



CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
Northampton, Massachusetts

Roll Call

A regular meeting of the City Council was called to order by Council President Jim Nash at 7 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 |
| Ward 7 Councilor Rachel Maiore        |                                      |

Announcement that Meeting Audio/Video Recorded

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

Public Comment

Public Comment

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

**Carrie Cuthbert** said she and her husband, **Scott Laidllaw**, live at **122 Pine Street** right next to the Florence Congregational Church. They sent an email to the council regarding the proposed rezoning of property at 130 Pine Street. She clarified and underscored that they support Bombyx's mission and want them to succeed, but, at the same time, they along with a number of other neighbors are requesting that the city delay voting on the rezoning to allow time for Bombyx and the neighbors to gather the data needed to assess and address the impact of Bombyx's programming on them, including issues of noise, parking, hours and frequency of programming, licensing, etc. Additional potential uses would be allowed under Office Industrial (OI) zoning should the property change hands after the 30-year term of the development agreement. Given that 30-year timeframe and the possibility that ownership may change, they are asking for additional time to identify and incorporate reasonable guard-rails for the property's usage, situated as it is in a residential neighborhood. It may be that additional restrictions in addition to the historic preservation agreement could be put into the development agreement. They don't want to be in the position of having to file complaints with the city after the fact. Their goal is in no way to close Bombyx down, she stressed.

**Amy Wilson Cahillane**, Executive Director of the Downtown Northampton Association (DNA), spoke in support of 22.150, the order suspending the ordinance prohibiting the use of mobile food trucks in the Central Business District for the nine-hour Taste of Northampton event on September 10, 2022, submitted on the recommendation of the mayor. The order is specifically to allow brick and mortar restaurants that also have food trucks to participate in the event, she noted. In support, she pointed out that it will save organizers (the city and DNA) the cost of equipment rental since they will be providing equipment for any restaurants that need it and that the number of food trucks in question is actually very small; it may be four depending on the definition. Only two restaurants have said they actually want to use their trucks. Also, she has raised the request with a large segment of the restaurant community and has only had a few push back. For all of these reasons, she respectfully asked for the council's support for the waiver.

Following up on Carrie's Cuthbert's comments, **Heather Warner** said she lives across the street from Carrie and has also been part of the group meeting with Bombyx. She reiterated that, as neighbors, they are super-excited to have Bombyx in Florence and as neighbors. They like the mission and are excited that they might have a community kitchen available; in fact, her program has already co-hosted an event there. But, they also want to have time. No notice was sent to neighbors of the change, not giving them much time to think and talk about the impacts, talk to other neighbors and come to a common resolution. Like Carrie said, they don't want to be in the position of calling to complain. At one community meeting, she heard that delaying to August wasn't going to impact Bombyx's business model and that they too could benefit from additional time for discussion with neighbors. She knows there is

	<p>another letter that has gotten some traction in their neighborhood with a NIMBY attitude and she wants to stress that it does not reflect the general feeling.</p>
<p><u>Public Hearings</u> <u>Announcement of Public Hearing on 22.094 National Grid Pole Petition to Install Five (5) Poles and Remove Seven (7) Poles on River Road (Petition # 26620980)</u></p>	<p><u>Public Hearings</u> <u>Announcement of Public Hearing on 22.094 National Grid Pole Petition to Install Five (5) Poles and Remove Seven (7) Poles on River Road (Petition # 26620980)</u> Councilor Nash made the following announcement: Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on <b>Thursday, August 18, 2022 at 7 p.m.</b> on National Grid's petition to install five (5) utility poles and remove seven (7) poles on River Road. (Petition #26620980). Instructions for accessing the hearing may be found on the August 18, 2022 City Council agenda to be posted on <a href="http://www.northamptonma.gov">www.northamptonma.gov</a> no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.</p>
<p><u>Announcements from Councilors &amp; the Mayor</u></p>	<p><u>Announcements from Councilors &amp; the Mayor</u> The council president asked for a moment of silence for the young person murdered recently in Northampton. "It's a wound for our community," he commented.  Councilor Maiore said she felt compelled to commend the Health and Human Services Department and shared a brief letter she got from one of her constituents. She read aloud the letter, which commented on how phenomenally the vaccine clinic for children at the Elks Lodge is being run and how well it is adapted for kids. That was her personal experience with her children as well, she confirmed.  Councilor Gore said she had the opportunity to go to a ribbon cutting ceremony for North Commons, the new residential facility in Village Hill with 33 affordable units. It is a beautiful building and a huge asset to the community.  Councilor Foster seconded Councilor Gore's comment, adding that it has a really great playground.  Councilor Perry reminded those listening that summer is in full swing and this means that 'Salsa in the Park' sponsored by the Northampton Arts Council is back in Pulaski Park. The first week it got rained out, so the first event is this Saturday. There will be a live salsa band. He also encouraged people to check out Masonic Live which has great programming on Mondays, Fridays and Saturdays.  Councilor LaBarge thanked Northampton Fire Rescue Chief Jon Davine for the monthly report they've been receiving. It talks about incidents, mutual aid, response times and the training focus of the department and is very valuable.  Chief of Staff Alan Wolf said the Mayor is at School Committee tonight completing the hiring of an interim School Superintendent and so has sent him and Finance Director Charlene Nardi to represent her office.</p>
<p><u>Zoning Ordinances</u></p>	<p><u>Zoning Ordinances</u> <u>22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial - 2nd reading</u> Councilor Nash proposed taking 22.110 out of order, but since Carolyn Misch was not yet present he returned to the regular order of the agenda.</p>
<p><u>Consent Agenda</u></p>	<p><u>Consent Agenda</u> Councilor Nash reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. There being no requests, <b>Councilor Foster moved approval of the consent agenda. Councilor Elkins seconded. The motion passed unanimously 9:0 by roll call vote.</b>  The following items were approved as part of the consent agenda: A. <u>Minutes of June 2, 2022</u></p>

