



## 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: June 12, 2023

Time: 5 p.m.

### **Video Conference**

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 Jarrett, Chair; Councilor Marissa Elkins, Vice Chair; Councilor Stanley W. Moulton, III and Councilor Jim Nash. Also present were Office of Planning and Sustainability Assistant Director Sarah LaValley, Northampton ADA/Section 504 Coordinator Keith Benoit 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**  
None
4. **Approval of Minutes of March 13, 2023**  
Councilor Nash moved to approve the minutes of March 13, 2023. Councilor Moulton seconded. The motion carried unanimously 4:0 by roll call vote.
5. **Public Hearing on Proposed Zoning Change**
  - A. **23.322 An Ordinance to Create a National Flood Insurance Program Overlay District, referred to Planning Board and Legislative Matters – 5/18/2023**  
Councilor Elkins moved to open the public hearing. Councilor Moulton seconded. The motion passed unanimously 4:0 by roll call vote.

The public hearing was opened at 5:04 p.m.

As an overview of the purpose and background of the amendment, after years of devastation from flooding across the nation, congress in 1968 created the National Flood Insurance Act (NFIA) in an attempt to offer flood disaster relief in the form of insurance, Assistant Planning Director Sarah LaValley related. The insurance program is available to residents of communities that voluntarily adopt and enforce floodplain

management ordinances in accordance with minimum NFIA requirements. The language to be inserted is included in the overlay ordinance drafted by the Massachusetts Emergency Management Agency (MEMA) floodplain office and is compliant with all federal requirements. Adopting the change insures residents will be able to continue to purchase flood insurance. Given the structure of Northampton's zoning, planners thought it easiest to create a National Flood Insurance Program Overlay (NFIP) District for the special conservancy and floodplain districts and to insert language with minimum NFIA requirements for these areas.

Her understanding is that there wasn't a great deal of discussion at the Planning Board meeting and that members gave it a positive recommendation, Ms. LaValley reported.

Councilor Jarrett recognized Northampton Planning Board Chair George Kohout.

**George Kohout, 234 State Street**, said about six people were in the audience at the public hearing and four others on zoom. Questions from the audience were about their specific homes and whether they could be seen on the new maps. His understanding is that, moving forward, this is a way for folks in the floodplain to continue to be eligible for flood insurance. He understands it is also a way that the feds down the road may raise insurance rates for some of the properties.

The Planning Board unanimously recommended passing it along to City Council and told those interested that they could come to the City Council for further discussion, he confirmed.

A question he has heard from constituents is whether establishing/designating this district could possibly raise their insurance rates, Councilor Jarrett shared.

Ms. LaValley said 'no,' creation of the overlay district will not have an impact on existing insurance policies.

Fred Zimnoch has been telling him that the city has been taking a new look at the floodplain, Councilor Nash said. Is this the outcome of that? He asked.

It's not, but it is related, Ms. LaValley said. Flood insurance maps in western Massachusetts were developed in the 70's and are not very accurate. The federal government is in the process of redrawing the boundaries and should finish by the end of 2023.

There being no further comments, **Councilor Elkins moved to close the hearing. Councilor Nash seconded. The motion passed unanimously 4:0 by roll call vote.**

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

6. Items Referred to Committee

A. 23.306 An Ordinance Relative to Accessible Parking Spaces, referred to Transportation & Parking Commission (TPC) and Legislative Matters (LM) - 5/4/2023

The ordinance received a positive recommendation from the Transportation and Parking Commission (TPC) and the Disability Commission, Northampton ADA/Section 504 Coordinator Keith Benoit reported. Mr. Benoit screen-shared the amended ordinance. The question he was trying to investigate was what does the ordinance say and does it match what is presently the ground, he explained. The bottom line is

that it doesn't. He walked through every accessible parking space in the city and many of them have moved or are no longer there. This change is to rectify that and make the language consistent throughout. When he uses the term 'audit,' he means having the ability to visually inspect to verify the location of a parking space without special equipment.

There is nothing technically challenging in the proposed changes; they are just meant to accurately reflect the number and location of accessible parking spaces and to make code language consistent. Among other things, he switched from using the number of feet from an intersection as a reference to using ordinal numbers; i.e. the first, second, third parking space, etc. He also corrected the inconsistent use of the terms 'parking space' and 'space' and eliminated self-referential language.

He reviewed proposed changes to the text while simultaneously screen-sharing corresponding images of the accessible parking spaces referenced. It's important to clean up the language now because there are going to be more changes with the Main Street redesign, he pointed out.

