

CITY OF NORTH ADAMS
City Clerk's Office
July 8, 2015

I hereby notify that at twelve noon today the following items of business have been filed with this office and will be acted upon at the meeting in the City Council Chambers at City Hall, Tuesday evening July 14, 2015 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Marilyn Gomeau
City Clerk

REGULAR MEETING OF THE CITY COUNCIL
July 14, 2015

Roll Call
Moment of silent prayer
The Pledge
Approval of the minutes of *June 23, 2015*

- 11,439-1** *Report of the General Government Committee regarding a Zoning Ordinance on nonconforming lots.*

- 11,439** *Communication submitted by Councilor Wilkinson regarding new Zoning Ordinance allowing homeowners in a nonconforming lot the ability to rebuild their homes, which was referred to the General Government Committee and postpone at the meeting of June 9th.*

- 11,438-1** *Mayor's communication #25 recommending year-end transfers.*

- 11,438-1** *An Order for year-end transfers from several accounts to several accounts.*

- 11,453-1** *Communication submitted by Council President regarding no turn on red; River, Marshall and Houghton Streets.*

- 11,453-1** *An Ordinance amending Chapter 13 entitled Motor Vehicles and Traffic, Article IV, entitled Operation of Vehicles, Section 13-41, entitled obedience to traffic-control signals.*

- 11,463** *Communication submitted by Council President regarding a designated school zone on East Main Street and Brayton Hill.*

- 11,463-1** *An Ordinance amending Chapter 13, entitled Motor Vehicles and Traffic, Section 13-26.1 entitled School Zones.*

- 11,448-1** *Liaison reports.*
- 11,449-1** *Committee assignment reports.*

(over)

CORRESPONDENCE

LICENSE

An application submitted by Noel Bostwick, 1 Dubis Street, Adams, to drive taxi for City Cab

OPEN FORUM

COUNCILOR & MAYOR'S CONCERNS

June 29, 2015

General Government Committee:

Kate Merrigan, Chair
Nancy Bullett
Joshua Moran

Councilors Present:

Wayne Wilkinson
Eric Buddington

Others:

Bill Meranti
John DeRosa
Resident Ed Morandi

Meeting Start: 6:00 pm

Agenda: Council Paper 11,439 Zoning Ordinance allowing owners in a non-conforming lot the ability to rebuild.

Per Councilor Wilkinson the original zoning ordinance that was proposed has morphed into three separate issues of non-conforming lots—all of which would represent amendments and additions to Section 12 of the City's Zoning Ordinances.

1. Creation of new zoning ordinance that would allow a North Adams homeowner whose residence is located on a non-conforming lot the ability "by right" to rebuild their home if destroyed by fire or other catastrophe if undertaken within 2 years.

This type of zoning ordinance exist in every town/city in Berkshire County except for North Adams and Hancock (Hancock has no zoning).

Councilor Merrigan made a motion to refer to the City Solicitor to craft language similar to that found in every town/city in Berkshire Country. The committee voted unanimously yes.

2. Per section 12.2 in the North Adams Revised Ordinance:
Abandonment of a non-conforming use: A non-conforming use which has been abandoned or discontinued for a period of more than (2) years or has been replaced by a conforming use shall lose the protection set forth above in Section 12.1

Per this ordinance buildings such as the old NAPA building on Route 2, and others that have been vacant for more than two years can no longer be used as commercial properties if they are located in residential zoning. By amending this ordinance it will allow the Zoning Board to review each property on a case by case basis and put more property back on the tax roll as commercial property.

Councilor Merrigan made a motion to refer to the City Solicitor to amend section 12.2 and to craft language that is similar to what is found in the City of Pittsfield Ordinance:

Any non-conforming structure use which has been abandoned or not used for a period of two years, or more shall not be re-established, *except by the granting of a special permit from the Zoning Board of appeals in accordance with provisions of this ordinance.* Any other future use of such premises shall conform to the provisions of this ordinance.

The City Solicitor will also verify the legality of the amendment. The committee voted unanimously yes.

3. Any vacant property that had been demolished by the City of North Adams that is a non-conforming lot but consistent with its neighborhood could apply for a special permit from the Zoning Board of appeals.