B. 22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 2nd reading

C. 22.137 Application for Secondhand Dealer License - Kids Stuff

Renewal License for the following:

Business: Kids Stuff, 90 Maple Street

Applicant: Melinda Barnes

D. 22.142 Appointment of Kim Park as Senior Services Director, for referral to City Services Committee

E. 22.144 Appointments to Various Committees, for referral to City Services Historical Commission

**Dylan Gaffney**, 23 Marshall Street, Northampton

Term: July 2022- June 2025

*Reappointment*

**Parks and Recreation Commission**

**Jeffrey Dawson**, 539 Westhampton Road, Florence

Term: July 2022- June 2025

*To fill a vacancy*

**Planning Board**

**Janna White**, 28 Hancock Street, Northampton

Term: July 2022-June 2025

*Reappointment*

**Zoning Board of Appeals**

**Elizabeth Silver**, 67 Willow Street, Florence

Term: July 2022- June 2025

*Reappointment*

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

**Financial Orders (on 1st reading)**

**Financial Orders (on 1st reading)**

**22.145 An Order for FY2022 Year-End Budget Transfers - 1st reading**

Finance Director Nardi reviewed the individual year-end transfers. With regard to the \$57,000 transfer for interest on municipal debt, the city had a refinancing in February which resulted in a need for additional interest. However, they had a huge savings in the principal line item, so she is taking money from principal line to pay for the interest.

With regard to a \$500,000 transfer to the Other Post-Employment Benefits (OPEB) Trust Fund, it is the city's policy to deposit money in the OPEB trust when there is an excess in the employee insurance benefits, she further explained. It is also the policy to fund the trust fund when there is an excess in compensated absences.

Councilor LaBarge asked about the city's policy for allowing employees to accumulate sick time and for payout of sick time upon separation from service. Director Nardi said there is now a cap on this amount but didn't used to be. She offered to get more specific information.

Councilor Jarrett said he appreciates that they are able to fund the OPEB liability through the city's savings on insurance. He sees this as a huge future liability and is glad they are being proactive in funding it.

Councilor Moulton agreed. He asked if the amount being funded from the medical insurance account is the entire excess amount in that account. Close to \$200,000 remains in the account, Director Nardi noted.

Councilor Moulton moved to suspend rules to allow approval in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor LaBarge moved to approve the order in second reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

22.145 Order for FY2022 Year-End Budget Transfers - 1st reading

The following order passed final reading:

**City of Northampton**  
MASSACHUSETTS

*In City Council* July 14, 2022

Upon recommendation of Mayor Sciarra

**22.145 An Order for FY2022 Year-End Budget Transfers**

*Ordered, that*

The following FY2022 budgetary transfers be made:

Department	Description	Org	Object	Transfer From:	Transfer To:
City Council	PS Overtime	11111	513000		\$ 3,098.88
City Council	OM Travel	11112	571001	\$ (3,098.88)	
Mayor	PS Salaries Permanent	11211	511000		\$ 449.25
Mayor	OM Travel	11212	571001	\$ (449.25)	
Central Services	OM Electricity	11922	521001		\$ 19,663.13
Parks and Recreation	PS Salaries Permanent	16301	511000		\$ 18,882.40
Interest on Municipal Debt	Interest on Long Term Debt	17503	591500		\$ 57,051.54
Maturing Principal on Long Term Debt	Municipal Debt Service	17103	591000	\$ (57,051.54)	
Worker's Comp Insurance	Police & Fire Accident Insurance	19122	517004		\$ 2,654.00
Worker's Comp Insurance	Workers' Compensation	19121	517003	\$ (2,654.00)	
OPEB Liability Trust Fund	Trust Fund	5000	340518		\$ 500,000.00
Medical Insurance	Employee Insurance Benefits	19141	519400	\$ (538,545.53)	
Compensated Absences	Trust Fund	5000	340521		\$ 35,000.00
Other Employee Insurance	PS Sick Leave Buy Back	19191	519600	\$ (35,000.00)	
<b>Total Budgetary Transfers:</b>				\$ (636,799.20)	\$ 636,799.20

Rules suspended, passed final reading and enrolled.

22.146 An Order to Appropriate Funds for Additional SVAHS Students - 1st reading

22.146 An Order to Appropriate Funds for Additional SVAHS Students - 1st reading

When they made the budget, she understood that there were 425 students paying tuition for Smith Vocational and Agricultural High School (SVAHS) but found out the night of the City Council vote that there were actually 427, Director Nardi explained. The superintendent and business officer were kind enough to wait for this additional appropriation. The city is actually funding \$670,776 of the SVAHS budget and the rest of the \$10 million will come from Chapter 70 funds for special education and tuition. It does not represent an additional appropriation on the part of the city but is tuition coming in from other cities, she clarified.

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

See minutes of August 18, 2022 for final reading.

