

CITY OF NORTH ADAMS
City Clerk's Office
October 5, 2016

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 October 11, 2016 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Marilyn Gomeau
City Clerk

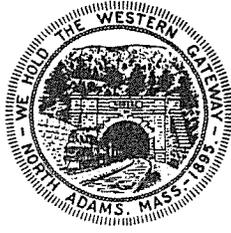
REGULAR MEETING OF THE CITY COUNCIL
October 11, 2016

Roll Call
Moment of silent remembrance
The Pledge
Hearing of Visitors
Approval of the minutes of *September 27th*.

- 11,546** Mayor's communication #46 regarding the swearing in of Stephanie Mirante and Preston Kelly to the Police Department.
- 11,547** Mayor's communication #47 regarding a Proclamation for "Lights On! Afterschool."
- 11,539-1** Mayor's communication #48 recommending a borrowing Order for the DPW project at 59 Hodges Cross Road.
- 11,539-1** An Order authorizing the Treasurer with the approval of the Mayor to borrow the sum of \$1,498,550 for property located at 59 Hodges Cross Road, DPW project, under Chapter 44, Section 7 & 8 of the Massachusetts General Laws.
- 11,407** Communication submitted by Councilor Buddington regarding the Public Arts Commission.
- 11,548** An Order calling the State Election November 8, 2016 from 7:00am to 8:00pm.

**CORRESPONDENCE
LICENSES**

COUNCILOR & MAYOR'S CONCERNS



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

October 11, 2016

#46

To: North Adams City Council
Re: Officer Stephanie Mirante and Officer Preston Kelly

Dear Honorable Members:

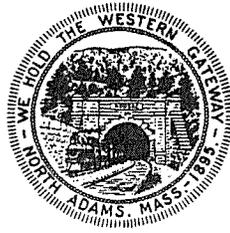
Please know that as with past appointments, Director Cozzaglio and I will be bringing in Officer's Stephanie Mirante and Preston Kelly to be sworn into office at the City Council meeting.

It gives me great pleasure to welcome Officer Mirante as our second woman on force. Stephanie has worked both as a dispatcher and a special police officer in Williamstown. Additionally, we are very pleased to have Officer Kelly join the force. Preston is a 14 year veteran of the Williamstown Police Department and his vast experience will allow him to really hit the ground running.

We are very excited to once again feature our new public safety personnel in this way.

Sincerely,

Richard J. Alcombright
Mayor



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

October 11, 2016

#47

To: North Adams City Council
Re: "Lights On! Afterschool" - Proclamation

Dear Honorable Members:

On October 20th, communities across the Commonwealth in collaboration with the Massachusetts Afterschool Partnership will be celebrating "Lights On! Afterschool".

This nationwide event acknowledges after school and out-of-school time programs and the educational and developmental opportunities they provide children, families and communities. These programs provide safe, challenging, and engaging learning experiences to help children develop the social, emotional, physical and academic skills they need to be ready for school and 21st Century success.

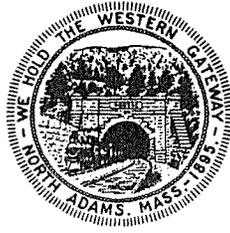
I am proud to say that the North Adams Public Schools has state-wide acclaimed afterschool programming. The District provides programming for hundreds of children each academic year and includes robust summer programs as well. With this, I would like to offer a Proclamation recognizing "Lights On! Afterschool". Additionally, I have invited Superintendent Barbara Malkas to come in with some of her colleagues to speak briefly to all that our District has to offer around this topic.

Thank you very much for this opportunity and I am certain you all will be very impressed.

Sincerely,

Richard J. Alcombright
Mayor

cc: Barbara Malkas, Superintendent of Schools



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

KEEPING THE LIGHTS ON AFTER SCHOOL

WHEREAS, the citizens of the City of North Adams stand firmly committed to quality afterschool programs and opportunities because they provide challenging and engaging learning experiences that help children develop social, emotional, physical and academic skills while supporting working families, ensuring their children are safe and productive after the traditional school day ends and

WHEREAS, the City of North Adams has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults and

WHEREAS, *Lights On Afterschool*, the national celebration of afterschool programs held this year on October 20, 2016 promotes the importance of quality afterschool programs in the lives of children, families and communities and

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 15.1 million children have no place to go after school and

WHEREAS, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights and

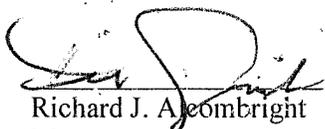
WHEREAS, the City of North Adams is committed to investing in the health and safety of all young people by providing afterschool and out-of-school time programs that will help close the achievement gap and prepare young people to compete in the global economy and

WHEREAS, it is important to engage families, schools and communities in advancing the welfare of our children and ensure the lights stay on and the doors stay open for all children after school,

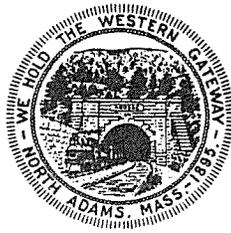
NOW, THEREFORE, I, **Richard J. Alcombright**, Mayor of the City of North Adams, do hereby proclaim **October 20, 2016** to be.