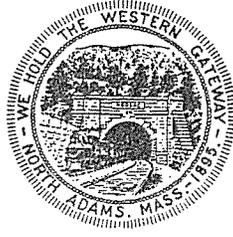
This will help add value to vacant property that would otherwise essentially be worthless but at the same time have large demo liens on the properties.

Councilor Moran made a motion to refer to the City Solicitor to craft language that would allow the property owners an opportunity to at least have their case heard in front of the Zoning Board if the property is a non-conforming lot yet consistent with the neighborhood that it resides in. The committee voted unanimously yes.

Other Notes:

The second and third proposed changes in ordinance herein would still require property owners to appear before the Zoning and Planning Boards. This allows for all abutting property owners and other neighbors an opportunity to speak either for or against the project, allowing everyone to still have a voice. Also by channeling all new construction or renovations on non-conforming lots through the Zoning and Planning process, the City is utilizing an already existing system to make the decisions on a case by case basis.

Submitted by:
Joshua Moran



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

July 14, 2015

#25

To: North Adams City Council
Re: Year End Transfers

Dear Honorable Councilors:

As indicated, I will be bringing in the final Year End Transfers to the Council to balance our FY2015 budget. All transfers and orders will be forwarded to you by email as soon as possible as final adjustments and reconcilements continue through this week.

I, along with Dave Fierro will be at the meeting to assist in answering any questions that Council may have. Additionally, if you have any specific questions once you receive the transfer order(s), please feel free to contact Mr. Fierro or myself so we will be certain to have your answers at the meeting. Please note that this budget is being closed ONLY with internal account to account transfers WITHOUT the use of any reserves. Finally, we will have a spreadsheet for you at the meeting showing all major reserve balances as of June 30th.

As we have to close out our fiscal year by July 15th, I respectfully request adoption of the transfer orders as presented.

Sincerely,

Richard J. Alcombright
Mayor



City of North Adams

In City Council

July 14, 2015

Ordered:

That the sum of FOUR HUNDRED EIGHTY EIGHT THOUSAND FIVE HUNDRED FORTY EIGHT DOLLARS AND SEVENTY FIVE CENTS (\$488,548.75) be and is hereby transferred from:

1. GENERAL GOVERNMENT

MIS (COMPUTER MAINTENANCE)	SALARIES	\$ 60,019.84
OFFICE OF TOURISM	SALARIES	\$ 12,426.72
		<u>\$ 72,446.56</u>

2. PUBLIC SAFETY

TRAFFIC & PARKING CONTROL	SALARIES	\$ 20,499.12
		<u>\$ 20,499.12</u>

3. PUBLIC SERVICES

ENGINEERING	EXPENSES	\$ 20,462.04
TRANSFER STATION	EXPENSES	\$ 145,851.91
VETERAN'S BENEFITS	EXPENSES	\$ 145,169.58
LIBRARY	SALARIES	\$ 9,119.54
		<u>\$ 320,603.07</u>

6. UNCLASSIFIED

RESERVE ACCOUNT	EXPENSES	\$ 75,000.00
		<u>\$ 75,000.00</u>

TOTAL \$ 488,548.75

To:

1. GENERAL GOVERNMENT

FINANCE DIRECTOR	EXPENSES	\$	1,187.77
ASSESSOR	EXPENSES	\$	767.86
TREASURER & COLLECTOR	EXPENSES	\$	3,593.09
CERTIFICATION OF NOTE	EXPENSES	\$	412.68
LABOR NEGOTIATIONS	EXPENSES	\$	500.00
MIS (COMPUTER MAINTENANCE)	EXPENSES	\$	21,880.59
CITY CLERK	SALARIES	\$	1,897.20
LICENSE COMMISSION	EXPENSES	\$	216.62
CONSERVATION COMMISSION	EXPENSES	\$	140.86
PLANNING BOARD	EXPENSES	\$	2,565.27
TRAFFIC & PARKING CONTROL	EXPENSES	\$	2,771.93
		<u>\$</u>	<u>35,933.87</u>

2. PUBLIC SAFETY

PUBLIC PROPERTY AND BUILDINGS	SALARIES	\$	768.12
POLICE	SALARIES	\$	20,226.90
FIRE	SALARIES	\$	7,010.40
BUILDING INSPECTOR	SALARIES	\$	1,491.58
WEIGHTS/MEASURES	SALARIES	\$	6,417.01
WIRE & ALARM	SALARIES	\$	4,553.74
ANIMAL CONTROL	EXPENSES	\$	298.01
HEALTH INSPECTION SERVICES	SALARIES	\$	21,248.49
HEALTH INSPECTION SERVICES	EXPENSES	\$	1,654.09
SAFE WATER DRINKING	EXPENSES	\$	7,301.00
		<u>\$</u>	<u>70,969.34</u>

