



CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
Northampton, Massachusetts

Roll Call

A regular meeting of the City Council was convened by Council President James Nash at 7:01 p.m. Upon a roll call, the following City Councilors were present:

At-Large Councilor Marissa Elkins      At-Large Councilor Jamila Gore  
Ward 1 Councilor Stanley Moulton, III      Ward 2 Councilor Karen Foster  
Ward 3 Councilor James Nash      Ward 4 Councilor Garrick Perry  
Ward 5 Councilor Alexander Jarrett      Ward 6 Councilor Marianne L. LaBarge

Announcement that Meeting Audio/Video Recorded

Ward 7 Councilor Rachel Maiore was absent upon roll call but joined the meeting in progress at 8:42 p.m.

Councilor Nash announced that the meeting was being audio and video recorded.

Public Hearings  
Public Hearing on 22.081 National Grid Pole Petition for One (JO) Pole on Clark St. (Petition # 30481354)

Public Hearings

Public Hearing on 22.081 National Grid Pole Petition for One (JO) Pole on Clark St. (Petition # 30481354)

Councilor Foster moved to open the public hearing. Councilor Moulton seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent.

The public hearing was opened at 7:04 p.m.

Councilor Nash recognized Donald Taggert, who was present on behalf of National Grid.

As part of some work on a wire pump station, it was necessary to provide additional support for a pole in front of an abutter's house, Mr. Taggert explained. Originally they were going to put an anchor in front of this person's property. The property owner was heavily against that, so the solution instead was to add a midspan pole at the edge of the property where it will be between two properties rather than in front of his house.

Councilor Nash asked if the property owner was present.

Mr. Taggert said he was not, but he had spoken to him (Steven Aronstein, owner of 42 Clark Street) and he is okay with it. He spoke to the next door neighbor - the owner of 22 Clark Street - as well, and he doesn't have an issue with the location of the pole as proposed.

Councilor Nash asked if anyone present wished to speak to this matter.

As no one did, Councilor Moulton moved to close the public hearing. Councilor Foster seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent.

The public hearing was closed at 7:08 p.m. [Editor's note: The pole petition was subsequently approved as part of the consent agenda.]

Public Comment

Public Comment

Councilor Nash explained the procedure he would use in accepting public comment and opened the floor to comments.

**Amy Wilson Cahillane** of Florence, the Executive Director of the Downtown Northampton Association (DNA) spoke in favor of the ordinance extending the effective date of Section 272-18 [Environmental Protection and Solid Waste Reduction Ordinance] to October 31<sup>st</sup> of this year. In support, she shared brief comments on the current restaurant landscape. The restaurant community continues to struggle from the ongoing impacts of COVID-19 and the current economic challenges facing the country, she related. Staffing shortages are resulting in limited open hours and therefore reduced restaurant income and higher payroll costs.

Many restaurants are having to raise salaries to attract new staff and retain old. Credit card fees are also taking an increasingly large portion of restaurant income. Takeout business is busy, which is great, but monthly credit card fees for some downtown restaurants are higher than their monthly rents. The cost of goods is up across the board, including for proteins and other ingredients as well as behind the scenes items, and supply chain problems continue to create shortages on any number of packaging products. In the worst case scenario, they are seeing restaurants close, most recently Sylvester's. There is a collective desire on the part of the restaurant community to make their restaurants as green as possible but it's difficult in this environment. Allowing these additional months to work with the DPW and the Mayor's office to adapt some of the language to allow for flexibility while keeping to a timeline and respecting the end goals of the ordinance feels very appropriate. She is grateful to Councilor Maiore and the Mayor's office for being willing to work with the restaurant community to make this ordinance a partnership and not punitive. She asked the council to please support the extension.

**Christopher Nieboer**, son of **Rose and Fred Nieboer of 29 Winter Street** said he was involved in an initial meeting several months ago with regard to a taking a the end of Winter Street. However, since that point, nobody has communicated with him or his attorney or his parents with regard to the previous meeting. He informed councilors that a design review by a local engineering consulting firm has been completed and was submitted today by the Nieboer's attorney to the city attorney.

**Darcy Sweeney of Florence** complained about the city's failure to restrict developers from buying older, relatively affordable houses and then demolishing them to build much bigger, more expensive houses. She cited two houses built in her Bay State neighborhood by Nu-Way Homes and another on Williams Street. What is happening across the city is completely inconsistent with the goals related to the conservation of resources outlined in the Sustainable Northampton Plan, she asserted. She quoted from several excerpts of the plan to illustrate this point (on pages 2, 38 and 45).

Obviously, there is a big disconnect between the goals of the Sustainable Northampton Plan and what's actually happening in their neighborhoods. Standing by while developers reduce older, rehab-able homes to rubble and then haul the debris to a landfill simply doesn't conform to the plan's goals of reducing the city's carbon footprint by reducing waste and consumption of resources. Obviously, it will take an enormous amount of resources to build the bigger, fancier homes that are replacing the more modest ones that were demolished. The development going on in the city is clearly out of harmony with the Sustainable Northampton Plan, and this needs to be remedied, she concluded.

With regard to **22.076 An Order to Authorize Acquisition of Winter Street Easements**, **Kathryn Basham of 24 Winter Street** identified herself as one of the residents who suffered some of the most severe damage both in 2006 and 2019 due to water main breaks directly related to deteriorating infrastructure in the pipes on the street. The pipes are desperately in need of replacement. The majority of residents on Winter Street are in support of moving forward with this project as quickly as possible, she reported. They have been writing collective letters to the Mayor and City Council and can clearly demonstrate that the majority are in support of acquiring the easements. The worry is that this kind of event could happen again at any time. The last damage to her property amounted to \$40,000 worth of damage to her home - the entire structure of the basement, the garage and surrounding yard. She looks forward to working cooperatively with all the key players.

