

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

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 January 13, 2015 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Marilyn Gomeau
City Clerk

January 13, 2015

Organization of Government for the year 2015—Off Election Year

Roll Call
Moment of Silent Prayer
The Pledge

Nominations for the Office of Council President for the ensuing year.
Oath of Office for Council President.
President calls for nominations for the Office of Council Vice-President for the ensuing year.
Oath of Office for Council Vice President.
Presentation of Council Rules for 2015.
Committee assignments for 2015.
Liaison assignments for 2015.
Drawing of seats for 2015.

Concludes Organization of Government for 2015.

REGULAR MEETING OF THE CITY COUNCIL

Approval of the minutes of regular meeting held on December 23rd.

- 11,382-1a** Report of the General Government Committee submitted by Councilor Merrigan.
- 11,382-1** An Ordinance amending Chapter 2 of the Revised Ordinances of the City of North Adams entitled Administration by adding a new Section, which was postponed at the meeting of December 9, 2014.
- 11,407** an Ordinances amending Chapter 2 of the Revised Ordinances of the City of North Adams by adding a new Section; Arts Commission, which was postponed at the meeting of December 9, 2014.

- 11,434** Mayor's communication #68 recommending the re-appointment of Justyna Carlson to the Historical Commission for a term to expire January 2, 2018.
- 11,435** Mayor's communication #69 recommending the re-appointment of William Mahoney to the Historical Commission for a term to expire January 2, 2018.
- 11,436** Request submitted by Cumberland Farms, 580-594 Union Street for a Public hearing regarding fuel storage at that location.

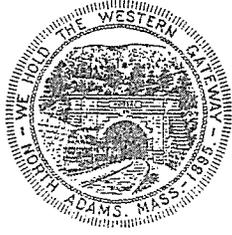
CORRESPONDENCE

LICENSES

An application submitted by Raymond Foster, 75 Church Street to drive taxi for City Cab, Michael McMillian

COUNCILORS AND MAYOR'S CONCERNS

OPEN FORUM



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

January 13, 2015

#68

To: North Adams City Council
Re: Appointment to the North Adams Historical Commission

Dear Honorable Councilors:

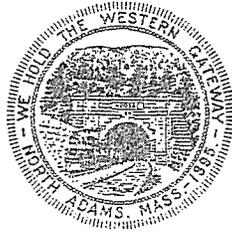
It is with great confidence that I recommend the re-appointment of Justyna Carlson to the Historical Commission for a term to expire January 2, 2018.

Justyna has served on the Commission for many years and has been a very active and passionate voice regarding the history of our City.

I respectfully request confirmation.

Sincerely,

Richard J. Alcombright
Mayor



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Richard J. Alcombright

January 13, 2015

#69

To: North Adams City Council
Re: Appointment to the North Adams Historical Commission

Dear Honorable Councilors:

It is with great confidence that I recommend the re-appointment of William Mahoney to the Historical Commission for a term to expire January 2, 2018.

Bill has served on the Commission for many years and is a passionate advocate regarding the preservation of the history of our City.

I respectfully request confirmation.

Sincerely,

Richard J. Alcombright
Mayor

North Adams City Council

General Government Committee Meeting Report

Meeting held January 5th, 2015 - City Council Chambers

Committee members present: City Councilor Kate Merrigan, City Councilor Nancy Bullett

Other present: fellow City Councilor Eric Buddington, City Planner Mackenzie Greer, City Administrative Officer Michael Canales, and interested members of the public Zachary Feury, Erica Manville, Vin Jensen, Gail Sellers, Phil Sellers, and Vin Jensen.

Media: Jack Guerino of iBerkshires

Absent: Committee member City Councilor Jenny Breen

Meeting called to order at 6:00pm.

Agenda item #1: City Council paper No. 11,382-1, relative to farming

This agenda item regarding a proposed Right to Farm Ordinance first came before this committee in the summer. It was advanced by this Committee and sent by full Council to the City Solicitor John DeRosa for opinion. The full Council referred this back to the General Government Committee in order to discuss the Solicitor's opinion and make a recommendation.

For reference, the following italicized section is the body of the Solicitor's communication to the City Council in response to the proposed Right to Farm Ordinance:

We have reviewed the proposed ordinance entitled "Article XXXV. Right to Farm"; and in connection therewith have reviewed applicable Massachusetts law and regulations, including review of suggested model farm ordinances and similar ordinances enacted by other communities.

