

CITY OF NORTH ADAMS  
Office of the City Clerk  
January 22, 2020

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 regular meeting in the City Council Chambers at City Hall, Tuesday Evening, January 28, 2020 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Deborah M. Pedercini  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL  
January 28, 2020

Roll Call  
Moment of silent remembrance  
The Pledge  
Approval of the minutes of January 14, 2020

- 11,790** Communication submitted by Councilor Bona regarding short term rentals and the requirements of the City, which was postponed at the meeting of September 24, 2019
- 11,812** Communication from Councilor LaForest regarding Public Arts Commission and Planning Board case number SPA2019-27, regarding Mass MoCA Foundation, Inc. for property located at 25 Marshall Street, which was referred to General Government Committee and Public Arts Commission and postponed at the meeting of September 24, 2019
- 11,831** An Order accepting Massachusetts General Laws, Chapter 90, Section 17C, The Berkshire Scenic Mountain Act which was referred to the Community Development Committee and postponed at the meeting of November 26, 2019.
- 11,570-1** An Order authorizing the Mayor under the provisions of Massachusetts General Laws, Chapter 30B to sell real estate located at 151 Kemp Avenue, Sullivan School which was postponed at the meeting of December 10, 2019
- 10,540-4** An Ordinance amending Chapter 13 of the Revised Ordinances of the City of North Adams, Section 13-61, entitled Fees for parking zones, which was postponed at the meeting of December 26, 2019.
- 11,841** North Adams City Council Rules of Order 2020.
- 11,842** Mayor's communication #4 recommending the appointment of Jennifer Breen to the North Adams Housing Authority for a term to expire July 1, 2024 to fill the unexpired term of James M. Neville.

**11,843** Mayor's communication #5 recommending the reappointment of Paul W. Marino to the North Adams Historical Commission for a term to expire January 2, 2023.

**11,844** Mayor's communication #6 recommending the appointment of Peter Siegenthaler to the North Adams Historical Commission for a term to expire January 2, 2023.

**11,845** Mayor's communication #7 recommending the appointment of Rebecca Cohen to the North Adams Redevelopment Authority for a term to expire June 1, 2024 to fill the unexpired term of Paul Hopkins.

COMMITTEE REPORTS AND MINUTES

LICENSES

OPEN FORUM

MAYOR'S CONCERNS

LIAISON UPDATES AND COUNCILOR CONCERNS

CORRESPONDENCE

# **North Adams City Council Rules of Order 2020**

## **Rule 1 – Meetings**

Regular meeting of the City Council shall be held in the City Council Chamber, City Hall, at 7:30pm on the SECOND and FOURTH Tuesday of each month, except when one of said Tuesdays falls on a legal holiday or on Election Day; the City Council shall meet on the follow day in such an event. Calls for special meetings may be made at any time by His Honor the Mayor, the Council President, or a majority of the members of the City Council. Councilors are to be present at the time of roll call. Standing Committee meetings of the City Council to which matters have been referred by the full Council, shall meet at City Hall. Standing Committees may also meet at any other time subject to compliancy with the provisions of the open meeting law. The committee chairperson shall notify the clerk of all meeting dates. A formal written report from any committee meeting held for an item referred by the full council must be provided for date absolute indicated at time of referring to committee.

## **Rule 2 – Organization**

The City Council shall hold its organizational meeting in City Council Chambers at the first regular meeting in January in years other than after a municipal election. The City Clerk shall preside until a President is elected. The President-elect shall present the Council Rules of Order. A majority vote of the Council is required to adopt the Rules of Order. The Council Rules of Order of the previous year shall be automatically in effect unless amended as per Rule 21.

## **Rule 3 – Council President / Vice President**

The City Council President shall be elected at the annual organizational meeting for a term of one year. The president shall preside at all meetings of the City Council and perform such duties as are necessary. No member of the City Council may serve as President for more than two terms consecutively. The City Council shall elect a Vice President following the election of its President. In the absence of both the President and Vice President, the Clerk will call the meeting to order and conduct an election for President Pro-Tern, who will be elected by a majority vote of the City Council members present and shall conduct the meeting of the City Council.

The Presiding Officer may, at any time, during a debate or otherwise, declare a recess for not more than ten minutes. Such actions shall not be subject to appeal nor shall any motions apply thereto.

The Presiding Officer shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to any appeal to the City Council, regularly seconded; and no other business shall be in order until the question on the appeal shall have been decided. The vote upon the appeal from the ruling of the Presiding Officer shall be by roll call and shall stand unless a majority of the

votes are to the contrary. The Presiding Officer shall be allowed to vote on any question of appeal. The Presiding Officer may state facts on any issue under debate without objection of a majority of the City Councilors but may not make any direct motions.

