

CITY OF NORTH ADAMS
City Clerk's Office
March 20, 2014

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 March 25 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
March 25, 2014

Roll Call
Moment of silent prayer
The Pledge
Approval of the minutes of regular meeting held on March 11th.

PUBLIC HEARING

11,363 Request for a Public Hearing regarding an application for underground fuel storage Cumberland Farms Inc., 100 Crossing Bld., Framingham, MA, located at 1366 Curran Highway.

CLOSE PUBLIC HEARING

- 11,363** An application submitted by Cumberland Farms, Inc. 100 Crossing Blvd., Framingham, MA requesting permission to install underground fuel storage at 1366 Curran Highway.
- 11,353** Communication submitted by Councilor Merrigan regarding Chapter 23, Section 23-14 Qualifications for taxicab drivers, which was referred to the Public Safety Committee and postpone to the meeting of March 25th.
- 11,353-1** Report of the Public Safety Committee submitted by Councilor Bona.
- 10,792-3** An Ordinance amending Chapter 23 entitled Taxicabs and Busses, Section 23-13.
- 10,792-4** An Ordinance amending Chapter 23 entitled Taxicabs and Busses, Section 23-14.
- 11,364** Mayor's communication #17 recommending the appointment of Darrell Clairmont to the North Adams Housing Authority for a term to expire March 25, 2019.
- 11,240-2** Mayor's communication #18 recommending amending the Compensation Plan for FY'13 and FY'14 and recommending an appropriation to cover this expense.
- 11,240-2** An Order amending Chapter 2 Section 2-28(a) of the Revised Ordinance, Schedule B the Compensation Plan – Police-Fire and Hourly Wage for FY'13.

PAGE 2

- 11,314-1** An Order amending Chapter 2 Section 2-28(a) of the Revised Ordinance, Schedule B the Compensation Plan – Police-Fire and Hourly Wage for FY'14.
- 11,365** An Order transferring the sum of \$41,388.28 from Unclassified to Public Safety – Police and Fire.
- 11,366** Mayor's communication #19 recommending vacating the tax taking for the Kline property located on West Main Street.
- 11,366** An Order authorizing the Mayor to execute final judgment regarding the Kline Property located on West Main Street.
- 11,083-1** Mayor's communication #20 recommending an amendment to the Inter-municipal Agreement with Adams.
- 11,083-1** An Order authorizing the Mayor to amend the Inter-municipal Agreement with Adams regarding Adams sewer.
- 11,069-1** Mayor's communication #21 recommending the passage of Special Legislation for the Land Sale Account.
- 11,069-1** An Order authorizing the Mayor to petition the Legislature of the Commonwealth to use the City's Land Sale Account to balance this year's budget.

**CORRESPONDENCE
LICENSES**

An application for a renewal of a secondhand license in the business name of "Hudsons", located at 1112 Mass MoCa Way. The application has the appropriate approval from the Police Director.

An application submitted for a renewal of a secondhand license in the business name of "Empire Antiques" located at 63 Main Street. The application has the appropriate approval from the Police Director.

OPEN FORUM

COUNCILLOR'S & MAYOR'S CONCERNS



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

March 25, 2014

#17

To: North Adams City Council

Re: Appointment to the North Adams Housing Authority Board

Dear Honorable Councilors:

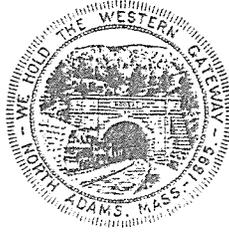
It is with great confidence that I recommend the appointment of Darrell Clarimont to the North Adams Housing Authority Board for a term to expire March 25, 2019.

Darrell is currently a recipient of public housing assistance and as a working single parent, he fully understands and appreciates the need for public housing and the benefits it can bring to those being served. Darrell will serve as the "tenant" member of the Board

I respectfully request confirmation.

Sincerely,

Richard J. Alcombright
Mayor



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

March 25, 2014

#18

To: North Adams City Council
Re: Compensation Plan

Dear Honorable Members:

In your packet you will find two orders, the first for the adoption of revised compensation plans for Police, Fire and DPW and the second to appropriate \$41,388.28 from the Unclassified Reserve Account to fund a portion of the retroactive payments through FY2013 for the Police and Fire unions.

