



**CITY COUNCIL MEETING
CONDUCTED AS AN ON-LINE ZOOM MEETING
Northampton, MA**

Announcement of Audio/Video Recording

A regular meeting of the City Council was called to order by Council President Jim Nash at 7 p.m.

At 7 p.m. on a roll call the following City Councilors were present:

Roll Call

At-Large Councilor Marissa Elkins	At-Large Councilor Jamila Gore
Ward 1 Councilor Stanley W. Moulton, III	Ward 5 Councilor Alex Jarrett
Ward 2 Councilor Karen Foster	Ward 6 Councilor Marianne LaBarge
Ward 3 Councilor James B. Nash	Ward 7 Councilor Rachel Maiore
Ward 4 Councilor Garrick Perry	

Public Hearings

Public Hearings
None.

Public Comment

Councilor Nash announced that the meeting was being audio and video recorded. He explained the procedure he would use in conducting public comment and opened the floor to comments. Public comment commenced and continued for nearly 90 minutes. Multiple speakers expressed concern and opposition to the city’s proposed five-year contract with Motorola Solutions for in-cruiser cameras (the Watchguard surveillance system) for the police department, including **Cathy McNally of Ward 1, Jesse Hassinger of Ward 4, Jasper of Ward 3, Dan Cannity of Ward 4B, Amy Bookbinder of Ward 7, Kaylee Brown of Northampton, Shelby Lee of Easthampton and Jose Adastra of Holyoke.**

Kristina Carvalho of Brookline, MA, Policy and Community Organizing Director at Zero Debt Massachusetts, spoke in favor of the resolution in support of cancelling student loan debt in particular and in support of reinvestment in higher education in Massachusetts and an overall debt-free higher education system in general.

S. Clarke Bankert of Easthampton, Senior Manager of Community Inclusion Strategies at the Collaborative for Educational Services (CES) spoke in support of the resolution to form a select committee to study barriers to service on city boards and commissions. She shared information about a CES initiative entitled ‘Redesigning Power Structures,’ which is currently working locally to increase the role of under-represented groups in governance.

Northampton criminal defense attorney **Dana Goldblatt** said that despite how tempting it is to see this type of surveillance as helpful, most of the time, the videos do not affect the outcome of cases against the police for civil rights violations. “Surveillance of police is not an effective way of reining in police abuses,” she asserted.

Jeff Napolitano of Burts Pit Road said he is not necessarily asking the council to vote the Motorola contract down outright because he has not yet seen the contract. Instead, he urged the City Council to undertake further review and to look very, very closely at what they are signing up for and also what they are signing away.

Northampton Ward 1 resident Nico suggested that rather than spending money on policing, Northampton would do better by its residents by prioritizing and funding the following: housing the unhoused, creating an affordable housing base, expanding public transportation, expanding harm reduction services such as substance use recovery, domestic violence recovery and non-carceral mental health emergency response and recovery and innovating what transformative justice looks like at the scale of a small city. Please vote ‘No’ and stop spending money on policing, he urged.

Alisa Klein of Leeds asked councilors to pull the dash cam order out of the consent agenda and send it to a committee for further study. She also suggested putting every

available dollar toward building up a successful Department of Community Care and providing housing for unhoused folks rather than propping up the 'deeply flawed' police system.

David Kris of Northampton expressed dissatisfaction with the lack of community input and absence of expert opinion brought to bear on decision-making around this complicated contract. He said it is very troubling that this conversation has taken place in a very opaque way - 'almost in the cover of the night.'

As a criminal defense attorney and Jewish American citizen, **Rachel Webber of Northampton** expressed her opposition to any advancement of a contract between the city and Motorola Solutions. Even if facial recognition and license plate scanning is not specifically enabled, this type of surveillance equipment will still make it easier for agencies to collaborate with each other to continue to over-police black and brown communities and perpetuate the white supremacy that touches every system of criminal justice, she asserted. Motorola is literally on a UN watch list for its human rights abuses in Israeli settlements and Palestine and the thought of the city making an additional contract with them is unconscionable.

Spencer Fox Peterson of Holyoke endorsed everything everyone else has said and voiced his opinion that this contract is a 'hard no.'

Will Meyer, co-editor of the Shoe String, said he did a public records request for the Motorola contract and still has not received it. He urged those listening to please send that contract to the Shoestring so they can read it. He agreed they need to better understand what's in it to understand what this technology does. He thanked Mayor Sciarra for talking to him on Monday and getting him some information, saying he thinks it was a great start.

Elliot Oberholtzer of Northampton commented on the negative message the City Council would send to the community by approving a contract for in-cruiser cameras with Motorola. When the city signs a contract which has any mention of data-sharing with ICE it puts some people in the community in intense fear, which is not acceptable for a city purporting to be a sanctuary city, he asserted.

Ashwin Ravikumar of Amherst strongly urged the council to reject the contract with Motorola because it violates Northampton's ordinance banning the use of facial recognition technology regardless of what the Northampton Police Department (NPD) says it will do with it. He also claimed it runs counter to the Northampton Policing Review Commission's recommendation to reduce the size and scope of the NPD and distracts the city from building alternatives that will really keep the community safe.