22.147 An Order to Authorize FY2023 Intermunicipal

22.147 An Order to Authorize FY2023 Intermunicipal Agreements - 1st reading

This is an annual order authorizing the city to make intermunicipal agreements with other cities and organizations, Director Nardi presented. Some agreements represent services

Agreements - 1st reading

provided by Northampton to smaller communities such as the agreement for IT to provide laserfiche hosting services. Examples of other services covered include building inspection services, weights and measures and electrical inspections. The Health and Human Services Department (HHSD) also provides some regional services and the planning department too does some inter-municipal work. She thinks it's wonderful that the city collaborates with other towns in the area in this way. They not only gain services but provide services as well.

On the last page is a list of inter-municipal agreements that have already been approved and are still in existence.

Councilor Jarrett asked if she had a sense of which items had changed. He said he noticed that Westfield is entering the Valley Bike Share program.

The Public Health Excellence (PHE) Collaborative is brand new, Director Nardi confirmed. A few were taken off the list because of not being renewed, she advised.

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

See minutes of August 18, 2022 for final reading.

22.148 An Order Authorizing Changes to Public Health Nursing Revolving Fund - 1st reading

22.148 An Order Authorizing Changes to Public Health Nursing Revolving Fund - 1st reading

The city has an order for revolving funds which is annually approved as part of the budget process and dictates the source of money, who is allowed to expend it, allowable types of expenditures and any restrictions associated with each fund's use, Director Nardi advised. With the change of the health department to the Health and Human Services Department (HHSD), they needed to update the order to make the person allowed to expend funds not the director of health but the HHSD commissioner. Also, in the past, a lot of expenditures from this fund have been for flu vaccinations with reimbursements from health insurance being credited to the fund as revenue. With COVID, no one knew what to do with COVID vaccination expenses. They ended up being covered by insurance reimbursements, so there is no cost to the city. With a revenue source identified, they now feel safe to move the whole operation into the same revolving fund as used for flu clinics and are requesting an increase in total expenditures to accommodate the extra cost. In the past, the limit was \$30,000, but with the inclusion of COVID vaccinations, they are increasing it to \$250,000. They hope they will never be back to that level again but are looking for authorization in case they need it.

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

See minutes of August 18, 2022 for final reading.

Financial Orders (on 2nd reading)

Financial Orders (on 2nd reading)

The following order was approved as part of the consent agenda:

22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 2nd reading

The following order was approved in second reading:

22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council* June 16, 2022

Upon recommendation Mayor Sciarra

22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects

*Ordered, that*

Pursuant to the FY2023-FY2027 Capital Improvement Program, the following Capital Projects are appropriated from the General Fund FY2023 Cash Capital Account:

Central Services – Senior Center: Window Repairs	\$ 75,000
Central Services – Academy of Music: Complete Sprinkler System	\$ 150,000
Central Services – City Maintenance Vehicle	\$ 65,000
Information Technology Services – 21 <sup>st</sup> Century Classroom Technology	\$ 32,333
Information Technology Services – Payroll Records Archiving	\$ 50,000
Northampton Public Schools – Dishwasher – NHS Kitchen	\$ 23,724
Northampton Public Schools – District Wide – Exterior Door ADA Upgrades	\$ 25,000
Department of Public Works – Traffic Calming	\$ 25,000
<b>TOTAL:</b>	<b>\$ 446,057</b>

Passed final reading and enrolled.

Zoning Ordinances

Zoning Ordinances

22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial - 2nd reading

Councilor Nash took 22.110 out of order. He reviewed the legislative history to date.

As described when first introduced, the ordinance proposes rezoning just one parcel (130 Pine Street) from Urban Residential B (URB) to Office Industrial (OI), Assistant Director Misch reminded. As of the Legislative Matters Committee public hearing Monday night, details of the historic preservation restriction as well as the development agreement had not yet been hammered out. There was concern from the committee over not having seen the language of the development agreement and some discussion that, because of that, it might not be appropriate for the council to vote on it tonight.

She met with Bombyx folks Tuesday and talked about the development agreement in its draft form and details of the historic preservation agreement. They are very interested in moving forward quickly because without this they are not in compliance with zoning. The council not acting tonight would mean delaying a vote until August 18<sup>th</sup>, extending the time frame during which they could not conduct many of their shows and other productions. Just today, she received two signed documents from them but the council has not yet seen them.

In order for the city to accept the historic preservation restriction, the normal course is for the City Council to accept the preservation restriction through an order.

There was quite a bit of discussion at Legislative Matters about wanting to take a little more time to understand the development agreement, Ms. Misch continued. Part of understanding the agreement is understanding other enforcement mechanisms that may be available through the licensing process. There was interest on the part of councilors in understanding that process and whether it is appropriate to rely on that path to address concerns.

Chief of Staff Wolf thanked Assistant Director Misch for the excellent summary. The city solicitor's recommendation to the mayor with which she concurred is that additional time is needed to address these issues, he reported.

As a member of Community Resources, that committee's positive recommendation was contingent on the development agreement being finalized, Councilor Maiore confirmed. She and Councilor Jarrett met with residents and Bombyx and she has found both parties to be very thoughtful. She was impressed with Cassandra and Kyle's responsiveness and with the fact that residents she met with were very positive about Bombyx. That being the case, she doesn't think a pro/anti stance is called for.

She understands Bombyx's desire to move forward but, as residents have said, this could be in place for 30 years, so she thinks it is worth taking the time. The timing is all about having a community understanding and development agreement in place so, if that happens faster, the council could consider earlier approval, she suggested. The tone has not been adversarial, she stressed.

