



CITY COUNCIL MEETING
VIRTUAL MEETING
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 LaBarge |

Announcement that Meeting Audio/Video Recorded

Ward 7 Councilor Rachel Maiore was absent.

Council President Nash announced that the meeting was being audio/video recorded.

Public Hearing Announcement of Public Hearing on 23.348 National Grid/Verizon Pole Petition for Loudville Road (Petition# 30749004)

Public Hearing

Councilor Nash read the following legal notices aloud:

Announcement of Public Hearing on 23.348 National Grid/Verizon Pole Petition for Loudville Road (Petition# 30749004)

Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on **Thursday, September 7, 2023 at 7 p.m.** in Council Chambers, 212 Main Street, Northampton, MA on National Grid/Verizon's petition to install one jointly-owned pole on Loudville Road. (Petition #30749004). Instructions for accessing the hearing remotely may be found on the September 7, 2023 City Council agenda to be posted on www.northamptonma.gov no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.

Announcement of Public Hearing on 23.360 National Grid/Verizon Pole Petition for Bradford Street (Petition #30759246)

Announcement of Public Hearing on 23.360 National Grid/Verizon Pole Petition for Bradford Street (Petition #30759246)

Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on **Thursday, September 7, 2023 at 7:05 p.m.** in Council Chambers, 212 Main Street, Northampton, MA on National Grid/Verizon's petition to install one jointly-owned pole on Bradford Street. (Petition #30759246). Instructions for accessing the hearing remotely may be found on the September 7, 2023 City Council agenda to be posted on www.northamptonma.gov no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.

Announcement of Public Hearing on 23.335 Comcast Petition for Installation of Underground Conduit at 54 Main Street, Florence

Announcement of Public Hearing on 23.335 Comcast Petition for Installation of Underground Conduit at 54 Main Street, Florence

Per M.G.L. Ch. 166, Section 22, the Northampton City Council will hold a public hearing on **Thursday, September 7, 2023 at 7:10 p.m.** in Council Chambers, 212 Main Street, Northampton, MA on Comcast's petition to install underground conduit at 54 Main Street, Florence. Instructions for accessing the hearing remotely may be found on the September 7, 2023 City Council agenda to be posted on www.northamptonma.gov no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.

Public Comment

Public Comment

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

Jacqueline McCreanor, Northampton, said she would like to go on record as requesting the city of Northampton to uphold its promise to community stakeholders by conducting trial runs with simultaneous traffic and safety studies regarding the Main Street redesign in downtown Northampton. Please do not go back on this promise, she implored. She also strongly urged the city to host several additional public hearings after the trial runs and study have been conducted. Plenty of misinformation about the project is being circulated by city staff and officials, residents and the media. Accurate trial runs, objective traffic and safety studies and fair and just public hearings are absolutely necessary to vet a redesign of this magnitude.

Former Mayor Narkewicz conducted a trial run of this redesign back in August of 2020 which resulted in its early termination due to the many issues that arose, she reminded. The current

redesign still has many of the same problematic design elements that the August 2020 failed experiment revealed. There should be an opportunity to re-identify these problems and correct them so that they do not become permanent fixtures downtown.

If the former mayor could conduct a trial run then the current mayor should be able to. City staff and officials are well aware of the mounting opposition along with the many rational concerns stakeholders have about the proposed redesign, including economic, logistical, sustainability and historic preservation-related issues.

What happens to Main Street directly affects Northampton residents, downtown business and building owners and passers through as well as visitors and tourists.

Main Street is the backbone of our community. It has been a cultural, culinary and commercial gem in our region for decades and it still can be. She strongly urged the council to do the right thing before installing a permanent, large-scale, problematic redesign on Main Street. Commit to conducting proper trial runs and objective traffic studies and holding fair and open public hearings, she urged.

