



Committee on Finance and the Northampton City Council

*Councilor Rachel Maiore, Chair
Councilor Marianne LaBarge, Vice Chair
Councilor Stanley W. Moulton, III
Councilor Jim Nash*

Virtual Meeting
Meeting Date: March 1, 2022
Time: 6 p.m.

1. **Meeting Called To Order:** At 5 p.m. Councilor Rachel Maiore convened the meeting.
2. **Roll Call:** Present were committee members Councilor Rachel Maiore (Chair), Councilor Marianne L. LaBarge (Vice Chair), Councilor Stanley W. Moulton, III and Councilor Jim Nash. Also present were Mayor Gina-Louise Sciarra and Office of Planning and Sustainability Director Wayne Feiden.
3. **Announcement of Audio/Video Recording**
Councilor Maiore announced that the meeting was being audio and video recorded.
4. **Public Comment**
There being no general public comment, Councilor Maiore moved to the next item on the agenda.
5. **Approval of Minutes**
Councilor LaBarge moved to approve the minutes of the February 8, 2022 regular meeting and January 12, 2022 organizational meeting. Councilor Moulton seconded. The motion passed unanimously 4:0 by roll call vote.

Ms. Krutzler said she would correct the scrivener's error brought to her attention by Councilor Nash.

6. **Financial Orders**
 - A. **22.025 An Order to Acquire Property Located at 196 Cooke Avenue**

As the request has previously been framed, the city has needed an animal control facility for a very long time, Mayor Sciarra presented. The City Council actually appropriated funds for this purpose; in 2018, the council appropriated \$425,000 as part of the Capital Improvement Program (CIP), and the city worked hard to identify a location but wasn't able to for a few years. In 2021, the project came forward for another location on city-owned land. At the time, Berkshire Design estimated it could cost as much as \$750,000 based on the schematic, so the council appropriated another \$400,000 last April. There was a really extensive conversation about the project then, including an extensive conversation in the City Services Committee in July with Animal Control Officer (ACO) Shayla Howe about the extreme need for this facility.

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They are in a very unstable situation with Amherst where the city has been bringing some dogs. Amherst town officials don't always agree to contract with them and do not accept some dogs; i.e. – dogs with any sort of aggression, dogs with fleas, pregnant dogs, etc.

Additionally, if the ACO picks up a stray, they often don't take that dog over to Amherst because the best-case scenario is where the owner comes home from work later that day and calls to be reunited with their pet. It doesn't make sense to bring the dog to Amherst because then the owner couldn't be reunited with his/her dog until the next day.

Northampton has had contracts with other kennels. At the beginning of COVID, places that board dogs had no business and so were temporarily accepting other dogs. The situation has changed and now they end up relying on the generosity of residents and vet clinics and stashing animals anywhere they can. It's not a tenable situation and does not fulfill the city's legal responsibilities. They are in desperate need of a facility. Amherst does not accept cats and they get a lot of cats and need a place to keep them that isn't an unheated bay of the police station.

City officials have looked for many, many years and looked at dozens of locations. The goal and priority is to use land that is municipally-owned, so this order is to acquire property. The proposed purchase has the added benefit of preserving access to and parking for a really key conservation area of the city - the Broad Brook/Fitzgerald Lake Greenway which people really use and enjoy. It is not the first time this location has been looked at; the city has actually looked at it for years and years and years but this is the first time it has been offered it at a price considered reasonable for them.

His part has been helping with the real estate search, Director Feiden explained. The reason this site is particularly attractive is that it is possible to site the building to house the dogs at least 300 feet away from any home, making it, frankly, farther than most places anywhere in the city. Also, it is close to downtown. The key for them is that they can mitigate the impacts on residents.

As somebody who has parked there himself to walk onto the trails, Councilor Nash asked if everybody who parks there now is essentially trespassing.

There is no formal permission from owners, but the land is not posted 'No Trespassing' and the owners have not put up 'No Parking' signs Director Feiden said. The city does have a 24-foot right-of-way. Obviously, the owners are motivated to sell and the next owner may not have the same standards.

A big benefit is that folks who access Fitzgerald Lake could have a parking area that doesn't involve trespassing and wouldn't have a muddy surface, Councilor Nash observed.

Director Feiden confirmed that the parking area would definitely be a hard surface.

Councilor Nash asked if they are they considering having volunteers or community members be part of helping out. He knows the Franklin County dog shelter is lovingly run by a group of volunteers who are really dedicated. One of the concerns is that animals who are distressed are the ones that are going to bark the most and that having caring folks on site would really help that issue. He is wondering if this has been thought of and, if not, if it could be considered.

