

CITY OF NORTH ADAMS  
City Clerk's Office  
February 17, 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 February 23, 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  
February 23, 2016

Roll Call  
Moment of silent prayer  
The Pledge  
Approval of the minutes of *February 9, 2016*

*Report of the General Government Committee regarding the Council Rules of Order.*

*Approval of the Council Rules of Order, which was referred to the General Government Committee and postponed at the meeting of February 9<sup>th</sup>.*

- 11,488-a**      *Report of the Public Safety Committee regarding overnight parking and housing policies.*
- 11,488**        *Communication submitted by Councilor Moran regarding overnight parking in the winter, which was referred to the Public Safety Committee and postponed at the meeting of January 12<sup>th</sup>.*
- 11,489**        *Communication submitted by Councilor Bona regarding housing policies, which was referred to the Public Safety Committee and postponed at the meeting of January 12<sup>th</sup>.*
- 11,510**        *Mayor's communication #15 recommending the re-appointment of JoAnn Lipa Bates to the MASS MoCA Commission for a term to expire February 1, 2019.*

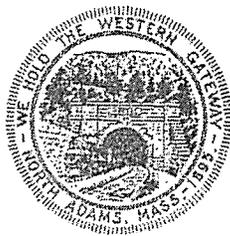
**CORRESPONDENCE**

**LICENSES**

An application submitted by James Montepare, 100 McLain Court, Williamstown for a renewal of a secondhand license in the business name of Empire Antiques, located at 63 Main Street.

An application submitted by James Montepare, 100 McLain Court, Williamstown for a secondhand license in the business name of Empire Antiques, located at 432 State Road.

**OPEN FORUM  
COUNCILOR & MAYOR'S CONCERNS**



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

February 23, 2016

#15

To: North Adams City Council  
Re: Appointment to the MASS MoCA Commission

Dear Honorable Councilors:

It is with great confidence that I recommend the re-appointment of Jo Ann Lipa Bates to the MASS MoCA Commission for a term to expire February 1, 2019.

Jo Ann has served on the Commission and she brings a wonderful perspective to this role.

I respectfully request confirmation.

Sincerely,

Richard J. Alcombright  
Mayor

February 23rd, 2016

Dear Fellow Councilors,

The General Government Committee met on February 2nd to discuss the Council Rules of Order for 2016. There are two enclosures in this packet relevant to that meeting: the meeting minutes and a revised set of rules that resulted from that meeting. At tonight's meeting, we'll be voting on this new set of Rules.

At the meeting, we had a wide-ranging discussion about proposed changes to this year's Rules of Order. Council President Lamb had brought forward, in January, a draft of 2016 Rules of Order that included a number of changes from the 2015 Rules of Order. Some of these changes were quite minor (for example, renumbering a rule after adding another rule, or changing a moment of "silent prayer" to a moment of "silent remembrance"). Others were more substantive and warranted discussion.

We spent the most time on Rules 7 and 10, those which concerned public participation in Council meetings. In addition to Council President Lamb's draft of the Rules, we reviewed an amendment to Rule 10, submitted by Councilor Bona, that would potentially scale back or streamline public comment in meetings. Ultimately, the will of the Committee was to preserve the current amount of space for public participation in Council meetings. The most significant change in this area would be moving the "Open Forum" from the end of the meetings to the beginning of the meetings, which was discussed and is recommended by the Committee. Members of the public would be able to comment on agenda items or bring up any matter of municipal significance before the Council deliberates on the evening's agenda items. The General Government Committee recommends that members of the public still be able to comment on agenda items as they come up during the meeting.

Procedurally, given that there were a number of changes in the Rules of Order--both from 2015 and from Lamb's initial draft--we decided that Council President Lamb, who was present for the meeting, would craft a revised draft of the Rules of Order and bring these forward at the February 23rd meeting for a vote by the full Council. You can review the minutes from the 2/2/16 meeting for a fuller idea of the scope of our Committee's discussion. I believe that the draft in your Council papers will reflect the spirit of what we discussed and recommend the Council adopt for this year.

Sincerely,  
Kate Hanley Merrigan  
Chair, General Government Committee

## Council General Government Committee meeting 2.2.16

### Present:

Committee members: Kate Merrigan (Chair), Eric Buddington, Robert Moulton

Public: Councilors Lisa Blackmer, Benjamin Lamb, Nancy Bullett; Tammy Daniels, Mark Trottier

### Agenda:

Review of Council Rules of Order 2016

### Minutes:

#### Rule 1: Formalizing submission of minutes from committee meetings

-After some discussion about whether we want to have meeting minutes submitted in time to be included in Council packets or if a written report submitted on the evening of the Council meeting at which a committee is reporting back is adequate, the consensus was that a written report will be provided by the council meeting at which there was a date certain for the agenda item to return. Meeting minutes must also be completed within a reasonable amount of time, according to Open Meeting Law.