The current settlements with all three unions extend contracts through FY2015. The retroactivity for the current fiscal year, for all three unions, will be factored into the current departmental payroll line items and will be accounted for in the year-end adjustments. Please know that all contracts were settled for no more than a 1% per year increase.

I want to thank the three unions for their patience throughout the negotiations process and for truly understanding the financial situation of the City by keeping their requests manageable.

I respectfully request adoption of both orders.

Sincerely,

Richard J. Alcombright
Mayor



City of North Adams

In City Council

March 25, 2014

Ordered:

That the sum of FORTY ONE THOUSAND THREE HUNDRED AND EIGHTY EIGHT DOLLARS AND TWENTY EIGHT CENTS (\$41,388.28) be and is hereby transferred from:

6. <u>UNCLASSIFIED</u>			
RESERVE ACCOUNT	EXPENSES		\$ 41,388.28
			\$ 41,388.28
		TOTAL	\$ 41,388.28

to:

2. <u>PUBLIC SAFETY</u>			
POLICE	SALARIES		\$ 14,137.12
FIRE	SALARIES		\$ 22,876.16
FIRE	EXPENSES		\$ 4,375.00
			\$ 41,388.28
		TOTAL	\$ 41,388.28



City of North Adams

In City Council

...March..25,..2014.....

Ordered:

That Chapter 2, Section 2-28(a) of the Revised Ordinances of the City of North Adams, Schedule B, the so-called Compensation Plan, be and is hereby amended to read as follows:

Schedule B
The Compensation Plan
Effective July 1, 2012 through June 30, 2013

PART V - Police Scale

Grade #	minimum	2nd shift	3rd shift	Grade #	Step 1	2nd shift	3rd shift
P-1	37,139.25	39,367.60	39,738.99	P-1	38,136.29	40,424.47	40,805.83
P-2A	38,624.57	40,942.04	41,328.29	P-2A	39,656.74	42,036.14	42,432.71
P-2B	41,216.64	43,689.64	44,101.81	P-2B	42,213.69	44,746.51	45,168.65
P-3	42,538.38	45,090.68	45,516.06	P-3	43,611.25	46,227.92	46,664.03
P-3A	39,667.17	42,047.20	42,443.87	P-3A	40,678.85	43,119.58	43,526.37
P-4	44,859.14	47,550.69	47,999.28	P-4	-	-	-
Grade #	Step 2	2nd shift	3rd shift	Grade #	3-9 Yrs.	2nd shift	3rd shift
P-1	39,993.06	42,392.65	42,792.58	P-1	41,946.16	44,462.93	44,882.39
P-2A	41,513.38	44,004.19	44,419.32	P-2A	43,467.13	46,075.15	46,509.82
P-2B	44,070.53	46,714.77	47,155.47	P-2B	46,024.13	48,785.58	49,245.82
P-3	45,564.73	48,298.61	48,754.26	P-3	47,578.30	50,432.99	50,908.78
P-3A	42,520.91	45,072.16	45,497.37	P-3A	44,476.89	47,145.50	47,590.27
P-4	46,774.14	49,580.59	50,048.33	P-4	48,774.32	51,700.78	52,188.52

