



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

Announcement of Audio/Video Recording

Public Comment

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra at 7:01 p.m.

Councilor Sciarra announced that the meeting was being audio and video recorded. Mayor Narkewicz is not present due to a family obligation, she noted.

For the next hour and 15 minutes, the City Council accepted public comment. (See **Public Comment Record Sheet** for names and topics of people making public comments.)

Roll Call

At 8:17 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Gina-Louise Sciarra	At-Large Councilor William H. Dwight
Ward 1 Councilor Michael J. Quinlan, Jr.	Ward 5 Councilor Alex Jarrett
Ward 2 Councilor Karen Foster	Ward 6 Councilor Marianne LaBarge
Ward 3 Councilor James B. Nash	Ward 7 Councilor Rachel Maiore
Ward 4 Councilor John Thorpe	

Public Hearings
Public Hearing on 21.287 National Grid/Verizon Petition to relocate one (1) jointly-owned (JO)pole on Leonard Street (Petition#28691142)

Public Hearings
Public Hearing on 21.287 National Grid/Verizon Petition to relocate one (1) jointly-owned (JO)pole on Leonard Street (Petition#28691142)
Councilor Sciarra read the legal notice.

Councilor Dwight moved to open the public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote. The public hearing was opened at 8:19 p.m.

Councilor Sciarra read the DPW recommendation indicating there are no conflicts with public utilities or public shade trees.

National Grid representative Lisa Jasinski said the utility is proposing to move pole #15 to the opposite side of the street. The way the road enters Route 9 is going to be reconfigured, forcing them to move the pole out of the way.

Councilor Sciarra asked if anyone wished to speak in support or in opposition. No one spoke.

Councilor Maiore explained that the relocation is part of a reconfiguration of Leonard Street to make turning onto Haydenville Road much safer. She has talked to Leonard Street residents and they understand the value of this change.

Councilor Dwight moved to close the public hearing. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote. The public hearing was closed at 8:23 p.m.

Councilor Dwight moved to approve Petition #28691142. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

Recess

Recess
The City Council recessed briefly at 8:23 p.m. The council reconvened at 8:31 p.m.

Updates from Council President and Committee

Updates from Council President and Committee Chairs
Councilor LaBarge announced that the City Services Committee will meet July 26th at 4 p.m. The committee will not have a meeting in August.

<p><u>Chairs</u></p>	<p>Councilor Maire said the City Council Rules Select Committee is scheduled to meet Thursday, August 5th at 6 p.m.</p> <p>The Community Resources Committee will not be meeting this month, Councilor Nash announced. The group has not received any referrals from the council.</p>
<p><u>Recognitions and One-Minute Announcements by Councilors</u></p>	<p><u>Recognitions and One-Minute Announcements by Councilors</u></p> <p>Trains in the Valley is hosting a “Welcome Back” party for the Amtrak Vermonter on Monday, July 19, 2021 at 1:30 p.m. on the Northampton rail platform next to the historic Union Station, Councilor Thorpe advised. Residents can go to www.trainsinthevalley.org for more information.</p>
<p><u>Deliberate and Vote on Individual Ordinance Review Committee Recommendations</u></p>	<p><u>Deliberate and Vote on Individual Ordinance Review Committee Recommendations</u></p> <p>The Ordinance Review Committee presented its recommendations and now it's the council's job to deliberate on them and move them forward, Councilor Sciarra noted.</p> <ul style="list-style-type: none"> ❖ Recommendation to amend code of ordinances to incorporate 'housekeeping changes' (Exhibit B) <p>These have been reviewed by the city solicitor and are ready for approval, Ordinance Review Committee Chair Councilor Thorpe presented. The changes consist primarily of 'housekeeping' items to correct department titles, remove zoning that no longer exists, etc.</p> <p>Councilor Dwight moved to approve the proposed amendments and refer them to the city solicitor to put them in proper form for submission. Councilor Thorpe seconded. Councilor Thorpe noted that the word 'chairman' in Item #10 should be changed to 'chair' or 'chairperson' as a scrivener's error. The motion passed unanimously 9:0 by roll call vote.</p> <ul style="list-style-type: none"> ❖ Recommendation to pursue special legislation to allow Northampton to adopt an ordinance to prohibit charging tenants a rental fee and instead require any such fee to be paid by the landlord (Exhibit C, Item #2) <p>This is something they would like the council to consider having drafted and filed as a home rule petition to the legislature for the city of Northampton, Councilor Sciarra advised.</p> <p>Councilor Dwight asked for clarification as to what they are asking of the legislature.</p> <p>He envisioned petitioning the legislature for authorization to regulate or legislate through ordinance a requirement that landlords pay rental agency fees instead of tenants, Attorney Seewald explained. Once the home rule petition is approved, it will be up to the city council to pass a local ordinance. Municipalities generally do not have the authority to regulate civil relationships, since this is regulated under state law.</p> <p>Councilor Dwight moved to refer the recommendation to the city solicitor to draft language to be approved by the council in the form of a home rule petition. Councilor Jarrett seconded.</p> <p>Regarding the benefits of such an ordinance, broker's fees are a serious impediment to people with housing vouchers because often those vouchers will not pay brokers' fees, Councilor Jarrett elaborated. One argument is that the cost will just be passed onto the tenant in the form of higher rent but the advantage is that any such cost will be spread over the lease period instead of all up front. He is not convinced that would necessarily be the case. They are making it easier for someone coming in to a rental not to have to come up with 40% to 60% of a month's rent in addition to first, last and security.</p> <p>These fees really can be the barrier that keeps someone from getting housing, Councilor Sciarra confirmed.</p> <p>The motion passed unanimously 9:0 by roll call vote.</p>

- ❖ Recommendation that charter review be conducted more frequently than every 10 years (Exhibit C, Item #1)

Councilor Dwight moved to recognize Charter Review Committee and Ordinance Review Committee (ORC) members. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote. .