Dennis Moore, Northampton, said he had come to urge the City Council to act and respond to the Northampton Police Department's April 4, 2023 traffic stop of Marisol Driouech. Police footage of this stop was made public recently in which she, a non-native English speaker, was pulled out of the car, pinned to the ground and pepper sprayed with her only fault being that she had a broken tail light and she did not comply with the officer's orders fast enough because – again - she was not a native English speaker. The incident could have been prevented had there been appropriate policies in place and had it not been for the officer's escalation. In fact, such policies were suggested in 2021 by the Northampton Policing Review Commission; namely, the commission suggested that 1) stops after dark for equipment violations or minor traffic infractions should be stopped or greatly reduced, 2) traffic laws should be enforced by electronic detection where possible (in this case, the officers in question had the driver's license plate and did not need to engage); and 3) establishing or expanding the use of civilian community safety workers like those enforcing parking violations to enforce minor traffic laws. The officer responsible for the escalation of the April 4th stop was not formally disciplined or reprimanded and, although he had to take a remedial class in de-escalation, he does not have confidence that such incidents won't happen again. He urged the council to take seriously the commissions' recommendations he mentioned as well as the countless other recommendations in the report and to act to make sure such a traumatic event does not occur again.

James B. Winston, who identified himself as a lifelong Northampton resident, said he also asks for a trial run for the proposed Main Street redesign. He thinks they can all agree that safety is the paramount concern. In August of 2020, what they saw were some safety concerns when Main Street was temporarily narrowed to one lane in each direction. First responders that race up and down Main Street had a very difficult time getting by because cars had difficulty moving over to the right. When this was mentioned to former Mayor Narkewicz at a public hearing, he suggested that first responders could maybe go down a different route if they couldn't get down Main Street which, obviously, is not ideal. Another safety issue in August of 2020 with the parallel parking was that they had drivers on the drivers' side opening their car doors into oncoming traffic, which was not safe for bicyclists or pedestrians. They also saw a number of people during the height of the pandemic trying to avoid coming downtown. Mark Warner, a traffic consultant for 30 years, said the traffic study that was promised is not only necessary but should be mandatory. He also said there are ways to do trial runs or simulations. The city could do very basic safety measures; i.e. - it could have signage, blinking lights and/or speed bumps at the crosswalks, paint lane lines and install curb extenders to shorten the long crosswalks. Everyone realizes the importance of climate control and, in August of 2020, cars were idling in place, which unfortunately had a negative effect. He asked them to support trial run simulation to see if there's a better way to do this.

Jackie Ballance, Florence, said she has been listening to what folks are saying regarding the Main Street redesign. As she understands it, it is a three-year project. Downtown will be torn up/disrupted/out of order for three years. She's afraid that could be the death knell for a lot of downtown businesses. In terms of safety and traffic and first responders getting through, there has to be a plan for detouring; namely, a three-year detour eastbound and westbound around Main Street. She thinks a trial run and some detour plans in place would really help them to

move forward. She referred to the scientific method of gathering information, coming up with a hypothesis and then testing it. "I want to encourage a trial run to make an intelligent decision," she commented. She would be interested to see the detour plans.

Fred Zimnoch, Pomeroy Terrace, commented that the redesign of Main Street as proposed by MassDOT has raised too many technical questions that have not received substantial and verifiable answers. [Such answers] include an accurate statistical description of the engineering design basis of the project, data to support the fact that reduced parking will not harm business, information to support the new two-lane traffic plan, data to support the assertion that the new design will increase safety on Main Street, information on how to remove snow and information to support the claim that a three-year construction plan will not impact Main Street business. Convincing answers to these concerns have not yet appeared and must come from experts who understand and respect the concerns of the taxpayers. The project should not continue without positive answers to these questions.