Coming out of LM, members agreed having time to review the finalized development agreement was important, Councilor Jarrett agreed. Speaking as the councilor for Ward 5, he very much supports Bombyx's mission, historic preservation of the church and continued operation of the synagogue and preschool, and all that will continue. He understands the desire to delay to allow neighbors more time to engage but also understands Bombyx's need. It could be appropriate to have a special meeting so that they could vote earlier than August 18<sup>th</sup>, but he would want the documents to be in order and to understand the scope of the entertainment license. He would hope to see conversations between Bombyx and the community continue and the informal community agreement be in place before they vote.

Councilor Moulton concurred with both Councilors Maiore and Jarrett. He spoke Monday at LM strongly in favor of both the mission of Bombyx and the rezoning. He concurs with the suggestion of having a special meeting; he thinks five weeks is too long but having time to review the documents and understand the licensing component would be helpful. He also thinks discussions between Bombyx and the immediate neighbors have been fruitful and he hopes they continue.

Councilor Elkins said she can't wait to vote for this and would happily come back for a special meeting to approve it. She commended everyone for their hard work to progress the agreement since Monday.

**Councilor Elkins moved to table the ordinance for a future special meeting prior to the next scheduled meeting. Councilor Maiore seconded.**

Councilor Nash restated the motion as a motion to continue to a future special meeting prior to the council's next regular meeting. He suggested the meeting be scheduled once the information comes together. He asked if Bombyx has met with the neighbors.

This wasn't a condition of the Planning Board's motion to approve but she thinks there has been discourse, Assistant Director Misch said.

Councilor Jarrett said he was present at a meeting between some neighbors and Bombyx and knows there has been ongoing conversation.

Councilor Nash expressed his understand that there is preference to have a special meeting possibly in two weeks but before the next regular meeting.

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

	<p><u>See minutes of August 18, 2022 for second reading.</u></p>
<p><u>Recess</u></p>	<p><u>Recess</u>                  At 8:12 p.m., the City Council took a five-minute recess. The council reconvened at 8:17 p.m.</p>
<p><u>Orders</u></p>	<p><u>Orders</u>  <u>22.150 An Order Temporarily Suspending City of Northampton Ordinance 285-4: Permit to display merchandise on streets required; mobile food vehicles on September 10, 2022, in support of the "Taste of Northampton" event - 1st reading</u>                  Thanks to a grant program funded by the state, the city has received a \$47,500 grant to host the 'Taste of Northampton' September 10, 2022 from 11 a.m. to 8 p.m., Chief of Staff Alan Wolf reported. The Regional Economic Development Organization (REDO) grant cropped up out of nowhere, and he and Annie Lesko collaborated with DNA Executive Director Amy Cahillane to come up with ideas for possible projects. Bringing back this showcase of local restaurants was chosen in recognition of the fact that, at nearly every economic development meeting he has ever attended, people bemoan the loss of this popular community event. The Downtown Northampton Association (DNA) and the city will jointly sponsor the event.</p> <p>Coming out of the pandemic, they realized it might be difficult for local restaurants to coordinate a major event, so they requested \$85,000 to allow them to cater it like a wedding, he elaborated. They only got \$47,500, but the city is going to rent tents, pay for music and close Main Street between Old South Street and King/Pleasant Street in honor of the occasion. The current plan is to put out a stage and have salsa dancing and some bands.</p> <p>They realized some of the brick and mortar restaurants own food trucks which would save them money on renting tents since businesses like Local Burger, Veracruzana and Herrell's Ice Cream could use their food trucks. Zoning does not allow mobile food trucks in Central Business (CB), so the request is to suspend the ordinance for one day to allow Northampton restaurants with brick and mortar locations to temporarily have trucks downtown.</p> <p>Councilor Nash asked if they are considering allowing trucks from other areas. Wolf said no.</p> <p>Councilor Foster said she saw Director Cahillane's outreach to the restaurant community and thinks it sounds like a fantastic event.</p> <p>The whole idea is super exciting to him, Councilor Perry agreed. He still waxes poetic about the days when he worked for Union Station and the Taste of Northampton was happening. He commended Alan and Amy for all the work they're doing to try to revitalize the downtown. The pandemic really hit their service and entertainment industries hard, and he thinks this is a great way to get people out and moving.</p> <p>Twenty or so restaurants have signed up, and Amy is working incredibly hard to make this happen, Wolf advised. He thanked the city departments that would regulate such an event or set it up. It is going to be a lot of work in a very short amount of time but they are confident they can do it.</p> <p><u>See minutes of August 18, 2022 for second reading.</u></p>
<p><u>Orders</u>  <u>22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street – 2nd reading</u></p>	<p><u>Orders</u>  <u>22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street – 2nd reading</u>                  At discussed at the last meeting, this parcel on Chapel Street came out of the disposition of the state hospital grounds designated for municipal use, Assistant Director Misch reminded. There was originally an interest in putting a fire substation there but the parcel has been in the city's possession for 15 plus years now with no activity. Planners have recently been looking at the parcel for affordable housing but legislation is needed to allow the parcel to be used for anything other than municipal use.</p>

Councilor LaBarge moved to approve the order in second reading. Councilor Moulton seconded. The motion passed unanimously 9:0 by roll call vote.

