

CITY OF NORTH ADAMS
City Clerk's Office
August 23, 2012

I hereby notify you that at twelve o'clock 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 August 28, 2012 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

August 28, 2012

Roll Call
Moment of silent prayer
The Pledge

Hearing of Visitors

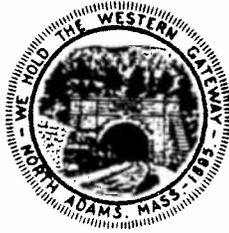
Approval of the minutes of regular meeting held on August 14th.

PUBLIC HEARING

- 11,262 A Petition from National Grid requesting permission to erect and maintain one (1) pole on Daniels Road.
- 11,263 A Petition from National Grid requesting permission to erect and maintain two (2) poles on Curran Highway.

CLOSE PUBLIC HEARING

- 11,263 An Order granting National Grid permission to erect and maintain one (1) pole on Daniels Road.
- 11,263 An Order granting National Grid permission to erect and maintain two (2) poles on Curran Highway.
- 11,216-a Mayor's communication #10 responding to collecting unpaid municipal; taxes, which was postponed at the meeting of July 20th.
- 10,5791-a Mayor's communication #41 concerning the property at 160R Eagle Street.
- 10,5791-a An Order declaring the property at 160R Eagle Street a nuisance to the neighborhood under the provisions of Chapter 139, Section 1 of the General Laws and ordering it to be raised or rehabilitated.
- 11, 264 Mayor's communication #40 concerning the Department of Justice ADA Compliance Audit.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

August 28, 2012
#41

The North Adams City Council
Re: Property at 160R Eagle Street

Dear Honorable Members:

Attached to this communication, please find Council Order relative to the property at 160R Eagle St. that was discussed at the meeting of August 9, 2012.

At that meeting, Council determined the property to be a nuisance to the neighborhood and dangerous and the accompanying Order is asking that said property be raised or rehabilitated on or before September 28, 2012.

I respectfully request adoption of the Order as presented.

Sincerely,

Richard J. Alcombright
Mayor

RJA:ll



City of North Adams
In City Council

..... August 28, 2012

— Ordered: —

Whereas, the City Council, after written notice to:

OWNER

PROPERTY OWNED

Michael Hernandez
160 Eagle Street
North Adams, MA 01247

160 R Eagle Street
North Adams, MA 01247

Nandez, LLC
160 Eagle Street
North Adams, MA 01247

160 R Eagle Street
North Adams, MA 01247

Nandez, LLC
Michael Hernandez, Resident Manager
160 Eagle Street
North Adams, MA 01247

160 R Eagle Street
North Adams, MA 01247

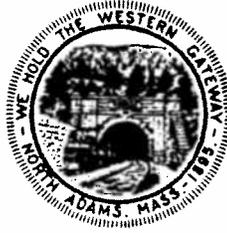
Purported owner(s) of the building(s) situate at the above location and after holding a public hearing regarding said building(s) has adjudged said building(s) to be a nuisance to the neighborhood and dangerous, now, therefore, be it

ORDERED: that said building(s), be **razed or rehabilitated** on or before:

September 28, 2012

And be it further

ORDERED: that the Building Inspector be and is hereby authorized to abate and remove such nuisance on or after **September 28, 2012** if said above order has not been executed by the owner by that date.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

August 28, 2012
#40

The North Adams City Council
Re: Department of Justice ADA Compliance Audit

Dear Honorable Members:

As you all know, the Department of Justice (DOJ) conducted an ADA Compliance Audit in the summer of 2010. The findings of that audit were sent to my office in late 2011 and since, I have been negotiating with the DOJ on the findings and on the City's responsibilities related to the report.

The initial document contained over 300 recommended actions inclusive of all City owned buildings and parks as well as public buildings that the City utilizes for events such as St. Elizabeth Parish Center for voting and the YMCA. There were many items in the report that were discussed over the past 8 months that have led us to the agreement that we have forged with the DOJ.

Administrative Officer Canales and Building Inspector Meranti have been instrumental in working with the DOJ to prioritize projects and identify areas of compromise. Additionally, they have met with the North Adams Disabilities Commission to present our agreement and they have endorsed the actions to be taken. Due to the length of the document, Mr. Canales has drafted a summary of the history, action steps, remediation steps and examples of remediation to be taken.