ORC member Megan Paik suggested that the committee recommend that review of the Northampton City Charter under Section 10-6 of the Charter and Section 9 of the Code of Ordinances, which is usually undertaken at 10-year intervals, be undertaken more frequently, Councilor Thorpe advised.

This is not so much an ordinance as a provision of the charter, Councilor Dwight observed. This came up during charter review and was discussed for some period of time. He said doesn't know what form this would take. Charter reform doesn't have to come every 10 years; the city can petition to amend the Charter at any time. The thrust of this argument is what the council heard in public comment tonight and what Member Paik described as the disproportionate authority granted to the executive position under a strong mayor/weak council form of government.

His opinion is that this was something that should have been addressed under charter review or recommended by the Charter Review Committee.

Under the charter, the charter is reviewed every 10 years and ordinances every five years, Solicitor Seewald confirmed. The review is structured by ordinance, so ordinances exist for both charter review and ordinance review. Member Paik was advocating for reviewing the charter at similar intervals as review of ordinances notwithstanding the fact that the charter does not require it. The council could pass an ordinance to review the charter every five years; it certainly complies with the charter, he pointed out.

In response to the question of what action is called for, Attorney Seewald suggested councilors could put consideration of further study of this issue on the floor. As he understands it, the recommendation of the Ordinance Review Committee is to consider amending the ordinance to increase the frequency of charter review.

Councilor Maire wondered out loud where they could house such a consideration.

This smells like a special or ad hoc committee since it involves a recommendation on one particular issue and wouldn't need permanent standing, Councilor Dwight suggested. It doesn't quite fit in Legislative Matters or any of the other standing committees.

To the best of their recollection, no one raised the issue of whether the once a decade review should change during the recent charter review, Stan Moulton shared. He would remind the council that a thorough review of the charter is a fairly time-consuming process. It took their committee 11 months during which they held 19 meetings. The council held further hearings and now it's on to the legislature which is also holding hearings and has yet to act on it. It is a multi-year process, he stressed.

Charter Review Committee (CRC) Vice Chair Sam Hopper agreed. Northampton has four home rule petitions before the legislature and another one for ranked choice voting is still being worked on because it is more in-depth. Some of these would likely have to come back to the city as a referendum. "It was a big lift," she concurred.

Councilor Sciarra said she believed the city has been acting under the same charter since 1883 before going through the review process in 2011. The first election cycle to reflect changes enacted under the new charter was the 2013 cycle. They went through the whole process about nine years ago and the review process in 2019 and are still very much in that process.

Mr. Moulton is correct that the CRC did not discuss the term of review; that's not what he meant to say, Councilor Dwight said. Rather, CRC members discussed the strong mayoral

form of government, the issue that drove the recommendation. In fact, it was the very basis of their conversation about the charter. The 2011 committee discussed what the term of review should be. Ten years gave enough room for deep dives and due diligence while more frequency would ultimately not prove fruitful.

Councilor Foster noted that the ORC was tasked with looking at ordinances through the extra lens of social justice. She wondered if the spirit of the recommendation was having the flexibility to review the charter when there are these sticking points. She asked about the process for amending the charter.

In order for the charter to be changed through the special act process, the city council would have to pass an order, the mayor would have to sign it and the order would be sent to the legislature for approval, Attorney Seewald explained. Any councilor or the mayor can initiate that order and it would go through the normal process.

Councilor Jarrett asked if mayoral approval is required.

Absolutely, Attorney Seewald said. His objection cannot be overridden by the council, he added.

With regard to whether further study is warranted, when the ORC comes and says there might be an equity issue here, she might be prone to say it warrants further study, Councilor Maiore volunteered.

Councilor Dwight asked what the special committee would be studying, and Councilor Maiore said the frequency of charter review.

It seems to him that the issue that drives it and that probably warrants further study is the balance of power between the executive and the legislative branch, Councilor Dwight suggested. Having more frequent review doesn't really get at the issue. If the issue is what is perceived as the disproportionate power structure, then that should be the focus of study.

Councilor LaBarge said she is hearing that any order initiated by the council to change the charter would have to be signed by the mayor. She is seeing a discrepancy in power there between the legislative vs. executive branches, she commented.

Per state law, at no time and under no circumstances can a home rule petition go to the legislature unless both the mayor and city council approve, Attorney Seewald clarified. It is an equal balance of power in that regard. If the mayor wanted to change the charter and the city council said no, the mayor couldn't send it off to the legislature.

Councilor Quinlan expressed his understanding that if they formed a special committee to study more frequent charter review, it would be the next charter review commission which would examine the balance of power.

Councilor Dwight said he thinks it would be inappropriate for a city council to tell the charter review committee what to review. The council doesn't get to charge the charter committee. The balance of power in the community is a pretty meaty subject, he observed.

There is no mechanism in either the charter or the ordinance for the city council to require the charter or ordinance review committee to focus on a particular topic, Attorney Seewald clarified. In the case of the ORC, the council expressed a desire for the committee to focus on social justice, and the ORC agreed.

Councilor Maiore asked ORC members to clarify what they were recommending further study of.

Councilor Nash said he thinks Member Paik wanted to get at the balance of power and trigger the charter review mechanism in order to have that discussion sooner. It does keep coming up; they hear it in public comment, he pointed out. Councilor has the ability to trigger that discussion sooner rather than later, and he thinks that's the direction they may want to go in.

After listening to the discussion tonight, he thinks that rather than studying the interval of charter review right away, the council should wait to see the outcome of the current charter review process, Mr. Moulton advised. The subject of the balance of power and a strong mayoral form of government was the subject of some discussion at the CRC, he confirmed. There was strong interest from some members of the public in exploring alternatives to that form of government, and the CRC did not make any recommendations about that. It seems to him that that is what a study committee could take on right now.