Benjamin Spencer, Rust Avenue, said he is here to express his support for the Main Street redesign project as a once in a lifetime opportunity to improve the quality of life of everyone who visits, works and resides in Northampton. It will enhance safety for drivers, cyclists and pedestrians while supporting business, keeping traffic moving and contributing to a healthier community. This will be a downtown we can all be proud of. Main Street has been around for 350 years and during that time it has gone through many changes. Railroad tracks once ran across Main Street at grade; they were raised to eliminate the dangerous crossing. The Mill River flowed through downtown until it was rerouted to prevent devastating floods. These projects no doubt were disruptive at the time but downtown has benefitted from the foresight of their predecessors who recognized these problems and mobilized to fix them. The biggest change to Main Street happens gradually over time and has a lasting impact. The impressive wide public way with sweeping turns in front of city hall can be seen on many picture postcards of the 1800's which feature horse and buggies, thriving businesses and bustling sidewalks. This changed with the arrival of the automobile. Over time, their public street has been given over to cars from curb to curb. Just because it is allowed to happen doesn't mean it's how it needs to be. Disheartened by the pushback this project is getting, he hopes to see MassDOT, Toole Design and city officials respond to these criticisms.

It's clear that despite the many meetings and all the available information, there are still questions and concerns about this project that need to be addressed; the sooner the better. To the hundreds of people who attended meetings, provided feedback and contributed to the process that got them here, he urged them to please speak up now. Downtown belongs to everyone; it's time to fix this.

Claudia Lefko of 44 Valley Street said she would take Ben's advice and speak up. She was one of many people who attended a lot of these meetings. She finds it very unsettling that people who actually care about the climate and want to see less cars downtown and encourage walking and biking are being split over this project. She faults the city for this because she feels like there hasn't been an actual response to the genuine questions and concerns people are raising. In the Gazette article, when the mayor says downtown businesses will be fine, this is not a response. Based on what are downtown businesses going to be fine? When the concern around biking is raised, the mayor says she doesn't want her children riding a bike downtown. This is not a legitimate answer to a legitimate concern. She rides her bike downtown; she has been riding it since 1976. It is discouraging and she would like the City Council to somehow get together with the planning department and the mayor and come up with a way to negotiate this rather than fighting it out in two-minute sound bites and letters to the editor. It's very disappointing and she finds herself torn about it. She thinks this is a project that they should all be able to work together to accomplish; not be fighting each other about. It behooves some of them to contact Carolyn Misch, contact the mayor and see if they can arrange a meeting which would satisfy this call for negotiations which they feel hasn't happened so far.

There being no further comments, at 7:24 p.m., public comment ended.

Announcements

Announcements

Mayor Sciarra briefly shared her personal reaction to the Northampton Police Department traffic stop of Marisol Driouech on April 4th. Both as Mayor and a city resident, she expects the police

to conduct themselves with respect and professionalism, she affirmed. Despite the internal and outside independent investigation's lack of finding, the escalation of the interaction with the driver should not have happened and she strongly disagrees with how it was handled on the scene. It does not meet her or the community's expectations.

She does appreciate how Chief Kasper and police leadership immediately reported, reviewed and investigated the incident and took the remedial action available. She also offered thanks to the City Council for its action to make sure cruiser video is available to record such stops and provide documentation of what occurs. As discussed during the dash cam deliberation, it is an important tool for transparency and to establish a verifiable visual record. This should not have happened and they are using it to discuss how to prevent it from happening in the future. She cannot say more or have a more detailed discussion because, as has been widely reported, there is threatened litigation, but she wanted to share her sentiments face to face.

Next Monday, August 21st, the Community Resources Committee will have a presentation on the state of Northampton farms from the Agricultural Commission, Councilor Perry announced. It has been a tough couple of months for farmers in terms of weather and they are looking forward to hearing an update.

In other news, the summer is winding down. They have had a great season of outdoor events but, unfortunately, most are coming to an end at the end of the month. He encouraged folks to go to Salsa in the Park, Bands on Brewster, etc. The Taste of Northampton is coming back on September 9th from noon to 8 p.m. and they will be closing down Main Street. He personally had a great time last time and is super excited to be having it again.

Councilor Foster announced that City Services has combined its August and September meetings. Tuesday, August 29th at 4 p.m. they will be taking up the appointment of Andy Pelis as Northampton Fire/Rescue chief. Interestingly, one of the very first appointments she handled several years ago was that of Fire/Rescue Chief Jon Davine.

Councilor LaBarge thanked the staff in the City Clerk's office: Pamela Powers, Assistant City Clerk Amy Zielinski and Principal Clerks Jenner Larkin and Christine Shaw for their tireless work and for operating that department so efficiently and with such respect and dignity.