Councilor Jarrett noted a scrivener's error in the listing for the Masonic Street parking lot. (The word should be 'spaces' not 'space'.)

This is important not just for housekeeping purposes, Councilor Moulton commented. He believes it is very important to have an accurate catalogue of accessible spaces that residents and visitors can see, so he really appreciates the attention to detail. He expressed his understanding that Mr. Benoit said the city is down one on-street accessible parking space. His bigger question is, are accessible parking spaces distributed in a way that meets the need?

As part of this, City GIS Coordinator James Thompson put the accessible spaces on a google earth layer and they do look fairly well-distributed between the downtown and side streets, ADA Coordinator Benoit confirmed. There is some leeway in the language as to the required number of spaces.

Councilor Nash asked if the accessible spaces appear on google maps.

No, but it is possible for users to find the spots on google earth, Benoit said.

Councilor Nash and Councilor LaBarge thanked Keith for his presentation and all the work he put into it.

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

**B. 17.240 Order to Lower Default Speed Limit to 25 mph, referred to TPC and LM - 4/13/2023**

This was recently re-referred to Legislative Matters (LM) and TPC but it originally introduced in council and referred to TPC and LM 11/16/2017, Councilor Jarrett reminded. It received a neutral recommendation from LM at the time and the TPC did not reach consensus on it, but more recently it received a unanimous positive recommendation from the TPC at its May meeting, he confirmed.

He read in the paper that South Deerfield adopted the same measure, Councilor Nash shared. This is Northampton's opportunity to join the number of cities and towns that are taking the same step. When this first came forward, they would have been in the vanguard but now they're kind of in the pack. What they

are proposing here is not just to lower the default speed limit but to open the door on a broader discussion of how to address travel speeds throughout the city, he stressed.

Councilor Jarrett stated his belief that this is an important message. He hopes the mayor's office and DPW will be looking at putting up signage. An important long-term strategy is also to look at how they are designing streets; i.e., when redesigning streets, what speed are they designing them for? If they are designing streets for 30 mph they would expect people to go that speed. Those types of design standards are what they should see for these streets going forward. That it got a unanimous positive recommendation from TPC is a great sign.

Councilor Elkins thanked sponsors for really sticking with this issue. The idea was put forward by sustainability advocates and it struck her as low-hanging fruit for promoting traffic safety. She comes from Houston, one of the least walkable, bike-able cities; every road there is designed for people to go a minimum of 45 miles per hour. It's one of the things about this community that she's always loved.

Councilor Moulton echoed Councilor Elkin's compliments for their stick-to-itiveness. The six years it has been kicking around was over three separate councils so it is great to see it finally be enacted. It is entirely consistent with Northampton's efforts to become more bicycle and pedestrian friendly and sends an important message.

The TPC recommended changing the word 'bicyclists' to 'cyclists,' Councilor Jarrett advised. Members discussed changing the first 'Whereas' clause to paraphrase the Sustainable Northampton Plan rather than quote from it directly to reflect this change in terminology.

When she talked to Chief Kasper, she didn't seem really pleased about it, Councilor LaBarge reported. She cited Cardinal Way as an example of a road the reduced speed limit might benefit. A total of over 40 young children live on that street which can be accessed from Burts Pit Road and Westhampton Road. She hopes they can all work tirelessly to make this happen as it's in dire need.

As president of the Friends of Northampton Trails, **George Kohout** commented that a big part of his group's mission is to promote cycling, pedestrian activity and safe driving. The friends are 100% in favor of lowering the speed limit to 25 mph. He thinks the implication of it around the design of streets is really critical. Getting it down to 25 mph is going to be a behavioral change. They understand that enforcement is somewhat difficult but this is a long-term situation. Improvement in the city is not going to happen overnight but it's a great beginning. He thinks metrics show that as speed decreases, pollution put into the environment decreases.

Councilor Jarrett said they would be remiss if they didn't thank Councilor O'Donnell, as he was the original sponsor and author of the ordinance.

Councilor LaBarge mentioned Director LaScaleia and Chief Kasper having reservations. If enacted, they are lowering the speed limit on streets that aren't currently posted. It's like a tree falling in the forest. They are not going to see speed limit signs dropping; that's a whole other process. This is setting a goal for where they want to be. Residents are not going to see signs changing on their streets right away, he advised.