The following order was approved in second reading:

City of Northampton  
MASSACHUSETTS

*In City Council, June 16, 2022  
Upon the recommendation of Mayor Gina-Louise Sciarra and Planning & Sustainability*

**22.129 An Order to petition the General Court to further amend chapter 86 of the acts of 1994**

- WHEREAS, Chapter 86 of the Acts of 1994, as amended by chapter 307 of the acts of 1994, authorized the Department of Capital Assets Management and Maintenance (“DCAMM”) to transfer to the City of Northampton Parcel C as shown on a plan entitled “Boundary Survey of Land of the Commonwealth of Massachusetts Formerly the Northampton State Hospital,” dated December 17, 1996, and recorded in the Hampshire Registry of Deeds in Plan Book 183, Page 1 (sheet 5); and
- WHEREAS, By virtue of the deed dated November 19, 1998 and recorded in the Hampshire Registry of Deeds in Book 5558, Page 019, DCAMM transferred Parcel C to the City; and
- WHEREAS, Chapter 86, as amended, restricts the use of Parcel C to municipal purposes; and
- WHEREAS, In 2013, the city permanently dedicated all of Parcel C, except for a parcel on Chapel Street containing 1.119 acres (“the Chapel Street Parcel”), to recreation and open space as the Ray Ellerbrook Recreation Field (Hampshire Registry of Deeds, Book 11547, Page 342);
- WHEREAS, The Chapel Street Parcel is shown as Parcel C-1 on a plan entitled “Plan of Land in Northampton, Massachusetts Hampshire County Prepared for the City of Northampton,” dated November 18, 2013, and recorded in the Hampshire Registry of Deeds in Plan Book 231, Page 15; and
- WHEREAS, On August 19, 2021, City Council passed an Order declaring the Chapel Street Parcel as surplus to City needs; and
- WHEREAS, The municipal purpose restriction is impeding the redevelopment of the Chapel Street Parcel.

*Ordered, that*  
The City requests and petitions our legislative delegation to file legislation substantially as follows, with such amendments as approved by the Mayor, in her sole discretion:

**An Act Further Amending Chapter 86 of the Acts of 1994.**  
*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Chapter 86 of the acts of 1994, as amended by chapter 307 of the acts of 1994, is hereby further amended by inserting in section 15A as the third paragraph thereof the following:

Notwithstanding the preceding two paragraphs of this section, the parcel of land shown as Parcel C-1 on a plan entitled Plan of Land in Northampton, Massachusetts Hampshire County Prepared for the City of Northampton, dated November 18, 2013, and recorded in the Hampshire Registry of Deeds in Plan Book 231, Page 15, shall not be subject to the condition that it be used for municipal purposes, and said parcel shall not revert to the care and control of the division of capital planning and operations for failure to use the property for municipal purposes. Upon passage of this act, the commissioner of the division of capital asset management and maintenance shall execute an instrument in a form suitable for recording releasing the municipal purpose restriction from Parcel C-1.

SECTION 2. This act shall take effect upon its passage.

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Passed final reading and enrolled.

22.133 An Order for Special Legislation

22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight – 2nd reading  
Councilor Nash recused himself since he is related to Bill Dwight by marriage.

Relative to  
Creditable Service  
of William Dwight  
– 2nd reading

Councilor Elkins clarified a point of information by noting that when former Councilor Dwight was reelected and came back to council in 2012, he realized that fall that he did want to participate in the retirement system and bought in at that time. In other words, in 2012/2013 when he realized the oversight, he elected to participate and bought in but not within the 90-day period following his swearing in which would have insured him the benefit. A full decade later the retirement system clarified its policy in a way that was adverse to people in his situation.

If he had bought in within 90 days of being sworn in in 2012 instead of four months later, he would not be in this position, she stressed. It was not a lapse of 10 years or him coming back 20 years later; his attempt to resolve the oversight was made back then.

With regard to legal precedence, a couple of Public Employee Retirement Administration Commission (PERAC) cases trigger the interpretation that Councilor Dwight would not get the benefit of the years of service he paid for, Councilor Elkins advised. In a case in 2020 involving a firefighter in the eastern part of the state who made a similar oversight, the legislature did pass an act to award the lacking creditable service after some advocacy.

If councilors think it is in line and appropriate to do for a public servant caught in this situation, it will go on to the next level of advocacy.

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

The following order passed second reading:

**City of Northampton  
MASSACHUSETTS**

*In City Council, June 16, 2022*

*Upon the recommendation of the Councilor Marissa Elkins*

22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight

**Ordered, that**

- WHEREAS, William Dwight served as Ward One councilor for four terms, 1998-2005, during which time he did not opt in to the retirement system.
- WHEREAS, Mr. Dwight returned to the City Council for five terms as Councilor-at-Large, serving from 2012 through 2021.
- WHEREAS, During his 18 years of service on the City Council, Mr. Dwight earned at least \$5,000 per year.

NOW, THEREFORE, BE IT ORDERED

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT DIRECTING THE NORTHAMPTON RETIREMENT BOARD TO GRANT CREDITABLE SERVICE TO WILLIAM DWIGHT.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the Northampton retirement board shall credit William Dwight, a member of the Northampton retirement system, with creditable service for the period of January 3, 2012 to January 1, 2014, inclusive, for the purpose of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Before the date that any retirement allowance becomes effective in the case of William Dwight, he shall pay into the annuity savings fund of the retirement system of the city in one (1) sum or installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous service, plus buyback interest.

This act shall take effect upon its passage.

Passed final reading and enrolled.

Zoning Ordinances (Not Yet Referred)  
22.141 An Ordinance to Amend the Zoning Map (350-3.4) on Bridge Road and Cooke Avenue - 1st reading

Zoning Ordinances (Not Yet Referred)

22.141 An Ordinance to Amend the Zoning Map (350-3.4) on Bridge Road and Cooke Avenue - 1st reading

The City Council recently approved an expansion of what is referred to as the 40R district at the state hospital, OPS Assistant Director Misch reminded. 40R is a section of the state land use code that creates an incentive district to encourage housing production; particularly, affordable housing. A complementary incentive program provides payments for affordable housing units built within the district once the zoning district has been established. Payments are not based on a set rate but rather on a formula.