Councilor Nash thanked Mayor Sciarra for her statement, saying he thinks they all share similar thoughts and feelings. It was very much a gut punch to the city to have that kind of response or interaction occur on King Street after all their work and discussion over the last few years. They definitely have more work to do but he thinks they stand together in knowing that, even if the findings did not result in disciplinary action, this is not what they as a community (including the NPD) expect.

He sent out a big thank you to the Friends of Northampton Trails for their work in tidying up the landscaped islands on King Street.

And, he encouraged folks walking or driving by the Bridge Street School to take notice that the city is nearing completion of the 'Safe Routes to School' project advocated for by the school community and Ward 3 neighborhood association. Updated pedestrian amenities include improved crosswalks, narrowed streets/intersections and new sidewalks. They are starting the sixth year of the Bridge Street Walking School Bus program, he added.

Consent Agenda

Consent Agenda

Councilor Nash reviewed the items on the consent agenda. There being no requests for removal, **Councilor Jarrett moved to approve the consent agenda as presented. Councilor LaBarge 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 June 1, 2023, June 15, 2023 and July 13, 2023 regular meetings and June 15, 2023 and June 30, 2023 Special City Council Meetings
- B. 23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 2nd reading
- C. 23.362 Northampton Bowl Applications for Weekday and Sunday Bowling Licenses @ 525 Pleasant St.

Renewal Licenses for:

Name of Business: Northampton Bowl, 525 Pleasant Street
 Type of Licenses - Bowling License - Weekday and Bowling License - Sunday
 Applicant: J. Michael Corley
 D. 23.367 Appointments to Various Committees - for referral to City Services
 Human Rights Commission

Donnell Turner, 73 Barrett St., Northampton

Term: August 2023 – August 2026

New Appointment

Northampton Housing Authority

Marilyn Richards, 20 Bridge Road Unit#8, Florence

Term: August 2023 – August 2026

Re-Appointment

E. 23.368 Appointment of Assistant Fire/Rescue Chief Andrew Pelis as Chief of Northampton Fire/Rescue - for referral to City Services

For the text of financial orders approved as part of the consent agenda, see Financial Orders (on 2nd reading) below.

Presentations

Presentations

Fourth Quarter Financial Report

Finance Director Nardi gave an abbreviated report since she will go into greater detail at the Finance Committee meeting on September 6th at 6 p.m.

The city ended the year on track for General Fund revenues with each category meeting its goal for collections, Director Nardi reported. As discussed, in FY23 they have seen a rebound in most of the revenues impacted by COVID, specifically motor vehicle excise, hotel/motel and meals tax. Cannabis revenue did not meet revenue projections and is actually down 27% over last year. She doesn't know if they have hit the bottom for their market share; her guess is 'no.' She has dropped that revenue projection for next year and hopes that they will actually make the lowered figure. The city received all of its PILOT's. Overall, taxes and excise revenues as a group came in at 100%.

The ambulance service continues to be a revenue source for the city and charges for services, licenses and permits came in as expected. Building inspection permits increased and have rebounded since COVID.

In General Fund expenses, she drew attention to the encumbrance column, which represents money held over in some departments for ongoing projects. Expenses look good as well; there were no deficits.

With regard to the enterprises, three of the four met or exceeded revenue expectations. Storm-water is slightly below which is not uncommon. The DPW director and her staff have been looking at those bills to reallocate some of them. She hopes to have more to say on that September 6th. Enterprise expenses look really good; line items were spent as expected.

Before COVID, they used to bring in \$1.8 million in parking; they are now back up to \$1.5. She thinks they are in a good place for parking and that, moving forward, it will be at the \$1.5 level.

Financial Orders (on 1st reading)

Financial Orders
(on 1st reading)
23.361 An Order to
Award Contract for
FY2024 - FY2026
Audit to Scanlon
and Associates -
1st reading

Councilor Nash took the financial orders out of order.