**Councilor Elkins moved to forward the order with a positive recommendation with the expectation that sponsors will put forward an amendment to change the order as recommended by the TPC. Councilor Moulton seconded.**

Councilor Jarrett said his thought is just to drop the quotes and drop the two occurrences of 'bi.' Members agreed. **He moved to amend the order by removing the opening and closing quotes from the first 'Whereas' clause and to remove the 'bi' from bicyclists and bicycle. Councilor Nash seconded. The motion passed unanimously 4:0 by voice vote.**

**The motion to positively recommend as amended passed unanimously 4:0 by voice vote.**

**Elected Officials Compensation Ordinances:**

- C. 23.323 An Ordinance Relative to the Compensation of School Committee Members**
- D. 23.324 An Ordinance Relative to the Compensation of Elected Officials**
- E. 23.325 An Ordinance Relative to the Compensation of City Councilors**
- F. 23.326 An Ordinance Relative to the Compensation of the Mayor**
- G. 23.327 An Ordinance Relative to the Compensation of SVAHS Trustees**

Councilor Jarrett proposed proceeding by discussing these as a group and then going into each one individually for specific recommendations.

These came from the great presentation and report from the Elected Officials Compensation Advisory Board, Councilor Jarrett reminded. Numbers were rounded off to the nearest hundred, Councilor Nash noted.

In looking at these, he thinks they need to consider them with context. Councilor Moulton observed. The mayor earns a salary. They are trying to recognize the gravity of the mayor's work, the fact that he/she is CEO of the city, the time commitment and fair compensation. It can be measured in a number of ways - in comparison to the private sector, in comparison with other mayoral salaries in the region and in comparison to the salary structure within the city. To have the mayor 98<sup>th</sup> in city employees is way out of whack in his opinion. Raises for elected city officials have been haphazard in the past; there has not been a regular schedule of raising pay for public officials although the mayor has had more regular raises than city councilors and School Committee members, he noted. Looking at the increase from \$92,500 to \$130,000 over eight years averages out to five percent a year, which he believes is reasonable.

Other elected officials receive a stipend. The pay for councilors was \$5,000 for many, many years until the last raise to \$9,000 in 2016. \$16,900 is \$325 a week. If they accept the finding of the review committee that councilors reported working about 20 hours a week, it comes out to \$16.25 an hour. He doesn't know that it's going to do a lot to move the needle forward in increasing the pool of people interested in serving and in increasing the level of diversity but it is certainly a step in the right direction. As a body, they have made a commitment to looking at how to increase diversity across the board in municipal government and are currently considering the report of the select committee on barriers to service. In all of that context, he believes this is a step in the right direction. He hopes it will be an incentive to increase the pool of people who consider running for public office. One of the things he likes best about the recommendations is the 2% regular COLA which will provide for a regular modest increase rather than relying on irregular adjustments.

He will support all of these ordinances.

Councilor Elkins said she is supportive of the measures as a general proposition. She thanked the advisory board who worked so hard and diligently. She thinks it's very appropriate and that their recommendations are measured, especially considering how long it's been left unaddressed over the years. She also thinks it's appropriate to benchmark it to reasonable living wage calculations and to put in COLA's so it is not left unaddressed so long again. It needs to be a part of the city's business to be fair to everybody working for the city and providing their time, talents and service. It seems appropriate and fair and measured. No matter how big the gaps are they only look so big in the context of how long they've let it go unaddressed.

Councilor Jarrett said he really appreciates the way in which the advisory board went about this in looking at it in terms of making sure folks are getting at least a minimum living wage for all their service. One could make the argument that a living wage for Hampshire County is not really a living wage for Northampton but it's certainly a step in the right direction. He knows for many folks on the city council, school committee and Smith Vocational board, the amount they get from this makes a difference. It will make a difference in people's choices. It's going to push that needle and they're going to get a wider group of people. In general, he does support these ordinances.

The board was instructed *not* to take budget considerations into account, but they are expected to do so. If implemented as written, the total annual cost is approximately \$161,300 broken down as follows: \$50,600 for the schools, \$73,200 for the council and \$37,300 for the mayor.

He has asked Finance Director Nardi to speak to this on Thursday.

As a general comment, he thought the compensation review board did an excellent job within a short timeframe, Councilor Nash advised. Seats are expected to be open in the fall. There is a council seat right now that nobody's running for and four or five school committee seats that remain open at this time. It is roughly six weeks before nomination papers are due. The timing of this is spot on, he suggested. People have seen the work the council and school committee have done and the demands of the job and are evaluating that. He thinks the current compensation level is reflected in the level of interest of folks in taking on the big responsibility involved. The timing is really good and it is good for Northampton and all elected offices to have healthy conversations. Nobody's getting rich here with these recommendations. It provides stability. The goal at the household level is that the time spent by family members is being compensated in some way.