Grade #	10-14 Yrs.	2nd shift	3rd shift	Grade #	15-19 Yrs.	2nd shift	3rd shift
P-1	42,044.34	44,567.00	44,987.44	P-1	42,109.82	44,636.41	45,057.50
P-2A	43,565.30	46,179.22	46,614.87	P-2A	43,630.78	46,248.63	46,684.94
P-2B	46,122.33	48,889.67	49,350.90	P-2B	46,187.80	48,959.07	49,420.95
P-3	47,677.48	50,538.13	51,014.90	P-3	47,743.58	50,608.19	51,085.63
P-3A	44,575.09	47,249.59	47,695.34	P-3A	44,640.53	47,318.97	47,765.37
P-4	48,874.49	51,806.96	52,295.71	P-4	48,941.26	51,877.73	52,367.15
Grade #	20-24 Yrs.	2nd shift	3rd shift	Grade #	25-29 Yrs.	2nd shift	3rd shift
P-1	42,208.02	44,740.50	45,162.58	P-1	42,306.19	44,844.56	45,267.63
P-2A	43,728.97	46,352.71	46,790.00	P-2A	43,827.15	46,456.78	46,895.05
P-2B	46,285.99	49,063.15	49,526.01	P-2B	46,384.18	49,167.23	49,631.07
P-3	47,842.77	50,713.34	51,191.76	P-3	47,941.94	50,818.46	51,297.88
P-3A	44,738.72	47,423.05	47,870.43	P-3A	44,836.93	47,527.15	47,975.52
P-4	49,041.42	51,983.91	52,474.32	P-4	49,141.58	52,090.08	52,581.50
Grade #	maximum	2nd shift	3rd shift				
P-1	42,568.05	45,122.13	45,547.81				
P-2A	44,089.01	46,734.35	47,175.24				
P-2B	46,646.04	49,444.81	49,911.27				
P-3	48,206.41	51,098.79	51,580.85				
P-3A	45,098.77	47,804.69	48,255.68				
P-4	49,408.67	52,373.19	52,867.27				

AND BE IT FURTHER ORDAINED: That Chapter 2, Section 2-28(a) of the Revised Ordinances of the City of North Adams, Schedule B, the so-called Compensation Plan, be and is hereby amended to read as follows:

Schedule B
The Compensation Plan
Effective January 1, 2013 through June 30, 2013

PART IV - Fire Scale

Grade #	Minimum	Step 1	Maximum	3-10 Yrs.	10-15 Yrs.	15-20 Yrs.	20-25 Yrs.	25-30 Yrs.	30 -Yrs.
F-1	37,905.42	\$39,135.23	\$40,287.55	\$41,692.84	\$41,819.33	\$41,902.94	\$42,031.57	\$42,155.91	\$42,491.42
F-2	39,591.56	\$40,867.46	\$42,018.71	\$43,424.00	\$43,547.28	\$43,631.95	\$43,759.51	\$43,884.93	\$44,220.44
F-4	43,066.74	-	\$45,097.27	\$46,505.79	\$46,633.35	\$46,715.88	\$46,840.22	\$46,968.86	\$47,303.30
F-5	46,523.70	-	\$47,796.38	\$49,202.74	\$49,329.23	\$49,409.63	\$49,538.26	\$49,663.68	\$50,000.26



City of North Adams

In City Council

March 25, 2014.....

Ordered:

That Chapter 2, Section 2-28(a) of the Revised Ordinances of the City of North Adams, Schedule B, the so-called Compensation Plan, be and is hereby amended to read as follows:

Schedule B
The Compensation Plan
Effective July 1, 2013 through June 30, 2014

PART II - Hourly Wage Scale

Grade #	1	2	3	4	5-10 Yrs.	11-15 Yrs.	16-20 Yrs	21-25 Yrs.	26-30 Yrs.	Maximum
W-1	12.92	13.42	14.07	15.23	16.41	16.46	16.50	16.64	16.70	16.91
W-2	13.35	13.91	14.60	15.78	16.89	16.93	16.96	17.02	17.10	17.35
W-2R	13.37	14.07	14.71	15.87	16.95	17.01	17.05	17.11	17.25	17.40
W-3	13.73	14.35	15.08	16.37	17.42	17.48	17.56	17.62	17.70	17.89
W-3A	-	0.05	0.05	16.84	17.89	17.95	18.01	18.10	18.15	18.34
W-3B	14.00	14.60	15.22	16.64	17.70	17.76	17.85	17.89	17.96	18.15
W-3C	14.11	14.78	15.49	16.84	17.89	17.95	18.01	18.10	18.15	18.34
W-4	14.94	15.59	16.21	17.49	18.55	18.62	18.69	18.79	18.87	19.03
W-4A	-	0.05	0.05	0.05	0.05	0.05	0.05	19.25	20.64	21.01
W-5	15.05	15.73	16.47	17.82	18.95	18.98	19.03	19.08	19.19	19.38
W-5A	-	0.05	0.05	18.29	19.32	19.42	19.46	19.52	19.64	19.83
W-5B	-	0.05	0.05	0.05	0.05	0.05	0.05	0.05	20.59	20.81
W-6	16.35	16.92	17.77	19.12	20.17	20.28	20.33	20.40	20.46	20.67
W-6M	-	0.05	0.05	19.12	20.17	20.28	20.33	20.40	20.46	20.67
W-P-A	-	0.05	0.05	10.25	10.38	10.51	10.74	10.98	12.35	12.72