Gwenevra Lodi Nabad of Northampton said she was surprised to read in the paper about cameras going into police cars and is not interested in having her neighborhood in Ward 1 monitored in that way. She also spoke in support of forming a committee to look at barriers to participation in city government by under-represented groups.

Manny Pintauro of 20 Hampton Avenue and also of Sunderland spoke in support of the resolutions to form a select committee to study barriers to service on city boards and commissions and to cancel student debt. However, he agreed with those who spoke in opposition to the contract with Motorola for in-car police cameras.

Ben Brucato, Assistant Professor of Criminology at Framingham State University and teacher at UMass Amherst, said he has been researching and teaching about police surveillance for the past decade. Dash cams were first introduced in the 1980's when they were pushed by mothers against drunk driving to collect evidence and self-incriminating statements from citizens, he related. They didn't take off initially and only finally caught on when proponents were able to exploit the controversy surrounding the Rodney King beating to promote them as tools to increase the accountability of police officers. Similarly, body cameras were used for years by a few police departments to collect evidence and incriminating statements from citizens but only saw a boon when their use was exploited in the case of the killing of Michael Brown in Ferguson, Missouri.

Again and again they have seen technologies used to criminalize poor people - especially poor people of color - adopted only after local, state and federal governments exploit a controversy where there is a lack of accountability to argue that they can be used to provide greater accountability to the police.

Research shows very conclusively that video shot from the police perspective - whether dash cameras or body cameras - serves the purpose of helping police *avoid* accountability. They were developed for that purpose and marketed and adopted for that purpose, he claimed.

Mac Godinez of Ward 3 commented that the 'record after the fact' feature of the Watch-guard system amounts to full-time surveillance producing data about the community that the community ultimately doesn't have full control over. To say this would somehow be a move to hold police accountable rings disingenuous and is an example of 'smoke and mirrors,' he stated. Contracting with Motorola Solutions would be a move to invest in a future of distrust and fear for Northampton.

Ty Smart said it's unclear to him why the city would have money to contract with Motorola but not to fully fund the Department of Community Care. The city's investment seems misplaced and shouldn't happen, he concluded.

Ryann McChesney of Ward 3B stated her opposition to the Motorola Contract, saying she is concerned about the data collected by the cameras and all the ways it could be used and concerned that it goes directly against the values of Northampton as a sanctuary city.

Northampton resident Chris Kitzmiller expressed his disapproval of the police camera expenditure. He noted that the lack of transparency around this budget item comes fresh on the heels of Boston's police department purchasing a cell site simulator with funds from civil asset forfeiture and further highlights an alarming trend in the police community. He particularly echoed Dan Cannity's concern about the cloud aspect of the Motorola Watch-guard program. By outsourcing this functionality the city is entering into a 'policing for profit' model and Motorola has shown itself to be an unfit steward of this type of sensitive data, he added. "Please block this expenditure," he urged.

Aimee Francaes of Northampton noted that it is February 3, 2022 and they are going into the third year of public comment with consistently loud voices in the community telling leaders that they do not want money invested in police but want funds invested in unarmed, peer-led solutions. She also asked councilors to reconsider the new limits on public comment.

Joanna Mae Boody of Millers Falls, a former Northampton resident, joined earlier speakers in urging councilors to vote against the Motorola Solutions contract. She also urged the council to reconsider the 90-minute cap on public comment.

Donovan Lee of Easthampton urged councilors to vote against the update to the police surveillance system. It's not okay to normalize being surveilled by the government or police state and is financially irresponsible in the middle of a global pandemic and ecological emergency with overstretched school systems and crumbling infrastructure to put money into anything besides infrastructure and uplifting people.

Ya-ping Douglass of Turners Falls voiced concern at Northampton's consideration of entering into this contract. She referred to a statement from Councilor Elkins and an email from Councilor Nash saying that dashboard camera systems can be an important tool for documenting police interactions with the public. "To be honest, that's just not true," she said. Just a little bit of googling shows that every city in the country that has pushed back against the use of surveillance technology has the support of a broad coalition of racial justice organizations. "This tech is horrible and it's going to criminalize us more," she observed. She mentioned a list of organizations which oppose the technology which she said she would provide to the council.

Sue Stone, who identified herself as a **Northampton citizen** and actual taxpayer, spoke in support of the police dash cam contract. She asked the council to keep the time limit on

public comment and to consider not allowing people who don't live in Northampton to speak at council meetings.

Northampton resident Joe Mygan said facial recognition is unreliable, unjust and a threat to basic rights and safety. Facial recognition surveillance programs identify the wrong people up to 98% of the time. These errors have real-world impacts including harassment, wrongful imprisonment and deportation. Facial recognition software programs misidentify people of color, women and children, supercharging discrimination and putting vulnerable people at greater risk of systemic abuse.

The City Council recessed briefly to allow the Council President to reach out to Councilor LaBarge, who had been kicked off the Zoom meeting and was having difficulty re-joining. The council reconvened at 8:22 p.m.

When the council reconvened, Council President Nash reassured those listening that although the council's Zoom recording did not begin until 48 minutes into the meeting, Northampton Open Media (NOM) keeps an official recording of the meeting and the full version of it will be available to the public online.