Compensation in terms of access to health insurance is very important as reflected by the fact that a number of councilors and one school committee member have taken advantage of it, he continued. Providing insurance to elected officials can be an increased cost but it reflects the whacky insurance system in our country where recipients have to rely on employment. He appreciates the opportunity to be part of the city's policy. This is seen as a big form of compensation because they have a very unequal system of providing medical insurance.

Councilor LaBarge said she wishes it was in the hands of somebody else but has to agree it is a modest increase. When she first started as a city councilor, they were at \$5,000 a year. The amount of work that has been added on is tremendous. She wrote a letter to the advisory board about her hours. Sometimes she puts in many hours due to serious situations. Is it an appropriate wage? Yes, it is.

As for the mayor, she is worth the \$130,000, there's no doubt about it. She is supporting the \$130,000 for their mayor and all the elected officials.

**23.323 An Ordinance Relative to the Compensation of School Committee Members**

**Councilor Elkins moved to forward the ordinance to the full city council with a positive recommendation. Councilor Moulton seconded.**

Ideally, he would have liked to see this based on a survey of the number of hours worked rather than using the same percentage increase the City Council is getting, Councilor Jarrett said. It would have been very interesting to have more in depth information specific to School Committee members on the amount of time they are spending and is something he would encourage for the next study.

**The motion passed unanimously 4:0 by voice vote.**

**23.324 An Ordinance Relative to the Compensation of Elected Officials**

Councilor Jarrett read the ordinance aloud. He said he thought Attorney Seewald could be asked to clarify when the 2% takes effect.

**Councilor Elkins moved a neutral recommendation. Councilor Moulton seconded.**

Councilor Elkins said she thought the language was not quite clear as written. Rather than fixing it on the fly she proposed forwarding it with a neutral recommendation with the idea that the language be cleaned up prior to the full council meeting.

Councilor Jarrett said he thought a 2% COLA is very conservative and appropriate in the inflationary period they are in.

Councilor Elkins suggested putting in a date certain. **The motion passed unanimously 4:0 by voice vote.**

**23.325 An Ordinance Relative to the Compensation of City Councilors**

**Councilor Elkins moved to forward with a positive recommendation. Councilor Moulton seconded.**

Councilor Jarrett reiterated his belief that it is appropriate to look at this in terms of whether the city is paying a living wage for this job. His only question is with regard to the pretty significant increase to the City Council president position. From his calculations, it appears that it assumes the council president works 25 hours a week as opposed to 20 hours. Do others feel they are appropriately compensating the council president as opposed to other councilors?

Councilor Nash shared his perspective as council president.

**The motion passed unanimously 4:0 by voice vote.**

**23.326 An Ordinance Relative to the Compensation of the Mayor**

**Councilor Moulton moved a positive recommendation. Councilor Elkins seconded.**

Councilor Nash expressed his strong support. Where the mayor's salary stands in the ranking of other city employees needs to go up. It's evolved over the years into a 24/7 position. "We're asking a lot of an individual to take on this particular responsibility." He thinks this is long overdue.

This differs from other positions they are considering in that it is the only full-time position, Councilor Jarrett noted. He would also argue that it has paid a living wage all along; even with the understanding that the mayor works 60 to 80 hours a week, if calculated on an hourly basis, it represents a range of \$22 to \$30 an hour.

He wanted to bring up the issue of wage inequality and the vast difference in salary between the lowest paid employees of the city and the highest. He does want to see the wage scale more compressed, although he knows that's difficult within the context of contract negotiations and wanting to attract the best candidates. He also wants to express some concern about raising it more than the cost of living.

There has been a 29% increase in inflation since 2015 which, if reflected, would put the salary at \$120,000 instead of \$130,000, he pointed out. It's not a question of how hard someone works or how much they deserve. They have lower paid employees who are not getting a wage that allows them to live in Northampton. The question of wage compression came to mind and he thinks it is worth having a discussion about to consider.

**Councilor Jarrett moved to amend the motion to change the raise from \$92,500 to \$120,000 to reflect just cost of living.**

There being no second, Councilor Jarrett stated that he would still vote in favor of a positive recommendation.

