



**Committee on Legislative Matters  
and the Northampton City Council**

Members

*Councilor Alex Jarrett, Chair*

*Councilor Marissa Elkins, Vice Chair*

*Councilor Stanley W.. Moulton, III*

*Councilor Jim Nash*

**MEETING AGENDA**

**Date: November 27, 2023, Time: 5 p.m.**

**Council Chambers, 212 Main Street  
Northampton, MA**

The November 27, 2023 Legislative Matters Committee meeting will be held in hybrid format. The public can attend in person or join the virtual meeting by phone or computer. The meeting will be recorded for later broadcast on Comcast Channel 15 and uploaded to the Northampton Government Video Archive on YouTube.

Live public comment will be available using zoom link or telephone call-in beginning at 5 p.m.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

**[PUBLIC MEETING LINK](#)**

For telephone call-in, call:

+929 436-2866 US

**MEETING ID: 865 2771 9548**

**PARTICIPANT #: #**

**PASSCODE: 096408**

- 1. Meeting Called to Order and Roll Call**
- 2. Announcement that meeting is being audio/video recorded**  
This meeting is being audio and video recorded.
- 3. Public Comment**
- 4. Approval of Minutes of Previous Meeting**
  - A. Minutes of November 13, 2023**

Documents:

[11-13-2023\\_Committee\\_on\\_Legislative\\_Matters.pdf](#)

**5. Items Referred to Committee**

**A. 23.401 Possible Changes to Council Rule 4.8 Public Comment**

Documents:

[23.401 Possible Changes to Rule 4.8 Public Comment.pdf](#)

**6. New Business**

**7. Adjourn**

*Contact Alex Jarrett at  
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## Joint Meeting of the Northampton Planning Board and the City Council Committee on Legislative Matters

### Members

Councilor Alex Jarrett, Chair

Councilor Marissa Elkins, Vice Chair

Councilor Stanley Moulton, III

Councilor Jim Nash

### MEETING MINUTES

**Date: November 13, 2023, 5 p.m.**

**Council Chambers, 212 Main Street  
Northampton, MA**

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor Alex Jarrett called the meeting to order. On a roll call, the following members were present: Councilor Alex Jarrett, Chair; Councilor Marissa Elkins, Vice Chair; Councilor Stanley W. Moulton, III and Councilor Jim Nash. Also present were Office of Planning & Sustainability Director Carolyn Misch and Administrative Assistant Laura Krutzler.
2. **Announcement that Meeting is Being Audio/Video Recorded**  
Councilor Jarrett announced that the meeting was being audio/video recorded.
3. **Public Comment**  
Councilor Jarrett opened the floor to public comment on matters other than those listed on the agenda. There were none.
4. **Approval of Minutes of August 14, 2023 and October 3, 2023**  
Councilor Moulton moved to approve the minutes of August 14, 2023 and October 3, 2023. Councilor Elkins seconded. The motion passed unanimously 4:0 by voice vote.
5. **Items Referred to Committee**
  - A. **23.382 An Ordinance Relative to Stop Signs on Olander Drive and Ford Crossing – referred to Legislative Matters – 10/5/2023**

Councilor Moulton made a site visit today and reports that Ford Crossing is the last cross street on Olander Drive. Placement of two stop signs there is consistent with the prior intersection which is Olander and Mosier and so is a pattern he would expect as a motorist.

The roadway beyond the intersection has been extended up into a new development, Councilor Nash noted.

Councilor Jarrett expressed his understanding that the development itself is private and already has a stop sign on its side of the intersection.

**Councilor Moulton moved to forward the ordinance to the full City Council with a positive recommendation. Councilor Elkins seconded. The motion passed unanimously 4:0 by voice vote.**

**B. 23.391 An Ordinance Relative to Parking on Ward Avenue**

As he recalls, this is about retaining access to a foot path that runs along the Mill River, Councilor Jarrett stated. There is also a city utility (a water main) there, Ms. Krutzler said.

Councilor Elkins, who happens to live in the neighborhood, shared that not allowing parking at the entrance to the path does not seem to be very concerning or to have caused any issues for residents.

**Councilor Elkins moved to forward the ordinance with a positive recommendation. Councilor Nash seconded. The motion passed unanimously 4:0 by voice vote.**

Both items will be on the City Council agenda Thursday night.

