any agenda items, and should keep Councilors informed of such important items. Councilor Tacy stated that better communication is needed. When the Bradford Pump project was being discussed, Councilor Tacy began attending every Board of Public Works meeting, and the Chair stated “are there any questions from the newest member of the Board?”

Councilor LaBarge noted that she had calls from residents all day regarding the news article. Residents did not know of the BPW agenda. Councilor LaBarge asked Mayor Narkewicz to talk to the BPW to have a hearing. This must follow Best Practices.

Councilor Spector stated his agreement that the Mayor should speak with the BPW, and the Joint Committee should be given more information.

Councilor Adams noted that BPW meetings are quarterly by Ordinance. Serious issues such as this should before the City Council.

Councilor Freeman-Daniels stated that this discussion is not New Business.

Councilor Tacy disagreed, stated this is New Business, and information regarding this issue affects the yearly budget.

Mayor Narkewicz stated he would convey the message to the DPW.

At 9:10 p.m., a motion to adjourn was made by Councilor Dwight and seconded by Councilor Freeman-Daniels. The vote to adjourn passed unanimously (8-0).

Attest: _________________________________________, Clerk of Council