One of the things they have committed to is that the building will not be open to the public so neighbors will not see a lot of activity there, Mayor Sciarra clarified. That being said, she would certainly be open to

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considering it. Motion or sound-triggered cameras have been talked about, so tabs will be kept on the animals and someone will be alerted if there is trouble, she assured.

Councilor Moulton said he has a number of questions, some of which have come from constituents, but he would defer them so they could first hear from the public.

PUBLIC COMMENT

Councilor Maire opened the floor to the public but asked that questions be directed to her.

Tracey Culver of Florence pointed out that, as mentioned by Councilor Nash, Franklin County has a regional animal control facility in Turners Falls supported by surrounding towns, and Amherst has an existing animal control facility that is under-used. Because the use of microchips is becoming the norm, this underuse is likely to continue. Northampton seems to have a minimal need to shelter animals so the obvious choice seems to be to designate Amherst as a regional resource open to Northampton and other Hampshire County towns. Building a new facility in a contested residential neighborhood to the tune of close to \$1 million makes no financial sense. Taxpayers will have ongoing operating expenses for a business that has no business. Where is the income to cover overhead and maintenance costs? She asked.

If this facility will be subsidized with tax dollars, all residents should have a chance to vote on it, she asserted. She asked why Amherst is not being looked at as a regional facility not just for Northampton but for Hampshire County as a whole.

Citing the project's 'economics,' **Michael Kesten** pointed out that the 'top of the line' kennel charge at the Hadley Pet Hotel is \$72 a night. Even amplifying that to \$200 a night, for the nearly \$1 million cost to open the door of a new kennel, the city "could put a dog up in VIP status for 13.7 years" with no labor charges, no upkeep, no liability insurance, no maintenance, etc. Regular staffing has been a problem for the local animal control department, whereas with a regional facility several towns cooperate to share staffing and costs. He asked about creating a regional facility using the existing facility in Amherst or a new one.

He would like to see this special piece of land which is the entrance to the Fitzgerald Lake Conservation Area put into permanent conservation, he continued. He would be happy to open up his own wallet toward that outcome and believes some other organizations might also have the ability to support it.

He would also like to know the specific terms for boarding dogs at kennels in other communities, such as the contract cost and cost per dog per night. There are scant details and data about how many dogs have been put up. He keeps hearing there will be many nights when dogs won't be there, so then they are going to spend three-quarters of a million dollars for a facility that will not be that used. Something seems inconsistent here. The economics, the potential disturbance to the neighbors and the idea of building a regional facility are his main points, he concluded.

Christine Clarke reminded councilors that, for the past month, she and all her neighbors have pulled together in trying to get their voices heard. Quite frankly, they don't feel like they're getting heard at all, she stated. They've come up with all the reasons they don't want this in their backyard. They handed a petition to them the other day in which 55 homes were canvassed and 52 residents responded. Forty-four are in opposition to this kennel and eight were unwilling to sign. Her concern is that they are presenting their side of the story and it seems like they are passing right over them. There has been no concern for their property values; realtors have told them their properties will go down in value, and it hasn't come out of any

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of their lips that this is a concern. It is 300 feet away from her bedroom window. "It's not ethical; we're not being heard," she claimed. They haven't even discussed how it's affecting the neighbors, and that's very concerning to her. She hasn't slept, she attested.

She had a very interesting conversation with the animal control officer (ACO), and she implied that there have been no statistics kept in the last few years. However, she told her that, since Christmas, she has had one stray dog, two surrenders and one cat.

"You're spending $\frac{3}{4}$ of a million dollars of taxpayer money to put up a facility that I don't feel is necessary." If they are so hell bent on putting a kennel up for one stray dog every three months, she thinks it's not appropriate.

"We're going to continue to fight . . . it hurts my heart that this is how politics are," she said.

Kimberly Lambert of Pines Edge Drive commented that, having lived there for 30 years, she knows a bit about the history of the Moose Lodge and activity levels there. Right now she is doing a random survey of how many cars are in the parking lot on a daily basis. She would like to know when this group will answer the questions they have presented today and at past meetings. She also asked about the council process. What is the process? How many readings are there? Will it go back to the Finance Committee? When does it go to the conservation commission and what questions can be asked there?

She also asked about the site beyond the DPW, the little dip on Route 9 right after the DPW yard.

She is really concerned about the limited data they are basing a major spending decision on. They don't have information on how many dogs were microchipped and did not require overnights or the exact number of hours each dog spent overnight.

They are making a decision about taxpayer money based on very scanty data. Make this conservation land trade and keep looking, she urged.