Members briefly discussed the proposed date of a special meeting to take up changes to the rule governing public comment referred to LM at a special City Council meeting November 9<sup>th</sup>. He is proposing a hybrid meeting for Monday, November 27<sup>th</sup> at 5 p.m., Councilor Jarrett said.

Councilor Nash wondered if they could open up the discussion to include correction of some scrivener's errors and other tweaks to the rules, but Councilor Jarrett said he thought this would first need referral from the full council.

**The committee recessed briefly at 5:14 p.m.**

**The committee reconvened at 5:30 p.m.**

**6. Public hearing on proposed zoning change**

Public hearing notice published October 30, 2023 and November 6, 2023 per M.G.L. Chapter 40A, Section.5.

**Planning Board Members present: Chris Tait, George Kohout, Janna White, David Whitehill and Stacey Dakai**

There being a quorum of Planning Board members, Councilor Jarrett convened the joint meeting.

**Councilor Moulton moved to open the public hearing. Councilor Elkins seconded. The motion passed unanimously by roll call vote 4:0.**

The Planning Board's practice is not to vote to open public hearings but just to vote to close public comment, Chair Kohout explained.

**The hearing was opened at 5:37 p.m.**

The lighting ordinance on the agenda represents a pretty substantial overhaul of the lighting ordinance last updated in 2007, Director Misch presented. The city is woefully behind in updating the technology to

accommodate all the changes that have happened in the lighting industry since 2007. Staff started working on this several years ago but started and stopped. The language in front of them is a reevaluation of regulatory control standards for lighting levels and the color temperature of lighting and addresses the LED technology they are now seeing for most commercial and residential applications. It also more effectively addresses issues related to glare, backlight and other sources of light that are problematic for residents from business sites.

The ordinance includes a discussion of the goals of lighting, namely, to control offsite impacts, including glare, to provide enough lighting to ensure safe passage on pedestrian ways and to direct lighting where most appropriate. This, of course, leads to energy efficiency because only as much lighting as necessary to achieve those objectives is used while continuing to address the environmental aspects of excess lighting or night sky glow.

Planners added definitions to speak to the changes in technology, such as adding a definition of 'correlated color temperature,' which is a measurement of the color appearance of light. This is expressed in cooler or warmer lighting and has an associated value/rating. They also added a definition of 'uplighting' and ratings related to how much light is projected forward and back behind a light source as well as to uplighting.

The ordinance contains standards for how light fixtures should be controlled with light cutoffs to insure no uplighting, or light above a 90 degree plane, Director Misch continued. The ordinance already had maximum illumination levels identified by districts but some of the districts and how they measure the levels have changed. There is now a proposal for maximum lumens over doorways for residential and commercial uses by zoning district, for maximum foot candles across the site and also a per square foot measurement for lighting standards.

The ordinance also calls out specific situations for which waivers for brighter lighting have been granted by the Planning Board over the years, such as for gas station canopies, auto sales lots and banking or ATM facilities.

Language has also been added about controlling light in terms of the time site lights are allowed. Many of these code changes relate to situations the Planning Board has had to deal with over the years and conditions planning and zoning boards have applied to some projects. Many times there is a condition that all site lights have to be turned off at the close of business and that is incorporated into the new code.

Another area that has evolved is related to sign lights; i.e., the internal and external illumination of signs and differentiating more distinctly as far as surface colors and the different effects those light levels have.

Finally, the ordinance contains standards for street lights and specifies exemptions.

This code change came to the City Council as a draft and sort of partially-baked as opposed to pretty much ready for primetime as usual, she acknowledged. There's been so much discussion in the community about lighting standards that this was really presented knowing there was going to be a lot more hands on work by the Planning Board and City Council through the public hearing process. She's been working with former Building Commissioner Louis Hasbrouck who has a lot of experience and technical expertise in lighting and how it works in Northampton and John Frey, the person in the Building Department doing a lot of the enforcement and using a light meter to evaluate light levels. They have tried to incorporate changing tech-

nology, what makes sense for enforcement in Northampton and the kind of issues they are seeing at the complaint level.