<p><u>Announcements from Councilors and the Mayor</u></p>	<p><u>Announcements from Councilors and the Mayor</u></p> <p>Councilor Maiore reminded residents that the health department is providing COVID booster shots with no appointments necessary at the Elks Lodge. People can go to the city website to find the hours. She thinks it's fabulous that they're making it that easy.</p> <p>Council President Nash thanked the Mayor's office and City Clerk Pamela Powers for the administrative assistance being provided while the council administrative assistant tends to a family medical emergency.</p>
<p><u>Presentations</u></p>	<p><u>Presentations</u></p> <p>None.</p>
<p><u>Consent Agenda</u></p>	<p><u>Consent Agenda</u></p> <p>Councilor Nash reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request.</p> <p>Councilor Moulton requested that Item D, <u>22.016 An Order Authorizing a Five-Year Contract for IT Services Department Equipment and Software</u>, be removed. [See separate discussion under Financial Orders on 2nd reading, below.]</p> <p>Councilor Perry noted a small scrivener's error on pg. 16, where a comment is mistakenly attributed to former Councilor Quinlan. Councilor Nash said he had already brought this to Laura Krutzler's attention and she will correct it.</p> <p>Councilor Perry moved approval of the consent agenda with the removal. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p>The following items were approved as part of the consent agenda:</p> <ul style="list-style-type: none"> A. Minutes of January 20, 2022 B. 22.012 An Order to Grant Utility Easement to National Grid for 54 Clark Street Well C. 22.014 An Order to Accept a Gift for Replacing Sidewalk Sections Adjacent to 109 Main Street D. 22.028 Appointment to the Board of Health - for referral to City Services <u>Board of Health</u> <p>Dallas Ducar, 4 Sunhill Drive, Florence</p> <p>Term: January 2022-June 2025</p>

To fill a vacancy

See Financial Orders (on 2nd reading) below for the text of the financial orders approved as part of the consent agenda.

<p><u>Financial Orders (On 1st reading)</u> <u>22.016 Order Authorizing a Five-Year Contract for IT Services Department Equipment and Software – 2nd reading</u></p>	<p><u>Financial Orders (On 2nd reading)</u> <u>22.016 An Order Authorizing a Five-Year Contract for IT Services Department Equipment and Software - 1st reading</u> Councilor Nash opened the floor to discussion.</p> <p>Mayor Sciarra clarified that the order is not a financial order but an order for a five-year contract. In-car camera systems have been in use in the city for years and have been seen as helpful for transparency and accurate video records. The footage can be requested and used for court cases. The current equipment has not been functioning well or consistently and attempts to fix it with the current vendor have been unsuccessful and even frustratingly so, she reported.</p> <p>It is an IT order because all technology procurement has been consolidated under the IT Services Department for the past few years, Mayor Sciarra explained. As background, before 2016, IT was spread out throughout the city. There were some centralized IT staff but many departments had their own in-house IT personnel and did their own procurement. This wasn't necessarily efficient and led to all sorts of compatibility issues between departments. A study recommended centralizing IT services and the city hired Antonio Pagan in 2015. The consolidated IT team started working the following fiscal year and, over the course of a few years, the IT functions of various departments, including the schools, were moved into this department. ITS now oversees all technology purchases for the city.</p> <p>As indicated at the last meeting by Director Pagan and Councilor Elkins, who herself is a member of the Capital Improvement Committee, this capital purchase was going to appear in the capital improvement program (CIP) for IT to be presented to the City Council in a few weeks. However, in doing the procurement, the IT director found that a five-year contract would be more cost-effective and provide better support if the system was having problems. Since it was no longer a one-time capital expense for equipment, it was moved off the capital plan and is now before them as a five-year contract.</p> <p>With regard to concerns expressed about the wording of the order, Mayor Sciarra agreed it should have been clearer and said she certainly hears and understands that concern. She made sure the director was present at the last meeting and he is here again tonight along with Police Chief Kasper to answer any questions. She will make sure orders are more descriptive going forward, she confirmed.</p> <p>Neither the cameras nor the software will have facial recognition capabilities, which is not something allowed as part of this contract, she stressed. In 2019, she was the sponsor of an ordinance prohibiting the use of facial recognition systems, which states that it shall be unlawful for any city official to expend any city resources to obtain, retain, access or use any face surveillance system. This is an issue she is very familiar with and feels strongly about. There will also be no license plate scanning software.</p> <p>She was also a sponsor of the Safe City Ordinance which affirmed and strengthened the 2014 executive policy order to not honor or enforce any detainer or information request from U.S. Immigration and Customs Enforcement (ICE) that is non-criminal or not subject to a judicially-issued warrant. That is something she feels very strongly about and is unwavering on, she assured.</p> <p>Councilor Gore asked if it is possible to contract with someone other than Motorola and how the decision to award the contract to Motorola was made.</p> <p>Staff worked for over two years with the current vendor to overcome the city's problems with the system before deciding in collaboration with NPD leadership and administration that they needed to look at other options, ITS Director Pagan related. A rubric on which to base product evaluations was developed and they looked at three different vendors, giving</p>
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each the opportunity to do a demo for both IT staff and NPD administrators.