Geoff Friedman, a local school teacher, said he and his wife Michelle live right next door at 164 Cooke Avenue. He has written some emails and said he appreciated the responses.

One of the things they treasure about where they live is this incredible Northampton treasure, the Fitzgerald Lake Conservation Area. He sees hundreds of people a day who seek solace and respite in this treasure. It is part of Northampton's conservation ethic and demonstrates the city's commitment to purchasing land for perpetuity. He applauds Director Feiden and others who over the years have helped expand it into this incredible treasure.

He is still befuddled by the logic of why an animal control facility would be sited adjacent to a residential neighborhood, Mr. Friedman shared. There are dozens of people every day who take their leashed dogs into the woods. He wondered about animal behavior . . . animals sense other animals and he imagined animals kept there would sense, smell or hear other dogs being walked and start barking. He questioned the logic of having it - of all places - right where dozens of people every day walk their dogs. He reiterated Kim's question about the process and also asked about properties in the industrial park or along North King Street which would be farther away from residences.

Adrienne said it does seem like an inordinate expenditure of taxpayer dollars and that the cost far outweighs the benefit. She acknowledged that it may be needed. She cited a 'wonderful' column written by the Northampton Youth Commission, quoting from it as follows: "The sheer number of people who are left without a home to return to and a bed to sleep in night after night coupled with Northampton's currently insufficient infrastructure to provide urgently needed relief has created an abysmal situation."

She referred to the human factor and need to house or provide housing for those who are sleeping in tents or are unsheltered. Financially, it might be more productive to alleviate the suffering of some human beings instead of building what seems to be a sparsely-populated animal control facility. She was at the noise test and a recording of a dog barking is not going to be the same as actual live barking. Even then, it could still be heard behind the most impacted building in this condo community.

Alison Barryman of Pines Edge Drive said she is also curious about the process and where they go from here. She asked for clarification, expressing her understanding that this meeting is about the purchase of the land. She supports the people who live in the building it will be adjacent to and their level of distress and concern. Will there be a financial impact to taxpayers as the facility is built and up and running? She asked. She appreciates the thinking of approaching this on a regional level and considering a site that is not in a residential setting. She has to agree that it does feel like it has been glossed over, she added.

Councilor Maiore asked Councilor Nash to give an overview of the process in City Council and Director Feiden to address the site selection process.

The council typically introduces an item at one meeting and decides whether to move forward with it at a second meeting, Councilor Nash explained. In the case of this financial order, councilors definitely heard that people were concerned about this particular proposal and so arranged for a site visit and this meeting here to accept comment. The second reading will be this Thursday (March 3rd). The council will have an opportunity to make a decision that night but could defer action if further research is needed. The order is heading for discussion and approval Thursday night, he confirmed.

The Finance Committee makes either a positive, negative or neutral recommendation, Councilor Maiore advised.

Director Feiden said he came somewhat late to the party, which was started by the last mayor, animal control officers and Central Services Department. He got involved because he buys open space for the city, typically buying 120 to 150 acres a year.

If the noise of an animal control facility were disturbing, it would be disturbing to both residential uses and business uses, so the search has been for a site that is relatively flat and at least 250 feet away from a business or a home. Meeting that setback requirement in most business districts would be very difficult as the nature of commercial districts in Northampton is that they are relatively thin. It's not that there are obvious sites. There are some (they looked at National Grid but there is not enough space there) but even fewer are on the market in the first place.

The city's approach was to see if, wherever it went, it could be located with virtually no impacts to neighbors. They looked at the Hampshire County jail, but he knows there were logistical problems in negotiating a lease and that David Pomerantz pointed out that, if they got state approval, it might have to be a regional facility and that could be even noisier. Everybody wants a regional facility but in a different

town; not in their own town because it magnifies impacts, he noted. Most of the properties in the industrial park have been developed except a large site with wetlands.

Other sites considered such as at the state hospital is permanently-protected open space, and Smith Vocational leased land and the jail wouldn't work, Director Feiden reiterated. The land on Locust Street is actually owned by the state and is the old state highway facility. It is listed in the registry of deeds as a capped landfill and has hazardous materials.

They have been carefully looking at sites all over the city. A lot of places are near conservation land.

The order before the council is specifically for an animal control facility. The cost of the site is a bargain for developable land but would be incredibly expensive for open space. There are literally a thousand acres of land higher on the city's priority list. It is not a high priority for him for acquisition as open space.

The Moose Lodge was formerly up for sale for \$462,900, Councilor LaBarge said. She asked why it is off the market now.