Lights On Afterschool Day

And urge all the citizens of North Adams to take cognizance of this event and participate fittingly in its observance.


Richard J. Alcombright
Mayor





CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

October 11, 2016

#48

To: North Adams City Council
Re: Borrowing order for DPW project at 59 Hodges Cross Road

Dear Honorable Members:

In your packet please find borrowing order in the sum of \$1,498,550 to be used to acquire, renovate and remodel the property located at 59 Hodges Cross Road.

As discussed several weeks ago, we are pursuing a loan through the USDA however should that not come to be, we will pursue traditional municipal bonding under the language of the order. The order is self-explanatory and was drafted and approved by the municipal bond counsel.

I respectfully ask for adoption of the order as presented.

Sincerely,

Richard J. Alcombright
Mayor



City of North Adams

In City Council

October 11, 2016.....

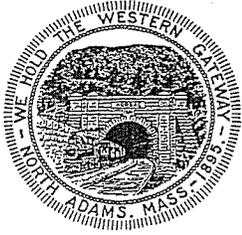
Ordered:

ORDERED that the sum of ONE MILLION FOUR HUNDRED AND NINETY EIGHT THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$1,498,550) be and is hereby appropriated to finance the acquisition of certain property located at 59 Hodges Cross Road in the City (City Assessor's Map 15, Parcels 23 and 24) inclusive of existing structures, and for the construction, remodeling, reconstructing or making of extraordinary repairs to buildings and structures located thereon, including original equipment and landscaping, paving and other site improvements incidental or directly related to such construction, remodeling, reconstruction or repair, and all costs incidental and related to any of the foregoing (together, the "Project").

AND BE IT FURTHER ORDERED that to meet said appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow ONE MILLION FOUR HUNDRED AND NINETY EIGHT THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$1,498,550) and issue bonds and notes therefore under the provisions of Section 7 and Section 8 of Chapter 44 of the Massachusetts General Laws, and/or pursuant to any other enabling authority.

AND BE IT FURTHER ORDERED that the Mayor, and any other appropriate officials of the City, is authorized to apply for and accept any forms of financial assistance that may be available to the City on account of this Project from the United States Department of Agriculture's Rural Development Department ("USDA"), and in connection therewith, to enter into any necessary agreements with the USDA for a loan and otherwise contract with the USDA with respect to any such loan or loans. The amount authorized to be borrowed pursuant to this Order shall be reduced to the extent of any grants or gifts received from the City on account of this Project.

AND BE IT FURTHER ORDERED that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts ("Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.



Office of the City Council

City of North Adams

10 Main Street Room 104

North Adams, Massachusetts 01247

(413) 662-3000, Ext. 1

October 11, 2016

Fellow Councillors,

The Public Arts Commission is requesting some changes to the ordinance governing the Commission. I respectfully request that members of the Commission be granted time to present their proposed changes, and that the matter be referred to the General Government Committee for discussion.

Respectfully submitted,

Eric Buddington



City of North Adams

In City Council

October 11, 2016

Ordered:

That the City Clerk is hereby directed to cause to be published and posted as provided in Section 63 of Chapter 54 of the General Laws, the following notice of election:

STATE ELECTION

November 8, 2016

City of North Adams, Massachusetts

In accordance with the provisions of Chapter 54 of the General Laws, notice is hereby given that meetings of the citizens of North Adams, qualified to vote, will be held on Tuesday, eighth day of November 2016 in the following places, namely:

- Ward 1. Saint Elizabeth's Parish Center, St. Anthony Drive
- Ward 2. Saint Elizabeth's Parish Center, St. Anthony Drive
- Ward 3. Saint Elizabeth's Parish Center, St. Anthony Drive
- Ward 4. Greylock School, Upper Phelps Avenue Entrance
- Ward 5. Saint Elizabeth's Parish Center, St. Anthony Drive

The polls will be opened at 7:00 o'clock in the forenoon, and closed at 8:00 o'clock in the afternoon; and all voters will, in the several wards in which they are entitled to vote, between said hours, give in their votes for:

ELECTORS OF PRESIDENT AND VICE PRESIDENT	For This Commonwealth
REPRESENTATIVE IN CONGRESS	District
COUNCILOR	District
SENATOR IN GENERAL COURT	District
REPRESENTATIVE IN GENERAL COURT	District
SHERIFF	County

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A **YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A **NO VOTE** would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.