After evaluating the features and capabilities of the selected systems in comparison to the city's needs, it was determined that Motorola Solutions had both an on premise and cloud-based option that exceeded the capacity of the other vendors. [Motorola was the only vendor that had both on cloud and on premise options, he noted.]

Of the three vendors, Motorola's product was the most advantageous in terms of technological features and reliability, Director Pagan presented. In addition to talking to vendors, IT looked at systems in place in other communities. He shared his opinion that this procurement process was the most professional one conducted in the past seven years. Participants spent a lot of time evaluating the options and making sure data privacy, security and availability was where they wanted it to be.

Councilor Jarrett expressed appreciation for the metrics used to evaluate the systems but suggested two additional important metrics, data privacy and safety (i.e. - who owns and has access to the data and whether it is shared without the city's permission) and social responsibility. He wondered if an off-line approach might be better since easy access to data makes it easier to share.

He also questioned whether the company selected acts in a manner that benefits society by Northampton's community standards. Motorola Solutions has documented collaboration with ICE and border patrol and involvement in Israel and prison security which has led numerous city councils, universities and churches to divest or not do business with them, he pointed out. He wondered if adding those metrics to the rubric would have yielded different results.

Data privacy was one of the metrics but social responsibility was not, Director Pagan acknowledged. As chief information officer of the city, his job is to focus on the technological capabilities of solutions presented, he stressed. If they as a city council ask him to expand the rubric to include social responsibility, he would be happy to do so, he advised.

As to whether Motorola would share data without the city's permission, Motorola's policy is not to answer questions from any agency unless specifically authorized by the city, he asserted. "They would always come back to us before they can provide information to any agency," he confirmed. As councilors may know, judicial requests might override that policy and not allow the company to share the request with the city. But otherwise, not only would Motorola reach out before responding to a request but it would challenge the request based on the city's direction not to share its information.

Director Pagan stressed that city officials have not yet entered into a contract with Motorola but are awaiting the council's approval of a five-year contract before starting negotiations. At this point, they only have a quote from Motorola.

In response to a question from Councilor Moulton, Director Pagan reiterated that there is no contract with Motorola with specific terms and conditions at this time. The current contract is with Provision, a Michigan-based company.

Councilors asked clarifying questions. In response, Director Pagan presented the following:

- ❖ If the five-year contract term is approved, the city is hoping to have a new contract in place by March 1st
- ❖ The city would not actually buy equipment from Motorola but would receive a license to use its equipment
- ❖ Any data collected during the contract term would be owned by the city, so at the end of the contract term, the city would be able to download the data onto its own server. At that point, it could negotiate a new contract with Motorola or with a different vendor
- ❖ About 80% of all the city's software solutions are already cloud-based. "We have very little of our data hosted by the city," he said.

In response to a follow-up from Councilor Maiore, Director Pagan confirmed that the cloud-based information stored by the city now is primarily data rather than video. The current video system is on premise, hosted locally by the police department on hardware it owns

and manages.

Director Pagan gave a detailed technical explanation of the mechanics of how data is actually stored and managed. In general terms, the data is not going to be shared unless Chief Kasper authorizes it, he said. He deferred to Chief Kasper for additional information about this process.

Chief Kasper said she is not aware of any law that allows federal agencies to swoop in and take information without a subpoena as alluded to in some public comments. In order to get a subpoena, a requester would need a court order. She discussed the types of information requests the department might usually receive and respond to, such as requests from members of the public or other law enforcement agencies. Since 2008 when the city first obtained this technology, they have never received the sorts of requests for any of their recordings that have been the source of the concerns heard, she attested.

Members offered comments and asked questions to clarify information presented.

Councilor Elkins asked if Chief Kasper had an estimate of how many cases have been affected by lost data. Chief Kasper said she did not but that it is a common occurrence. "It is an ongoing issue that we were talking about weekly," she said. They eventually stopped talking about it and begged the IT department for help because it was such a persistent problem and they were not able to solve it.

At Councilor Perry's invitation, Chief Kasper talked about the police department's use of this footage and its importance to the policing function. Police have had this recording technology for a long time, she related. The most common way for the public to have contact with the police is through a traffic stop and this is a way for them to capture those contacts. It is very commonly used footage and "protects everyone involved so that there's an accurate record of the event," she stated.

The police have had a much higher rate of success in Operating Under the Influence (OUI) cases since the recordings were first introduced, so they've been 'incredibly useful' for that, she reported. The lack of trust that has been mentioned plays out in court as well. People just don't believe unless they actually see evidence, so this technology "has really been a game changer for us," she added. They want to make sure people see that officers are pulling evidence out of a car instead of planting it there. The cameras also record detainees riding in the back seat and so have been invaluable in defending against claims that something happened to a detainee between a stop and the arrival at the station. "It is an accurate representation of what happened," she stressed.

Police use the recordings so frequently she can't tell them; besides court proceedings, they are used for training new officers and to review pursuits and stops, Chief Kasper continued. When Officer Nolan was struck by an impaired operator, it was dash cam video that showed the other vehicle careening across the street to hit him. In any accident, there is always going to be an issue of fault, and the videos are used to look at those scenes. "They are truly invaluable to our department, and, right now, they are completely unreliable," she maintained.