Director Feiden said he doesn't know why it is not formally listed but knows the owners are interested in selling it. The city has a signed option to purchase. The owners are committed (bound) to selling to them but they are not committed to them.

Councilor LaBarge asked about the land swap.

The city does not swap land; that's not an option for a municipality, Director Feiden clarified. They have an option to purchase the Cooke Avenue property and are advertising for sale and expect to accept bids on a lot on Woodland Drive. They are technically making an appropriation of \$100,000, but they are going to sell the Woodland Drive property to earn \$100,000. They are legally two different transactions, he stressed.

Councilor LaBarge talked about hearing neighbors complain about unleashed dogs and said councilors saw it with their own eyes the day they were on site for the sound test. She showed pictures of a dog she used to show. She has a problem when hearing there are monitors in the buildings in the nighttime watching the animals. She related a personal experience of a pet Russian Wood hound becoming sick and dying of cardiac arrest. Her big problem with the situation is nobody being there; she is very unsettled about dogs being left by themselves in a cage.

She also questioned the realism of the sound test that was conducted. She is not happy about this shelter being put there. After making several references to her personal experience owning and showing dogs, she said she has a problem with leaving them alone and putting them in someone's back yard. She thinks the state should open the doors to property it owns at the state hospital and off Burts Pit Road.

Director Feiden said he can't comment on animal control officer staffing. Some of the points she raises are exactly why the ACO's want this facility. Having some dogs in Amherst, some dogs in a cage at the police station and some dogs in foster homes means some are not getting the attention they need. One of the reasons there are not numbers is because the dogs are all over the place. The idea is that better facilities are not cages in a basement but a facility designed for dogs' needs. In terms of noise, the charge from the city council was to put the noise at the volume nearby residents would hear outside the building.

Finally, the only land the state still owns on Burts Pit Road not permanently-protected as open space is the jail, he clarified.

Councilor LaBarge said she thinks regional is a very good way to go. She mentioned an organization that approached the city in the past to offer its assistance.

As a municipality, they have certain legal obligations for the animals they pick up, Mayor Sciarra reminded. The animals would be monitored, she stressed. If an animal is ill, it wouldn't be left alone in this facility. The city has good relationships with the vet clinics in the area. An animal with a medical issue would not be left alone.

With regard to the cost, Mayor Sciarra reminded councilors that the council has already agreed to fund the facility at the amount proposed.

Discussion continued. Among other things, Director Feiden noted that a portion of the site is wetlands so its development would require a permit from the Conservation Commission. He confirmed that planners will engage the neighborhood for input on design features like the number of parking spaces, signage, etc.

DISCUSSION

Councilor Maiore said she appreciated the tenor of the emails they have been getting and the conversation; the comments are very thoughtful. She thinks their fears are reasonable. She has felt strongly that they do need a facility in Northampton and in the process for the last site learned a lot about why such a facility is beneficial. She is very committed to having this facility. She also thinks it is a really unique patch of land with an interesting prospect for dual use and would like the city to acquire it.

Animal control is something that has been a real struggle for the Broad Brook Coalition, Mayor Sciarra reminded. They continually talk about the damage to trails and the dangers of having dogs off lease there. She's heard many times the desire for more animal control. This could be an added benefit for this somewhat significant problem.

She is really sorry to hear people say they haven't felt heard. "This is the process and we are hearing you," she assured. She noted that they wouldn't be having this discussion if they weren't listening. "Please rest assured that we are all listening to you and that's why we're here right now having this conversation."

Councilor Maiore said she personally is going to own that there is a person living in a tent there and yet they are building a nice facility for animals. City officials are looking at ways to address houselessness and housing insecurity. "I think we need to own that," she suggested.

She asked if the Moose Lodge was ever considered for affordable housing.

That's how they started, Director Feiden responded. The city has had an informal pledge through four mayors to provide all of the lots that Habitat 4 Humanity (H4H) could afford to develop. They have given or are in the process of giving H4H enough lots to keep them busy for three or four years.

Kim Lambert said she was at the sound test and one thing left out of the results was the loud sound of responding barking dogs that will be in the Moose Lodge parking lot. They're going to join the dogs barking in the kennel and, from sunrise to sunset, if the door closes, they are going to hear reactive barking from dogs. They don't have an accurate sound test for that reason. She had to stop walking on Broad Brook

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path because dogs are off leash there all the time. She said she doesn't understand why nothing has been done yet. A dog off leash jumped on her a few days ago. She used to talk to people there about their dogs being off leash, but, "they're downright belligerent."