PART IV - Fire Scale

Grade #	Minimum	Step 1	Maximum	3-10 Yrs.	10-15 Yrs.	15-20 Yrs.	20-25 Yrs.	25-30 Yrs.	30 -Yrs.
F-1	38,284.47	39,526.58	40,690.42	42,109.77	42,237.52	42,321.97	42,451.88	42,577.47	42,916.34
F-2	39,987.47	41,276.13	42,438.89	43,858.24	43,982.75	44,068.27	44,197.11	44,323.78	44,662.64
F-4	43,497.40	-	45,548.25	46,970.85	47,099.68	47,183.04	47,308.63	47,438.54	47,776.33
F-5	46,988.93	-	48,274.35	49,694.77	49,822.53	49,903.73	50,033.64	50,160.31	50,500.26

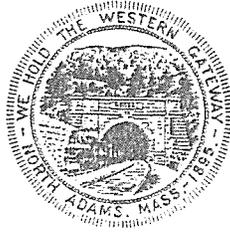
PART V - Police Scale

Grade #	minimum	2nd shift	3rd shift	Grade #	Step 1	2nd shift	3rd shift
P-1	37,510.64	39,761.28	40,136.38	P-1	38,517.66	40,828.72	41,213.89
P-2A	39,010.81	41,351.46	41,741.57	P-2A	40,053.30	42,456.50	42,857.03
P-2B	41,628.81	44,126.54	44,542.83	P-2B	42,635.83	45,193.98	45,620.34
P-3	42,963.76	45,541.58	45,971.22	P-3	44,047.36	46,690.20	47,130.67
P-3A	40,063.84	42,467.67	42,868.31	P-3A	41,085.64	43,550.77	43,961.63
P-4	45,307.73	48,026.19	48,479.27	P-4	-	-	-
Grade #	Step 2	2nd shift	3rd shift	Grade #	3-9 Yrs.	2nd shift	3rd shift
P-1	40,393.00	42,816.57	43,220.50	P-1	42,365.62	44,907.56	45,331.21
P-2A	41,928.52	44,444.23	44,863.51	P-2A	43,901.80	46,535.90	46,974.92
P-2B	44,511.24	47,181.91	47,627.03	P-2B	46,484.37	49,273.44	49,738.28
P-3	46,020.37	48,781.60	49,241.80	P-3	48,054.08	50,937.32	51,417.86
P-3A	42,946.12	45,522.88	45,952.34	P-3A	44,921.66	47,616.95	48,066.17
P-4	47,241.89	50,076.40	50,548.82	P-4	49,262.06	52,217.79	52,710.41
Grade #	10-14 Yrs.	2nd shift	3rd shift	Grade #	15-19 Yrs.	2nd shift	3rd shift
P-1	42,464.78	45,012.67	45,437.31	P-1	42,530.91	45,082.77	45,508.08
P-2A	44,000.96	46,641.01	47,081.02	P-2A	44,067.09	46,711.12	47,151.79
P-2B	46,583.56	49,378.57	49,844.40	P-2B	46,649.68	49,448.66	49,915.16
P-3	48,154.25	51,043.51	51,525.05	P-3	48,221.02	51,114.28	51,596.49
P-3A	45,020.84	47,722.09	48,172.29	P-3A	45,086.94	47,792.16	48,243.02
P-4	49,363.24	52,325.03	52,818.66	P-4	49,430.67	52,396.51	52,890.82

Grade #	20-24 Yrs.	2nd shift	3rd shift
P-1	42,630.10	45,187.90	45,614.20
P-2A	44,166.26	46,816.24	47,257.90
P-2B	46,748.85	49,553.78	50,021.27
P-3	48,321.20	51,220.47	51,703.68
P-3A	45,186.11	47,897.28	48,349.14
P-4	49,531.84	52,503.75	52,999.06