Similar to Mr. Moulton, his suggestion would be that, when they feel ready, councilors could do a resolution to form a select committee to study the issue of executive vs. legislative forms of government, Councilor Jarrett proposed.

Councilor LaBarge agreed this is something they need to look at. She's been hearing for the past couple of years that city councilors are losing their power. She cited the controversy over cherry trees on Warfield Place as an example of a situation the city council has no control over. She thinks they can collectively ask the mayor to listen to what the neighbors are saying and put the project on hold, she shared.

As a point of order, Councilor Dwight noted that this is not an agenda item so they should not be discussing it. Even under the old charter, councilors never had the authority to direct department heads, so this is not a loss of power, he clarified.

Councilor Dwight said he thinks the consensus, as Councilor Jarrett suggested, is for councilors to consider drafting a resolution to form a select committee to study the issue. There being no further discussion Councilor Sciarra moved on to the next recommendation.

- ❖ Recommendation that city adopt a Housing Stability Notification Ordinance (Exhibit A, Item #1)

In November of 2020, ADA Coordinator Keith Benoit reported that he was working to draft an ordinance similar to ones passed in Boston and Somerville that would require landlords evicting a tenant or banks foreclosing on a house to give a list of resources to homeowners /tenants at the point of issuance of a notice to quit, Councilor Thorpe related.

Mrs. Krutzler said she spoke to the ADA Coordinator today, and he said the ordinance has been drafted but the question of which department (Health Department or Building Department) would administer/enforce it has not been determined. She said she wasn't sure if the planning department had definite plans to introduce it in the immediate future. Councilor Nash said he would be happy to follow up with the planning office to see where this stands.

No action taken.

- ❖ Recommendation to adopt ordinance to allow first-floor residential use in Downtown and Florence Center (Exhibit A, Item #4)

ORC members were fortunate to have Office of Planning and Sustainability (OPS) Director Wayne Feiden present to them on this. At the time the ordinance was in the drafting phase.

Director Feiden, who was present on the call, said this is part of a broader, form-based code for Florence. Planners are working on it but are probably still three or four months from introducing it.

It's worth noting that a number of the recommendations will be coming from the planning office as drafted ordinances, Councilor Dwight observed. His concern is that they are just rehashing the ORC presentation without drafted ordinances before them. He expressed his understanding that these items are currently being worked on and will at some point be presented to the council for a vote.

Director Feiden confirmed that is the case.

- ❖ Recommendation on remaining items recommended for further study (Exhibit C,

#3 - #7)

Councilors gave updates on the status of these items, which are still under review:

#3. Towing of Vehicles Impeding Snow Removal Operations - Councilor Nash said he and Councilor Foster are still working on this issue. Councilor Dwight said he hoped they would consider a municipally-owned and operated towing system as opposed to a private contractor because this would allow them greater latitude; i.e. - discretionary towing as opposed to predatory towing. It's worth exploring and something he's kind of lobbied for the last 10 years or so.

#4. General Sign Regulations - Councilor Sciarra said this is something she's been working on with the city solicitor. Councilor Jarrett agreed to work with them.

#5. Proposal to Expand Notification under §350-3.5- As the champion for broader notification of zoning map changes, Councilor Nash said he did 'a deep dive' on this proposal, and the conclusion was that codifying this in ordinance would create an undue burden on the city because if someone weren't notified by this broader process, the hearing could actually be contested. The city is legally bound to notify certain property owners under Mass. General Law, and broadening this to include others would create additional legal rights to due process which then must be fulfilled.

His hope would be for the mayor's office to expand what it does now for notification as a courtesy without creating a legal obligation for the city by amending the ordinance. The city already does this with placement of yellow signs on sites that are the subject of public hearings. It is his hope that either the planning office or the mayor's office could expand this courtesy notification.

Councilor LaBarge and Councilor Quinlan both expressed support for this approach.

#6. Commercial Buffer Zone Proposal - Councilor Jarrett said he was working on this but realized it would also apply to his business so he decided to recuse himself. Councilor Nash said he would like to continue researching this as complaints continue to be received about dumpsters being emptied outside of allowed hours. Councilor Quinlan said he would be happy to work with him on this.

#7. Unobstructed Lane of Travel - Councilor Sciarra said they already voted to correct the discrepancy within the code in the 'housekeeping' section.

Interim Procedure for Conducting City Council Meetings

Interim Procedure for Conducting City Council Meetings

Councilor Dwight moved to recognize Northampton Open Media Director Al Williams. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

Councilors discussed how to conduct meetings for the remainder of the session (whether in-person or remotely). Councilor Sciarra explained that, right before they last met (June 16, 2021), the governor extended certain measures adopted during the state of emergency until April 1, 2022, including the provision that public bodies can continue to provide 'adequate alternative means of access' to their deliberations instead of convening in person in a place physically accessible to the public. In the meantime, the rules select committee is considering modifications to the council rules which won't be available until the end of the session.

With regard to remote participation by the public, since there is no requirement that governmental bodies accept public comment - in person or otherwise - this is outside the scope of the Open Meeting Law (OML), she clarified.

Her sense is that the council wishes to stay totally remote for the remainder of the summer, she shared.

This is a conversation that's happening everywhere. She was part of a meeting this week

between the Mayor, Solicitor Seewald, NOM, the facilities director and the IT director to see if the city is equipped to accommodate remote public participation.

Councilor Dwight asked if they could start by talking about what's feasible.

NOM employees started testing a hybrid in-person/remote system in council chambers this week, Mr. Williams reported. To accommodate remote participation for council meetings, two Zoom meetings would essentially be going on; one meeting moderated by a NOM employee inside the control booth and another moderated by someone in council chambers. Cable channel viewers would see a zoom feed equivalent of the pre-pandemic coverage of council meetings. The Zoom meeting in the control room will provide the feed to the public and also feed the monitors in the room, while the Zoom meeting within council chambers will control the participation of people participating remotely.