If the land is privately owned, she asked if the owner has the right to ask police to ask people camping there to leave. If publicly-owned, she asked Mayor Sciarra if she'd be against the police going up and asking people to leave.

If land is privately owned, owners can do what they want, Mayor Sciarra confirmed. If publicly-owned, they know some people are seeking shelter in tents and want to be very sensitive about that. They don't want to take shelter away from somebody if it's what's keeping them alive. If situations are unsafe, they try to make them as safe as possible but they try to be really sensitive to human need as well.

Alice Szlosek said she lives in the house on Emily Lane closest to the Moose Lodge. She is actually very much in favor of this purchase because she would love to see the land publicly rather than privately owned. She thinks if it is used as an animal control facility and is well-built with everyone's considerations in mind, it is actually a very good use of that property.

At the last meeting, she gave examples of other municipally-owned animal control facilities in the Commonwealth that are actually significantly closer to residences than this one is proposed to be, Mayor Sciarra noted. She has talked to those facility operators and they have not experienced sound complaints. They have co-existed in residential neighborhoods without complaints, so this is something that can and has been done elsewhere.

Councilor Jarrett said he found the sound test yesterday useful although he understands there are other variables. The sound test at 65 decibels was almost inaudible from where they were standing. The question of dogs barking in response is a valid consideration.

He expressed an interest in learning more about the life cycle of the building and its cost as amortized over time so that he could better understand the yearly cost and compare it to current costs. He understands it will be more, but he thinks it would be helpful to have the different costs laid out so they can weigh them over the long-term understanding that there will be a benefit to the animals. For Thursday, he would appreciate a little bit more of a sense of current costs and the animal populations they are caring for.

Councilor Moulton asked what was spent on animal control during the last fiscal year and what the mayor anticipates budgeting for animal control if the facility is approved in the next fiscal year.

In FY2021, expenditures on animal control supplies and equipment was \$23,268, Mayor Sciarra said. There wouldn't be a significant additional cost for running this building. Again, the council has already approved the capital expenditure for the building in 2018 and 2021.

She would be happy to work up some numbers, but the capital expense has already been appropriated.

Councilor Moulton said he's asking specifically about the operating budget. He wondered if there would be a savings from the reduction in travel. He also asked what she would anticipate as the number of hours per week the ACO's would physically be on site. Mayor Sciarra said she could get better numbers for them for Thursday.

After fielding various additional questions, Councilor Maiore thanked Mayor Sciarra and Director Feiden.

DELIBERATION

Councilor Nash said he is sensing a number of councilors are waiting for more data before making a decision. He personally would be comfortable with a positive recommendation but is going to move to send it forward with a neutral recommendation since other councilors are seeking information. As a councilor, he has already voted twice to approve money for this facility and is very much committed to seeing it built.

"This facility is about caring for animals," he stressed. Concerns about animals, particularly dogs, are the number three thing he gets in his emails and communications with people. One of the things he appreciates about having the facility in town is that the ACO will be here and not over in Hadley, Amherst or Westhampton. He thinks there will be a lot of support for this facility and is ready to vote for this.

He moved to forward the order with a neutral recommendation. Councilor Moulton seconded.

Councilor Moulton said he appreciates the sensitivity to the fact that several of them are asking for more data. He thinks they want to have as much hard data as possible before voting. As the ward councilor, he has listened very carefully for many hours to residents speak about their concerns, including at the initial meeting February 12th and site visit. He acknowledged receipt of the petition yesterday, adding that he has heard from 42 different people, 27 opposed and 14 in favor. The petition added 28 new names to those opposed. Concerns heard are not just about potential noise but about parking and traffic too.

They are talking about lost pets. Pets by definition belong in peoples' homes. This is a modest shelter that is a safe haven for a very limited amount of time for pets that have been separated from their owners. He is sensitive to the concerns of neighbors but doesn't think that this facility automatically doesn't belong in a residential neighborhood. Pets belong in homes.

There being no further comment, **the motion passed unanimously 4:0 by roll call vote.**

7. **Scope And Responsibilities Of The Finance Committee**

Councilor Maiore suggested postponing this discussion, and others agreed.

Members agreed to meet again on Tuesday, May 8th. Councilor Maiore said she would work with Ms. Krutzler to establish routine meetings.

8. **New Business**

-Reserved for topics that the Chair did not reasonably anticipate would be discussed.

None.

9. **Adjourn:** There being no further business, Councilor Nash moved to adjourn. Councilor Moulton seconded. The motion carried on a roll call vote of 4 Yes, 0 No. The meeting adjourned at 8:18 p.m.

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