-What is essential here is that the Council is keeping track of items that have been brought to our attention and referred to committee.

#### Rule 7: Change "prayer" to "remembrance"

Everyone was comfortable with this change--no discussion

#### Rule 7: Eliminate open forum, include hearing of visitors

-The General Government Committee recommends this approach, which effectively moves Open Forum to the top of the meeting. This way, members of the public can speak to agenda items before the Council begins deliberation. Additionally, if a member of the public comes to a meeting to make an announcement or bring up another matter during Open Forum, they need not wait until the end of the meeting (which can be late) to do so.

#### Rule 10: Hearing of Visitors

-Lamb explains thinking: getting public comments out at start of meeting gives public a chance to give their input before we discuss and vote, rather than after. This is the model that Pittsfield is currently using. Looking at past meetings, members of the public spent little time speaking to agenda items. Objective here is to get everything into a nice package.

-All three committee members--Merrigan, Buddington, Moulton--indicated support of members of the public being able to speak on agenda items as they come up.

-Trottier: No problem with hearing of visitors coming forward. Has problem with public only being able to speak ahead of time because they haven't heard all of the details yet. Speaking can be limited to two minutes, as it has been.

-Bullett: Trottier raises a valid point. What we need to understand is that this is the Council's meeting and the Mayor is a guest. It becomes cumbersome when members of the public want to engage with the Mayor at our meeting. One thing that's tricky is that based on OML, we cannot respond to topics that come up in the open forum.

-Buddington: will defer to President on form that public input will take. Can be hard to distinguish what's on topic and what's not, what's personal and what's not.

-Bona: if we have a hearing of visitors, we don't need to allow visitors to speak on each individual item. If we have the latter, we don't need the former. Bona doesn't like for members of the public to be able to come in and bring up anything, whether or not it's on the agenda,

because we are not able to respond. If we're not allowed to speak on things that are not on the agenda, we shouldn't allow visitors to.

-Blackmer: likes moving open forum to beginning, as someone sometimes just wants to bring something to our attention and may not need to wait an hour or two in order to do that.

Regarding OML, the area where we've gotten closest to violating it is during Councilors Concerns, not Open Forum.

-Blackmer: understands public's need to hear what we have to say in order to participate meaningfully. Favors public input. There are communities that don't let anyone speak. Noted that the public is not subject to open meeting law.

*Upon motion duly made and seconded, committee recommends to full Council that we replace Hearing of Visitors with Open Forum, carrying over Rule 13 description from 2015 Rules of Order.*

#### Rule 15f: elimination of quarterly liaison reports--instead report as needed

-The Committee, as well as others present, liked this change and recommends it.

-Additionally, we discussed how the Council came to have this particular list of liaison assignment. Councilor Blackmer provided historical information, noting that former Councilor Alan Marden put together an original list of assignments that were meant to keep the Council informed regarding organizations that the Council is tied to financially and/or in ordinances. This was before information was readily, immediately available through digital media.

*-Allows for more flexibility, reduces feeling of forcing reporting when not actually needed*

#### Rule 8: Date for submission of agenda items

The proposed change here would bring the language in the Rules of Order in line with our current practice. Everyone was comfortable with this.

#### Misc: Definition of "clear and real conflict of interest" -- clarification of language and intent

-Blackmer: it was my understanding that we were not supposed to be able to ask what someone's conflict of interest is about?

-Lamb: the intent here is to ensure actual conflict of interest, avoid people avoiding an unpopular vote.

-Blackmer hasn't seen anyone on this Council do this, but has seen it elsewhere.

-Trottier: if not mistaken, Open Meeting Law states that you must disclose the nature of your conflict of interest. We were not able to get an immediate response--Merrigan will check on this in advance of next Council meeting.

Public Safety Commissioner Cozzaglio, other members of the public, members of the media  
Public Safety Comm 2/1/16

Present:

Councilors: Robert Moulton, Josh Moran, Kate Merrigan

Public: Councilors Nancy Bullet and Lisa Blackmer, Traffic Commission Chair Mary Ann King,

Agenda:

1) Council Paper 11,488: Overnight parking

-Discussion on sidewalks

2) Council paper

1) Council paper 11,489

-Moulton states findings of Traffic Commission

-Moulton invites Lisser to comment on his request

-Lisser:

-This parking ban does not seem logical--why is day parking allowed if it's important for cars to stay off the streets?

-Ban leaves residents who have no off-street parking with no options

-No public parking lots for residents--no way to comply with this law

-6 months ban: too much, limits residents' ability to react in an emergency b/c of difficulty in accessing their vehicles

-Talked about a situation where a family waited 45 minutes for an ambulance for their child. Moulton interested in details on this situation--sound very unusual.