In Northampton, the city established its first 40R district at the state hospital since they knew they were going to have affordable housing there and wanted to take advantage of incentive payments. They have since expanded the state hospital overlay district and created an Urban Residential 40R zoning district, which presently just covers a project Valley CDC owns and manages next to Historic Northampton. The proposal is essentially to expand this Urban 40R district to cover the two parcels they now know are going to be used for affordable housing to capture additional state payments.

Ms. Misch showed the location of the parcels to be rezoned (737 Bridge Road and 196 Cooke Avenue). The two parcels are within walking distance of a concentrated commercial district (the King Street corridor), which fulfills one of the state's requirements.

She submitted the request to the Department of Housing and Community Development (DHCD) several months ago but they need state approval before adopting the smart growth district. She is hoping things will come together in time for Valley CDC to submit a 40R application to the Planning Board in September or October.

Councilor Moulton commended Director Misch for being forward-thinking on this. They know Valley CDC is planning to move forward by the Fall on the permitting process for the former nursing home, so he is completely in support of the proposal.

Councilor Jarrett said he also is in support but wondered if DHCD would be concerned in terms of it being walkable. There are no sidewalks along Cooke Avenue until Hatfield Street, he pointed out. Is there is any concern that this will be an issue and therefore something they should address? He asked.

It might be an issue for the Cooke Avenue parcel, Assistant Director Misch acknowledged. When discussing a property on Burts Pit Road, state officials indicated not having a sidewalk all along that road was a problem. When she pitched this a couple of months ago they took an initial look at it and seemed to give it a nod. "We'll wait and see," she said.

That's another reason why the state wants to grant permission before the city takes final action.

As part of the design work for the Hatfield Street roundabout, there was a plan to install a sidewalk on Hatfield Street up to that intersection which she thinks included a crosswalk, Ms. Misch advised.

**Councilor Foster moved to refer the ordinance to the Planning Board and Legislative Matters. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.**

Councilor Jarrett mentioned the possibility of a joint public hearing

Resolutions  
22.143 Resolution  
in Support of a  
Federal Assault  
Weapons Ban - 1st  
reading

Resolutions  
22.143 A Resolution in Support of a Federal Assault Weapons Ban - 1st reading  
Councilor Foster read the resolution.

The federal assault weapons ban should never have been allowed to expire, Councilor LaBarge suggested. "Look at what has happened in our country. Look at the children; many, many innocent children that have been killed by these assault weapons," she entreated. Her own grandchildren were put in fear by the threat of a shooting taking place at their high school, she shared. She is honored both to sponsor and support this, she stated.

This came out of the work of the Northampton Democratic Committee, which was voting on a similar resolution as part of its platform and councilors offered to bring it to council as well, Councilor Foster related. They got a lot of help from Henry Rosenberg, a physician, who shared quite a bit of his research on gun control, and Elizabeth Silver, Catherine Kay and Alan Wolf in his role as a member of the democratic committee rather than Chief of Staff.

Councilor Foster highlighted some of the statistics that stood out to her, such as the fact that more than 300,000 children have been present in a school during a shooting. She referred to the ripple effect this has on parents and siblings. The toll is beyond what most of them realize and it is beyond time for congress to act on this, she asserted.

Councilor Nash said he thinks the appropriate response is silence. It is staggering that [society] collectively has unleashed and allowed this; it's almost like an infection. "When you allow weapons of war, this is the kind of stuff that happens . . . it's unconscionable that we've allowed weapons of war to be just casually bought."

They don't extend this to other military devices such as grenades or missiles or cluster bombs; they have enough sense to know that a person shouldn't be allowed to go into a store and buy these things. "It's just absurd," he reflected.

In public health in the late 90's, grad students were not allowed to delve into gun violence as a public health crisis because the gun lobby was so powerful and it is still powerful, Councilor Maiore observed. She thanked the sponsors for their advocacy.

Councilor Gore also thanked Councilors LaBarge and Foster for bringing this forward. She recounted being trained for an active shooter incident at a preschool. It's a shame that this is the environment young children are growing up in now, she lamented.

He has been going into schools for 25 years now and the change in the way an outsider can get into a school has been dramatic, Councilor Nash volunteered. There was a time when a visitor could just open the front door and go in; there were no buzzers or cameras and people could walk in any door. "Our schools today have a gauntlet that people need to go through," he pointed out.

See minutes of August 18, 2022 for second reading.

22.149 Resolution in Support of Overdose Prevention Services - 1st reading

22.149 A Resolution in Support of Overdose Prevention Services - 1st reading

Councilor Nash and Councilor Maiore took turns reading the resolution.

Councilor Maiore led off by thanking Councilor Nash for his role as co-sponsor and naming Health Department Deputy Director Michelle Farry, Jim Stewart of First Church Cambridge and Leslie Gorey, Carol Zoll and Amy Davis of Tapestry Health as supporters who provided valuable information. This is all about meeting drug users where they are and saving lives.

She sensed ubiquitous support from many entities because it is something evidence-based that works and saves lives, she continued. It also increases treatment and decreases HIV and Hepatitis A infections. It is overwhelmingly favored not to inject drugs alone and there is no evidence of increased crime around these centers, she added.