**Sarah and William Freeburg of 18 Winter Street** said they also are in support of the order to acquire the easements. They too suffered significant property damage from the flooding that occurred in 2006 and 2019, although not as severe as Kathryn's. They confirmed Kathryn Basham's report that the majority of residents on the street have been contacted and are in support of getting the work done this summer. They have been waiting for three years to get it done and are very anxious to have it completed this year.

**John Ryan of 21 Winter Street** said his concern is the length of time this has gone on. He expressed his understanding that the question regarding ownership of the land at the end of Winter Street held up the process but said he understands that that issue has now been resolved. Listening to Christopher, it kind of sounds like no one has been in touch with them.

He would like to see the process moved along. They are kind of just waiting for the next shoe to fall. Hopefully, this could be resolved so that construction could start this summer and not put them through another winter waiting for the next break to happen.

**Bill Dwight** said his name is on the agenda later and he would like to make himself available if needed for that discussion, but he is here now to speak to the ‘puffin on the screen’ and acknowledge its contribution to the City of Northampton. He is speaking of Wayne Feiden. As they know, Director Feiden is transitioning out of his position as director of the Office of Planning and Sustainability. When Councilor Dwight first got elected, Wayne was coming up as director. He introduced him to things in Northampton that he always took for granted. It was actually Wayne’s vision and guidance that provided them with the community that they cherish, that they fight over, that they brag about.

“You can see his mark everywhere; his delicate mark, his gentle hand,” he observed. He just wanted to lament the fact that he’s moving on; just wanted to say, he very much appreciates the time that he’s donated to this community and by extension, him.

**Claudia Lefko of 40 Valley Street** said she was there to speak about her frustration with the city bureaucracy, especially bureaucracy in City Hall. A few weeks ago, 15 of them sent a letter to Mayor Sciarra asking for a meeting with her. They didn’t hear anything back for two weeks, then finally got a letter from Chief of Staff Alan Wolf restating the mayor’s position on the topic they were writing about, infill and zoning issues in the city.

Councilors will tell her that this isn’t a City Council issue and that they don’t have any control over it, but she likes to think of city government as a team effort where everybody is pulling in the same direction. They need the City Council, Planning Board and citizens particularly all working together.

While they waited for a response to the letter a house came down in Bay State and some trees. They’re all set to take down a house and some trees now at 107 Williams Street. This is an emergency situation yet there’s a complete lack of urgency coming from the city.

We need the mayor to open her door and we need city councilors to see if they can actually help us with this. “We need some facilitation,” she urged. There is an opening with Wayne Feiden leaving and she’s here to say she hopes the City Council will urge the mayor to form a committee to look at what’s happening in the planning department and try to make a plan for the person they’re looking for going forward. Wayne Feiden has had a good run but she thinks they have some serious issues here and she would like to see a change in direction.

**Alan Wolf** said Councilor Dwight inspired him and he too would like to thank Wayne Feiden for his exemplary service to the City of Northampton. For him personally he has learned very much from just having him next door to answer his many questions in his relatively short career with the city. He will miss him terribly and the city is incredibly grateful for all the work he has done.

**Richard Nieboer** said he just wanted to make it clear that this easement is going to take away his parents’ only parking area which they’ve used continuously for 58 years. What’s proposed with four-inch gravel and using the entire parcel for drainage is going to prevent them from parking on that space and they have no other area to park on that property. He thinks the process and design of what is put forward could definitely be done in a much better way so that they could retain their parking such as a pipe underground that would go into a retention pond. During construction, “where do you expect them to park?” he asked. “They have no parking on that parcel.”

They have submitted a design review that proposes alternatives to the plan currently being proposed.

**Announcements from Councilors & the Mayor**

**Announcements from Councilors & the Mayor**

Councilors and the mayor used the podium of the ‘Announcements’ segment to take turns lavishing praise on retiring Office of Planning and Sustainability (OPS) Director Wayne Feiden. Councilors lauded Feiden’s leadership in finding grants, expanding bike paths,

constructing trails, preserving open space and championing affordable housing and sustainable development. Councilor Elkins said she felt like she'd earned a mini planning degree in her years on the Planning Board through hours-long meetings listening to beautifully-prepared presentations on zoning legislation, city planning goals, and other big-picture items.

Councilor LaBarge reflected on the significant difference in the city from when she and Councilor Dwight were first elected in 1998 to now, crediting how vibrant the city has become to the work of Director Feiden and his staff. She congratulated him on his 35 years of service in Northampton, assuring him that he will be missed.

Council President Nash pointed out Feiden's numerous fingerprints on Ward 3, including the Valley Bike Share stations, the Main Street bike bridge, the railroad bike tunnel that connects the Norwottuck Rail Trail on the east of the tracks to existing bike paths on the west and the Montview Conservation Area. Larger projects in Ward 3 include the Pleasant Street/Pleasant Futures redesign with its raised crosswalks, potted trees and raised intersection near Live 155. The Meadows plan not only codified protecting farmland in Ward 3 and Ward 4 but was the conversation that initiated the Ward 3 neighborhood association, creating a community conversation still going on today.

Wayne introduced them to a whole lexicon of terms and concepts that they all regularly use today, Councilor Nash reminded. None of the following words were in his vocabulary 25 years ago: roundabout, bike corral, parklet, rain garden, charging station, raised crosswalk, multi-purpose trail, bike bridge, bike share. etc.

As Councilor Elkins noted, "we've been sitting in a masters-level class on designing a city."

He further cited Safe Routes to School at Jackson Street and Bridge Street schools, the redevelopment of the former Northampton State Hospital and the Sustainable Northampton Plan as major Feiden accomplishments. "Nothing says Wayne more than this plan. It represents a lot of public process, a lot of listening and a lot of conversation," he observed.