He expressed the opinion that there will be some degree of a learning curve for the council to figure out how to navigate going from public comment in the room to public comment via Zoom. Cable channel operators think they can make it happen if city officials decide it's something they want to do.

Two Zoom meetings are necessary because the view of the Zoom meeting moderated from inside the room will not necessarily be the best one for the audience.

For subcommittee meetings when the full council is not present, a camera in council chambers would provide a wide shot of the room for purposes of a single Zoom meeting.

That's as far as they've gotten in terms of their thinking and testing, Mr. Williams shared. Next steps include testing in the JFK Middle School Community Room where the set-up is a little different and in the hearing room on the second floor of City Hall.

Councilors asked questions and offered comments. Councilor Quinlan asked if there would be a mechanism for the council to see the person providing public comment remotely.

The intention is to put the person's image on the large screen in that room, Mr. Williams said.

What the cable studio would be feeding to the public is a Zoom meeting with the person speaking in Speaker View. The production NOM records inside council chambers becomes an entity inside of Zoom.

Councilor Dwight expressed his understanding that what cable viewers will see with a hybrid meeting is not much different from what they see now with the council meeting via Zoom. It sounds doable but it doesn't sound ideal by any stretch. It sounds particularly challenging for the council president and administrative assistant. He is hearing the prospect that this is doable with some caveats.

Councilor Sciarra mentioned that councilors in council chambers couldn't be on zoom because of feedback issues.

Mr. Williams said it would be preferable for NOM employees if the council doesn't meet in hybrid form in August since they will not have had time to do sufficient testing.

The ideal format is to have everyone on zoom in some ways so viewers have the advantage of seeing close-ups of those speaking.

Councilor Foster said the question she has been asking herself is whether they are able as a council to meet their responsibilities well in the current format, and she thinks they really are. They are seeing increased access in a variety of ways. It is estimated that 80% of American adults own smart phones right now, so a really significant portion of the population have the ability to attend meetings. She sees an awful lot of advantages to the way they're meeting now.

Councilor Sciarra noted that if even one councilor is remote; every vote has to be a roll call.

They are trying to find a workable solution for now, but other options may be possible in the future, Mr. Williams said. He can envision a scenario where each desk in council chambers has a web camera connected to a mini-computer connected to Zoom or some other video conferencing platform. "That feels like future government to me a little bit," he commented.

If the council decided not to meet in a hybrid model, NOM could set up a viewing room for people who do not have access to smart phones or laptops, he added.

It seems to him that the consensus of the group is to go the most complicated route, which is the hybrid model, Councilor Dwight observed.

Councilor Maiore pushed back gently, saying she's not yet sensing a general consensus as to a hybrid model.

Councilor Nash said he has a sense they are moving toward this hybrid model. He misses the incidental contact that happens at in-person meetings, such as talking to and building relationships with people before and after the meeting, including colleagues and department heads as well as constituents. "There's increased dialogue." The audience is restricted to providing public comment during the meeting but not before and afterwards. "I long for getting back to the human scale. . . I miss the face-to-face."

At the same time, he thinks the way Zoom has broadened the number of people coming to their meetings is terrific, he acknowledged.

Councilor Sciarra said she agrees.

Councilor LaBarge said that hearing there is an uptick in COVID infections in Massachusetts, she herself would be a little hesitant about returning in person not knowing who coming into council chambers is vaccinated and who is not. Her preference is to stay with zooming for September, October, November and December.

At Councilor Sciarra's suggestion, councilors agreed to make a final decision at the next regular meeting on August 19th.

<p><u>Recess for Committee on Finance Meeting</u></p>	<p><u>Recess for Committee on Finance Meeting</u> The City Council recessed for Finance Committee at 10:12 p.m. The Finance Committee adjourned at 10:43 p.m. The council reconvened at 10:43 p.m.</p>
<p><u>Financial Orders (On 1st reading pending Finance Committee review)</u></p>	<p><u>Financial Orders (On 1st reading pending Finance Committee review)</u> <u>21.301 An Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects - 1st reading</u> Councilor Dwight moved to approve the order in first reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote. Councilor Dwight moved to suspend rules to allow a second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote. Councilor LaBarge moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote. <u>The following order passed two readings:</u></p>

21.301 Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects - 1st reading

City of Northampton
MASSACHUSETTS

In City Council July 15, 2021

Upon recommendation of the Mayor

21.301 An Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects

Ordered, that

Pursuant to the FY2022-FY2026 Capital Improvement Program, the following Capital Projects are appropriated from the General Fund FY2022 Cash Capital Account:

Central Services – Replace 2005 City Maintenance Vehicle	\$ 45,000
Central Services – Senior Center – Lobby & Reception Upgrades	\$ 30,000
IT – Dispatch – Radio Computer Servers & Stations	\$ 16,000
IT- Northampton Public Schools – High School PA System Replacements	\$ 30,000
Planning – Multi-Use Trails	\$ 50,000
Planning – Conservation Equipment Storage	\$ 15,000
Fire Rescue – Replace 1998 Quad with UTV	\$ 26,500
Parks and Recreation – City Field Improvements	\$ 15,000
Northampton Public Schools – JFK Cafeteria – Replace Walk In Freezer	\$ 30,000
Northampton Public Schools – Leeds – Playground Fencing	\$ 25,000
Northampton Public Schools – JFK – Window Repairs	\$ 20,000
Northampton Public Schools – Leeds – Window Replacement Engineering/Design	\$ 30,000
Smith Vocational and Agricultural High School – Window Replacement	\$ 50,000
<u>DPW – Traffic Calming</u>	<u>\$ 25,000</u>
TOTAL:	\$ 407,500

Rules suspended, passed two readings and enrolled.