#### **Rule 4 – Council Vice President**

The City Council Vice President shall fulfill the duties of the President in their absence along with other duties as the Council President shall from time to time assign.

#### **Rule 5 – Seating**

The seats of the members of the City Council, shall be numbered and shall be determined in the presence of the City Council by drawing names of all the members and the numbers of the seats simultaneously and each member shall be entitled for one year to the seat bearing the number so drawn against their name and shall not change it, except by permission of the President.

#### **Rule 6 – Quorum**

The majority of the City Council shall constitute a quorum. At any time when a meeting is called to order and a quorum is not present, if after a recess of not more than thirty minutes a quorum is still not present, the President shall declare the meeting adjourned. If the President shall be one of the members not present, the Vice President shall conduct the above proceeding. If both the President and Vice President shall be of the members not present, the Clerk shall conduct the above proceedings.

#### **Rule 7 – Order of Business**

At every meeting of the City Council, the order of business shall be as follows:

1. Call to Order
2. Moment of Silent Remembrance
3. The Pledge
4. Reading and approval of the minutes of the previous meeting, if requested by a member of the Council
5. Public Hearings
6. Hearing of Visitors on Agenda
7. Unfinished Business
8. New Business
9. Committee Reports and Minutes (when applicable)
10. Licenses
11. Open Forum
12. Mayor's Concerns
13. Liaison Updates & Councilor Concerns
14. Correspondence
15. Adjournment

The President may without objection, deviate from the above order of business

### **Rule 8 – Filing of Papers**

All petitions, resolutions, orders, ordinances, memorials and remonstrance shall first be filed with the Clerk by a member of the Council or by His Honor the Mayor not later than 12:00PM current time of the Wednesday preceding a regular meeting; except when such day or the day following is a holiday, when they shall be filed not later than Noon on the Tuesday prior to such meeting. Papers received after the required time shall not be considered until the next meeting, unless the admission is approved by a vote of the City Council to suspend the rules.

### **Rule 9 – Motions**

Every motion, except a motion to adjourn, to lay on the table, to place on file, to reconsider, or to take action, shall be in writing. After a motion is stated by the President, it shall be disposed of by a vote of the City Council unless withdrawn by the mover before an amendment or decision. When a question is under debate, the President shall receive no motion but to:

- Adjourn
- Lay on the table
- Recess
- Move the previous question
- Reference: File
- Divide the question
- Amend
- Postpone to a day certain
- Postpone indefinitely

Which several motions shall have precedence in the order in which they stand arranged and the first three shall be decided without debate.

A motion to move the previous question shall only be admitted when seconded and voted by two-thirds of the City Council members, and until it is decided, shall preclude all amendments and debate of the main question, and after adoption of the previous question, the sense of the Council shall forthwith be taken upon amendments, report by Committee, upon all pending amendments in their order and then upon the main question.

### **Rule 10 – Hearing of Visitors on the Agenda**

Near the beginning of every meeting a Hearing of Visitors on Agenda will be conducted. During the Hearing of Visitors, any member of the public may address the City Council regarding items only on the current agenda. Those wishing to do so, shall wait to be acknowledged by the President, shall identify themselves by name and address, shall confine their remarks to a total of two (2) minutes and shall avoid personalities, libelous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

During any portion of the meeting members of the public shall not verbally, non-verbally, or illustratively, utilize racial, ethnic, religious, age, sexual preference, gender or disabilities, slurs or connotations during their remarks. The President will rule a member of the public, who uses such slurs, connotations, libelous remarks or innuendo out of order and request that the individual be seated and be silent. If the member continues to disrupt the meeting, they will be asked to leave. If the member refuses to leave, public safety personnel will be ordered to remove them. Members of the City Council shall receive information and shall take no action regarding it on the evening of the original input of citizen information.

There shall be no debate during Hearing of Visitors or Open Forum. However, as information presented at Hearing of Visitors is televised and reported upon, at the discretion of the President, His Honor the Mayor, and/or department heads or other City officials, including City Councilors, may be allowed to present factual information that may correct or dispute information previously presented in Hearing of Visitors.