While consensus was always Wayne's goal, so too was getting divergent ideas into the room. "Wayne was never looking for the perfect, he was looking for what takes us forward."

Projects that will continue to come to fruition include redevelopment of the former Probate Court on King Street, the resilience hub and the Main Street redesign. Ten years from now, a future City Council will be ratifying something Wayne wrote and has in a file right now, he predicted. What a legacy, he concluded.

Mayor Sciarra also took the opportunity of Director Feiden's last appearance at City Council to thank him for all he's done in his remarkable 33-year career. As the council president beautifully catalogued, Northampton has benefited extraordinarily from his skill, his expertise and his boundless energy. His impact is truly profound and will live on forever.

On an unrelated subject, Councilor Nash announced that Northampton's application to opt-out of the state's mosquito control board spraying program was approved. He asked Ms. Krutzler to share the letter with the rest of the council.

Consent Agenda

Consent Agenda

Councilor Nash reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. There being no requests for removals, **Councilor Gore moved approval of the consent agenda. Councilor Jarrett seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent.**

The following items were approved as part of the consent agenda:

- A. Minutes of May 19, 2022 City Council Meeting and May 31, 2022 and June 1, 2022 FY2023 Budget Hearings
- B. Approve 22.081 National Grid Pole Petition for One (JO) Pole on Clark St. (Petition # 30481354)

C. 22.098 Appointments and Reappointments to Various Boards and Committees, all positive recommendations, City Services - 6/13/2022

**Agricultural Commission**

**Timothy Smith**, 13 River Road, Whately  
Term: April 2022-June 2025  
*Reappointment*

**Board of Registrars**

**Joseph Tarantino**, 110 N. Elm Street, Northampton  
Term: April 2022-March 2025  
*Reappointment*

**Community Preservation Committee**

**Brian Adams**, 9 Hayward Road, Florence  
Term: July 2022-June 2025  
*Reappointment*

**Board of Health**

**Joanne Levin, MD**, 40 Columbus Avenue, Northampton  
Term: July 2022-June 2025  
*Reappointment*

**Disability Commission**

**Michael Morton**, 95 Washington Avenue, Northampton  
Term: July 2022-June 2025  
*Reappointment*

**Marilyn Clare**, 256 Pleasant St., #414, Northampton  
Term: July 2022-June 2025  
*Reappointment*

**Rodney Kunath**, 8 Reed Street, Northampton  
Term: July 2022-June 2025  
*Reappointment*

**Housing Partnership**

**Richard Abuza**, 245 Chestnut Street, Florence  
Term: July 2022-June 2025  
*Reappointment*

**License Commission**

**Natasha Yakovlev**, 147 Nonotuck Street, Florence  
Term: July 2022-June 2028  
*Reappointment*

**Jennifer Ewers**, 20 Beacon Street, Florence  
Term: July 2022-June 2028  
*To fill a vacancy*

**Urban Forestry Commission**

**David Lukens**, 45 Ridgewood Terrace, Northampton  
Term: July 2022-June 2025  
*Reappointment*

D. 22.117 Reappointments to Various Committees, all positive recommendations, City Services - 6/13/2022

**Board of Assessors**

**Dennis Nolan**, 319 Elm Street, Northampton

Term: July 2022-June 2025

*Reappointment*

**Conservation Commission**

**Jason Perry**, 14 Carolyn Street. Florence

Term: July 2022-June 2025

*Reappointment*

**Northampton Housing Authority Board of Commissioners**

**JoElla Tabutton Springfield**, 81 Conz St., Apt 626, Northampton

Term: July 2022-June 2025

*Reappointment*

- E. 22.122 An Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network – 2nd reading
- F. 22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book – 2nd reading
- G. 22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM – 2nd reading
- H. 22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle – 2nd reading
- I. 22.128 Appointments to Various Committees, all positive recommendations, City Services Committee – 6/13/2022

**Housing Partnership**

**Carmen Junno**, 73 Straw Avenue, Florence

Term: July 2022-June 2025

*Reappointment*

**Parks and Recreation Commission**

**Erin Buzuvis**, 131 State Street, Northampton

Term: July 2022-June 2025

*To fill a vacancy*

**Planning Board**

**David Whitehill**, 60 Washington Avenue, Northampton

Term: July 2022-June 2025

*Reappointment*

- J. 22.136 Appointments to Various Committees - for referral to City Services
- Arts Council**

**Eamonn Edge**, 2 Conz Street, #86, Northampton

Term: July 2022-June 2024

*Reappointment*

**Board of Registrars**

**Robert Boulrice**, 127 Hinckley Street, Florence

Term: April 2022-March 2025

*To fill a vacancy*

For the text of orders approved as part of the consent agenda, see Financial Orders in 2<sup>nd</sup> reading.

Financial Orders (on 2nd reading)  
22.076 An Order to Authorize Acquisition of Winter Street Easements - 2nd reading

Financial Orders (on 2nd reading)

22.076 An Order to Authorize Acquisition of Winter Street Easements - 2nd reading

Councilor Nash moved 22.076 up on the agenda, reciting its history and introducing. DPW Director Donna LaScaleia as its sponsor.

This is part of the proposed reconstruction of Winter Street, Director LaScaleia explained. A small rectangular piece of land at the very end of Winter Street was never formally accepted as part of the street layout. When reconstructing a roadway, the city needs to make sure it has the legal right to enter upon the land and do the work. As part of its engineering assessment, the DPW discovered there is a combined sewer and stormwater system on Winter Street. This is not acceptable from a regulatory standpoint, so it is necessary to separate the two systems. The parcel being acquired is needed to handle sheet flow from the roadway.