3. PUBLIC SERVICES

HIGHWAY	SALARIES	\$	65,432.03
HIGHWAYS	EXPENSES	\$	20,003.56
SNOW & ICE	EXPENSES	\$	127,058.12
WATER WORKS DIVISION	SALARIES	\$	5,250.00
WATER WORKS DIVISION	EXPENSES	\$	28,924.97
CEMETERY	SALARIES	\$	9,264.94
CEMETERY	EXPENSES	\$	3,869.93
COUNCIL ON AGING	SALARIES	\$	8,426.20
PARKS & RECREATION	SALARIES	\$	1,567.40
PARKS & RECREATION	EXPENSES	\$	2,437.15
WINDSOR LAKE	EXPENSES	\$	4,291.48
		<u>\$</u>	<u>276,525.78</u>

6. UNCLASSIFIED

RENT CONTROL	EXPENSES	\$ 400.00
EMPLOYEE TRAINING	EXPENSES	\$ 1,905.27
UNCLASSIFIED OTHER MISCELLANEOUS	EXPENSES	\$ 1,329.12
HEALTH INSURANCE	EXPENSES	\$ 1,238.38
RETIREMENT & PENSION	SALARIES	\$ 7,926.87
WORKER'S COMPENSATION	EXPENSES	\$ 14,292.91
UNEMPLOYMENT COMPENSATION	EXPENSES	\$ 8,960.00
		<u>\$ 36,052.55</u>

7. CAPITAL

CAPITAL ITEMS	EXPENSES	\$ 68,954.94
		<u>\$ 68,954.94</u>

9. DEBT

RETIREMENT OF DEBT	EXPENSES	\$ 112.27
		<u>\$ 112.27</u>

TOTAL \$ 488,548.75

City of North Adams, Massachusetts
Traffic Commission
10 Main Street
North Adams, MA 01247

June 15, 2015

Ms. Lisa Blackmer
North Adams City Council, President
10 Main Street – City Hall
North Adams, MA 01247

Dear Ms. Blackmer:

At the regular meeting of the North Adams Traffic Commission held on June 15, 2015, the commission voted to recommend the removal of the **No Right Hand Turn on Red** signs at the River, Marshall and Houghton Streets intersection.

The commission felt that do to the removal of the building on either side of the River and Houghton St. intersection that it is no longer necessary for the no right turn. In checking with MA DOT, Mr. Tierney, stated that as long as there is a 200' visibility there is no problem removing this restriction.

I have attached the proper ordinance change.

Thank you for your assistance with this matter.

Sincerely,



Mary Ann King
Chairperson



City of North Adams

In City Council

July 14, 2015

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter 13 of the Revised Ordinances of the City of North Adams, entitled Motor Vehicles and Traffic, Article IV, entitled Operation of Vehicles, Section 13-41, entitled Obedience to traffic-control signals, sub-section (d) (2) be and is hereby amended by deleting the following:

River, Marshal and Houghton Streets

Eastbound and westbound on River St.
Southbound on Houghton Street

City of North Adams, Massachusetts

Traffic Commission

10 Main Street
North Adams, MA 01247

June 15, 2015

Ms. Lisa Blackmer
North Adams City Council
President
10 Main St. – City Hall
North Adams, MA 01247

Dear Ms. Blackmer:

At the request of Michael Cozzaglio, Director of Police, the Traffic Commission is recommending that two of our elementary schools be designated School Zones.

The schools are both located in areas where there is a high volume of traffic throughout the daytime hours. The schools are Brayton Elementary and the new Colgrove School.

I have attached all documentation from Director Cozzaglio pertaining to school zones and also the ordinance that will be required.

Thank you for your assistance with this matter.

Sincerely,



Mary Ann King
Chairperson



City of North Adams, Massachusetts Department of Public Safety

11 Summer Street, North Adams, MA 01247 (413) 664-4944 (413) 663-3834

Michael P. Cozzaglio
Director - Police Services

To: North Adams Traffic Commission

October 24, 2014

From Michael Cozzaglio, Police Director

Re: Colegrove Elementary School

To whom it may concern,

On behalf of the North Adams Police Department, I am requesting that the new Colegrove Elementary School be designated as an official "School Zone" as defined under MGL Chapter 90-17.