#### **Rule 11 – Open Forum**

Near the end of every meeting an Open Forum will be conducted. During the Open Forum, any member of the public may address the City Council regarding city business, concerns and events that were not mentioned in Hearing of Visitors. Those wishing to do so, shall wait to be acknowledged by the President, shall identify themselves by name and address, shall confine their remarks to a total of two (2) minutes and shall avoid personalities, libelous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

#### **Rule 12 – Conduct of Members and Officials**

Members and officials, when about to speak, shall initially address the President using the phrase “through the Chair,” shall confine themselves to the question under debate, and shall avoid all personalities and libel. Any individual, who may be mentioned in debate or addressed by a City Councilor, shall be so mentioned or addressed by their title and or name (i.e. Councilor LAST NAME); and in an intelligible and respectful manner. No member or official shall speak out of their turn without leave of the President, nor shall any member be interrupted by another while speaking except to make a point of order or request for explanation.

#### **Rule 13 – Councilors and Mayors Concerns**

City Councilors and the Mayor may offer items of information or discussion of informal City Council matters during Councilors and Mayor’s Concerns.

#### **Rule 14 – Attestation of Papers**

All action on papers containing matters for consideration by the City Council shall be attested to by the President and the Clerk of the meeting at which such action is taken.

#### **Rule 15 – Committees and Assignments**

- a) Standing Committees of the City Council shall be appointed annually by the President as follows
- Community Development (Three members)
  - Public Safety (Three members)
  - Public Service (Three members)
  - General Government (Three members)
  - Finance Committee (Three members)

Each committee shall have three members. One member shall be appointed chair, and shall serve at the discretion of the President.

- b) The Standing Committees shall act upon all matters relating to the following areas, which may be referred or assigned to them by the President.

**Community Development**

- Human Services
- Planning Board
- Regional Planning Commission
- Redevelopment Authority
- Housing Authority
- Community & Economic Development Advisory Board
- Council on Aging
- North Adams School Department
- McCann Regional Technical High School
- Office of Tourism and Cultural Development
- Ashuwillticook Rail Trail Extension Development
- All other matters involving economic and community development including but not limited to the review and evaluation of administrative procedures and policies as carried out by departure
- Policies and programs

**Public Safety**

- Inspection Division
- Health Department
- Public Buildings and Building Inspector
- Police Division
- Fire Division
- Wire and Alarm Division
- Civil Defense
- Taxi Licenses
- Traffic Commission
- Emergency Preparedness

- All other matters involving public safety including but not limited to the review and evaluation of administrative procedures and policies as carried out by department policies and programs

### **Public Services**

- Engineering Division
- Library Division
- Veterans Division
- Transfer Station
- Streets and Facilities Division
- Highways
- Cemeteries
- Water
- Parks and Recreation
- Airport Commission
- Hoosac Water Quality District
- Cable Television Issues
- Conservation Commission
- All other matters involving public services including but not limited to the review and evaluation of administrative procedures and policies as carried out by department policies and programs

### **General Government**

- The Offices of the:
  - o Assessor
  - o Auditor
  - o City Clerk
  - o City Solicitor
  - o Mayor
  - o Treasurer and Tax Collector
  - o State and Regional Issues and New State Legislation
- All other matters involving general government including but not limited to the review and evaluation of administrative procedures and policies as carried out by department policies and programs

### **Finance Committee**

- Shall exercise financial overview before expenditure through Committee input during the several stages of budget formulation, budget approval, and financial transfers and such other matters as may be assigned.
- Shall on or before June 1 of each year, consider and report to the full City Council whether any change should be made to the compensation of the Mayor and the City Council; and if so, its recommended change(s).

- c) Special Committees will be appointed by the President from time to time as the need arises
- d) The President shall be an ex-officio, member of all Committees
- e) Liaison assignments shall be made annually by the President as follows
  - o North Adams School Committee
  - o McCann Regional Technical High School Committee
  - o BART Charter School
  - o Hoosac Water Quality District
  - o North Adams Housing Authority
  - o North Adams Planning Board
  - o North Adams Contributory Retirement Board
  - o Massachusetts Museum of Contemporary Art (Mass MoCA)
  - o Airport Commission
  - o Traffic Commission Member

The Clerk shall notify in writing each of the above boards, agencies or organizations of the appointment of their City Council Liaison. The President shall assign, as needed, a member to represent the City Council on the Community and Economic Development Advisory Board, the North Adams Redevelopment Authority, and the Mobile Home Rent Control Board. The President shall also assign, at their discretion, Temporary Liaison positions.

- f) Council members assigned as liaisons shall provide an informational report to the full City Council, verbally, or in writing, as municipally pertinent information arises in their particular board, agency or organization.

Liaison reports should include, but are not limited to, the following information

- a) Name of the agency to which the Council Member is liaison
- b) Summary of the discussion held in relation to the pertinent issue
- c) Departments, programs or groups affected
- d) Any financial or economic impact to the City

Council liaisons may make an informational report to the appropriate Standing Committee should the individual have knowledge relative to a topic under discussion by a Standing Committee.