Since this was introduced they have received some comments suggesting modifications to and adding questions to the text. She and Councilor Jarrett met this afternoon and went through some of those comments and have talked about some clarifications and modifications that might make sense in response.

One relates to whether all site lights for commercial applications should be categorically controlled to be turned off at the close of business and whether it makes sense to have restrictions on both sign lighting and parking lot lighting. An option proposed in the draft is to have lights dimmed 50%, turned off after midnight and/or put on motion control. The bigger question is, do they as a community want to say that it is not necessary for sign lighting and site lighting to be on all night long if a business isn't open. Requiring lights to be turned off after a certain point may address a lot of the concern in the community around the impacts of excess lighting, she suggested.

The other piece is about street lighting and how much to use the rating referred to as a 'BUG' rating, which refers to backlight, uplight and glare levels. It is pretty easy to evaluate for bigger projects because lighting engineers submit packets with photometric plans to the Planning Board.

The language for street lights relates to when and if they ever make changes to street lights in the city, she clarified.

She has some proposed modifications and/or additions to the draft originally sent to council, she confirmed.

Councilor Jarrett entertained questions and comments from board members.

Chair Kohout said he appreciates that the ordinance represents somewhat of a rough draft. He asked if she has been in contact with Northampton City Lights, the group in the city very proactive around lighting.

Director Misch said she received comments from James Lowenthal, a representative of the group.

He had a conversation with them six or eight months ago about the lighting ordinance and lighting on the rail trail in particular as there was a fear that the pending ordinance proposes lighting for the bike path, Chair Kohout said. A group was involved at the time and they had some very valid points. He didn't know how much opportunity they had had to provide input but he had expected a larger crowd to be present.

There was a rumor that lights might be added to the bike path in Northampton based on steps in East-hampton to add lights to the Manhan Rail Trail, Chair Kohout elaborated. As a Planning Board member, he told them he was not aware of any plans to illuminate the rail trail.

This ordinance addresses lighting on private property and street lighting but does not necessarily speak to lighting for any other infrastructure, Director Misch clarified. Rail trail lighting would likely be a community discussion. MassDOT has asked about whether lighting is proposed on new shared use paths. She thinks lighting is a community by community decision.

Councilor Nash expressed his understanding that the ordinance does regulate street lights. Would more recent replacements (eight or nine years ago) be allowed to be replaced with the same lights? He asked.

She doesn't know the specifications of the streetlights replaced some years ago, Ms. Misch said. The regulation would not be retroactive for commercial or residential properties or streetlights but would affect new lighting, Director Misch said. For example, new lights for Picture Main Street would have to meet these standards and if they were to replace city lights anywhere else, the standards would also be applicable.

They did not have these standards when the street lights were modified so she believes any new lights would be different.

One concern identified in the draft ordinance relates to 'BUG' ratings for street lights. Based on comments from James Lowenthal she worked on tweaking the draft to make it more explicit based on the street. In other words, the core CB district would have a slightly different BUG rating than some of the side streets. This is because one of the issues raised is the backlight standard for streetlights and the fact that lighting on the edge of the right of way typically casts light onto private property. There's been a conversation about how much backlight should be allowed on street lights. Why they would want more g-value (glare and backlight) for a street light is that they want to be sure they are covering as much of the street and sidewalk/ pedestrian area as possible. Streets are narrower in residential districts so they don't need as much light casting back so it makes sense to have different standards for residential districts than for core commercial districts.

Councilor Nash asked if she feels the new regs will address a lot of the concerns raised seven or eight years ago.

Streetlights are going to be problematic almost no matter what because they are high but she thinks if they control maximum light levels and are in compliance with maximum ratings it will control some of that. "I couldn't guarantee that there still won't be complaints," she advised.

He asked if they are addressing the color/temperature of the light as well, and she said yes. The ordinance proposes a maximum of 2700 Kelvin (the warmer temperature). She thinks street lights were 3500 to 4000.

Chair Kohout expressed his understanding that, while street lights are installed on telephone poles owned by the telephone company, the power company installs them. The power company in this case is like a vendor and has to abide by city code. He voiced his assumption that it is probably different for signal lights installed by MassDOT.

Traffic signals are regulated based on federal highway standards, Director Misch confirmed. And, there's been a transition in that the city now owns a significant portion of the lights and pays the utility for the power. It used to be that the utility owned most of the lights.