Since this portion of the street was never formally accepted, its ownership reverts to abutting property owners. Therefore, the property to the centerline of the roadway is owned by the residents on either side of the street. In going through the process, the DPW determined it is in the city's best interest to take an easement over the area for both snow storage and drainage since the city has been plowing snow onto property it does not own. They are trying to right a historical problem and reconstruct the roadway to benefit the neighbors. The order before them tonight is to take an easement for the purpose of drainage and snow storage, she clarified.

To address statements made by Mr. Nieboer in public comment, Director LaScaleia said the city solicitor has been in fairly frequent communication with the Nieboer's attorney, Bill Dwyer. The city is proposing to take the easement because they need to get the project out to bid so it can be completed this year. With regard to concerns about the project's design, the DPW received a design review from Berkshire Design Group this morning, she confirmed. Unfortunately, it was based on an earlier set of plans and not current ones. Based on conversations with Christopher Nieboer, the city engineer actually revised the plans to address some of his feedback. They are not taking the parents' parking area away; they are improving it and are going to continue removing snow for them, she stressed. Everything the city is doing is actually going to benefit Mr. Nieboer's parents and benefit the neighborhood. They are more than happy to work with the Nieboers to come up with a suitable arrangement for parking during construction, she added.

At its meeting June 8th, the Finance Committee made a positive recommendation on the order authorizing acquisition of the easements, Councilor Nash reported.

Councilor Moulton said he thinks this measure is very reasonable and needed. Neighbors he's talked to are very concerned because of damage due to water main breaks in 2006 and 2019. As Director LaScaleia mentioned, not only will the infrastructure be repaired to the benefit of all residents of the street but the parking area that the Nieboers have used since moving into their home in the late 1950's will not be taken away; it will be improved.

Addressing the Nieboers directly, Director LaScaleia stated for the record that she understands and appreciates their parents' need for parking and access and for a particular type of gravel. The DPW will be submitting revised plans to the Conservation Commission based on their comments. She wants to make it clear in a public setting that they hear them and that they are not going to do anything that interferes with their parents' ability to use this area.

They will minimally get the utility work done before the snow flies, she noted.

Councilor LaBarge moved to approve the order in second reading. Councilor Moulton seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent.

The following order passed final reading:

CITY OF NORTHAMPTON  
 MASSACHUSETTS  
 In City Council, April 14, 2022

Upon the recommendation of Mayor Gina-Louise Sciarra and the Department of Public Works

**22.076 An Order Authorizing the Acquisition of Easements for Drainage and Snow Storage**

*Whereas*, Winter Street was duly laid out as a City way on a plan dated September 12, 1910 with a length of 475 feet and a width of 33 feet and this layout was accepted and ordered recorded by the City on November 3, 1910; and

*Whereas*, an area of land approximately 70 feet long and 33 feet wide at the end of said layout was drawn on the 1910 plan but not included in the area of acceptance; and

*Whereas*, the Department of Public Works plans to reconstruct Winter Street and the utilities therein and said reconstruction plans include utilizing the unaccepted portion of Winter Street for drainage improvements and snow storage.

**Now, Therefore Be It Ordered,**

The City Council hereby authorizes the acquisition by purchase, gift, eminent domain, or otherwise of temporary and permanent easements over those parcels of land shown as "Parcel A" and "Parcel B" on a sketch plan drawn by the Northampton Department of Public Works entitled "Easement Plan," dated May 12, 2022, for the purpose of drainage and snow storage. The City council further appropriates \$2,000 as damages for the taking authorized herein. No betterment shall be assessed to the benefitted landowners.

Passed final reading and enrolled.

Financial Orders (in 1<sup>st</sup> reading)  
22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 1st reading

Financial Orders (in 1<sup>st</sup> reading)  
22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 1st reading

The orders before them are all for Capital Improvement Program (CIP) projects approved back in February, Mayor Sciarra advised. As they will recall, cash capital orders needed to be introduced in the new fiscal year because their funding comes from the FY2023 budget.

Councilor Jarrett asked if there are specific traffic calming projects yet.

As the traffic calming program continues to grow and has been retooled through the Transportation and Parking Commission (TPC), they are finding it helpful to engage the city's traffic engineering firm Fuss & O'Neill for various studies, Director LaScaleia related. [One such study is now in process at the high school, she noted.] Since \$25,000 is not enough to build something, they foresee funding being used instead for studies of particularly problematic intersections. A couple on their radar are ones off North Maple Street and Middle Street.

Councilor LaBarge moved to refer the order to the consent agenda. Councilor Jarrett seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maiore absent.

See minutes of July 14, 2022 for second reading.

22.134 An Order to Reprogram Funds for NPS Playground

22.134 An Order to Reprogram Funds for NPS Playground Upgrades - 1st reading

The order's intent is to create a school district wide playground upgrade account to address needs that arise at all the different playgrounds throughout the year, Mayor Sciarra advised. When something is needed, administrators could go to this general account rather than

Upgrades - 1st reading

creating a separate account for each project. The idea is to have a combined fund since playgrounds need fairly regular maintenance.

She reviewed the various sources of funding from which money will be reprogrammed to the new account.

Councilor LaBarge moved to suspend rules to allow the order to be approved tonight. Councilor Moulton seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maire absent.

Councilor Jarrett moved to approve the order in second reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maire absent.

The following order was approved in final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 16, 2022

Upon recommendation of Mayor Sciarra

**22.134 An Order to Reprogram Funds for NPS Playground Upgrades**

*Ordered, that*

\$15,000 in the NPS Track Resurfacing Fund (19303-586207), \$15,000 in the NPS AC Electrical Upgrades (19303-586911), and \$34,553.24 in the Leeds/Bridge Playground Equipment fund (19303-586817) be reprogrammed to support a district wide playground upgrades account for Northampton Public Schools.