23.361 An Order to Award Contract for FY2024 - FY2026 Audit to Scanlon and Associates
- 1st reading

Councilor Maiore said the input of the Finance Director was particularly persuasive in reaching their decision. She also credited the administrative assistant with doing an excellent job of gathering comparative information on the cost of auditing services from other communities.

As she shared with the Finance Committee, the city currently has a number of pending retirements among its financial team who collectively hold a great deal of institutional knowledge, Director Nardi related. The city has been working with Scanlon for many, many years and, with a relatively new finance director and soon-to-be new auditor (longtime auditor Joyce Karpinski retires in January), she thought it really important to have the continuity and consistency of an auditor familiar with the city's books and able to recognize deviations from past audit results. She stressed the importance of collaboration and a close working relationship with the auditor and praised the excellent service provided by Scanlon in this regard. In order to keep the city financially healthy, it is important to have a great line of communication and she thinks Scanlon has provided that at a reasonable cost.

That is why she advocated that they remain with Scanlon for the next three years.

At Councilor Nash's request, Ms. Krutzler gave a brief overview of the cost comparison she conducted with comparable communities suggested by Director Nardi (Amherst, Chicopee, Easthampton, Greenfield and West Springfield).

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 September 7, 2023 meeting for final reading.

23.366 An Order to Authorize Payment of Prior Year Invoices - 1st reading

Director Nardi explained the unusual misunderstanding that resulted in the oversight. A total of four invoices actually came in in December of 2021 with some of the work covered by insurance and some by the ITS department. The sum of both pairs of invoices was roughly \$27,000. When the city was first notified that the bills weren't paid, it was assumed that these two were paid. Later, someone else who looked them up thought insurance was picking up the cost. The work - annual maintenance of the fiber network along King Street - was done by Comm-Tract. (That year was particularly active in accidents and pole replacements, she noted.) The other invoice is for additional work necessary because of road path modifications on King Street across from the Cumberland Farms gas station. That work was performed in two phases and this invoice was the first phase.

It was an oversight on the city's part, she concluded. The work was done and she is asking for a waiver so they may pay the company as soon as possible.

Councilor LaBarge moved to suspend rules. Councilor Moulton seconded. The motion passed unanimously 9:0 by roll call vote.

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

The following order passed final reading:

23.366 An Order to Authorize Payment of Prior Year Invoices - 1st reading

City of Northampton
 MASSACHUSETTS

In City Council August 17, 2023

Upon recommendation of Mayor Sciarra

23.366 An Order to Authorize Payment of Prior Year Invoices

Ordered, that

The City Council authorize payment of two prior fiscal year bills (FY2022) for a total of \$27,346.36 to Comm-Tract Corp out of the FY2024 ITS budget.

Invoice 3423462 12/29/21 - \$ 9,964.36

Invoice 3423463 12/29/21 - \$17,382.00

Rules suspended, passed two readings and enrolled.

23.370 An Order Authorizing the Lease of a Portion of the Jackson Street Elementary School to Clarke School for the Deaf - 1st reading

Councilor Nash read the order.

The mayor recognized the presence of representatives from Clarke School for the Deaf. It is a thrill for her to be able to introduce Dr. Portia S. Bonner, the new Superintendent of Schools for Northampton Public Schools, she added.

As stated, the lease was approved by the School Committee last Thursday so the order is now being brought forward to the City Council to declare the classrooms surplus and authorize the lease as described.

They are very excited about this potential partnership with the Clarke School, Superintendent Bonner advised. Clarke School has requested the lease of two classrooms as well as some office space at the Jackson Street School. This is an opportunity for them to utilize some space the school is currently not using and also allow Clarke School students to integrate into some of the school's mainstream classrooms and enrichment programs, providing a diverse, inclusive experience.

The requested lease is for 10 months. The urgency of why they are asking the council to suspend its rules and act this evening is that they would like for them to be able to be in the space September 1st for the start of school. They also have to get approval from the Department of Elementary and Secondary Education (DESE).

Mayor Sciarra recognized Jackson Street School Principal Lauren Brown and Clarke School representatives Lynne Raymer, Marian Hartblay and Judy Sexton.