She called it a 'great first step' in helping them get back to the conversation they were having before the pandemic; i.e. -acknowledging that harm reduction techniques are effective and destigmatizing drug use. The state bill would start a 10-year pilot program and is currently in the joint committee on health-care financing, although Governor Baker may veto it. She is glad this is coming into play at the state level; it's long overdue, she asserted.

Sponsors adapted the resolution from one drafted in Cambridge and started working on it Monday, Councilor President Nash said. As they called people, support from the Northwestern DA's office and prevention community was immediate. Traditionally, they think of prevention as shaming people with statements such as, "Don't do that, that's bad," or; "Just say 'no,'" he noted. For people struggling with addiction, they need to direct services at them that show compassion and allow them to consider treatment and recovery, not shame them and put them at further risk. They need to take this approach of providing services that really produce harm reduction. As they have seen with needle exchange programs and methadone clinics, by offering services and destigmatizing at the same time, they can actually offer people safe routes to recovery.

Councilor Nash shared quotes from DA Sullivan and the American Medical Association (AMA) regarding the benefits of supervised injection facilities, underlining the fact that they do not increase crime. They have a needle exchange program in Northampton and he's never heard a single complaint about it, he pointed out. They also have a recovery center in town.

He expressed enthusiastic support for the resolution, also thanking Laurie Loisel and Leslie Laurie. "The stigma that by providing these services you're going to invite more crime is just wrong," he assured.

The most chilling thing she heard from Amy Davis is that the big issue now with fatalities is how contaminated these drugs are.

Councilor Foster also thanked sponsors for bringing the resolution forward. She expressed additional appreciation for a Daily Hampshire Gazette series that highlighted the local impact of opioid deaths.

There being no further comments, Councilor Jarrett moved to suspend rules to allow a second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Gore moved to approve the resolution. Councilor Elkins seconded. The motion passed unanimously 9:0 by roll call vote.

The following resolution passed in final reading:



**City of Northampton**  
MASSACHUSETTS

*In the City Council, July 14, 2022*

Upon the Recommendation of Councilor Rachel Maiore and Councilor James Nash

**R-22.149 A RESOLUTION IN SUPPORT OF OVERDOSE PREVENTION SERVICES**

**WHEREAS**, the COVID 19 pandemic has greatly exacerbated and increased the challenges faced by those struggling with substance use, and;

**WHEREAS**, the continuing contamination of nearly all substances available on our streets with fentanyl has significantly increased the lethal risks for and lethality faced by people who use drugs, and;

**WHEREAS** last month the Massachusetts Department of Public Health released demoralizing statistics indicating that overdose deaths in Massachusetts increased by 9% during 2021, including 44 deaths in Hampshire County<sup>1</sup>, and;

**WHEREAS**, medical, public health, and harm reduction experts worldwide as well as organizations working locally in the field such as Hampshire HOPE, Tapestry, and the Hampshire County District Attorney's Office overwhelmingly agree that Safe Consumption Services (SCS) are a proven and effective tool for assisting those engaging in drug use, and;

**WHEREAS**, State Representatives Marjorie Decker and Dylan Fernandes have introduced [H. 2088: An Act Relative to Preventing Overdose Deaths And Increasing Access to Treatment](#), in the Massachusetts House of Representatives, and;

**WHEREAS**, H. 2088 has been favorably reported out by the Joint Committee on Mental Health, Substance Use and Recovery and;

**WHEREAS**, the services and support proposed in H. 2088 would provide people using drugs with the critical means to avoid overdose death and injection-related infections as well as significantly increase participation in treatment and other forms of care, and;

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<sup>1</sup> MA Dept of Health and Social Services, [www.mass.gov/lists/current-opioid-statistics](http://www.mass.gov/lists/current-opioid-statistics)

**WHEREAS**, the City of Northampton has consistently sought to support and promote the safety and health of all our community members, including those who use drugs, establishing the first needle exchange program in Western Massachusetts over 20 years ago which resulted in reduction of deaths and HIV/AIDS transmission, and an increase in the utilization of treatment, and;

**THEREFORE**, let it be resolved that the Northampton City Council commends the efforts of Representatives Decker and Fernandes, and recommends that H. 2088 be passed without delay; and

**BE IT FURTHER RESOLVED** that the Administrative Assistant to the City Council shall send a copy of this Resolution to Governor Charles Baker, Attorney General Maura Healey, House Speaker Representative Ronald Mariano, Senate President Karen Spilka, H. 2088 Bill sponsors Representatives Marjorie Decker and Dylan Fernandes, Representative Lindsay Sabadosa, and State Senator Jo Comerford.

Rules suspended, passed final reading and enrolled.

Interim procedure for conducting City Council meetings

Interim procedure for conducting City Council meetings

The legislature has voted to keep the rules for remote participation they have been operating under in place, so they do not need to return to in person meetings, Councilor Nash reported. His sense is that people would like to keep meeting remotely. He suggested continuing to experiment with hybrid formats for subcommittee meetings, where he thinks it has been pretty effective. That's how he'd like to proceed.

Councilor Jarrett said he is happy to continue meeting remotely. He thinks it enables a number of councilors to be home with their children or transition smoothly between meetings and work. He would like some way of tying it to the level of community transmission or whether there is a mask advisory, he reiterated.

For the protection of her family, she feels safe by working on her computer until further notice, Councilor LaBarge agreed. Right now with city council she is very hesitant. "To be honest with you, I am not ready to come back."

Councilor Maiore said she will be interested to hear what the select committee has to say about remote participation and whether it has anything to add.

New Business

New Business

None.