Passed final reading and enrolled.

22.135 An Order to Appropriate \$88,000 Free Cash to Fire Department Parking Lot Project on Carlon Drive - 1st reading

**22.135 An Order to Appropriate \$88,000 Free Cash to Fire Department Parking Lot Project on Carlon Drive - 1st reading**

The additional appropriation is for the rear parking lot expansion at Fire Department headquarters which is already in progress, Central Services Director Patrick McCarthy explained. Contractors are running into subsurface conditions which affect drainage on the site. The scope of work calls for milling and overlay, and it now appears that underneath the pavement is clay which over the years has risen and dropped with freeze/thaw cycles. Close inspection shows that an area directly behind the fire station close to the rear doors is all cracks. Also, the clay along the back of the building where the detention pond is located has been receiving water and the freeze/thaw cycle has actually raised the inlet into the detention pond creating ponding. Central Services has sought a change order to address this issue, hence the need for the money.

Councilor LaBarge moved to suspend the rules. Councilor Elkins seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maire absent.

Councilor Perry moved to approve the order in second reading. Councilor Moulton seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Maire absent.

The following order passed final reading:

**City of Northampton**  
MASSACHUSETTS

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*In City Council* June 16, 2022

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Upon recommendation of Mayor Sciarra

**22.135 An Order to Appropriate \$88,000 Free Cash to Fire Department Parking Lot Project on Carlon Drive**

*Ordered, that*

the sum of \$88,000 be appropriated from the FY2022 General Fund Undesignated Fund Balance (Free Cash) to be added to the appropriation for the Fire Department Parking Lot project on Carlon Drive.

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**Passed final reading and enrolled.**

**Recess**

**Recess**

At 8:26 p.m., The City Council took a five-minute recess. The council reconvened at 8:31 p.m.

**Orders**  
**22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight - 1st reading**

**Orders**

**22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight - 1st reading**

Councilor Nash took 21.133 out of order. He recused himself from discussion, disclosing that Bill Dwight is his brother-in-law, so it would be a conflict of interest for him to participate as it has to do with his compensation.

Councilor Moulton disclosed that former Councilor Bill Dwight appeared in a campaign video endorsing him in last year's election. He consulted the city solicitor and because there is no financial interest in this relationship, he is not prevented from voting on this measure.

Councilor Elkins identified herself as the sponsor of the order on behalf of former Councilor Dwight. She also has been in conversation with the city solicitor and she, too, had the benefit of an endorsement from former Councilor Dwight. For the same reason Councilor Moulton stated, she also believes she does not have a conflict.

Councilor Elkins read the order aloud and recommended referring it to Legislative Matters.

This comes about as a result of a bit of a lapse in the city's bureaucratic housekeeping somewhat particular to elected officials, Councilor Elkins said. Unlike full-time employees who are pulled into the well-oiled machine of Human Resource processes, it hasn't always been the case that elected officials were promptly notified of benefits they were eligible for and given the opportunity to buy in, which has an affect at the time and also later. After retirement, Mr. Dwight is finding himself just shy of what is needed to have benefits.

While it is a little bit of an anomaly that arises with elected officials because of a lack of communication and limited options to remedy the problem, it is a constituent issue rather than a Bill Dwight issue, she stressed. After he and his wife did the research, Mr. Dwight asked her to bring this forward. She would do this for any other elected official or constituent that found themselves in a similar position.

She is recommending the order be referred to Legislative Matters so that details of the legal research that has been conducted and related communication between Councilor Dwight and Senator Comerford's office can be made part of the public record.

Councilor Maiore joined at 8:42 p.m.

**Councilor Moulton moved to recognize Bill Dwight. Councilor Perry seconded. The motion passed unanimously 8:0 with Councilor Nash recused.**

She and Councilor Dwight were both elected in 1998, Councilor LaBarge said. She checked with the City Clerk's office to confirm that councilors received \$5,000 annually between 1998 and 2005 since she couldn't remember. She asked if they were looking at eight years of deductions for retirement that would have to be paid back.

Just two years, Councilor Elkins clarified. When he came back as an At-Large Councilor (for five terms from 2012 to 2021) there was a miscommunication and he wasn't told of his opportunity to buy in. He has communications with the city that she will make available. He thought he had remedied the situation but in actuality had not.

The request for two years of creditable service is for the purpose of being able to qualify for benefits that his 10 years of service would otherwise qualify him for, Councilor Elkins elaborated. It is worth noting that without universal health care, folks who retire and find themselves in this situation are at the mercy [of the healthcare marketplace].

There is no guarantee the legislature will agree to act, she noted. It is really just an opportunity in light of his service for Bill to pay back money in order to qualify for benefits.

Councilor LaBarge confirmed there was a lack of communication with councilors in the past, saying she knows another councilor who was not aware that health benefits were available. No matter who it was she would support the request if they were willing to buy back the time.

The orientation that she and other new councilors received more recently was thorough and complete so hopefully no elected servant will find themselves in this position again, Councilor Elkins attested.

Part of the confusion is that he and his wife worked closely with Retirement Administrator David Shipka, who explained to him that if he bought back the two years he would qualify, Mr. Dwight shared. He has already done this and bought the time back. Then in November, the Public Employee Retirement Administration Commission (PERAC) sent out a letter saying that they no longer recognize or accept buyback time for former elected officials.

He isn't going to lay the blame at anybody's feet; he considers it a bureaucratic wrinkle as Councilor Elkins stated, he said. He does this with his eyes open since the council has done a number of petitions to the legislature far more pertinent and relevant to the community at large. He doesn't harbor too many illusions that this will actually be recognized. His next job is to go have a chat with the legislature. He thanked the council for even considering it.