With the expected opening date of September 2015 along with the close proximity to the downtown area, accompanied with a high volume of traffic throughout the daytime hours, I feel this important issue should be addressed as soon as possible.

Please see attached documentation in regards to school zone designation.

Thank you for your consideration in this matter.

Respectfully submitted,

Michael Cozzaglio

Police Director

North Adams Police Department

NOTE: The flashing WALK pedestrian indication is prohibited in Massachusetts by Statute Law (Chapter 234, Acts of 1975).

SECTION 7B-9 SCHOOL ADVANCE SIGN (S1-1)

Page 7B-2

A supplemental work legend panel with the message "SCHOOL ZONE AHEAD" shall be employed in combination with the "SCHOOL ADVANCE SIGN" (S1-1).

SECTION 7B-13 PARKING AND STOPPING SIGNS, R7 Series

Page 7B-5

Last paragraph, first line, substitute the following:

"Parking signs shall have a minimum size of 12 inches by 18 inches."

SECTION 7G OFFICIAL STANDARDS FOR SCHOOL ZONES

As required by Chapter 90, Section 17 General Laws
(Tercentenary Edition as Amended)

The following standards for the establishment of school zones to provide increased protection for school children on highways in the vicinity of schools are hereby adopted by the Department:

Any variance from the requirements of these Standards without the written approval of the Department shall constitute the establishment of a non-standard School Zone and shall render the provisions of Chapter 90, Section 17 inapplicable insofar as they refer to the speed of vehicles in School Zones.

1. SCHOOL ZONE DEFINED

A School Zone as referred to in Chapter 90, Section 17 shall only be construed to be that section of a way which abuts the grounds of a school and is posted and marked in accordance with these Department Standards to indicate the applicability of the statutory speed limits of twenty miles per hour for all vehicles in accordance with the terms of the permit for the Zone.

2. WARRANTS FOR SCHOOL ZONES

The following minimum warrants are specified for the establishment of a School Zone:

1. The school property abuts the public right of way within the limits of the proposed zone area.
2. School children have direct access to the street or roadway from the school property.
3. The Zone contains a marked crosswalk.
4. The school must involve one or more grades below Grade 9.

A School Zone is not warranted:

1. When children are not required to cross the street on foot within the limits of the proposed zone area and sidewalks are provided.

2. Where abutting school property is fenced or the crosswalk has been signalized except in the cases where investigation shows that there is no conflict between the signal indication and the school zone speed limit sign.

3. SCHOOL ZONE SPEED LIMIT SIGNS

The flashing sign is available in two variations. Specifications are shown under section 9. The flashers and the numeral shall be energized only when the 20 M.P.H. speed limit is legally effective as authorized by permit for each installation. A non-illuminated school zone speed limit sign is also acceptable.

4. SCHOOL ZONE SPEED LIMIT SIGN USE

The School Zone Speed Limit Sign may be used at all locations to establish legal school zone speed limits of 20 M.P.H. where the school building or the grounds thereof abuts the street or highway. It shall not be used at any other location.

The School Zone shall not begin more than 300 feet in advance of a point where the projected nearer line of the School Building intersects the abutting highway. The sign should be placed within 50 feet of the limits of the school zone, facing traffic entering the zone. The sign may be erected on the shoulder or it may be erected over the pavement.

The School Zone Speed Limit Sign should be erected over the roadway where curves, roadside development and other physical conditions do not permit at least 500 feet of advance sight distance to a side-mounted sign. Over the road mounting is recommended for all divided highways and on highways of four or more lanes.

5. SCHOOL ZONE SIGNS ON STATE HIGHWAYS

It is the policy of the Department of Public Works of the Commonwealth of Massachusetts to install Standard Warning Signs at all approaches to potentially hazardous locations. This policy will continue. In the case of a school abutting a State Highway the Department will by permit, authorize the establishment of SCHOOL ZONES at the request of the municipality wherein the highway lies. All costs for the establishment and maintenance of a school zone speed limit on a State Highway must be borne by the municipality. A permit for each School Zone will be issued to the municipality setting forth the applicable terms for the zone operation.