Councilor Perry followed up by asking who has access to this data.

Permission to modify the videos in any way would not be granted to the majority of the department and possibly would only belong to her or perhaps a captain, Chief Kasper said. There would be no way for people to go in and tamper with the recordings, she stressed. Specific details of who would receive permission would be worked out with the IT director and within their own department policies.

Finally, Councilor Perry asked how long the data is stored on the cloud or the server.

Police will work out retention schedules for the data with the IT department, Chief Kasper said. For recordings with evidentiary value, they are required to retain them through the court process and 60 days after that.

Since redaction was mentioned by Director Pagan at a previous meeting, Councilor Elkins asked under what circumstances police might redact a portion of video.

The police department and dispatch administrator presently redact reports released to remove sensitive information such as medical information or information about juveniles, Chief Kasper said. The software also has the ability to blur faces if appropriate, such as when children are involved. Whenever information is redacted, police note the redaction and cite the public records exemption, she added.

Editing video to remove sensitive information is a very time-consuming process for the police department with the current system, Director Pagan added. The Motorola system is capable of removing sensitive information in a much more effective and efficient way. It is more hands on and actually more secure because data is not being moved from one application to another.

In response to a question from Councilor Maiore, Director Pagan clarified that the quote from Motorola Solutions does not include facial recognition or license plate scanning features. Motorola Solutions' Watchguard product does not include facial recognition to begin with and license plate scanning is only offered as an add-on, which the city did not request. If Motorola were to offer facial recognition technology in the future, it would be the city's decision whether to include it, he advised.

However, Councilor Maiore expressed her understanding that if the city is collecting video, the possibility for facial recognition is there.

Director Pagan clarified that the only data uploaded into the system is data triggered by an alarm. (Chief Kasper explained earlier that 'alarm footage' is footage captured when blue lights are activated on a cruiser). In other words, something has to trigger the recording. Similarly, the 'after the fact' recording mentioned in public comment is a configurable feature, meaning that PD leadership can decide whether or not to enable it. "We are not uploading everything that the camera captures; it is only when the alarm goes on," he explained.

Councilor Maiore said it concerns her that the company does not allow clients to opt out of the artificial intelligence (AI) smart system, since it says on the company's website that this is in use.

Councilor Moulton said he was struck by Councilor Jarrett's observation that social responsibility was *not* one of the metrics used to come up with the recommendation to contract with Motorola. As mentioned, Northampton has established itself as a sanctuary city, passed ordinances that limit surveillance technology and most recently passed an ordinance that prohibits the use of facial recognition systems. If they add social responsibility as a metric, he wondered if the recommendation would change.

Councilor Maiore echoed the opinion that looking at which companies the city wants to do business with is valid.

The other two vendors were Exxon and GetTech, Director Pagan said.

Of all the comments, the ones she finds most persuasive are the concerns about Motorola's social policies, Councilor Elkins agreed. At the same time, Northampton has been a leader in having dash cam technology. As a defense attorney, while 100% of police reports she has ever read are inculpatory, that is not true of camera footage, she pointed out. "We find differences; we find inconsistencies . . . the dash cam has been vital," she emphasized. Not so much in this community, but in other communities, "It has been the thing that has allowed me to vindicate my clients' rights. It has been the thing that has let me expose police misconduct. It has been the thing that has meant acquittals."

However, they can't have it and have it not work, she noted. For her, they either need to replace and fix it or get rid of it.

She literally has clients whose lives were changed by the availability of this evidence so

she knows how she'll be voting when they finally get to the question, Councilor Elkins concluded.

Councilor Maire said she hears this position but they also have to talk about the cost. Some people's lives are being destroyed by ICE and this information is not always being used in an above-board fashion. There is a systemic problem where historically people have been profiled and it's been used against communities of color. It's a duality; both things are true, she suggested. Individual's lives have been changed but there is also a potential cost.

General discussion continued for another half hour. Among other things, the IT director talked about the increasing trend on the part of the city's IT vendors to favor longer-term, five-year contracts. For the city, the benefit of the longer contract is that if one of the systems fails, it would automatically be replaced at the company's expense rather than the police having to purchase new equipment out of its departmental budget. The police chief also clarified that 'alarm videos' are triggered in three specific ways and are the only recordings saved by the system, while routine recordings are continuously overwritten. 'Alarm videos' may be triggered by 1) the activation of cruiser lights, 2) a cruiser reaching a certain speed (according to police policy, she believes it is 5 mph), or 3) manual activation by an officer.

Councilor Nash expressed his understanding therefore, that cruisers wouldn't be riding around Northampton creating videos but that a triggering event would have to occur.

SOCIAL RESPONSIBILITY

Councilor Perry said he really liked the idea of adding 'social responsibility' to the criteria used to evaluate vendors.

The IT director confirmed that he could add this criteria if the council so requests and reevaluate the scoring of the three vendors in three or four weeks.

Councilor Maire proposed referring the order to the Finance Committee to allow time for more discussion and to process the information presented.

Councilor Nash said another possible path forward is having the IT director reevaluate the proposals with the added criteria of social responsibility, since he heard that offer from Director Pagan.