21.302 An Order to Approve FY2021 Budget Transfers - 1st reading

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

Councilor LaBarge moved to suspend rules to allow a second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

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

The following order passed two readings:

21.302 Order to Approve FY2021 Budget Transfers - 1st reading

City of Northampton
MASSACHUSETTS

In City Council July 15, 2021

Upon recommendation of the Mayor

21.302 An Order to Approve FY2021 Budget Transfers

Ordered, that

The following FY2021 budgetary transfers be made:

Department		Description	Org	Object	Transfer From:	Transfer To:
Collector / Treasurer	PS	Longevity	11461	514002		\$ 408
Legal Services	OM	Legal Services	11512	530002		\$ 9,458
Health	OM	Office Supplies - General	15112	542000		\$ 222
Medical Insurance	PS	Employee Insurance Benefits	19141	519400	\$ (10,088)	
Total Budgetary Transfers:					\$ (10,088)	\$ 10,088

21.303 Order to Surplus City Land for Affordable and Attainable Housing at Chapel Street, Oak Street and Evergreen Road - 1st reading

21.303 An Order to Surplus City Land for Affordable and Attainable Housing at Chapel Street, Oak Street and Evergreen Road - 1st reading

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

See minutes of August 20, 2021 for second reading.

Consent Agenda

Consent Agenda

Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. Councilor Quinlan requested removal of the appointment of Maureen Carney to the Northampton Housing Authority – Board of Commissioners. Councilor Sciarra herself requested removal of the appointment of Mari-Jon “MJ” Adams to the Whiting Street Fund Commissioners.

Councilor Dwight moved approval of the consent agenda with the two removals. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

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

- A. Minutes of May 25, 2021 Special City Council Meeting (FY2022 Budget Hearing), May 26, 2021 Special City Council Meeting (Continuation of FY2022 Budget Hearing), May 27, 2021 Special City Council Minutes, June 3, 2021 City Council Minutes and June 7, 2021 Special City Council Meeting Minutes
- B. 21.291 Appointments to Various Committees, all positive recommendations, City Services Committee - 7/6/2021

Energy & Sustainability

Ashley Muspratt, 15 Franklin Street, Northampton

Term: July 2021-June 2024

Reappointment

Board of Health

Cynthia Suopis, 19 Ford Crossing, Northampton

Term: July 2021-June 2024

Reappointment

Laurent Levy, 4 School Street, Northampton
Term: July 2021-June 2024
Reappointment

Transportation & Parking Commission

Diana Day, 44 Berkshire Terrace, Apt. 2, Northampton
Term: July 2021-June 2024
To fill a vacancy

C. 21.295 Appointments to Various Committees, all positive recommendations, City Services Committee – 7/6/2021

Agricultural Commission

Stan Zawalick, 538 Sylvester Road, Florence, MA
Term: July 2021-June 2024
Reappointment

Disability Commission

Jeremy Macomber-Dubs, 20 Hampton Avenue, Apt. 301, Northampton, MA
Term: July 2021-June 2024
Reappointment

Linda Kakos, 220 Rocky Hill Road, Florence, MA
Term: July 2021-June 2024
Reappointment

Council on Aging

Gerriann Butler, 46 Autumn Drive, Florence, MA
Term: July 2021-June 2024
Reappointment

Anne Romano, 351 Pleasant Street, Unit 6, Northampton, MA
Term: July 2021- June 2023
To fill a vacancy

Planning Board

Corinne Coryat, 26 Bedford Terrace, Apt. 2, Northampton
Associate Member
Term: July 2021-June 2024
To fill a vacancy

D. 21.299 Applications for Second Hand Dealer Licenses - Le BonNton, LLC, Birdhouse Music, The Vintage Cellar

Renewal applications for the following:

Le BonNton, LLC, 150 Main Street, Suite 292

Applicant: Cigdem Turkomer

Sun Music, LLC, d/b/a Birdhouse Music, 164 Main Street

Applicant: Glen Alper

The Vintage Cellar, 11 Bridge Street

Applicant: Daniel Egan

E. 21.304 Appointments to Various Committees - for referral to City Services Committee

Council on Aging

Michael Ford, 6 Massasoit Street, Northampton, MA
Term: July 2021-June 2024
Reappointment

Historical Commission

Steven Moga, 89 Marian Street, Northampton
WMAIA Nominee
Term: August 2021-June 2024
To fill a vacancy as the WMAIA representative

Trust Fund Committee

Joseph Wilhelm III, 54 Prospect Street, Northampton
Term: August 2021-June 2024

To fill a vacancy

Urban Forestry Commission

Robert Postel, 44 Washington Avenue, Northampton
 Term: July 2021-June 2024
Reappointment

Councilor Quinlan disclosed that Maureen Carney contributed to his campaign. He said it did not preclude his being able to act impartially on her appointment. Councilor Sciarra said she had the same disclosure to make about Maureen Carney.

Councilor Dwight moved to appoint Maureen Carney to the Northampton Housing Authority – Board of Commissioners. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.

The following appointment was approved:

Northampton Housing Authority-Board of Commissioners

Maureen Carney, 13 Church Street, Northampton, MA
 Term: July 2021- June 2026
To fill a vacancy

Councilor Sciarra said MJ Adams has contributed to her campaign but it does not impact her ability to vote on this referral.