6. APPROACH WARNING SIGNS

The School Advance Sign (S1-1) as provided in Section 7B-9 shall be supplemented by a tab bearing the legend "School Zone Ahead" and shall be erected in advance of the beginning of each School Zone to notify motorists of their approach to a School Zone. (See Item #8)

7. WORD AND SYMBOL MARKINGS (See Section 7C-6)

The word "SCHOOL" shall be placed at the beginning of the SCHOOL ZONE facing

approaching traffic. It shall extend across the full width of the pavement on two or three lane roadways and on four lane roadways the word "SCHOOL" shall be wholly on the right half of the roadway.

A minimum height of 6 feet will be permitted in urban areas.

8. SCHOOL ZONES WITHIN SPEED ZONES

Where a school is within the limits of an authorized speed zone the beginning of the speed zone shall be not less than 850 feet in advance of the school grounds in rural areas; 500 feet, or one block, whichever is smaller, in urban areas. There shall be no speed limit sign, other than School Zone Limit 20 between the advance School Warning sign and the School Zone. A speed limit sign, to mark an authorized speed zone, shall be placed just beyond the end limit of the school zone facing traffic which has passed the school property.

When the School Zone is located on a highway not legally speed zoned the end limit of the zone shall be designated by a Standard rectangular advisory sign with the legend "END SCHOOL ZONE."

9. SIGN SPECIFICATIONS

A. SCHOOL ZONE AHEAD TAB

1. Color: Yellow background with black legend and border
2. Shape: Rectagonal
3. Size: Minimum 30" X 10"

B. SCHOOL ZONE SPEED LIMIT SIGNS

1. Color:
 - a) "SCHOOL" tab portion - black legend on yellow background
 - b) SPEED LIMIT portion - black legend and border on white background with two yellow lenses separated by a lens which shows red numeral 20 only when energized.
2. Shape:

Rectangular, ground mount, long axis vertical. Overhead mount, long axis horizontal.
3. Size:
 - a) Ground mount sign minimum size 24" X 48". Overhead mount sign minimum size 72" X 60".
 - b) Ground Mount Legend: "School" 4" series C, "Speed Limit" 4" series B, "When Flashing" 4" series B. Overhead Sign Panel Specifications available upon request.
4. Lens: Size - 6" Minimum
Color - Yellow

5. Numeral 20: Size not less than 6"
Color: shall be as set forth for "Don't Walk" signal in Standard Specifications of Department of Public Works.
6. Height: Ground mount sign no less than 7 feet to bottom of sign.
Overhead mount sign minimum clearance of 16 feet over roadway.

C. END SCHOOL ZONE

1. Use: To be installed only when there is no legal speed zone beginning at end of school zone.
2. Color: White with black legend and border.
3. Shape: Rectangular, long axis vertical.
4. Size: 18" X 24" minimum.

D. LATERAL CLEARANCE

A clearance of 1 foot from the curb line is permissible where sidewalk width is limited or existing poles are close to curb. Otherwise, where a raised curb, guardrail or paved shoulder is present a sign should be ordinarily placed with its nearest edge at least 2 feet outside such curb line, guardrail or paved shoulder.

10. PROCEDURE FOR OBTAINING APPROVAL

Approval for the use of School Zone Speed Limit signs will be granted by permit from the Department to a municipality upon written application setting forth the proposed operation of the sign which may be permitted to flash and show the 20 M.P.H. speed limit only during the school noon hour, school recess or during those periods when children are going to or leaving school during opening and closing hours.