Councilor Jarrett said his main concern is still moving forward with this particular company, given its history. It's not a company that acts in line with Northampton's values and, given its track record, he is not sure they should trust its assurances.

The city of Berkeley, California has adopted a sanctuary contract ordinance that prohibits contracting with companies that collaborate with ICE unless an exception is granted, he shared. He thinks Northampton should consider holding itself to a similar standard.

In the meantime, the city has done everything possible to make the current system more reliable, Director Pagan attested.

Members discussed how to proceed. Chief Kasper said she wasn't sure how the concept of 'social responsibility' would be defined for this purpose. Director Pagan agreed they would need guidance from the council as to what specific points they should consider in evaluating potential vendors by this standard. The definition of social responsibility should come from either the mayor's office or the city council, not from him personally, he stressed.

Councilor Nash said he would be interested in the IT department adding that component to the rubric.

Councilor Foster said what she's heard the most is concern about data breaches and Motorola's interactions with ICE. There are concerns that Motorola may not protect the data in the way it says it will. She is quite persuaded by the evidence that dash cams can provide evidence that would be persuasive in courts, so she doesn't want to unnecessarily

hold up the procurement. Between the mayor’s office and the council, she thinks they might be able to come up with a handful of top concerns.

Councilor Gore said she would be interested in having the discussion of whether the city should be using dash cams to begin with. “Maybe we shouldn’t be pursuing it at all,” she said.

As she said earlier, this is a community conversation that she would like to have as well, Councilor Maire agreed. She wondered if referring it out might give them an opportunity for this dialogue.

Mayor Sciarra reiterated what she was hearing from the police chief and Director Pagan – that if the council would like more information, these department heads need clear direction on what it is and how they would like them to evaluate it.

Councilor Maire said she thought this is what might be able to be hashed out in a subcommittee.

Councilor Moulton agreed the order should be referred out and suggested the Finance Committee would also be an appropriate place for this discussion.

Councilor Foster moved to refer the order to the Finance Committee. Councilor Moulton seconded.

Councilor Nash suggested the task for the Finance Committee is to seek input from the public on how the social responsibility rubric/component should be defined.

Councilor Maire expressed her understanding that the Finance Committee’s would thus be recommending a rubric to the full council.

Mayor Sciarra asked what the council’s expectations are for who should be present at the Finance Committee meeting and what sort of preparation might be needed.

Councilor Nash proposed that he and Councilor Maire meet tomorrow to make a plan for the Finance Committee meeting and then let the mayor know who they would like to attend.

The Finance Committee meeting is at 5 p.m.

The motion passed unanimously 9:0 by roll call vote.

See minutes of February 17, 2022 for second reading.

22.026 Order to Appropriate \$45,000 in Whiting Street Trust Funds - 1st reading

Financial Order (on 1st reading)
22.026 An Order to Appropriate \$45,000 in Whiting Street Trust Funds - 1st reading
 Councilor Nash read the order and Councilor LaBarge expressed her strong support.

The Whiting Street Fund Committee makes annual recommendations to the mayor for the use of funds from the Whiting Street fund using interest from that fund, Mayor Sciarra explained. They distribute funds to non-profit agencies for the purpose of providing direct assistance to low-income Northampton residents. The focus of awards this year is to address houselessness and housing insecurity, so committee members have chosen to support two wonderful applications: Friends of Hampshire County Homeless Individuals, Inc. for its housing project for disabled homeless individuals on Franklin Street and Manna’s operation of what it is calling the Community Center.

Councilor Jarrett moved to refer the order to the consent agenda. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of February 17, 2022 for second reading.

Financial Orders
(on 2nd reading)
22.012 Order to
Grant Utility Ease-
ment to National
Grid for 54 Clark
Street Well

Financial Orders (On 2nd reading)

The following orders received final approval as part of the consent agenda:

22.012 An Order to Grant Utility Easement to National Grid for 54 Clark Street Well

The following order passed final reading:

**City of Northampton
MASSACHUSETTS**

In City Council, January 20, 2022

Upon the recommendation of the Mayor and Department of Public Works

22.012 An Order to Grant Utility Easement to National Grid for 54 Clark Street Well

Ordered, that

- WHEREAS, the Department of Public Works operates a drinking water supply well on property owned by the City located at 54 Clark Street; and
- WHEREAS, the well is powered by a connection to cross-country transmission lines traversing the rear of the property where access is poor; and
- WHEREAS, National Grid has agreed to provide power to the well directly from Clark Street, which would provide more secure, accessible, and stable power to the well; and
- WHEREAS, National Grid requires an easement to install, maintain and replace utility poles, anchors, and push braces on and under the City's property from Clark Street to the location of the well; and
- WHEREAS, the location of the proposed utility poles, anchors, and push braces are shown on a sketch plan entitled "Electric Distribution Construction Easement, National Grid, WR#30423079, Address: #54 Clark Street, Northampton, MA," and dated November 3, 2021.

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the Mayor to execute and deliver an instrument granting an easement to National Grid for the installation, maintenance and replacement of utility poles, anchors, and push braces as shown on a sketch plan entitled "Electric Distribution Construction Easement, National Grid, WR#30423079, Address: #54 Clark Street, Northampton, MA," dated November 3, 2021, on such terms and conditions as the Mayor deems reasonable and appropriate.