In response to a question from Councilor Moulton, Mayor Sciarra clarified that the surplus declaration is just for the purpose of the 10-month lease and that renewal of the lease will be subject to the continued availability of space.

Councilor LaBarge moved to suspend the rules. Councilor Moulton seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Gore moved to approve the order. Councilor Maiore seconded.

Councilors asked questions and expressed enthusiasm for the creative partnership. It is a win/win situation, Councilor Moulton noted. "This is an excellent partnership. The space doesn't

sit idle and it produces a little revenue, but, most importantly, it brings students together and will diversify their experience," he commented.

Councilor Foster moved to recognize the folks from Clarke School. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

With regard to general Information Technology, Clarke School CFO Lynne Raymer said they have had multiple meetings and ongoing conversations with Northampton Chief Information Officer Antonio Pagan. Clarke School will be bringing in its own IT infrastructure in terms of systems and firewalls and will be effectively operating on its own network.

With regard to more assistive technology, students wear individual personalized assistive devices such as hearing aids and cochlear implants and there is a general amplification system referred to as HAT (hearing assistive technology), Marian Hartblay said. Teachers will wear microphones that transmit directly to their students.

A lot of that technology is already used in Northampton schools because they do have students with hearing impairments, Mayor Sciarra noted. Roger systems are in use in all of the schools and therefore familiar.

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

The following order passed final reading:

City of Northampton
MASSACHUSETTS

In City Council August 17, 2023

Upon recommendation of Mayor Sciarra and the Northampton School Committee

23.370 AN ORDER AUTHORIZING THE LEASE OF A PORTION OF THE JACKSON STREET ELEMENTARY SCHOOL TO CLARKE SCHOOL FOR THE DEAF aka CLARKE SCHOOL FOR HEARING AND SPEECH

WHEREAS, Jackson Street Elementary School ("JSS") is a public elementary school of the Northampton Public Schools in the City of Northampton; and

WHEREAS, Clarke School for the Deaf aka Clarke Schools for Hearing and Speech ("Clarke") provides oral education for children who are deaf or hard of hearing in five locations, including Northampton; and

WHEREAS, Clarke is in need of classroom and other space in Northampton for the 2023-2024 school year to carry out its educational mission, and JSS has surplus space that would serve Clarke's needs; and

WHEREAS, on August 10, 2023, the Northampton School Committee voted to declare Classrooms #122 and #210, Pull-Out Space #126, and Office #125 (collectively "the premises") to be surplus to the needs of the Northampton Public Schools, and to recommend to the Northampton City Council that the premises be leased to Clarke on terms and conditions substantially similar to those contained in the proposed lease agreement attached as Exhibit A; and

WHEREAS, there is no other city department that has need for the premises; and

WHEREAS, in accordance with M.G.L. c. 40, § 3, any lease entered between Northampton and Clarke would be subject to the approval of the commissioner of education; and

NOW, THEREFORE BE IT ORDERED,
The City Council hereby authorizes the lease of Classrooms #122 and #210, Pull-Out Space #126, and Office #125 in Jackson Street Elementary School, along with rights to certain shared spaces, to be leased to Clarke School for the Deaf aka Clarke School for Hearing and Speech for the period of September 1, 2023, through June 30, 2024, for the total fixed rent of thirty-four thousand dollars (\$34,000.00).

The City Council further authorized the Mayor to make such modifications to the draft lease agreement that the Mayor deems reasonable or necessary and may execute such documents and instruments reasonable or necessary to carry out this Order.

Rules suspended, passed final reading and enrolled.

23.370 An Order Authorizing the Lease of a Portion of the Jackson Street Elementary School to Clarke School for the Deaf - 1st reading

23.365 An Order to Appropriate \$20,000 from RRA 2328 to Businesses Participating in Vacant Storefront Program - 1st reading

The city went through the process to be designated as a vacant storefront district by the EACC, which stands for Economic Assistance Coordinating Council, Mayor Sciarra reminded. With that designation and commitment of local matching funds, businesses or individuals may apply to the EACC for an economic development incentive program (EDIP) tax credit for leasing and occupying a storefront that has been vacant for more than 12 months within that district. This initiative makes taxes refundable to the applicant and reduces the business's tax liability to the Commonwealth. It is then matched by a tax credit from the municipality of up to \$10,000.