Councilor Dwight moved to refer the appointment of MJ Adams to the Whiting Street Fund Committee to the City Services Committee. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

The following appointment was referred to the City Services Committee:

Whiting Street Fund Committee

MariJon “MJ” Adams, 60 Norwood Avenue, Florence
 Term: August 2021-June 2024
To fill a vacancy

<p><u>New Business</u></p>	<p><u>New Business</u> None.</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made by Councilor Dwight and seconded by Councilor Quinlan, the meeting was adjourned at 10:59 p.m. The motion passed 9:0 by roll call vote.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>

NORTHAMPTON CITY COUNCIL

PUBLIC COMMENT RECORD SHEET

July 15, 2021

NAME ADDRESS SUBJECT

Oliver Kellhammer Warfield Place spoke against culturally and ecologically insensitive tree removal plan for Warfield Place. It goes against the Sustainable Northampton Plan in a number of registers and also against the climate emergency. Cutting down mature shade trees is not a way to meet those commitments. Donna LaScaleia and Rich Parisiliti characterized these beautiful cherry trees as being diseased, but they actually got advice from a certified arborist that is in conflict. He says the trees are "experiencing a rare and precious moment of maturity in a growing environment that is seldom seen." Begged them to stop this ill-advised project. These trees are beloved. Have a 2,000 named petition and they've also been made Buddhist priests. There's still time. Construction has not yet started.

Benjamin Spencer, Rust Avenue a hearty thank you to Mayor Narkewicz for having come out and met with their neighborhood and listened to their concerns and changing the plan for the parcel on Chapel Street to now include growing the neighborhood. He is so looking forward to having new neighbors. The people who move in here are so going to appreciate living in this beautiful area. The whole neighborhood breathed a sigh of relief when this happened.

Carmen Junno, 73 Straw Avenue, Northampton Housing Partnership member, an advisory committee with regard to affordable housing that advocates for increasing the city's stock of affordable housing. NHP fully supports the order to declare three land parcels (Chapel Street, Oak Street and Evergreen) surplus in order to create more affordable housing. The order would allow the mayor to authorize the transfer of deeds and leases so they could start the lengthy process of turning these parcels into affordable housing units.

Kyra Anderson, 42 Munroe asking why too late to make changes to the Main Street design. Deadline for finalizing 25% design is in December. Needs someone to explain to her why too late to make design changes because it doesn't make sense. The decision is too big and will impact too many for too long to shut down data-driven improvements suggested for everyone. Residents were presented with three designs in April, three months ago and had one month to complete a survey at a time when most people were just coming out of COVID. Many were clear that this wasn't their preferred choice because their preferred choice did not exist. They asked for changes in May, June and July and the answer was no, it's too late to make changes. Was this a fair process or was it fixed from the start?

Susan Theberge, Rocky Hill Road, Florence recently built a home here. So thrilled with the level of climate awareness around trees, protecting the land and water, etc. as co-founder of Climate Action Now feels they need the rules. Is so puzzled by this decision to cut down these seven old and profoundly carbon-sinking cherry trees on Warfield Place. Had a fairly long phone call with Jo Comerford and an international expert on trees and carbon sequestration (Dr. Moomaw). He was talking about how it is the really old trees that are holding the carbon. When built house didn't want to cut down tree unless absolutely had to. Wanted to implore them. To maintain livable ecosystem, have to think about things differently. Can stop using fossil fuels but the science is very clear that have to sink or absorb carbon.

Cecilia Shiner, Warfield Place as face destruction of their street in coming days and months, wanted to let them know how deeply disappointed she is with the lack of care they have shown for the trees, wildlife, etc. It was one thing to proceed with this plan before they heard their concerns but now they have done so and nothing changed. Implored city to rethink the plan and take into consideration issues such as accessibility for people who live here because know residents who will lose accessibility because of this plan.

Tom Riddell, Aldrich Street concerned about plans for repaving and fundamentally altering Warfield Place. Over 2,000 people have signed petition. Thinks opportunity to take a pause, step back a little bit and pursue some of the goals in the Sustainable Northampton Plan, including collaboration with neighborhoods and broad planning for the street. read excerpts from the Sustainable Northampton plan, including "protect valuable and sensitive resources" and "continue to improve streetscape design standards for street trees," etc.

JM Sorrell, Haydenville has worked and owned property in Northampton for most of last 40 years. Re: cherry trees, read short poem. Cherry trees are home to its human residents. Warfield Place residents are stewards of these magnificent trees and are doing everything in their power to protect them just as they would protect a family member. There are always alternative solutions if they have the will to do things differently. It's true that new trees are not a

substitute for old trees when it comes to the benefit to those who live on the planet. Hope city council can work with the mayor to find alternatives. People on the street are willing to do something to find middle ground.

Ivy Vann, town planner, asked by residents of Warfield Place to take a look at the street and see if are good reasons from a design standpoint to do major work to the street. Her opinion is it currently is functioning as a shared street. It is used by people with bicycles, people pushing baby carriages, etc. because street is narrow and is not a through street, it does not need to have a lot of work. Urged city to take a look at making it a better shared street instead of turning it into a suburban model.

Jim Sharp, Emerson Way given the privilege of reading the words of John Barryhill, the arborist asked to assess the condition of the cherry trees. He is aware of what's been said of their age and condition and that some argue their current state warrants proceeding with repaving plans. Shared his strong belief that these trees are not in the poor condition he's heard described. He implored city officials to pause. He has heard the terms pathogen, diseased and declined associated with the trees. They are not diseased or in a state of rapid decline but showing signs of vitality. Not aware of all the considerations in planning work but strongly pushes back at idea that trees are frail, causing unacceptable risk. Mischaracterizing their condition to support a project would clash with all the city has done to support trees.

Katie Young, Warfield Place has heard Warfield Place project described as 'controversial' but all Warfield Place residents want city to stop paving project. Trees not merely assets but members of the community. asked if could imagine telling someone you've only got five good years left so we're going to kill you now. is the whole Tree City Northampton thing real or just something we say for photo ops? Please do not say, I can't do anything or 'It's out of my hands.' Please don't say nothing when your constituents are desperate for leadership. It's what we love most about our street. We love those streets. This is killing our mental health.