Passed final reading and enrolled.

22.014 An Order to Accept a Gift for Replacing Sidewalk Sections Adjacent to 109 Main Street

The following order passed final reading:

22.014 Order to
Accept a Gift for
Replacing
Sidewalk Sections
Adjacent to 109
Main Street

City of Northampton
MASSACHUSETTS

In City Council January 20, 2022

Upon recommendation of the Mayor and Department of Public Works

An Order to Approve a Gift for Replacing Sidewalk Sections Adjacent to 109 Main Street

Whereas, the City is the owner of the Main Street and Gothic Street layouts, Northampton, Massachusetts; and

Whereas, Trident Realty Corporation is the owner of property at 109 Main Street, Northampton, Massachusetts (Assessors' Map 32A, Parcel 140), with Grantors rights to said parcel contained in a deed recorded in the Hampshire Registry of Deeds in Book 6062, Page 34; and

Whereas, the parties are uncertain as to the location of their common boundary line between their respective parcels, which date back to the early development of Northampton; and

Whereas, the City has contracted to replace and make handicap accessible approximately fifty (50) linear feet of concrete sidewalk at its own cost within the uncertain area in front of the building due to its current disrepair and potential safety hazard; and

Whereas, to the extent that Trident Realty has an interest in the proposed sidewalk improvements, Trident Realty has offered a monetary gift of \$7,500.00 toward the cost of said improvements.

Ordered that, Northampton City Council, gratefully accepts a gift of \$7,500.00 from Trident Realty to support costs associated with the replacement of approximately fifty (50) linear feet of concrete sidewalk in front of the building at 109 Main Street.

Passed final reading and enrolled.

<p><u>Recess</u></p>	<p><u>Recess</u> The City Council recessed briefly at 10:48 p.m. The council reconvened at 10:58 p.m.</p>
<p><u>Orders</u></p>	<p><u>Orders</u> None.</p>
<p><u>Ordinances (Not yet Referred)</u> <u>22.024 Ordinance Relative to Stop Signs in the Village Hill Neighborhood</u></p>	<p><u>Ordinances (Not yet Referred)</u> <u>22.024 An Ordinance Relative to Stop Signs in the Village Hill Neighborhood</u> Councilor Maiore moved to refer the ordinance to Legislative Matters. Councilor Perry seconded.</p> <p>Councilor Jarrett noted that only one stop sign is indicated on the map as being added but many more are listed in the language of the ordinance. .He asked if the other stop signs are existing and just need to be codified.</p> <p>The one new stop sign is on Village Hill Road heading north towards Higgins Way and is a recommendation of a traffic study DPW did last year, Councilor Foster confirmed. Through the traffic study, it was realized that adopting ordinances for traffic signs was overlooked when Village Hill was first developed, so that is being corrected.</p> <p>The motion passed unanimously 9:0 by roll call vote.</p>

	<p><u>See minutes of February 17, 2022 for final reading.</u></p>
<p><u>Ordinances</u></p>	<p><u>Ordinances</u> None.</p>
<p><u>Zoning Ordinances (Not yet Referred)</u></p>	<p><u>Zoning Ordinances (Not yet Referred)</u> None.</p>
<p><u>Zoning Ordinances</u></p>	<p><u>Zoning Ordinances</u> None.</p>
<p><u>Resolutions</u> <u>22.023 Resolution in Support of Student Loan Debt Cancellation - 1st reading</u></p>	<p><u>Resolutions</u> <u>22.023 A Resolution in Support of Student Loan Debt Cancellation - 1st reading</u> Co-sponsor Jamila Gore read the resolution aloud.</p> <p>As a black woman, she is personally and disproportionately affected by student loan debt herself, Councilor Gore related. She is almost 20 years out of college and still has debt. As the resolution said, the average African American borrower still owes 95% of his/her student loans 20 years after their education. Another study shows one in five people over 50 still owe student loan debt.</p> <p>Student loan debt makes it impossible for people to have good credit, get loans, buy cars, buy houses and earn advanced degrees. She thinks President Biden needs to pass the student loan debt cancellation now. It is especially urgent because, with the pandemic, people haven't been able to pay a lot of their bills. Student loan debt is just a big burden and is a burden on people's mental health as well.</p> <p>Councilor Maiore thanked her co-sponsor and folks at Zero Debt Massachusetts, Kai Paik, a local high school student who did the local debt analysis for them, Cherilyn Strader and Lydia Wood and Ian Rhodewalt from Western Mass labor federation, a coalition of more than 60 unions across Western Massachusetts. The coalition passed a similar resolution, as has Boston, Cambridge, Somerville and Chelsea.</p> <p>To frame the discussion, Councilor Maiore noted that 44 million Americans are affected and that college tuition has risen by 103% while median household income has only risen 14%. As Kai Paik's data showed, student debt cancellation would save each graduating class of the five colleges (7,650 students) \$147.6 million in student debt. This is definitely part of the equation when they talk about affordability in Northampton; it's not just about the rising cost of housing, it's about how much people have in their bank accounts. The federal government is not a forgiving debt collector. She personally has student debt and will have it when her oldest child starts college. As stated in the resolution, women hold the majority of debt and only make 81% of what men earn. Black women make only 63 cents for every dollar a white man makes.</p> <p>Black medical school graduates are spending more than \$10,000 a year on student loan interest alone, and they all know they need more people of color in the medical field.</p> <p>Before the Civil Rights Act ended legal segregation in 1964, most public colleges and universities were largely tuition free. The political will to subsidize higher education waned as black, Latino and Asian enrollment rates rose, fostering these more extreme disparities. This is a great strategy for helping to close the racial wealth gap.</p> <p>After strong expressions of support and additional personal experiences from Councilor LaBarge, Councilor Foster, Councilor Elkins and Councilor Perry, Councilor Perry moved to refer the resolution to the consent agenda. Councilor Nash seconded.</p>