Chris Tait noted that if the city is mounting street lights on utility poles, the location of the poles necessarily controls the lights' spacing. They don't want to paint themselves into a corner where they have glare metrics such that they can't uniformly light their streets without adding poles, he pointed out.

The language would allow relief from the standards by going to the Planning Board, Director Misch said. There's no plan to replace street lights anytime soon. The ordinance does not require that the city go out and change all the street lights now. She thinks it is a valid concern that they are sort of stuck with the spacing.

It would be really difficult to have an ordinance that evaluates where all the poles are now and then figured out what the standard should be.

Janna questioned the language in the goals section around waivers which says that waivers may be granted 'if and only if these goals are being achieved and increased energy efficiency is achieved.' She finds that language a little vague. Does it mean better than it was previously or better than what's written into the standards?

She thinks the intention is increased energy over what's being replaced, Director Misch said. It's a good point that it should be clarified.

In response to a question from Member Whitehill, Director Misch clarified that if an applicant meets the standards they would not need to go to the Planning Board, although they might need to come before the board for another reason. If they wanted relief from one of the standards, they would have to go before the Planning Board.

Member Whitehill asked if this has been reviewed by a lighting designer or installer to make sure they are not legislating something that is nearly impossible to comply with.

The latest iteration hasn't gone to somebody else to review, Director Misch said. They did have the street-light standards reviewed by a designer several months ago. They grabbed some of these standards from other codes. The Planning Board has reviewed projects and pushed applicants to comply with several of these criteria even though it is not currently part of the code.

There is a lot in here about sign lighting, Chair Kohout said. The Planning Board traditionally doesn't have anything to do with signs other than regulating their placement; their lighting impact is usually handled elsewhere.

The Zoning Board is often in the position of evaluating sign lighting but otherwise it goes through the Building Department for review, Director Misch advised.

Members discussed how to proceed. Director Misch said she would be willing to go through the ordinance line by line or to accept edits from members. Councilor Jarrett noted that they met earlier and identified a number of possible changes Director Misch recommends be incorporated. She could add other specific line-by-line changes as part of this contemplated revision, he proposed. If the Planning Board is going to review this again it will require keeping the public hearing open, he pointed out.

Councilor Jarrett opened the floor to public comment.

**James Lowenthal**, a **Northampton** resident who works at **Smith College**, said he leads Northampton City Lights, a citizens' group with a steering committee of 10 people, none of whom besides him could make it today. The group represents hundreds of people in Northampton who care about preserving natural darkness at night and minimizing light pollution. He leads the statewide chapter of Dark Sky International - Dark Sky Massachusetts – and the American Astronomical Society Committee on Light Pollution and co-leads the International Astronomical Unions Site Protection, basically an anti-light pollution agency, so he is deeply involved in this issue.



He thanked Director Misch for her years of dedication to this issue.

So much has changed in the last 15 years, he confirmed. Probably LED's are not the final end of the line. For now, it's LED's and the current code on the books doesn't even mention them. The design of light has changed because of LED's; for example, the way they shield lights has changed. Companies that make lights have put a lot of work into spreading the light out sideways in the mistaken belief that that's best but, unfortunately, this automatically produces glare that is very poorly controlled, in most cases reducing visibility instead of increasing it.

He thinks the values articulated and embedded in the draft are fantastic; that darkness at night is worth preserving, good lighting enhances safety and public health, and wildlife and the night sky are at risk from bad lighting. By bad lighting he means lighting that is excessive, too blue, going in all directions, even up into the sky, etc.

Roughly half of light pollution comes from street lights and parking lot lights, the other half from residential and commercial. He loves about the new draft that it applies to both. He loves that the main elements of how to regulate light are included and that the color of light would be controlled; an excess of blue light is especially bad for human health so cutting back on blue light to 2,700 Kelvin is a great thing to do. They have 3,000 Kelvin street lights but the lights in Pulaski Park are 4,000 K, bluer than the American Medical Association or Dark Sky International say should be used.