We find no legal prohibition against the enactment of the ordinance in its present form.

The issues presented by this ordinance are matters of policy not matters of law, albeit enactment of the ordinance may result, however slight, in unintended legal consequences, particularly as it might relate to enforcement proceedings. In that regard, we note that the proposed ordinance does not establish an Agricultural Commission to resolve disputes, but by default would leave enforcement to the Board of Health. It is also important to carefully review the language of Section 2-182 to insure the affirmative declarations set forth in the policy do not expand dispute opportunities.

It is also important to note the provisions of 2-183 that require disclosure to a prospective purchaser of real estate, and the conveyancing implications of such a requirement as it relates to purchase and financing North Adams properties.

In short, the purpose and intent of the Right to Farm Ordinance is to state with emphasis the right to farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations.

For your reference, you might find it helpful to read M.G.L.A. 243 § 6. Actions against farming operations; limitations; and M.G.L.A. 128 § 1A. Farming, agriculture, farmer; definitions.

Discussion:

In the discussion at this January 5th meeting, members of the General Government Committee noted that the Solicitor indicated no legal prohibition against the enactment of the ordinance. While the Solicitor's opinion did include a few additional statements and considerations, Councilors Bullett and Merrigan were both of the opinion that there was no compelling reason stated in the opinion to change the draft ordinance or discontinue pursuing it. Councilor Buddington agreed with this. He noted that, all along, the practical application of the ordinance has not been to change or create laws regarding farming, but rather to require disclosure of possible nearby farming by sellers during real estate transactions.

There was a bit of discussion on the topic of the Solicitor's comment regarding an Agricultural Commission. The City does not currently have one and this proposed ordinance does not create one to resolve any disputes. Councilor Buddington indicated he may be interested in pursuing the creation of an Agricultural Commission in the future. At this time, disputes between neighbors regarding farming is dealt with under state law anyway, so we do not need to resolve them locally. We also discussed the degree to which the Board of Health would be involved. Councilor Buddington and Mr. Canales clarified that, if it turned out a seller/realtor were not properly notifying buyers of the Right to Farm, it would be appropriate for the Board of Health to send a letter notifying the seller/realtor of their error.

Mr. Jensen asked what mechanism is in place to notify realtors/sellers of this ordinance if it advances and becomes published. Mr. Canales stated that the City will look to the media to share this information. Additionally, the City Assessor's Office can make this information available, as they have regular contact with sellers/realtors.

Upon motion made by Councilor Bullett and seconded by Councilor Merrigan, it was voted to recommend publication of the ordinance to the full Council.

Agenda item #2: City Council paper No. 11,407, an ordinance proposing a City Public Art Commission.

We had a little over an hour of interesting discussion covering the history and development of this proposed ordinance; questions that the committee who developed the ordinance grappled with; and questions about the language of the ordinance as written. Highlights below:

Mr. Canales provided some background regarding the development of the proposed ordinance. About a year ago, Mayor Alcombright expressed concern about the way that public art on City property was being approved. It was resting solely with him and he wanted to see more people, particularly those with expertise regarding visual art, to be involved in the decision making. Mr. Sellers convened a group that involved Mr. Canales, Ms. Greer, and others present at this meeting. Mr. Canales, Ms. Greer, and Mr. Feury (who was at the time interning in the Mayor's Office), researched state law regarding Public Arts Commissions, including the scope and authority of such bodies. Mr. Canales made particular note that Mr. Feury had played a strong role in researching and writing the ordinance.

The group met several times and considered questions whether the body should be advisory or have regulatory authority. Ultimately, they felt it was important for a Commission to have regulatory authority so that responsibility for decision-making regarding public art would not be concentrated in the Mayor's Office.

The group also discussed a need for a broader support network for artists in North Adams, though they conceded that the Commission may not be able to fulfill much of this need. The need for a support network is a separate and ongoing interest. Mr. Sellers expressed interest in seeing the Commission expand its scope a bit down the road, perhaps including provided education to the public regarding public art, serving as a connector

Ms. Manville stated that the regulatory authority of the Commission is an important aspect of this ordinance to her because she wants to ensure that the body has the same level of authority regardless of who the Mayor is.