### **Rule 16 – Voting**

Every member present at City Council and Committee meetings shall vote yea or nay when a motion is put unless excused on the grounds of clear and real conflict of interest by the President or the Chairman, as the case may be, without objection from any other member. Application to be so excused on any question must be made before the vote is taken. If a councilor requests abstention without previously gaining approval for said

abstention from the President or the Chairman, the President may at their discretion ask for clarification of the conflict of interest impeding said councilor's ability to vote on said motion. No member shall leave without permission of the President or the Chairman. The vote shall be taken in alphabetical order, except that the Council President shall vote last.

### **Rule 17 – Reports**

Any standing or special Committee to whom any matters may be referred will file reports in writing with the Clerk in accordance with the procedures in Rule 8 for that City Council meeting at which the report is to be presented and such report will be incorporated in the minutes of that meeting. Any matter referred to Committee with a date absolute for reporting must provide a report on that date, in writing. If no Committee meeting was achieved prior to the date absolute, a report indicating such, along with the planned date for a future Committee meeting must be submitted in the stead of a full Committee report.

A City Council report must include, but is not limited to, the following information:

- a) Members present, other(s) present
- b) Purpose of the meeting
- c) If an ordinance, the reason(s) why the legislation is needed
- d) If the proposed ordinance has the approval of the City Solicitor as to form and legal character
- e) Departments, programs or groups affected
- f) Financial impact to the City
- g) Committee recommendation to the full City Council
- h) Committee vote (yea, nay)
- i) Summary of discussion
- j) Discussion of non-agenda items if appropriate

### **Rule 18 – Disposition of Papers**

The President may, with the consent of the City Council, refer any order, ordinance, resolution, petition, report, communication, appointment, or any other matter coming before the City Council to the appropriate Committee or the President may, with such consent, order such other disposition as the President may deem necessary. Any matter requiring action by the City Council and not included in the specific duties of the several Standing Committees may be referred by the President, with the consent of the City Council to any Committee the President may determine. Failure of the City Council to question the action of the President shall constitute consent without the necessity of any vote thereon. Any ordinance to come before the City Council shall before its final vote have received the approval of the City Solicitor as to legality and form.

### **Rule 19 – Public Hearings**

At every Public Hearing meeting of the City Council, other than executive sessions, citizens of the City, at the discretion of the President, shall have reasonable opportunity

to be heard in regard to any matter being considered during the public hearing by the City Council at such meeting. Citizens shall observe the same rules of conduct required of City Councilors in Rule 11 and 12, i.e. they shall address the President, confine themselves to the question under debate, and avoid personalities, libelous statements and innuendo.

**Rule 20 – Parliamentary Procedure**

The City Council shall be governed by Robert’s Rules of Order in all questions of Parliamentary practice not provided by these special rules of order.

**Rule 21 – Suspension, Amendment and Repeal**

No petitions, resolutions, orders, ordinances, memorials and remonstrance’s filed with the Clerk after the deadline as specified in Rules 8 and 17 may be acted upon under suspension of the rules unless an extreme emergency arises. In that situation it would need to be submitted to the Clerk as soon as possible to amend the agenda. These rules of order shall not be amended or repealed except by vote of the majority of all members of the City Council, and the motion for that purpose shall not be made and acted upon at the same meeting.

**Rule 22 – Reconsideration**

Any matter or question voted on by the City Council shall not be again considered or again voted upon by said City Council within one (1) year from the date of final disposition unless a majority of all members of said City Council vote to reconsider the same. The motion to reconsider being made by a City Council member who voted on the prevailing side.

**Rule 23 – Video Cameras**

Video cameras will be restricted to the last row of the gallery and shall be operated in a manner that does not disrupt the proceedings and does not disturb members of the gallery. Cameras shall be mounted on a tripod, or similar standard, which shall not be moved during the proceedings. Lighting shall be in a fixed position directed in such a manner that they do not cause discomfort to anyone in the City Council Chambers. The safety and comfort of all individuals within the City Council Chamber will at all times be maintained with regard to wiring, lighting, microphones, other equipment and the operators of such. Exceptions to this rule must be made by the President without Council objection.