SECTION 8C-5 TRAIN DETECTION

Page 8C-7

Delete 2nd paragraph

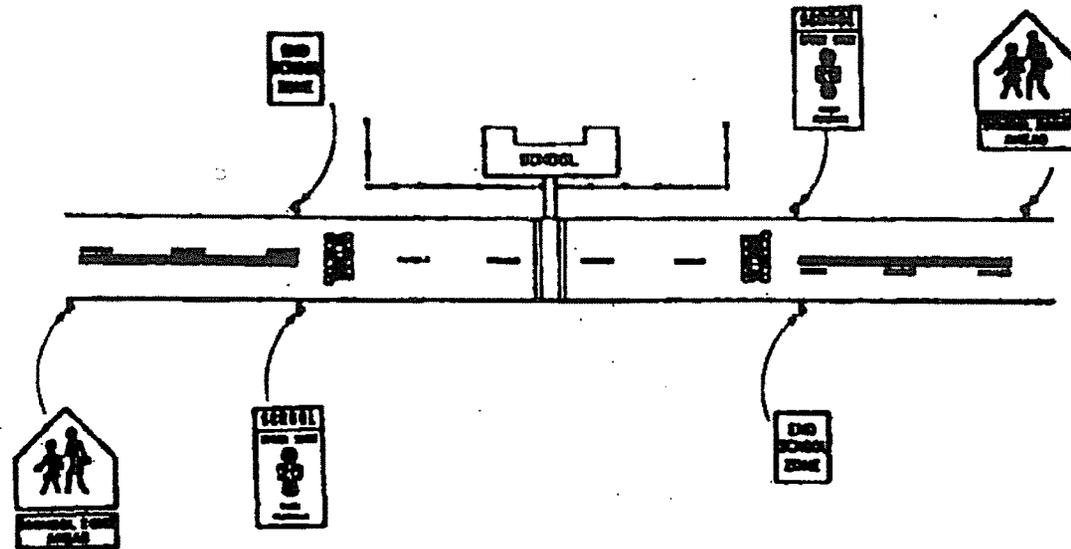
Add - New railroad circuits shall be designed on the fail safe principle, which uses closed circuits.

SECTION 8C-7 COMPONENT DETAILS

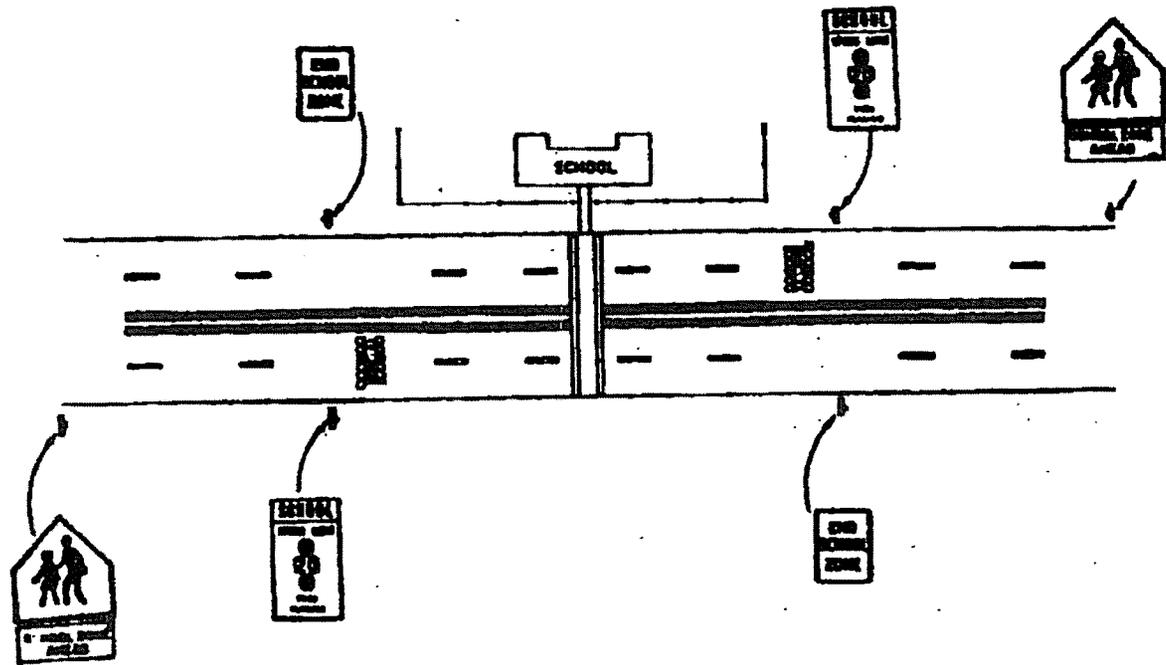
Page 8C-10

Add - Spaced no further than 4 ft. apart. The red lights will be uniformly spaced along the entire length of the arm.