This year the city applied for two businesses that have been trying to move to a street-facing location. She spoke on their behalf at the June EACC hearing and both were approved. She very excitedly cut the ribbon on one of them July 21st (Assemble) and very much looks forward to cutting the ribbon on the other (Many Graces).

The order appropriates \$20,000 out of the economic development account for the two grants.

Councilor Maiore said she was curious about the requirement that the business occupy the space for three years. What is the process if for any reason businesses aren't able to stay up and running that long? She asked.

His guess is that the money would change hands in the first year because it is seed money, Chief of Staff Alan Wolf said. Both of these organizations could use this infusion of cash sooner rather than later which is why they are requesting two readings tonight. The truth is, if they fail there is not much they can do to recoup this money nor would the state chase them for it.

Councilor Gore said it sounds really exciting to fill some empty store fronts. She asked if there are any more businesses coming down the pike.

The program is for two businesses per calendar year, Wolf advised. Four businesses originally applied. To qualify, a business needs to have moved into the space or signed a lease within the previous calendar year. It is possible some of the four may still be eligible. He knows some new folks are getting ready to move in.

Councilor Moulton moved to suspend the rules. Councilor Perry seconded. The motion passed unanimously 9:0 by roll call vote.

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

The following order passed final reading:

23.365 An Order to Appropriate \$20,000 from RRA 2328 to Businesses Participating in Vacant Storefront Program - 1st reading

City of Northampton
MASSACHUSETTS

In City Council August 17, 2023

Upon recommendation of Mayor Sciarra

23.365 An Order to Appropriate \$20,000 from RRA 2328 to Businesses Participating in Vacant Storefront Program

Whereas, pursuant to the Acts of 2008 Chapter 144, the City of Northampton was authorized to convert five (5) seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises to annual licenses for the sale of all alcoholic beverages to be drunk on the premises; and

Whereas, the provisions called for the creation of an economic development account for the deposit of any fee charged for the conversion of said license that was greater than the amount of the fee charged for a similar license; and

Whereas, the provisions called for the deposited funds to be expended by the city in a manner consistent with economic development; and

Whereas, Section 5 of Chapter 228 of the Acts of 2018 amended the Economic Development Incentive Program ("EDIP") to permit the use of EDIP tax credits to encourage new occupancy of vacant downtown storefronts and authorized the Economic Assistance Advisory Council ("EACC") to issue regulations or guidelines implementing the new program; and

Whereas, the EACC has issued guidelines for implementation of the Vacant Storefront Program; and

Whereas, pursuant to the guidelines, the Northampton Downtown Business District has been designated by the EACC as a Vacant Storefront District; and

Whereas, the EACC received and approved applications from two Northampton businesses qualified to receive EDIP tax credits and matching municipal support; and

Whereas, the city has entered into contracts with the two eligible businesses to grant each \$10,000 under certain conditions including that they shall occupy the storefront and operate the business on the premises for three (3) years commencing on the date of the disbursement of the Grant.

Now, therefore, be it ordered,

That the City Council appropriates \$20,000 from Receipts Reserved Account 2328 for the two businesses participating in the Vacant Storefront Program.

Rules suspended, passed final reading and enrolled.

23.369 An Order to Appropriate \$30,000 from Stabilization for Part-Time Staff Support for Commission to Investigate Racialized Harms - 1st reading

Councilor Nash read the order.

When commission members were announced at the last meeting, she said she would be bringing a financial order to the next meeting to fund consultant and/or staff support for the group, Mayor Sciarra reminded.

He is very excited to see this moving along, Councilor Jarrett said. He asked if they know when the commission will begin meeting and if it is necessary to pass this order beforehand.

It is not necessarily necessary but she wanted to fulfill her commitment to get it moving, Mayor Sciarra said.

Councilor Nash expressed his understanding that the two councilors have been making efforts to get the 11 members together and have run into some roadblocks.