**Councilor Elkins moved to refer the order to Legislative Matters. Councilor Jarrett seconded. The motion passed unanimously 8:0 with Councilor Nash recused.**

See minutes of July 14, 2022 for second reading.

Councilor Nash returned.

Financial Orders (on 2<sup>nd</sup> reading)

Financial Orders (on 2<sup>nd</sup> reading)

The following orders were approved as part of the consent agenda:

22.122 An Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network – 2nd reading

The following order was adopted in final reading:

22.122 Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network – 2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 2, 2022

Upon recommendation of Mayor Sciarra

**22.122 An Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network**

*Whereas*, the City is planning to extend the existing Fiber-Optic Municipal Area Network (FMAN) to include two critical infrastructure sites, the Water Treatment Plant (WTP) and the Glendale Road Telecommunications Tower; and

*Whereas*, the FMAN is crucial for the City's Business Continuity Plan, Cyber-Security monitoring, prevention and response strategies; and

*Whereas*, the inclusion of these two critical infrastructures will enhance the existing connectivity and benefit the potential development of the Municipal Broadband Network; and

*Whereas*, the City's IT infrastructure relies on the existing dual-hub redundant fiber-optic ring topology for connectivity, performance and disaster recovery; and

*Whereas*, the total cost of the project is estimated at \$313,115; and

*Whereas*, the City applied for and was awarded a Community Compact Grant in the amount of \$250,000; and

*Whereas*, the City must provide \$63,115, the balance after the grant award, to fund the project.

***Now Therefore Be It Ordered,***

The City Council hereby accepts the Community Compact Grant in the amount of \$250,000 for the purposes outlined in the grant and appropriates the amount of \$63,115 from the FY22 General Fund Undesignated Fund Balance (Free Cash) to fully fund the project to extend the City's Fiber-Optic Municipal Area Network.

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Passed final reading and enrolled.

**22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book – 2nd reading**

22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book – 2nd reading

The following order was adopted in final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 2, 2022

Upon recommendation of Mayor Sciarra

**22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book**

*Ordered, that*

\$8,966 be appropriated from the FY22 General Fund Undesignated Fund Balance (Free Cash) to Account # 19303-585502 to amend the city's online code book to create form-based zoning in downtown Northampton and Florence Center.

Passed final reading and enrolled.

22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM – 2nd reading

22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM – 2nd reading

The following order was adopted in final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 2, 2022

Upon recommendation of Mayor Sciarra

**22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM**

*Ordered, that*

The following budgetary transfers be made:

Department		Description	Org	Object	Transfer From:	Transfer To:
Highway Division	OM	Gasoline / Diesel	14222	548001		150,000.00
Highway	PS	Salaries Permanent	14221	511000	(75,000.00)	
DPW Forestry, Parks,	PS	Salaries Permanent	14921	511000	(75,000.00)	

Passed final reading and enrolled.

22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle – 2nd reading

22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle – 2nd reading

The following order was adopted in final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 2, 2022

Upon recommendation of Mayor Sciarra

22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle

*Ordered, that*

\$7,872.99 be appropriated from the State Earmark (2227) and added to the FY2023-FY2027 Capital Improvement Program appropriation of \$31,000 for a total of \$38,872.99 to support the purchase of a vehicle for the Dept. of Community Care.

Passed final reading and enrolled.

Orders (continued)  
22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street - 1st reading

Orders (continued)  
22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street - 1st reading

In 1994, legislation passed allowing the city to create what ended up being Village Hill, the redevelopment of the former Northampton State Hospital, OPS Director Feiden presented. A few months after the legislation passed, the city asked then Representative Bill Nagle if he could help them get so-called parcel C, the parcel that goes from Route 66 to Burts Pit Road, transferred to the city. Because of state concern at the time about giving away state land, Chapter 86 as amended included odd language that the property was being given to Northampton as settlement for having hosted the state hospital for so many years and was coming to Northampton "only for municipal purposes." A decade later, City Council transferred the majority of the parcel to the Recreation Commission to become the permanent, protected Ellerbrook Field Recreation Area. At the time, the fire chief thought he might someday want a substation there so they reserved the parcel for that potential use. It was later determined not to be needed, and the City Council recently surplused the property to allow it to be used for affordable housing after being briefly considered as a site for an animal control facility. Because of the deed restriction that it can only be used for municipal purposes, their feeling is that they can only lease the property for 99 years. Attorneys for some of the non-profits they talked to said they were worried they couldn't get financing with that restriction. [This council strongly supports the concept that affordable housing is a municipal use but that's not universal, he noted as an aside.]

This order would petition the state legislature to ask it to lift the restriction on municipal use.

As a point of disclosure, Director Feiden noted that while they believe it will be used for affordable housing, the request to the legislature is to lift the restriction period to give the city the maximum flexibility. If this mayor or a future mayor ever wanted to use it for something else, it would have to come back to council. The mayor is only authorized now to use it for affordable housing and that is completely their intent.

As an example of a situation that might necessitate a change, Director Feiden pointed out that there is no sewer service to the property. If sewer came back as being prohibitively

expensive for affordable housing, they would like to have the flexibility to use it for something else. They have applied for a grant that would help pay for the sewer, he advised. They still intend it to be used for affordable housing and are moving forward with all due diligence, he stressed.

This would amend the Acts of 1994 to strike the language 'only for municipal uses.'

Councilor Nash said he thinks it makes perfect sense if they are going to the effort to build affordable housing there that they get more latitude while they're at it. Since this is the first reading, the order will be on the agenda again at the next meeting, he confirmed.

See minutes of July 14, 2022 for second reading.