He really appreciates the limits in the current draft. Limits on glare are essential; glare is the culprit. The three main elements of how to control light pollution are the amount of light, or brightness, the color of light and the direction of light. With all that said, the details are important. It is a complex, technical issue. It is critical that they get it right and that any project proponent be able to enact the values they are hoping to promote. His advice would be to get advice from a dark sky-friendly lighting designer. He recommended Glenn Highmiller of Cambridge, IALD member James Slade, and Nancy Clanton, among others.

Regarding street lights, there is growing consensus that street lights are basically not needed for streets with speeds below 25 mph. The benefits from car headlights vastly outstrip those of street lights. If they are going to put in street lights, they don't have to have street lights with glare. It is an industry canard that illumination is the gold standard.

He is sorry the street lights they have now were not done with more thought to many of these issues. It is not too late to add controls to their street lights. The streetlights were chosen with 7-pin connectors at the top, meaning they are ready to take a gizmo that can talk smartly to other street lights and to a controller. Somebody at the DPW or Central Services could pull up an app on their phone and have direct information on how bright the lights are, how many are on and what's broken and what's not. Their lights are ready to do that but the city decided not to get the controls. The main benefits are that they could immediately start saving energy and eventually start saving money. Right now they have all the street lights on all night long whether they need them or not. He appreciates very much the inclusion of controls through all of the text. Right now the Roundhouse lot does have controls that dim the lights late at night and Central Services is talking about implementing the same thing on some downtown street lights.

Finally, there is no replacement for actually going around and looking at lights together. He invited both Legislative Matters and Planning Board members to walk around downtown with him and other interested

folks for half an hour or an hour and talk about lights together. There's nothing like that to understand lighting issues. If they can't, please go to Smith College and look at the new lights outside of the Nielsen Library or Historic Northampton.

### **Member Discussion**

Chair Kohout highlighted some things he hopes the new ordinance addresses. One is parking lot lights that are on 100% from dusk to dawn when businesses are closed. He would appreciate wrestling with this question on a city-wide basis as Director Misch suggested. Another bugaboo for him is all-night lighting at sports complexes. At UMass lights are on all night by the Stonehenge area. They see this sometimes at Smith College, Smith Voke and Northampton High School. He referred to a note indicating that sports complexes will not be legislated by this code and said he hopes they will look at that again.

The code actually says the lights have to be turned off 30 minutes after the last sponsored event, Director Misch clarified. Sports complex lights are exempt from BUG ratings and light levels but still have to meet that standard. The high school turns off the lights pretty quickly after the end of each function, she noted.

As she discussed with Councilor Jarrett this afternoon, the Planning Board and City Council could adopt a policy requiring lights to be turned off at the close of business as part of their regulatory function if that's what they want to do.

One of the biggest thing they hear from businesses is the need for a sense of security for customers and staff, Chair Kohout observed.

Councilor Jarrett expressed his understanding that sports lighting is currently exempt from the lumens cap and shielding. If lights at Northampton High School were replaced by lights that met the shield requirements, he asked if many more lights would be needed to meet the coverage requirements.

The potential tradeoff would be the number of additional posts that would have to be installed, Director Misch confirmed.

For sports lighting, it is totally possible to have all the sports lighting needed for fast ball sports with small balls, etc. that is dark sky friendly, Mr. Lowenthal assured. The main company that makes sports lighting is Musko. Sports lighting is one of the fastest growing contributors to light pollution nationwide.

It's totally possible to illuminate just the field with new LED lights with full cut-offs so there is just a square around the field with the light on the field and not on neighboring areas, he elaborated. His feeling is they should not exempt that in the code but should pay the extra money if necessary to put in dark sky friendly lighting.

With regard to the claim from car dealerships that bright lighting is necessary to protect their stock, his catalytic converter was stolen from his car directly underneath a streetlight outside his house, Mr. Lowenthal reported.

"Street lights don't stop crime and they don't stop theft," he asserted. "It's not about safety and security, it's about selling cars."

But, light is a real safety factor for other types of crime for which darkness is favorable for the person trying to commit the crime, Councilor Elkins countered. She is concerned about large parking lots during hours in which folks are entering and leaving. "Bad things do in fact happen in the dark," she attested.

"But do they happen because of the dark?" Mr. Lowenthal asked.

"Yeah, they do," she responded.