Grade #	25-29 Yrs.	2nd shift	3rd shift
P-1	42,729.26	45,293.01	45,720.30
P-2A	44,265.42	46,921.35	47,364.00
P-2B	46,848.02	49,658.90	50,127.38
P-3	48,421.36	51,326.64	51,810.86
P-3A	45,285.30	48,002.42	48,455.27
P-4	49,633.00	52,610.98	53,107.31

Grade #	maximum	2nd shift	3rd shift
P-1	42,993.73	45,573.35	46,003.29
P-2A	44,529.90	47,201.69	47,646.99
P-2B	47,112.51	49,939.26	50,410.38
P-3	48,688.47	51,609.78	52,096.66
P-3A	45,549.75	48,282.74	48,738.24
P-4	49,902.75	52,896.92	53,395.95



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

March 25, 2014

#19

The Honorable City Council
North Adams, Massachusetts

R: E: Kline Property

Dear Honorable Members:

I am asking that the City Council approve vacating the tax taking in order for the Kline family to have clean and clear title to the property. The Kline's originally owned six individual parcels of property. The grandmother decided she no longer needed that much property and stopped paying taxes on three parcels that abutted the West Main St. cemetery. Back in the late eighties the city proceeded to move the parcels through the tax title process to tax possession back in the late eighties.

Two years ago when the city decided to auction off property, we could not sell these parcels because a portion of the existing home sits on the lots taken in tax title. Because of this issue we cannot pass clear title, nor can the existing owner. The ownership has pass from grandmother to daughter to granddaughter. The granddaughter now has a willing buyer for the home which has been vacant for almost two years. She is willing to pay any back taxes and legal fees in order to regain the parcels and a clean and clear title to the property.

By approving this order, the granddaughter can sell the property free and clear, and the city gets the parcels back on the tax rolls plus payment of all back taxes. . I respectfully request the council approve this order.

Sincerely,


Richard J. Alcombright
Mayor



City of North Adams

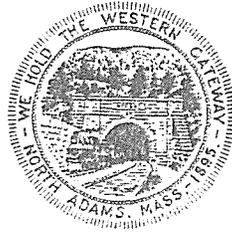
In City Council

March 25, 2014

Ordered:

That the City Council of the City of North Adams, a governmental body duly authorized by Massachusetts General Laws Chapter 40, Sections 1 and 3 to engage in the disposition and conveyance of real estate, hereby agrees to vacate the Final Judgment barring all rights of redemption entered by the Land Court on July 14, 1993 in tax lien foreclosure case 91 TL 90071, filed against Irene A. Kline, upon payment in full of the amount necessary, include all taxes, interest and applicable fees, to redeem the tax taking foreclosed in said case covering the property on the south side of West Main Street, shown as Lots 138, 72 and 73 on Assessors' Map 127. The vacation of the final judgment will operate to transfer ownership of the property from the City to the former owner or her heirs or devisees.

AND BE IT FURTHER ORDERED: That the Mayor be and is hereby authorized to take all necessary action to vacate said Final Judgment as allowed by Massachusetts General Law Chapter 60, Section 69 and to withdraw the foreclosure case from the Land Court once the Judgment has been vacated.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

March 25, 2014
#20

The Honorable City Council
North Adams, Massachusetts

R: E: Adams Sewer Inter-municipal Agreement

Dear Honorable Members:

Certain properties along the southern portion of Curran Highway discharge wastewater into the Adams Sewer System. This arrangement was conceived in the early 1980's when the Hardman Park complex was developed because the City of North Adams does not have any sewer infrastructure in that area.

The agreement allows for the wastewater from these properties to be discharged into and be treated by the Town of Adams's wastewater treatment facility. The infrastructure within the City limits is maintained by the City of North Adams and the City pays the Town of Adams for the ability to use their system. In turn, our Public Services Department bills the individual properties which are part of the agreement. The sewer fee is calculated using a formula which consists of Adams and North Adams property assessments and the Adams Wastewater budget. There is also a hook-up fee that will be assessed to the City of North Adams from the Town of Adams which in turn is billed to the individual property.