It is a question of advocating for wage compression, he elaborated. There are people who work very hard and are not compensated as they should be. In his business, they have in their bylaws that no one may make more than twice what another makes. He understands that the city is a vastly different system in that it has contracts, unions and a society that values people radically differently depending on their kind of work.

Councilor Moulton said he appreciates Councilor Jarrett bringing it up because he thinks it is an important topic. He thinks it is something they should look at as a city to find the best way to address it. Arguing about \$10,000 for the mayor is probably not the best way. The answer may be looking at how to raise the salaries of those at the lower level. It is a point he hopes they don't lose and he appreciates him bringing it up. They need to find the right forum to advance it, he suggested.

There being no comment from members of the public, **the motion passed unanimously 4:0 by voice vote.**

### **23.327 An Ordinance Relative to the Compensation of SVAHS Trustees**

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



The next two ordinances relate to trash collection, and, as he is a member of a business that collects trash, it represents a conflict of interest, so he will be recusing himself, Councilor Jarrett disclosed. He turned the chairmanship of the meeting over to Councilor Elkins.

At 6:55 p.m., the committee recessed briefly and Councilor Jarrett departed.

Councilor Elkins called the meeting back to order at 7 p.m.

**A. 23.331 An Ordinance to Clarify §312-25**

**B. 23.332 An Ordinance to Add Fine for Violation of §312-25**

The first ordinance is to clarify restrictions on the hours in which trash collection and business deliveries can happen and in which districts they can occur, Councilor Elkins noted.

As background, over the last few years there has been an increased number of complaints of overnight trash haulers doing early morning pickups; emptying dumpsters at some very quiet hours of the morning and waking up people in surrounding neighborhoods, Councilor Nash reported. He first started working on this with former Councilor Michael Quinlan and continued working with Councilor Moulton when he was elected. Some tweaking of the language was needed to address the problem while continuing to meet the needs of the downtown business community. The language here has the support of Councilor LaBarge, Planning Director Carolyn Misch and Amy Cahillane of the Downtown Northampton Association (DNA), he shared.

He stated his intention to propose a further amendment based on his conversation with Director Misch. He reviewed the proposed changes, adding that he is proposing to delete Item A entirely.

**Councilor Moulton moved to forward the ordinance with a positive recommendation. Councilor Nash seconded.**

**Councilor Nash moved to amend the ordinance by deleting item A in its entirety. Councilor Moulton seconded.**

Members discussed whether to make item B the new item A or to leave item A in place with the notation [deleted]. They decided to consult Attorney Seewald prior to the council meeting as to the preferred numbering convention.

**The motion passed unanimously 3:0 by voice vote with Councilor Jarrett recused.**

According to Amy Cahillane, it has been common practice to pick up trash overnight in the downtown business area as long as people could remember, Councilor Nash advised. The problem is that haulers were extending the area of pick up.

Item B is worded as shown because there are no dumpsters in the Central Business Core (CBc) District itself since the area is filled by buildings. The language makes clear that businesses located in the CBc are eligible for overnight trash pick-up even if their dumpster is located just outside this district.

Councilor Moulton said he received complaints in recent weeks from residents of upper State Street and Prospect Street. A tiny part of State Street is in CBc but trash haulers have interpreted that to mean that all of State Street is fair game. On Prospect Street, he got an email that trash pickups start as early as 4:20 a.m. The intent here is to be very specific about where earlier trash pickups are allowed.

Councilor LaBarge said she highly recommends that they make this happen.

Members briefly discussed whether they should specify that the prohibition only applies to trash collection “by motorized vehicle” so as not to preclude trash pickup by the pedal people, which they have not received complaints about. However, if it hasn’t been identified as a problem, his preference is not to address it, Councilor Nash observed.

**The motion to approve 23.331 as amended to delete item A passed 3:0 by voice vote with Councilor Jarrett recused.**

With regard to 23.332, no enforcement agent or mechanism was previously identified. Otherwise it would default to \$20 for the 1<sup>st</sup> offense and \$50 for the 2<sup>nd</sup>, Councilor Moulton said.

**Councilor Moulton moved a positive recommendation. Councilor Nash seconded. The motion passed 3:0 by voice vote with Councilor Jarrett recused.**

7. **New Business**

None

8. **Adjourn**

There being no other business, **Councilor Nash moved to adjourn. Councilor Moulton seconded. The motion carried 3:0 by voice vote with Councilor Jarrett absent. The meeting was adjourned at 7:26 p.m.**

*Prepared By:*

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