-Why don't we just have the rule in effect when it's snowing? Why do we need a permanent ban?

-Moran: snow banks remain around even after storm is over.

-Moran--via Cozzaglio--overnight parking is available via permit in the downtown lots--Central and St. Elizabeth's.

-Unidentified resident: public safety issue of walking a long distance from cars in municipal lots to homes.

-Bullet: cars parked half on sidewalk is a safety issue

-Cozzaglio: as representatives of the City, we need to consider the entire City and what's best for all. We can't *not* enforce the ban because one resident doesn't have off-street parking.

NAPD tries to be fair and lenient with overnight parking ban during winter time. They've seen wheels up on sidewalk and will ignore it if cars are off sidewalk by 7am. This year, they didn't start ticketing until December, didn't ticket between Christmas and New Year's.

-Lisser: NAPD has not been lenient this winter--he has been ticketed for sidewalk parking. City should create public parking areas. There are a lot of empty lots in the City.

-Joseph Shaw: lives just up the street from Lisser. Came into meeting indifferent about this. Concerned about damage to sidewalks from cars parking on them. Brought photos.

-Bullet: parking half on sidewalks--as snow banks get bigger, streets get narrower, which is an additional safety issue.

-Blackmer: had two children who lived in urban areas who made parking arrangements, paid for parking, worked with neighbors to coordinate

-Merrigan: Most communities in MA do what we do, have very similar winter parking ordinances. Northampton allows on-street parking all winter until there is a storm coming and then they do a temporary "declared ban". They signal the ban with blue flashing traffic lights. They offer free municipal parking during storms. NoHo police department finds compliance from residents is uneven.

-King: issue with offering free parking during storms is that some people already pay for permits. They would also want free parking if it were offered to others during storms.

-Unidentified resident: schools are able to declare snow days with little notice--can't we declare parking bans similarly? Let people parking on streets unless otherwise notified and use similar systems to snow day notifications to make people aware of temporary "declared" parking bans.

-Moran: we are only hearing about this from a few people; seems like current ordinance is working for most. The solution is not to change ordinance for a small number of residents, but rather for residents to communicate with their neighbors to find available parking.

-Moran: this has been happening for a long time. I'm glad we're visiting it now, because it's given me a chance to learn about the available, permitted municipal lots and NAPD leniency during the holidays.

-Unidentified resident: knows 3 homeowners on Veazie Street from whom she's offered to buy parking--no one will sell it. Scarafoni won't rent her parking spaces.

-Moulton to Cozzaglio: is there any way to make exceptions in snowless years like this one?

-Cozzaglio: we've been very lenient this year, but we do know snow will eventually come.

-Cozzaglio: public works would tell us, if they were here, that it's dangerous for them to try to plow while there are cars parked on the streets.

-Lisser: wants City to provide parking to him. Would be happy to have a space in a municipal lot.

-Shanks: were you aware of this when you rented your property? Maybe we should make an ordinance requiring a real estate disclosure when renting/buying a home with no off-street parking. Similar to Right-to-Farm.

-Merrigan: likes that idea, offered to draft something and bring through General Gov't Committee. Does not feel that we have a responsibility as a city to provide parking. It would be a nice resident service, but not something we're obligated to provide (unless we made a change that took away someone's existing parking).

-Lisser: why was this ordinance created in 1988? What did we do before that?

-Cozzaglio: practically speaking, our winter parking ban and enforcement have not changed in 50 years.

-King: 1988 dates in ordinance book--that's when there was an update or an edit. The word "Mayor" was added to the ordinance. Ordinance existed before that. Another amendment made in 2009 or 2010 adding no overnight parking on Montana Street year-round.

-Blackmer: if someone has a car, why wouldn't they ask what their off-street parking options are when they buy or rent their home? Not sure that we should mandate realtors to notify buyers or renters about off-street parking ordinance.

-Moulton: recommends bringing a lot of people to full Council meeting. Need to hear from more than two residents to consider making a big change.

-Merrigan: clarifies process from here--this is committee that needs to make a recommendation to full Council. Full Council will still discuss and vote--residents can come speak at that meeting.

-Unidentified resident: wants to do a petition, looking for clarification regarding how to do that.

-Shaw: could space where buildings were just razed on Houghton be used for parking? Daniels: City doesn't own the land; a trust does.

-King: St. Elizabeth's \$15/month, Center Street \$30/month.

--Upon motion duly made and seconded, the Committee recommended to full Council that we leave the winter parking ban ordinance unchanged. 3 for; 0 against--

2) Council Paper 11,489:

-Cozzaglio prepared some copies of existing law

--Upon motion duly made and seconded, the Committee voted to table Council Paper 11,489