We are proposing to add the parcel of land located on the Easterly side of the Curran Highway in North Adams on which H. Greenburg's & Sons was previously located. Adding this parcel to the agreement will allow greater possible use of the property than what would be allowed due to the lack of infrastructure. I respectfully request that the council approve this amendment to the agreement.

Sincerely,


Richard J. Alcombright
Mayor



City of North Adams

In City Council

Ordered:

AMENDMENT TO AGREEMENT BETWEEN THE TOWN OF ADAMS AND THE CITY OF NORTH ADAMS FOR THE USE OF THE ADAMS SEWER SYSTEM BY NORTH ADAMS

This Amendment To Agreement Between the Town of Adams and the City of North Adams for the Use of the Adams Sewer System by North Adams (the “Amendment”) is dated as of the 25 day of March, 2014, by the Town of Adams, Massachusetts, acting through its Board of Selectmen (“Adams”), and the City of North Adams, Massachusetts, acting through its City Council with approval of the Mayor (“North Adams”). Adams and North Adams are sometimes referred to as the “Parties.”

Capitalized terms used in this Amendment and not otherwise defined shall have the definitions ascribed to them in the Agreement between the Town of Adams and the City of North Adams for the Use of the Adams Sewer System by North Adams dated October 8, 1986 (the “1986 Intermunicipal Agreement”).

PRELIMINARY STATEMENT

The Parties hereto are parties to the 1986 Intermunicipal Agreement; and

The Parties hereto have agreed to amend the 1986 Intermunicipal Agreement by expanding the North Adams properties that are permitted to connect to and discharge into the Adams Sewer Service to include a parcel of land located on the Easterly side of the Curran Highway.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the Parties agree, as authorized pursuant to Chapter 40 of the Massachusetts General Laws, Section 4A, as follows:

1. Appendix 2 of the Intermunicipal Agreement is hereby amended to add thereto the following:

“ That parcel of land located on the Easterly side of the Curran Highway in North Adams presently owned of record by Normsel Development Ten, LLC and described in the deed of The Trust Company of Vermont, Successor Trustee of the Normal H. Greenberg Revocable

Trust to Normsel Development Ten, LLC, dated August 21, 2011, and recorded on September 22, 2011 with Berkshire Northern District Registry of Deeds in Book 1454, Page 477, and being further described as North Adams Assessor's Map #15, Block 0, Lot 13.

2. This Amendment shall become effective as of the date first above written.
3. This Amendment may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which taken together shall constitute but one and the same agreement. Delivery of an executed counterpart of a signature page to this Amendment by facsimile shall be effective as delivery of a manually executed counterpart of this Amendment.
4. Except as expressly provided in this Amendment, the execution and delivery of this Amendment does not and will not amend, modify or supplement any provision of, or constitute a consent to or a waiver of any noncompliance with the provisions of the 1986 Intermunicipal Agreement. Except as specifically modified in this Amendment, the 1986 Intermunicipal Agreement shall remain in full force and effect in accordance with the terms thereof and the parties do hereby confirm and ratify same.

{BALANCE OF PAGE INTENTIONALLY LEFT BLANK}



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

March 25, 2014
#21

To: North Adams City Council
Re: Land Sale Account Special Legislation

Dear Honorable Members:

I am recommending that our Land Sale Account be utilized to balance this year's budget. The funds would be utilized during the fiscal year to reduce or eliminate the budgeted debt of the City for FY2014.

The accompanying Home Rule Petition order asks that the Mayor, upon majority vote of the City Council, may use the Land Sale account for the reason stated above. Upon adoption by this body, I will forward to Representative Cariddi and Senator Downing to administer through the legislative process. Both have indicated their full support of this special legislation to allow the City to muster through these difficult financial times.

I believe the order is very straight forward and I will be happy to answer any questions you may have at the meeting. I respectfully recommend adoption of the order as presented.

Sincerely,


Richard J. Alcombright
Mayor



City of North Adams

In City Council

March 25, 2014

.....