**Rule 24 – Filling Vacancies**

The procedure for filling vacancies of the North Adams City Council, McCann Regional School Committee, North Adams School Committee and such other vacancies over which the North Adams City Council has sole or shared jurisdiction shall follow the requirements of the City Charter and such State and Municipal laws as are pertinent, and, in addition, shall be as follows:

- Interested candidates are encouraged to submit a statement of interest and of pertinent qualifications for the position to City Council members and, in case of vacancy on the North Adams School Committee, to members of the School Committee in advance of the posted date of appointment
- Second party endorsements of candidates are to be submitted in advance of the posted date of appointment and will not be allowed at the meeting at which the appointment is considered. At the meeting at which the appointment is to be considered, the Council President, or in the cases of joint convention of the City Council and North Adams School Committee, the Chairman of the School Committee, shall announce the pertinent agenda item, following which candidates interested in filling the vacancy may have the opportunity to state their interest and make other statements on behalf of their candidacy, as long as such presentations shall not exceed three minutes. Only candidates may address the City Council or convention.
- Members of the City Council or convention may ask the candidate(s) any pertinent question(s) following the candidate's presentation.
- At the conclusion of statements by the candidates, nominations will be accepted, seconds are not required, and voting will follow.

**Rule 25 – City Council Chambers**

No person shall be admitted within the rail in the City Council Chambers during any meetings of the City Council, except upon explicit permission of the President.

**Rule 26 – Process of MGL 139 Actions**

For a property to be considered by M.G.L. 139 action, the Council shall be provided the following information by the administration:

- a) Date of Submission
- b) Location of Property
- c) Ownership of Property
- d) Description of Property
- e) Reasons for Recommended Chapter 139 Action:
  - o Considered a Public Nuisance (if appropriate) (*enumerate and cite relevant conditions*)
  - o Considered a Danger (if appropriate) (*enumerate and cite relevant conditions*)
- f) 790 CMR 121.7 Determination (if applicable)
- g) Recommended action to abate. If appropriate, the administration shall have notified agencies with concern and jurisdiction regarding “historic” considerations of the pending action prior to or concurrent with submission of such properties to the Council.
- h) Copies of all correspondence pertaining to said property.

Upon receipt of such information and a related order, the Council shall schedule a public hearing on the order to be held at its next meeting. The Chairman of the Public Safety

Committee shall ask the Mayor to schedule an “on-site” inspection of the considered property for the Council with a representative of the building department prior to the public hearing. As scheduled, the Council shall conduct a public hearing on the order considering evidence and testimony generally limited to the “public nuisance” or “dangerous” conditions of the property and to “recommended action to abate.”

Following the close of public hearing, the Council shall determine whether the property to be a “nuisance” and or “dangerous” and shall recommend appropriate action to occur with a subsequent 30-day period of time.



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
**Thomas W. Bernard**

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Communication #	Subject	Date
4	Appointment to the North Adams Housing Authority	January 28, 2020

Honorable Members of the City Council  
North Adams, Massachusetts

Dear Honorable Councilors:

I am pleased to recommend Jennifer Breen for appointment to the North Adams Housing Authority for a term to expire July 1, 2024. Ms. Breen will fill the unexpired term of James M. Neville. **This recommendation is presented for Council approval.**

Ms. Breen is well-suited to support this agency in its work having previously served on the Housing Authority board.

I request Council confirmation of this appointment.

Respectfully submitted,

Thomas W. Bernard  
Mayor

TWB/me



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
**Thomas W. Bernard**

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Communication #	Subject	Date
5	Reappointment to the North Adams Historical Commission	January 28, 2020

Honorable Members of the City Council  
North Adams, Massachusetts

Dear Honorable Councilors:

I am pleased to recommend the reappointment of Paul W. Marino to the North Adams Historical Commission for a term to expire January 2, 2023. **This recommendation is presented for Council approval.**

Respectfully submitted,

Thomas W. Bernard  
Mayor

TWB/me



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
**Thomas W. Bernard**

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Communication #	Subject	Date
6	Appointment to the North Adams Historical Commission	January 28, 2020

Honorable Members of the City Council  
North Adams, Massachusetts

Dear Honorable Councilors:

I am pleased to recommend the appointment of Peter Siegenthaler to the North Adams Historical Commission for a term to expire January 2, 2023. **This recommendation is presented for Council approval.**

Respectfully submitted,

A handwritten signature in black ink that reads 'Thomas W. Bernard'. The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas W. Bernard  
Mayor

TWB/me



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
**Thomas W. Bernard**

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Communication #	Subject	Date
7	Appointment to the North Adams Redevelopment Authority	January 28, 2020

Honorable Members of the City Council  
North Adams, Massachusetts

Dear Honorable Councilors:

I am pleased to recommend the appointment of Rebecca Cohen to the North Adams Redevelopment Authority for a term to expire June 1, 2024. Ms. Cohen will fill the unexpired term of Paul Hopkins. **This recommendation is presented for Council approval.**

Respectfully submitted,

Thomas W. Bernard  
Mayor

TWB/me