Nancy Stenberg, Easthampton friend of Warfield Place. The city's decision to repave the street surface was based on two things and two things only. Traffic need was not considered. The street gets almost no traffic and literally leads to nowhere. Citizen complaints were not considered. The DPW admitted they've rec'd zero complains about Warfield Place. Resident desire was not considered. Virtually every person with a Warfield Place address opposes the plan. Everyone else in the city is begging for repavement but Warfield Place residents are begging for the paving to stop. Decision was based on algorithm. Also, the DPW thought it would be cheap to pave. The DPW had a list of projects and Warfield was the cheapest.

Meg Robbins, Aldrich Street was part of lovely walk today by a number of residents and some Buddhist priests and drums. Read letter presented on steps of City Hall. Trees recently ordained are seven Kwanzan cherry trees. Letter said recently ordained 10 trees as Zen Buddhist priests with over 60 present. In Zen Buddhist tradition understand trees, etc. to be sacred teachers of ancient wisdom. Now that have been ordained are to be referred to by honorific title. Hoping will reconsider plans to remove trees. Signed by 123 of the most prominent Buddhist teachers in North America. Hope will honor the fact that these are not just trees, they are monks.

Will McAdams, Florence asked councilors to imagine a tree that was part of their life and asked them to imagine themselves chopping down that tree. Asked to honestly consider the question, 'what gives you that right?'

Liz Gaudet, Warfield Place, speaking for Diedre Muchio has written several letters to the editor on behalf of the cherry trees. Read excerpts from her letters. Said she is totally blind and has never once tripped on sidewalks on Warfield Place. Walked on Warfield Place almost daily with the luxury of sight. As far as ADA compliance is concerned, it's ludicrous to think that stretch of road will enhance anyone's navigation in a wheel chair, or in her case, with a guide dog and a cane. Gave examples of other roads, the north side of State Street from Warfield Place to King Street. Will never convince her that ADA compliance on little stretches of sidewalk not critical for people to pass makes sense. I am diseased. Cancer riddles my spine and pelvis. Should I be knocked down sooner rather than later?

Alena Bartoli, Barrett Street, parents live on Aldrich Street, re: ADA compliance, she's legally blind. She can navigate by foot. Has been resident on and off in Northampton for 27 years. On Warfield Place, what struck her is that it is quite a broad sidewalk, it is clear, and the vegetation on both sides of the sidewalk are well-tended. On the other hand, tripped and fell on an area of the sidewalk on Aldrich Street as had a neighbor. State Street extension is a place she walks in the street because she does not feel safe walking on the sidewalk. Named streets difficult to navigate: Barrett Street between Coachlight Condominiums and Carlon Drive, Church Street, Prospect Street between Spring and Finn, etc.

Thomas Weiner, Linden Street where city had good sense to plant upwards of 12 trees. For him, is the time to see the oneness of this planet. This is a great opportunity to stand with the trees. Is about providing for children and grandchildren a model of good citizenship.

Mimi Odgers, Ward 6 learned about Warfield Place situation via Facebook. Is in a conundrum with the city. Knows city council doesn't necessarily have the power to do anything; that the power resides with the mayor. Said will have to really pay attention to charter review. It is a real problem that the mayor has so much power. She is really impressed with the residents of Warfield Place. Why just a few weeks ago were people here complaining about approving a gas station? Where are the values of Northampton? Why are we saying we want to have big shade trees downtown but we're going to take this random street because of an algorithm and say these trees need to be cut down? Implored them to use any device they have to start reining in the power of the mayor. The city council needs to reassert its power.

Shanna Fishel, Ward 7 thanked speakers for touching her heart. Said she is appalled by how their democracy in Northampton is not working. There's no transparency, there's no accountability. There's so many decisions (mentioned dismantling of homeless encampment, cherry trees) There's no input from the city. The city charter may need to be revisited because this does not seem like a democratic process. We have a million acres of forest burning in our country, and you want to cut down one more tree? Trees have been part of us since Adam and Eve and the tree of knowledge. Re: people living under bridge, said city found space for COVID shots; find space for people.

Margaret Sawyer, Amherst works at PV worker's center. Felt compelled to come tonight because this tree thing seems like such a symbol of what's going on in our country. It's clear that government overreach is an enormous problem. Seems strange in this moment of awakening and coming together around the pandemic, that the city would choose this odd little battle to fight and try to win over these residents. Mentioned Lois Ahrens founding the real cost of prisons. Said wished didn't have to be spending her summer fighting this battle on her street. "It seems to me that something's just broken here." Mentioned a huge power play happening that doesn't make any sense.

Henry Morgan had comment about Department of Community Care. Said doesn't seem appropriate because councilors don't listen to them. Because of that, we're going to move to not reelect you as a community.

Jose Adastra, Northampton on racial and social justice committee at Forbes Library and organizer with WMass Abolitionist Collective. Mayor and council complicit in creating policing review commission. It was a great group of people you put together and then you ignored them. talked about homeless encampment. Accused city of shutting down parking lot to clear homeless. At such a moment when they have the most support as they've had in two years, you're creating a crisis moment. "You're slave holders that are acting better than the other slave holders." Mayor responded immediately, thoughtfully and in person to the dog kennel in the middle of a pandemic.

Lilly Lombard, very impressed by rational reasoning and level of expertise that's been brought to bear on the conversation about cherry trees and Main Street redesign. Served on Tree Committee for 5 years. Firmly committed to data driving projects and not public opinion but sometimes the public brings really good data to their leaders and she thinks this has happened in both places. With regard to Warfield Place, started off cautious, wanted to get all her facts in order. Spoke at length to the tree warden and he had a perspective about the health of the trees. When heard perspective of John Barryhill, a well-respected arborist, she shifted. Someone once described someone with integrity as someone willing to be completely reeducated. What she observed sadly in both cases is an intransigence. A decision that the public input is closed; a decision has been made. Intransigence is not decisiveness, especially not in the face of new information. She begged of them; stay open to new information. The street is small enough that the net public benefit of cutting them down is really questionable.