Ordered:

WHEREAS, the City Council of the City of North Adams, at the request and with the approval of the Mayor, has the authority to submit by way of Home Rule Petitions requests to adopt Special Laws governing and affecting the City; and

WHEREAS, the Mayor of the City of North Adams deems it fiscally prudent and in the best interests of the City during fiscal year 2014, following a majority vote of the City Council and approval by the Mayor, the proceeds of the sale or other disposal of real estate, including the taking by eminent domain by another governmental unit, but other than that acquired through tax title foreclosure, and/or proceeds currently in the City's Land Sale Reserve Account, be applied to eliminate or reduce the budgeted debt of the City for fiscal year 2014; and

WHEREAS, to accomplish the foregoing and in furtherance of the best interests of the City, the City Council desires to submit the Act, in the form attached hereto and made a part of this Order, and entitled "An Act Relative to the Financial Condition of the City of North Adams", to the Massachusetts Legislature for adoption into law by the Great and General Court.

NOW THEREFORE, it is ordered:

That the City Council hereby approves the Act in the form attached, and that the Mayor, acting on behalf of the City, be and is hereby authorized to petition the Massachusetts Legislature and to request the adoption by the Great and General Court of the act in the form attached, together with any reasonable amendments thereto, in form or substance, within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE FINANCIAL CONDITION OF THE CITY OF NORTH ADAMS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 63 of chapter 44 of the General Laws or any other general or special law to the contrary, the City of North Adams, in this act hereinafter called the City, during fiscal year 2014, following a majority vote of the City Council and approval by the Mayor, the proceeds of the sale or other disposal of real estate, including the taking by eminent domain by another governmental unit, but other than that acquired through tax title foreclosure, and/or proceeds currently in the City's Land Sale Reserve Account, be applied to eliminate or reduce the budgeted debt of the City for fiscal year 2014.

SECTION 2. This act shall take effect upon its passage.

Public Safety Comm Meeting 3/12/14 - City Council Chambers

Present: Comm members: Chair: Bona, Lamb, Merrigan.

Other present: Mayor Alcombright, City Clerk Gomeau, Councilor Blackmer and Bundington

Open meeting 6pm

Superintendent of public works briefly stopped in to say he can't stay since he was with his crew working on a water break on West Shaft Road.

Discussion on Pawn Broker and Secondhand shops was tabled until future meeting.

Discussion on taxi license approval.

3 items were discussed and voted on.

23-14 Do taxi license applicants have to appear in front of city council for approval?

23-14 Do taxi license applicants have to be Massachusetts licensed drivers?

23-13 Do we change the 30-day temporary timeline for temporary license?

Clerk explained a recent issue where an applicant was rejected because he had a Vermont driver's license due to the current ordinance. City Clerk could not find any state laws that require taxi drivers must be Massachusetts residents or in-state licensed driver.

Bona asked Clerk if there are any licenses that go through City Clerk's office that the city council doesn't approve, besides state and federal license. Answer: No.

Merrigan made motion to strike language that requires applicants to be present at city council meetings for approval.

Lamb: second

Discussion: Merrigan: what argument is for keeping it as is?

Lamb: It may get people to attend meetings?

Gomeau and Alcombright: remembered when this came into effect. It started when a city councilor had an issue with an applicant, and requested they come in. The applicant never attended the meeting. The new rule was presented by Councilor Billings. Clerk has never witnessed the council has questioned an applicant since it was established.

Bona: We aren't eliminating the option for council review, and can still request an applicant to attend if there are questions.

Gomeau: Explained the process of how public safety does a background check before council approval.

Bona: not sure if council can legally reject an applicant based on opinion. There needs to be something on their record that red flags the form. That is handled prior to us by public safety.

Alcombright explained the council can review active taxi licenses at any time if complaints are received, and suspend licenses if needed.

Blackmer: feels it's not that much of a hardship for them to attend our meeting for approval.

Bona: The applicants already have to do three steps prior to council approval.

Gomeau: Applicant goes to city clerk for form, police department for review, back to clerk, and then to city council for final approval

Bona: This streamlines the process a little by eliminating one step they need to be present.

Gomeau: there is a spike in applicants due to one taxi company closing and drivers moving to another company.

Mayor: Noted that school bus drivers don't go through any approval from city boards, but do need to be certified.

Blackmer: Asked if application is on city website. Answer: yes

Merrigan: it is a hardship for some applicants to make night meetings.