Councilor Jarrett voiced his understanding that unless councilors specifically want to refer the resolution to the consent agenda, it will simply appear on the next agenda in final reading. Councilor Nash agreed with this interpretation and **the motion was withdrawn**.

After an additional statement of strong personal support, the council president moved to the next item on the agenda.

See minutes of February 17, 2022 for final reading.

22.027 Resolution to Form a Select Committee to Study Barriers to Service on City Boards and Commissions - 1st reading

22.027 A Resolution to Form a Select Committee to Study Barriers to Service on City Boards and Commissions - 1st reading

Co-sponsor Karen Foster read the resolution aloud.

This topic was on her mind before running for City Council two and a half years ago, just looking around and recognizing how much the city would benefit from a more diverse population serving on city boards and commissions, Councilor Foster shared. As they know, those able to serve tend to skew older and more financially comfortable. Just before the pandemic hit in February of 2020, the City Services Committee made an information request to the mayor’s office to gather baseline demographic data on the make-up of city boards and commissions. At that time, the city necessarily pivoted to start dealing with COVID, but it feels like this is the time to take it back up again.

In discussions about forming an advisory board for the Department of Community Care and appointing the Northampton Policing Review Commission (NPRC), the subject of barriers to participation for some people whose voices are most needed was raised. There are real barriers, but she feels like if they look ahead with intention and the knowledge of where they’re at and where they’d like to be, they can provide themselves as a city with a road-map to help insure everybody who lives here is able to participate in decision-making.

As one of the two co-sponsors, to her this is the start of a conversation, and she thinks the make-up of this committee is one of the most important conversations they need to have. One of the challenges is that the voices they most need to hear from can also be the voices facing the greatest barriers to inclusion and they really want to name that dichotomy. They heard earlier in public comment from Clarke Bankert of CES who is working on a grant for redesigning power structures, so there is community support. She hopes her colleagues will also support examining what voices they’re hearing.

Councilor Nash said he shares the intention of this and knows several other councilors do also. He and Councilor Foster really wanted to share this resolution and this process with fellow councilors as colleagues and to go over the language and figure out the make-up of the select committee together.

Councilor Moulton commented that this is a critically important issue that can and should have a lasting impact on who participates in municipal government. This was the top issue the Charter Review Committee grappled with in 2019 and, although they didn’t make any recommendations on it, they identified it in their report to the City Council as the most critical issue they felt needed further study. He is very pleased that council leadership has identified it as a priority for this year.

Councilor Jarrett and Councilor Perry also expressed their belief in the importance of this undertaking. Councilor Jarrett noted that, on the policing review commission, many people resigned at least partially due to these structural issues, while Councilor Perry added that, in looking at the agenda, this stood out to him as one of the most important things to talk about because he knows the importance of representation. He is honored to be serving on a City Council where they have - for the first time - two members of color, and he wholeheartedly supports this.

Councilor Jarrett pointed out two sentences containing lists prefaced by the phrase ‘such as.’ Since ‘such as’ implies different options, the following list can simply use the word ‘and’ instead of ‘and/or,’ he suggested.

Originally, the thought was to also look at compensation for elected officials as well as the possibility of compensation for people serving on city boards and commissions, Councilor Foster noted. There is a mechanism through the city charter to look at this compensation every 10 years, and this also needs to be looked at with an equity lens since for some people it is a barrier to serving.

Councilor Maiore said she was thrilled to see this on the agenda. If they really want to attract new demographics they also need to think about working conditions for councilors as well as compensation, she suggested. Super late night meetings might work for independently wealthy retirees with time to recover, but part of the thinking in limiting public comment and second readings is trying to make meetings shorter for other demographics.

Councilor LaBarge agreed they are in dire need of this. She has been told that the long evening hours are a major barrier to single parents and some others who might otherwise like to run. They also need to look at compensation in comparison to other cities, she added. "It will open the doors to get more people to come in and run for city council."

Councilor Foster spelled out the options of either referring this to committee or simply taking no action and letting it appear in second reading on the next agenda. The consensus was that there was not a need for referral.

See minutes of February 17, 2022 for final reading.

<p><u>New Business</u></p>	<p><u>New Business</u> None.</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made by Councilor LaBarge and seconded by Councilor Moulton the meeting was adjourned at 11:55 p.m. The motion passed 9:0 by roll call vote.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>