Councilor Jarrett drew attention to the following language under 4 Standards, E. Control on pg. 6: "All site lights shall be automatically controlled to dim up to 50% maximum lumen output, extinguish after midnight, or be placed on motion sensors thereafter which are timed to turn off 5 minutes after motion is detected."

His question for them all is whether they consider it necessary to include extinguishing lights after midnight as an option. With this option, a business could close at 5 p.m. and leave its lights on at full output until midnight, he pointed out.

Councilor Moulton expressed his understanding that, as currently written, the section gives business owners the option of selecting one of the three alternatives. He questioned why extinguishing after midnight would be allowed as an option since, at this time of year, it would result in seven plus hours of additional 100% lighting. He said doesn't see the need for that.

Member White wondered if from an enforcement standpoint it would be easier to specify a uniform time. Barring that, her inclination is that site lights should go off at the close of business as long as motion sensors are in place to allow employees to travel safely to their cars.

Member Whitehill said he disagrees that motion sensors provide enough safety for employees and customers leaving a restaurant two hours after the time of closing.

Director Misch said she thinks Member White is right that it does make enforcement more complicated if turning lights off is tied to the close of business rather than a specific time.

A Zoom participant who identified himself as a former Northampton resident named Andy who now lives in New York State said he is very interested in Northampton/Western Mass issues and has been listening attentively and applauds the dark sky initiative. One thing that needs to be addressed which is also an issue in Vermont is a tremendous amount of safety/security concerns. The Burlington business association started an initiative to have an escort service escort people working late at night to their vehicles because of the tremendous amount of safety issues, he shared. Burlington, VT is not the place it once was. . .

Councilor Jarrett asked him to please speak to the lighting ordinance under consideration in Northampton.

Everything being said about the lighting ordinance is very good. Every year he participates in an 'earth hour' to turn off lights to raise awareness for the dark sky initiative. One other thing that needs to be addressed is EMF and 5-g radiation as he has been reading about the harmful effects of these to health and the environment.

Much of this relates to energy efficiency and energy savings and there's no reference here to the city's resilience plan and 2030/2050 carbon reduction goals, Chair Kohout observed. He wondered if it makes sense to add this as another rationale for the changes.

Councilor Elkins said she is interested to see the proposed redlines and discuss a plan moving forward. It is a little hard to talk about when they don't know what the edits are, she said.

If there aren't more comments or questions now, he would propose continuing the public hearing and asking Director Misch to incorporate the suggestions that have been made and bring them to the next meeting in either two weeks or in December, Councilor Jarrett said. (His preference would be two weeks so that it could go back to council December 5<sup>th</sup>.) He would like to hold the hearing open so they can hear from the public on the revisions.

Since they've raised questions about enforceability and the meaning of 'close of business,' Councilor Elkins wondered if Community Resources might be a reasonable place for additional discussion. She thinks it would be important to hear from workers, employers and business owners.

Councilor Nash pointed out that the next meeting of Community Resources is next Monday.

In his anecdotal experience, all of the public comment he has received around lighting is related to safety/security issues, Member Whitehill volunteered. The week of Thanksgiving may not be the ideal time to get broad representation from the community. "To do this by December seems insane," he suggested.

Director Misch wondered if setting a specific time instead of saying 'close of business' would address the concern that prompted Councilor Elkin's consideration of referring the ordinance to Community Resources.

Safety considerations for employees and people leaving places of employment at night after dark with money in their pockets from cash tips is the key thing she is seeking to address with controls, Councilor Elkins said. She is concerned about the nighttime entertainment industry, she said.

If they hold the public hearing open they could put the word out to people to come and speak at the next Legislative Matters meeting, Councilor Jarrett pointed out. One of the concerns about timing is that they will be getting a new council in January and will have to bring new councilors up to speed if the legislative process is not concluded in the next month, he added.

Member Tait asked how he can contribute his nit-picky comments and Director Misch reiterated that he and anyone else can send her edits.

Councilor Nash said he thought the businesses most impacted by the changes might be grocery stores and auto dealerships since downtown businesses are more affected by street lights and lighting in municipal lots. They might get the best input from lighting designers themselves, he suggested.

Director Misch disagreed. Whenever they talk about lighting changes there will always be lighting engineers and businesses who say they can't work with the proposal, she noted. She thinks the issues aren't about the light levels per se but are more related to proposed controls.