Ordinances  
22.131 Ordinance  
Extending the  
Effective Date of  
Section 272-18 to  
October 31, 2022 -  
1st reading

Ordinances  
22.131 An Ordinance Extending the Effective Date of Section 272-18 to October 31,  
2022 - 1st reading

He has recused himself from past discussions of this ordinance because it could potentially have a financial impact on his business and he will recuse himself again, Councilor Jarrett disclosed. He turned off his camera.

Councilor Maiore referred to comments heard tonight and back in January from DNA Director Amy Cahillane about some of the difficulties local businesses are facing. For her, the reason to delay is very specific. She knows they are all, including the mayor's office, eager to see the ordinance enacted. However, taking this time to review the language to see if there are things they can tweak to make it even more flexible could avoid even further delay. She mentioned possibly giving more discretion to the enforcing agent or otherwise strengthening the language. It was written with a pre-pandemic eye, she reminded.

Councilor Moulton said he knows this is the second delay but he wants to support this. The key words he took away from Director Cahillane's comment is the request that this be a partnership and not punitive. The more they can work with the enforcement agent to make sure they are educating and working with businesses to implement it successfully, the better off they'll be. He supports this delay to October 31<sup>st</sup>, he confirmed.

Councilor LaBarge also supported delaying implementation to October 31<sup>st</sup>.

Mayor Sciarra thanked Councilor Maiore for her continual work on this and molding of it. They are all trying to enact this in a way that will be as effective but also as sensitive to the moment they're in and the struggles people are having as possible.

This has been a difficult time to implement change, especially for their downtown restaurant community, Councilor Nash acknowledged. Councilor Maiore has been in communication with Amy Cahillane, the Mayor's office and the DPW. He really appreciates that this is working towards being a partnership rather than the city imposing a rule. This is a meaningful change, and their restaurant community has been changing the materials they are using for takeout. There are a wide number of businesses who have already made the shift.

**Councilor LaBarge moved to suspend the rule to wait until the next meeting for approval. Councilor Moulton seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.**

**Councilor Moulton moved to approve the ordinance in final reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.**

The following ordinance passed final reading:

**City of Northampton  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty-One*

*Upon the recommendation of Councilor Rachel Maiore*

**22.131 An Ordinance Extending the Effective Date of Section 272-18 to October 31, 2022**

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended to extend the date on which Section 272-18, Environmental Protection and Solid Waste Reduction, shall take effect.

Be it Ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

The Code of Ordinances shall be and hereby is amended as follows:

In section 272-18, by deleting in subsection F the phrase “July 1” and replacing it with the phrase “October 31.”

**Passed final reading, ordained and enrolled.**

**Interim procedure for conducting City Council meetings**

**Interim procedure for conducting City Council meetings**

As an update. Councilor Nash noted that the legislature still has not voted on whether to extend certain measures adopted during the COVID-19 state of emergency, including the modification to the Open Meeting Law to allow governmental bodies to continue to meet remotely. Accordingly, come July 15th, the council could be required to meet in person but he is expecting authorization for remote meetings to continue.

He suggested using the time between now and July 14<sup>th</sup> to consider what they would ideally like their proceedings to look like, assuming that a combination of in-person and remote participation is still allowed. In particular, he suggested trying out hybrid committee meetings as a way experimenting with the hybrid format.

From past discussions, he knows the consensus is that councilors want to maintain the ability to be remote, and he thinks it goes beyond being a ‘want’ and is a ‘need.’ His recommendation is to do some exploring.

For her, the secondary benefits of increased access and opportunity for public participation are even more compelling than COVID as reasons for a continued commitment to virtual meetings, Councilor Elkins shared. She would hate to miss an opportunity to participate herself or to hear from somebody in the community because of their inability to be physically present whether for COVID or any other reason. She hopes to permanently maintain some hybrid form of participation, she volunteered.

There was a consensus among members to try out the hybrid format in meetings of the subcommittees. Councilor Nash suggested they consider making it a requirement to have a quorum of the committee in the room.

**New Business**

**New Business**

None.

**Adjourn**

**Councilor Perry moved to adjourn. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 9:40 p.m.**

Attest: \_\_\_\_\_, Administrative Assistant

## EXHIBIT A

List of Documents Reviewed at June 16, 2022 Northampton City Council Meeting:

1. June 16, 2022 Agenda
2. Minutes of May 19, 2022 City Council Meeting and May 31, 2022 and June 1, 2022 FY2023 Budget Hearings
3. 22.081 Pole Petition - Clark St.with DPW Recommendation – Memo from Greg Newman, Senior Civil Engineer to Donna LaScaleia, DPW Director dated April 6, 2022 re: Petition No. 30481354 to install a Pole near 541 Ryan Road
4. 22.098 Appointments and Reappointments to Various Boards and Committees – Memo from Mayor Gina-Louise Sciarra to City Council Dated May 5, 2022 re: Appointments & Reappointments to Boards, Committees, and Commissions proposing the appointment of Timothy Smith to the Agricultural Commission, Joseph Tarantino to the Board of Registrars, Brian Adams to the Community Preservation Committee, Joanne Levin, MD, to the Board of Health, Michael Morton, Marilyn Clare, and Rodney Kunath to the Disability Commission, Richard Abuza to the Housing Partnership, Natasha Yakovlev and Jennifer Ewers to the License Commission, and David Lukens to the Urban Forestry Commission, together with Applications for Appointment to Boards, Committees and Commissions.
5. 22.117 Reappointments to Various Committees - Memo from Mayor Gina-Louise Sciarra to City Council dated May 19, 2022 re: Reappointments to Boards, Committees, and Commissions proposing the appointment of Dennis Nolan to the Board of Assessors, Jason Perry to the Conservation Commission and JoElla Tarbutton to the Northampton Housing Authority Board of Commissioners, together with Applications for Appointment to Boards, Committees and Commissions.
6. 22.122 An Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network
7. 22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book
8. 22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM
9. 22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle
10. 22.128 Appointments to Various Committees – Memo from Mayor Gina-Louise Sciarra to City Council dated June 2, 2022 re: Appointments & Reappointments to Boards, Committees, and Commissions proposing the appointment of Carmen Junno to the Housing Partnership, Erin Buzuvis to the Parks and Recreation Commission, and David Whitehill to the Planning Board, together with Applications for Appointment to Boards, Committees and Commissions.
11. 22.136 Appointments to Various Committees – Memo from Mayor Gina-Louise Sciarra to City Council dated June 16, 2022 re: Appointments & Reappointments to Boards, Committees, and Commissions proposing the appointment of Eamonn Edge to the Arts Council, and Robert Boulrice to the Board of Registrars, together with Applications for Appointment to Boards, Committees and Commissions.
12. 22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects
13. 22.134 An Order to Reprogram Funds for NPS Playground Upgrades
14. 22.135 An Order to Appropriate \$88,000 Free Cash to Fire Department Parking Lot Project on Carlon Drive
15. 22.076 An Order to Authorize Acquisition of Winter Street Easements
16. 22.076 Order of Taking
17. 22.076 Easement Plan Final
18. 22.076 Easement Locus Plan
19. 22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street
20. 22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight
21. 22.131 An Ordinance Extending the Effective Date of Section 272-18 to October 31, 2022

Record of City Council Votes for June 16, 2022		Elkins	Foster	Gore	Jarrett	LaBarge	Maiore	Moulton	Nash	Perry	Total
Roll Call by Council Administrative Assistant Laura Krutzler @ p.m.		Present	Present	Present	Present	Present	Absent (joined later)	Present	Present	Present	8 Present with Maiore Absent
Open Public Hearing on 22.081 National Grid/Verizon New England Pole Petition for One jointly-owned (JO) Pole on Clark Street (Petition # 30481354)		Yes	Motion to open	Yes	Yes	Yes	Absent	Second Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
Close Public Hearing on 22.081 National Grid/Verizon New England Pole Petition for One jointly-owned (JO) Pole on Clark Street (Petition # 30481354)		Yes	Second Yes	Yes	Yes	Yes	Absent	Motion to close	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
Approval of Consent Agenda:											
Minutes of May 19, 2022 and May 31, 2022 and June 1, 2022 FY2023 Budget Hearings	Consent										
Approve 22.081 National Grid Pole Petition for One (JO) Pole on Clark St. (Petition # 30481354)	Consent										
22.098 Appointments and Reappointments to Various Boards and Committees, all positive recommendations, City Services - 6/13/2022	Consent										
22.117 Reappointments to Various Committees, all positive recommendations, City Services - 6/13/2022	Consent										
22.122 An Order to Accept Grant and Appropriate \$63,115 Free Cash to Extend the City's Fiber Optic Network - 2nd reading	Consent	Yes	Yes	Motion to approve	Second Yes	Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
22.123 An Order to Appropriate \$8,966 Free Cash to Add Form-Based Code to the City Code Book - 2nd reading	Consent										
22.124 An Order to Transfer \$150,000 from DPW Personnel Services to OM - 2nd reading	Consent										
22.125 An Order to Appropriate \$7,872.99 from State Earmark for Community Care Department Vehicle - 2nd reading	Consent										
22.128 Appointments to Various Committees, all positive recommendations, City Services Committee - 6/13/2022	Consent										
22.136 Appointments to Various Committees - for referral to City Services	Consent										
22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 1st reading	1st reading	Yes	Yes	Yes	Second Yes	Refer to consent agenda	Absent	Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
22.134 An Order to Reprogram Funds for NPS Playground Upgrades - 1st reading	Suspend rules	Yes	Yes	Yes	Yes	Motion to suspend	Absent	Second Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
	1st reading	Yes	Yes	Yes	Motion to approve	Second Yes	Absent	Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
22.135 An Order to Appropriate \$88,000 Free Cash to Fire Department Parking Lot Project on Carlon Drive - 1st reading	Suspend rules	Second Yes	Yes	Yes	Yes	Motion to suspend	Absent	Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
	1st reading	Yes	Yes	Yes	Yes	Yes	Absent	Second Yes	Yes	Motion to approve	Motion carried 8:0 with Maiore Absent; roll call
22.076 An Order to Authorize Acquisition of Winter Street Easements - 2nd reading	2nd reading	Yes	Yes	Yes	Yes	Motion to approve	Absent	Second Yes	Yes	Yes	Motion carried 8:0 with Maiore Absent; roll call
22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street - 1st reading	1st reading	No vote									

Record of City Council Votes for June 16, 2022		Elkins	Foster	Gore	Jarrett	LaBarge	Maiore	Moulton	Nash	Perry	Total
22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight - 1st reading	1st reading	Motion to refer to LM	Yes	Yes	Second Yes	Yes	Yes	Yes	Recused	Yes	Motion carried 8:0 with Nash recused; roll call
22.131 An Ordinance Extending the Effective Date of Section 272-18 to October 31, 2022 - 1st reading	Suspend rules	Yes	Yes	Yes	Recused	Motion to suspend	Yes	Second Yes	Yes	Yes	Motion carried 8:0 with Jarrett recused; roll call
	1st reading	Yes	Yes	Yes	Recused	Motion to approve	Yes	Second Yes	Yes	Yes	Motion carried 8:0 with Jarrett recused; roll call
Interim Procedure for Conducting City Council Meetings	1st reading	No vote									
Adjourn		Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion to approve	Motion carried 9:0; roll call