There was some discussion of whether public art is strictly limited to visual art or if it includes performing art/events. There were mixed opinions and some complex discussion in the room. This was more or less resolved when Mr. Canales stated that he could add a section to event permitting that would require event planners to consult with the Public Art Commission is visual art will be a component of their event (example: crosswalks being painted as part of Downstreet Art kick-off). The Committee decided to leave untouched the language in the ordinance defining public art as visual art.

Some of the topics that the Commission will need to address, once formed, include defining temporary and permanent (other communities in MA have done this and we could borrow their definitions); determining exactly who is responsible for the upkeep of artworks; developing an application process for public art on City-owned space; creating a master plan for public art on City property; and establishing a contract between the City and artists. Mr. Canales stated that the administration would likely create the contract in concert with the City Solicitor and the Commission would provide input.

There were two particular topics within the language of the ordinance that the General Government Committee discussed but that we would like the full Council to grapple with:

- 1) The language suggesting that the Mayor will bring 10 names before the Council for 5 seats and that the Council will choose 5. I can elaborate on this discussion at the 1/13/15 Council meeting.
- 2) The language regarding the staggering of 1-5 year terms. Ms. Sellers pointed out that a 5-year term is quite long; her experience of boards and committees has primarily involved 2 or 3-year terms. She expressed concern that a 5-year term could be a deterrent to people who would otherwise be interested in serving. The General Government Committee discussed a few possible alternative term length arrangements and decided to bring this question to full Council for consideration.

Upon motion made by Councilor Bullet and seconded by Councilor Merrigan, it was voted to recommend the ordinance as written to full Council.

Voted to adjourn the meeting at 8:00pm.

Respectfully submitted,

Kate Hanley Merrigan
Chair, City Council General Government Committee



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts

City/Town of North Adams

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 580 & 594 Union Street 155 0 2-A & 155 0 11
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: *Cumberland Farms, Inc. (594 Union St) / Ann M. Nelson, Executrix (580 Union St)
*successor by merger with VSH Realty, Inc.

Address of Land Owner: 100 Crossing Blvd, Framingham, MA 01702 / of the Estate of Dorothy A. Jackson

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
8/19/82; 3/16/04

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline</u>	<u>IB</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>
<u>Diesel</u>	<u>II</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Senior Pipeline Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen A. Sousa Date _____ Name Kathleen A. Sousa, Senior Pipeline Mgr
Kathleen A. Sousa

Fire Department Use Only

I, Stephen A. Meranti, Head of the North Adams Fire Department endorse this application with my

Approval Disapproval

Stephen A. Meranti
Signature of Head of the Fire Department

Date

Recommendations: _____



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE, BOSTON

North Adams 3/16/04
(City or Town) (Date)

APPLICATION FOR LICENSE

For the lawful use of the herein described building ... or other structure..., application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building... or other structure... is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land... 594 Union Street... Nearest cross street... East Main Street...
Owner of land... Cumberland Farms, Inc. Address 777 Dedham St., Canton, MA 02021...
Number of buildings or other structures to which this application applies... One...
Occupancy or use of such buildings... Convenience Store w/Gasoline dispensing facilities...
Total capacity of tanks in gallons:—Aboveground... Underground 1 - 8,000 (32,000
Kind of fluid to be stored in tanks... Gasoline... 2 - 12,000 gal...(gallons

Approved—Disapproved March 19, 2004 19

Stephen A. Meranti Director of
(Head of Fire Dept.) Fire Services

Signature of Applicant: Robert B. Pellegrini, Jr.
(Attorney for Cumberland Farms)
777 Dedham St., Canton, MA 02021
(Address)



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE, BOSTON

March 19, 2004 19
(City or Town) (Date)

LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land 594 Union Street... Nearest cross street East Main Street...
Owner of land Cumberland Farms, Inc. Address 777 Dedham St., Canton, MA 02021...
Number of buildings or other structures to which this license applies One...
Occupancy or use of such buildings Convenience Store w/Gasoline dispensing facilities...
Total capacity of tanks in gallons:—Aboveground... Underground 1 - 8,000 (32,000
Kind of fluid to be stored in tanks Gasoline... 2 - 12,000 gal.gallon
Restrictions—If any:

Signature of Licensing Authority: Stephen A. Meranti
Director of Fire Services