Alcombright: Many of the applicants have followed federal standards when it comes to drivers, vehicles and child safety because they also are inspected by Berkshire Rides. Another level of accountability that makes their service better.

All approved to refer.

Lamb: Motion to strike "in Massachusetts" from Sec 23-14.

Merrigan: Second.

Gomeau couldn't find any state law that requires taxi drivers must present a Massachusetts driver license

Blackmer: Brought up example if someone applied from Ohio.

Bona: An applicant's residence and driver license should be the same state. What about considering the term "abutting states."

Lamb: used example for alcohol license.

Merrigan: questioned the term "valid licenses", and multiple residences.

Bona: mentioned a college student could have multiple residence.

Gomeau: In nineteen years this has not been an issue, except this one issue.

Consensus was to just eliminate "in Massachusetts."

Bundington: is there more work involved when an applicant is from out of state. Blackmer responded: It's an extra step.

All approved to refer.

Motion to strike "for a period of 30 days from its issuance, or" from Sec 23-13.

Gomeau: No need for 30-days. The council meets within that time to approve.

Motion by Lamb, Second, Merrigan.

All approved to refer.

Discussion of Snow Removal brought forward by Councilor Lamb:

Sec: 21-12

Lamb: received complains about business not clearing sidewalks. Asked for us to review current enforcement policies are.

Alcombright: ordinance and fining is weak. Two warnings is current policy. One should be enough. It's cheaper to pay violations then to pay someone to clear the snow in some cases. There should be a different standard and heavier fines for businesses since they deal with the public. Should streets with more traffic have different policies?

Alcombright: talked about sidewalks the city clears throughout the city.

Bona: This is start of several meetings to hopefully have stronger ordinances in place for next winter

Blackmer: expend the time to clear snow from 12 hours to 24 hours. East Main Street snow issues, from plowing and leaving snow banks to parking. Children walking in the streets is more of a public safety issues than an individual worrying about where to park. Residence should make arrangement to find parking when winter comes, instead of parking on sidewalks. Walkways to schools should be clear.

Merrigan: property owners tend to not clear right up to their lines and there would be snow barriers forcing walkers to go into the street. How to deal with plows pushing snow back into driveways and sidewalks?

Bona: will property owners think that they don't need to clear their walkways if the city is? What if the city can't get to it? They need to know they are responsible and can't expect the city to do it all the time.

Alcombright: Questioned if some sidewalks are to be enforced by the city or state if along state highways? The city keeps getting more requests for the city to extend how much they clear with the machine.

Alcombright explained some of our streets weren't designed for vehicles, and are very narrow, have dead ends, and no place to push the snow. It's challenging for DPW.

Discussion on trash bins.

Lamb: There is no ordinance for timeline of how long trash bins can be left on sidewalks. There is one for shopping carts. For further discussion at future meetings.

Pawnshop and Second Hand Shop discussion.

Blackmer: Pawn shops and Second hand shops are different business.

Gomeau: The discussion will be more about regulating how to record property being received.

Bona: The ordinance we may be discussing should effect both businesses.

More discussion at future meetings.

Meeting adjourned at 7:10pm



City of North Adams

In City Council

March 25, 2014

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

That Chapter 23, Section 23-14 entitled Qualifications of the Revised Ordinances of the City of North Adams be and is hereby amended by deleting the following:

Massachusetts in the first sentence.

AND BE IT FURTHER ORDERED:

DELETE: the second paragraph

Such applicant or taxi company representative shall appear before the City Council at which meeting the license is acted upon. If the applicant or taxi company representative fails to appear, the application shall be postponed until the next regular meeting of the City Council. Failure to appear at the second meeting shall require a new application and fee to be submitted before a license is issued.



City of North Adams

In City Council

..... March 25, 2014

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

BE IT ORDAINED by the City Council of the City of North Adams

That Chapter 23, Section 23-13 entitled Required; approval of application; temporary of the Revised Ordinances of the City of North Adams be and is hereby amended by deleting the following:

IN THE SECOND SENTENCE

for a period of 30 days from its issuance, or

AND BE IT FURTHER ORDERED:

DELETE

whichever may first occur