This agreement will be for three years and will be financially addressed in several ways. There are things that we can do within our normal budget capital and departmental expense line items. We will continue to use CDBG funding and leverage those funds against other available grants and finally, I will be coming to Council within the next several meetings with a borrowing order for \$250,000 to have at the ready for projects as we move through this process.

After the agreement is signed, Mr. Canales will continue to meet with our Disabilities Commission, provide regular reporting to the DOJ, and report back to council as necessary with updates as to our progress. If Councilors would like additional or more specific information as to the detail of the agreement, please contact Mr. Canales and he will get you the full document once executed.

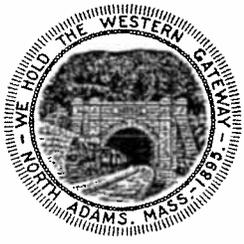
Mr. Canales will be at the Council meeting to discuss what has take place to this point, the final agreement, projected remediation and answer any questions Council may have. I will be executing the document by the end of the week and I want to thank the DOJ for their guidance and patience through this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Alcombright", written over a horizontal line.

Richard J. Alcombright
Mayor

RJA:ll



Office of the City Council

City of North Adams

10 Main Street Room 109
North Adams, Massachusetts 01247
(413) 662-3015

August 28, 2012

A communication submitted by Councilor Marden regarding an order concerning the Northern Berkshire Industrial Park and Development Corporation.

The Northern Berkshire Industrial Park and Development Corporation (Mass Acts 1985, Chapter 758) is a regional municipal entity and the City of North Adams is a member of the region. For the purposes of chapter two hundred and sixty-eight A, any person who performs professional services for the Northern Berkshire Industrial Park and Development Corporation (Mass Acts 1985, Chapter 758) on a part-time, intermittent or consultant basis, such as those of architect, attorney, accountant, engineer, planner, or construction, financial, real estate or traffic expert, is designated and shall be considered a special municipal employee. This designation approved by the City of North Adams is pursuant to M.G.L. c. 268A, §1(n)."

Respectfully submitted,

Alan Marden
Councilor



City of North Adams

In City Council

Ordered:

That the provisions of Massachusetts General Laws, Chapter 268A, Section 1(n), which states any person who performs professional services for the Northern Berkshire Industrial Park and Development Corporation is designated and shall be considered a special municipal employee be accepted.



Office of the City Council

City of North Adams

10 Main Street Room 109
North Adams, Massachusetts 01247
(413) 662-3015

August 28, 2012

A communication submitted by Councilor Harpin regarding a resolution supporting local veterans' and their efforts to secure health and home benefits.

Respectfully submitted,

Marie Harpin
Councilor



City of North Adams In City Council

Whereas:

City Council Resolution Supporting Local Veterans' And Their Efforts to Secure Health and Home Benefits

WHEREAS, the North Adams City Council finds that many men and women who have served our nation in uniform live in and around the city and;

WHEREAS, the North Adams City Council finds that while many services are provided by our local Veterans Agent more are needed and;

WHEREAS, these needed services include reaching out to the many local Veterans of previous wars who are unaware of services and;

WHEREAS, these needed services include basic health care that is accessible locally and;

WHEREAS, these needed services include adequate local housing and;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of North Adams hereby desires to work with Mayor Alcombright, Commonwealth of Massachusetts officials and United States government officials to put in place in north Berkshire County all services that will support our local men and women who have served our nation in uniform;

AND ALSO BE IT RESOLVED that the following individuals receive this request to join us in our efforts:

Secretary of Veterans Affairs, Eric K. Shinseki
Congressman John Olver
Congressman Richard Neal

Massachusetts Secretary of Veterans' Services, Coleman Nee
The Senate Chair of the Joint Committee on Veterans and Federal Affairs; Senator Michael Rush and House Vice Chair Representative Linda Dean Campbell
State Senator Benjamin B. Downing
State Representative Gailanne M. Cariddi

- 11,265 Communication submitted by Councilor Marden regarding an Order accepting M.G.L. Chapter 268A, Section 1(n).
- 11,265 An Order accepting the provisions of Massachusetts General Laws, Chapter 268A, regarding the Northern Berkshire Industrial Park and Development Corp.
- 11,266 Communication submitted by Councilor Harpin regarding supporting local veterans' and their efforts to secure health and home benefits.
- 11,266 A Resolution supporting local veterans' and their efforts to secure health and home benefits.

**CORRESPONDENCE
COUNCILLOR'S & MAYOR'S CONCERNS
OPEN FORUM**