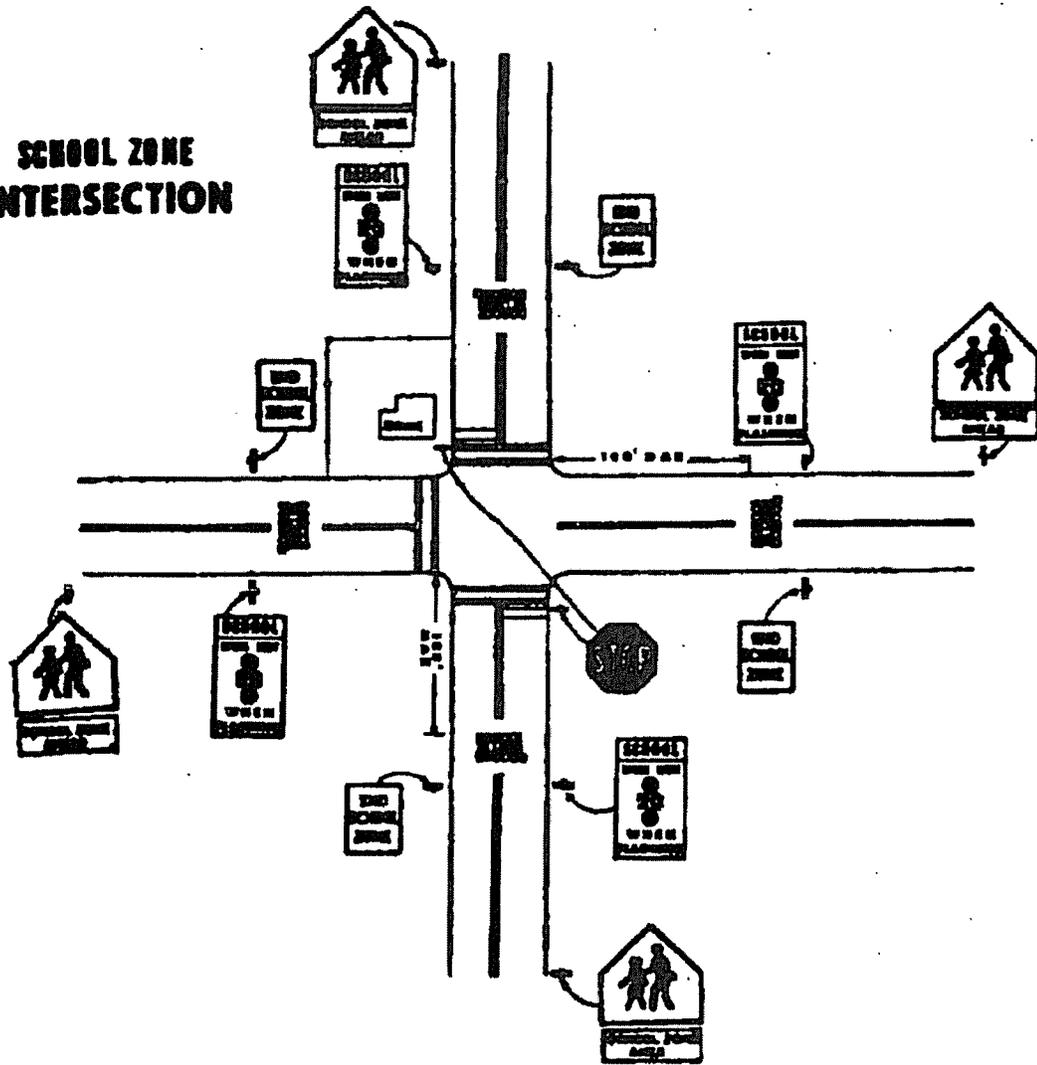
**SCHOOL ZONE
TWO LANE HIGHWAY**



**SCHOOL ZONE
FOUR LANE HIGHWAY**



SCHOOL ZONE INTERSECTION





City of North Adams

In City Council

July 14, 2015

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter 13 of the Revised Ordinances of the City of North Adams, entitled Motor Vehicles and Traffic, Section 13-26.1., entitled School zones be and is hereby amended by adding the following:

Brayton Hill, 500 feet northerly and 500 feet westerly from the front door of Brayton School, 20 miles per hour, school days only between the hours of 7:00 a.m. and 4:00 p.m.

East Main Street, 500 feet easterly and 500 feet westerly from the driveway of Colgrove School, 20 miles per hour, school days only between the hours of 7:00a.m. and 4:00 p.m.