Adjourn

Councilor Perry moved to adjourn. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 9:39 p.m.

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

## **EXHIBIT A**

List of Documents Reviewed at July 14, 2022 Northampton City Council Meeting:

1. July 14, 2022 Agenda
2. Minutes of June 2, 2022 City Council
3. Carrie Cuthbert Letter and Email Re: Proposed Rezoning of 130 Pine Street dated July 14, 2022.
4. 22.094 Pole Petition (Petition #26620980)– River Road with DPW Recommendation – Memo from Greg Newman, Senior Civil Engineer to Donna LaScaleia, DPW Director dated June 17, 2022 re: Petition No. 26620980 to install five SO poles and remove seven SO poles on River Road
5. 22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects
6. 22.137 Application for Secondhand Dealer License - Kids Stuff
7. 22.142 Appointment of Kim Park as Senior Services Director
8. 22.144 Appointments to Various Committees – Memo from Mayor Gina-Louise Sciarra to City Council Dated July 14, 2022 re: Appointments & Reappointments to Boards, Committees, and Commissions proposing the appointment of Dylan Gaffney to the Historical Commission, Jeffrey Dawson to the Parks and Recreation Commission, Janna White to the Planning Board and Elizabeth Silver to the Zoning Board of Appeals, together with Applications for Appointment to Boards, Committees and Commissions.
9. 22.145 An Order for FY2022 Year-End Budget Transfers
10. 22.146 An Order to Appropriate Funds for Additional SVAHS Students
11. 22.147 An Order to Authorize FY2023 Intermunicipal Agreements
12. 22.148 An Order Authorizing Changes to Public Health Nursing Revolving Fund
13. 22.150 An Order Temporarily Suspending City of Northampton Ordinance 285-4: Permit to display merchandise on streets required; mobile food vehicles on September 10, 2022, in support of the "Taste of Northampton" event
14. 22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street
15. 22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight
16. 22.141 An Ordinance to Amend the Zoning Map (350-3.4) on Bridge Road and Cooke Avenue
17. 22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial
18. Development Agreement between City of Northampton and Florence Congregational Church, 130 Pine Street
19. 22.143 A Resolution in Support of a Federal Assault Weapons Ban
20. 22.149 A Resolution in Support of Overdose Prevention Services

Record of City Council Votes for July 14, 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	Present	Present	Present	Present	9 Present	
Approval of Consent Agenda:		Councilor Foster moved to approve the consent agenda. Councilor Elkins seconded.										
Minutes of June 2, 2022		Consent	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call	
22.132 An Order to Appropriate FY2023 Cash Capital Funds to Various Capital Projects - 1st reading		Consent										
22.137 Application for Secondhand Dealer License - Kid's Stuff		Consent										
22.142 Appointment of Kim Park as Senior Services Director, for referral to City Services Committee		Consent										
22.144 Appointments to Various Committees, for referral to City Services		Consent										
22.145 An Order for Year-End Budget Transfers - 1st reading		Suspend rules	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion to suspend	Yes	Yes	Motion carried 9:0; roll call
		2nd reading	Yes	Yes	Yes	Second Yes	Motion to approve	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
22.146 An Order to Appropriate Funds for Additional SVAHS Students - 1st reading		Referred	Second Yes	Yes	Yes	Refer to consent	Yes	Yes	Second Yes	Yes	Yes	Motion carried 9:0; roll call
22.147 An Order to Authorize FY2023 Intermunicipal Agreements - 1st reading		Referred	Yes	Yes	Yes	Yes	Refer to consent	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call
22.148 An Order Authorizing Changes to Public Health Nursing Revolving Fund - 1st reading		Referred	Yes	Yes	Yes	Yes	Second Yes	Refer to consent	Yes	Yes	Yes	Motion carried 9:0; roll call
22.150 An Order Temporarily Suspending City of Northampton Ordinance 285-4: Permit to display merchandise on streets required; mobile food vehicles on September 10, 2022, in support of the "Taste of Northampton" event - 1st reading		1st reading	NO VOTE TAKEN									
22.129 An Order to Petition the General Court to Further Amend Chapter 86 for Chapel Street - 2nd reading		2nd reading	Yes	Yes	Yes	Yes	Motion to approve	Yes	Second Yes	Yes	Yes	Motion carried 9:0; roll call
22.133 An Order for Special Legislation Relative to Creditable Service of William Dwight - 2nd reading		2nd reading	Yes	Yes	Yes	Yes	Second Yes	Yes	Motion to approve	Yes	Yes	Motion carried 9:0; roll call
22.141 An Ordinance to Amend the Zoning Map (350-3.4) on Bridge Road and Cooke Avenue - 1st reading		Referred	Yes	Refer to LM	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial - 2nd reading		2nd reading	Move to continue	Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
22.143 A Resolution in Support of a Federal Assault Weapons Ban - 1st reading		1st reading	INTRODUCED AND DISCUSSED - NO ACTION TAKEN									
22.149 A Resolution in Support of Overdose Prevention Services - 1st reading		Suspend rules	Yes	Yes	Yes	Motion to Suspend	Second Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
		2nd reading	Second Yes	Yes	Motion to Approve	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call

Record of City Council Votes for July 14, 2022		Elkins	Foster	Gore	Jarrett	LaBarge	Maiore	Moulton	Nash	Perry	Total
Interim Procedure for Conducting City Council Meetings	2nd reading	NO VOTE - CONSENSUS TO CONTINUE MEETING REMOTELY									
Adjourn		Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion to adjourn	Motion carried 9:0; roll call