Michael De'Jid Friday night got message from Kushad that said would withdraw missiles if not plan to invade Cuba. Then got message next morning that said would do something if withdrew missiles from Turkey. The withdrawal of these missiles, technicians and cessation of subversive activities by them. . . something about not planning to invade Cuba. Played recording of something announcing that yesterday United States was attacked by the empire of Japan.

EXHIBIT A

List of Documents Reviewed at July 15, 2021 Northampton City Council Meeting:

1. July 15, 2021 Agenda
2. Minutes of May 25, 2021 Special City Council Meeting, May 26, 2021 Special City Council Meeting, May 27, Special City Council Meeting, June 3, 2021 Special City Council Meeting, June 7, 2021 Special City Council Meeting
3. 21.287 National Grid/Verizon New England petition to relocate one (1) jointly-owned (JO) pole on Leonard Street (Petition#28691142)
4. Memo from Maggie Chan, Staff Engineer to Donna LaScaleia, DPW Director dated June 3, 2021 re: Pole Petition for Joint or Identical Pole Location No. 28691142
5. Final Report of the 2020 Special Committee for Review of Ordinances
6. Exhibit A FINAL
7. Exhibit B - FINAL
8. Exhibit C FINAL
9. 21.291 Appointments to Various Committees – Memo from Mayor David J. Narkewicz to City Council Dated June 3, 2021 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Ashley Muspratt to Energy & Sustainability, Cynthia Suopis and Laurent Levy to the Board of Health, and Diana Day to the Transportation and Parking Commission
10. 21.295 Appointments to Various Committees – Memo from Mayor J. Narkewicz to City Council dated June 17, 2021 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Stan Zawalick to the Agricultural Commission, Jeremy Macomber-Dubs and Linda Kakos to the Disability Commission, Maureen Carney to the Northampton Housing Authority-Board of Commissioners, Gerriann Butler and Anne Romeo to the Council on Aging, and Corinne Coryat to the Planning Board
11. 21.299 Applications for Second Hand Dealer Licenses
12. 21.304 Appointments to Various Committees – Memo from Mayor J. Narkewicz to City Council dated July 15, 2021 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Michael Ford to the Council on Aging, Steven Moga to the Historical Commission, Joseph Wilhelm III to the Trust Fund Committee, Robert Postel to the Urban Forestry Commission, and MariJon “MJ” Adams to the Whiting Street Fund Committee
13. 21.301 An Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects
14. 21.302 An Order to Approve FY2021 Budget Transfers
15. 21.303 An Order to Surplus City Land for Affordable and Attainable Housing at Chapel Street, Oak Street and Evergreen Road
16. 21.303 Inventory of Affordable Housing on Surplus City Land

Record of City Council Votes for July 15, 2021		Dwight	Foster	Jarrett	LaBarge	Maio	Nash	Quinlan	Sciarra	Thorpe	Total	
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @ 8:17 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 present	
Open Public Hearing on 21.287 National Grid/Verizon New England petition to relocate one (1) jointly-owned (JO) pole on Leonard Street (Petition#28691142)		Motion to open Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call	
Close Public Hearing on 21.287 National Grid/Verizon New England petition to relocate one (1) jointly-owned (JO) pole on Leonard Street (Petition#28691142)		Motion to close Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call	
Petition #28691142		Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call	
Interim Procedure for Conducting City Council Meetings											Continued to August 19th	
Deliberate and vote on Individual Ordinance Review Committee Recommendations		Motion to refer Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call	
Recommendation to the City Solicitor to Draft Language to Be Approved by the Council in the Form of a Home Rule Petition		Motion to refer Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call	
RECESS FOR FINANCE COMMITTEE												
Approval of Minutes of June 3, 2021 and June 7, 2021					Motion to approve Yes			Yes	Yes	Second Yes	Motion carried 4:0; roll call	
21.301 An Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects					Motion to positively recommend			Second Yes	Yes	Yes	Motion carried 4:0; roll call	
21.302 An Order to Approve FY2021 Budget Transfer					Yes			Motion to positively recommend	Yes	Second Yes	Motion carried 4:0; roll call	
21.303 An Order to Surplus City Land for Affordable and Attainable Housing at Chapel Street, Oak Street and Evergreen Road					Second Yes			Motion to positively recommend	Yes	Yes	Motion carried 4:0; roll call	
ADJOURN FINANCE					Yes			Motion to adjourn Yes	Yes	Second Yes	Motion carried 4:0; roll call	
RESUME CITY COUNCIL MEETING												
21.301 An Order to Appropriate FY2022 Cash Capital Funds to Various Capital Projects - 1st reading		1st reading	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call
		suspend rules	Motion to suspend Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call

Record of City Council Votes for July 15, 2021		Dwight	Foster	Jarrett	LaBarge	Maio	Nash	Quinlan	Sciarra	Thorpe	Total
	2nd reading	Second Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.302 An Order to Approve FY2021 Budget Transfers - 1st reading	1st reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
	suspend rules	Second Yes	Yes	Yes	Motion to suspend Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
	2nd reading	Second Yes	Yes	Yes	Motion to suspend Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
21.303 An Order to Surplus City Land for Affordable and Attainable Housing at Chapel Street, Oak Street and Evergreen Road - 1st reading	1st reading	Motion to approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Approval of Consent Agenda	Consent Agenda	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call
Motion to Adjourn		Motion to adjourn Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Yes	Yes	Motion carried 9:0; roll call

At 10:59 p.m., Councilor Dwight moved to adjourn the meeting; Councilor Quinlan seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No