Councilor Elkins said she is comfortable with the technical specifications and agrees the decisions to be made have more to do with when lights are allowed to be on and off.

Members discussed how to proceed. The Planning Board's next scheduled meeting is December 14<sup>th</sup> while Legislative Matters meets again on November 27<sup>th</sup> and December 11<sup>th</sup>, it was noted.

Chair Kohout said he liked Member Whitehill's idea of having a lighting expert look at the ordinance. He works with lighting designers all the time and could send the draft to one of them for review, Member Whitehill volunteered.

The two options are taking the issue up again at a joint hearing in December or tabling it and reintroducing it in the new year, Councilor Jarrett presented.

It could be carried over to the new council, Director Misch clarified.

They've lived with the current lighting ordinance adopted in 2007 for 15 years, Chair Kohout pointed out. He says he thinks it would be rushing it to come to a recommendation on the 11<sup>th</sup>.

Councilor Moulton agreed. With the combination of trying to get a technical review and make sure the public has the chance to review the final revision in the holiday period, they may be asking too much, he suggested. He feels uncomfortable with rushing it also.

However, Member White said she feels like they have some momentum in this conversation and there is almost a month before December 11<sup>th</sup>. She would be prepared to come back together a month from now and see whether they are ready or not.

Councilor Nash said he'd like to vote on this before the end of his term if possible. Getting the perspective of an outside consultant, particularly one with a dark-sky perspective, could help accelerate things. He thinks it could move through council this session.

Councilor Elkins said she thinks they've sussed out the legislative piece which is a decision around when to require lights to be turned off. She feels quite comfortable with the standards for lumens, color temperature, etc.

She wants to reach out to some constituencies who haven't been a part of this conversation to this point. She is concerned about people who have a need to be walking around at night such as those working in late-night businesses, she reiterated.

Holding a joint hearing in December would give them the option of acting on it in this term but not preclude them from deciding to table it until the next term, Councilor Jarrett said.

Mr. Lowenthal asked how members of the public would be apprised of the new draft in time to make meaningful comments and Director Misch said the agenda would be posted no less than 48 hours in advance.

After conferring with his board, **Chair Kohout moved to continue the Planning Board portion of the hearing to Monday, December 11th at 5 p.m. Member Whitehill seconded. The motion passed unanimously 5:0 by roll call vote with Members Dakai, Kohout, Tait, White and Whitehill in favor.**

**Councilor Jarrett moved to continue Legislative Matter's public hearing to Monday, December 11th at 5 p.m. Councilor Elkins seconded. The motion passed unanimously 4:0 by roll call vote.**

**7. New Business**

None.

**8. Adjourn**

**Councilor Elkins moved to adjourn. Councilor Moulton seconded. The motion carried 4:0 by roll call vote.**

**Chair Kohout moved to adjourn. Member Whitehill seconded. The motion carried 5:0 by roll call vote. The meeting adjourned at 7:40 p.m.**

*Prepared By:*

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PUBLIC COMMENT. Members of the public may address the Council and all Council Committees on matters on the agenda for that meeting only any matter for a period of up to two minutes. ~~This period may be extended or reduced at the discretion of the presiding officer.~~ Public comment may be accepted for no more than 90 minutes total for each meeting. Whenever language translation is required for a member of the public to address the City Council, such person shall be provided four minutes. Individuals wishing to speak at public comment must sign up through the link embedded on the meeting's agenda no later than 1 hour in advance of the meeting. Individuals wishing to sign up to speak must sign up with their name, city or town of residence, and topic they plan to address. During the public comment period, ~~those wishing to speak~~ those who sign up to speak will be recognized in the order in which they signed up by the presiding officer and shall state their name and city or town of residence ~~and, optionally, their address~~ prior to making their comment. No person shall speak during public comment unless recognized by the presiding officer. At the discretion of the presiding officer, a commenter's time may be reduced if their comment is not relevant to the meeting's agenda. Councilors will not respond to any comments from the public. The City Council will take public comment in person or by remote participation, as the technology allows, for those who have signed up at least one hour in advance of the meeting. At their discretion, and if time allows after all who signed up ahead of time have spoken, the presiding officer may offer those physically present in the room a chance to make a public comment.