They put together their aspirational timeline with the hope that they could get things started by the end of May for fear the very thing that has happened would come to pass; i.e., difficulty in coordinating schedules in the middle of the summer, Councilor Elkins shared. They anticipate getting the first meeting scheduled and on the calendar within the next week and a half.

They certainly could work on a job description but until the position is funded the city can't post it, Mayor Sciarra advised.

Councilor Jarrett said he personally has no concerns about suspending the rules since they knew this order was coming.

If knowing this support is in place helps the commission to launch its work, she fully supports passing it tonight, Councilor Foster agreed.

Councilor Jarrett moved to suspend the rules. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

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

23.369 An Order to Appropriate \$30,000 from Stabilization for Part-Time Staff Support for Commission to Investigate Racialized Harms - 1st reading

The following order passed final reading:

City of Northampton
MASSACHUSETTS

In City Council

August 17, 2023

Upon recommendation of Mayor Sciarra

23.369 An Order to Appropriate \$30,000 from Stabilization for Part-Time Staff Support for Commission to Investigate Racialized Harms

Whereas, on February 16, 2023, the Northampton City Council adopted Resolution R-23.239 acknowledging the city of Northampton's history of slavery and complicity in the harmful effects of post-slavery racial segregation, discrimination, and systemic racism; and

Whereas, the Resolution committed to the creation of a joint Mayoral-City Council Commission to Investigate Racialized Harms Perpetrated Against Black Residents and Workers in Northampton to consider what initiative should be funded and implemented by the city to support redress and fair treatment for Black people who live, work, and learn in this community and to examine ways to restore, grow, and nourish Black community and culture in Northampton for future generations.

Now, therefore, be it ordered that,

the sum of \$30,000 be appropriated from the Stabilization Fund account (5000 – 340574) and added to the Mayor's FY2024 Salary Line Item PS Technical/Professional (11211-512000) for part-time staff support to the Northampton Commission to Investigate Racialized Harms.

Rules suspended, passed final reading and enrolled.

Review of Request for Proposals (RFP) for 33 King Street

Review of Request for Proposals (RFP) for 33 King Street

This Request for Proposals (RFP) for the former Hampshire County Probate and Family Court and Registry of Deeds property is something that has been a long time coming, Mayor Sciarra allowed. The property has officially been conveyed to the city so they can now put together an RFP for this exciting downtown property. The City Council approved the acquisition, surplus and disposal of the property in September of 2021, she reminded.

Office of Planning and Sustainability Director Carolyn Misch said they have been working on this for a while but really couldn't move until the property transferred from the Commonwealth. In the meantime they have done some initial analysis to prep the stage for interested parties. A year ago in May they held a public forum she is sure many of them participated in to pitch ideas and talk about what they would like to see in any RFP. The draft RFP is long but a lot of it relates to standard requirements for any sale of property.

This serves as an announcement that the city of Northampton intends to sell 33 King Street through an RFP process, she reiterated. The site is a 1.246-acre parcel that formerly held the registry of deeds and other offices. The city is going to solicit sealed bids for the property.

The RFP identifies the parameters in which the city would accept sealed bids. The 2021 order authorizing the sale was conditioned on council approval of the RFP language. What's before them is both the technical and legal language required to meet Chapter 30B and the heart of the proposal, which is how prospective bids will be scored and important components the city would like to see in any proposal for redevelopment.

The draft sets the minimum bid as \$2.5 million. The lead assessor has assessed the property at \$2.9 million. The reduction is because they know there is some contamination on site and have set the minimum bid to reflect that.

Among other things, the RFP requires the permanent easement for public access from the bike path which was granted to the city to remain in place with any redevelopment. This is important because, now that the city owns the property, the easement automatically terminates by operation of law because the two titles have merged.

It also sets the standard that the energy source for the heating and cooling system of any new building must be ground-source or any other kind of electric system.

The document identifies beneficial features that would be considered favorably as reflected by the scoring factor embedded within the RFP, Director Misch continued. At the public forum, they heard that there would be benefits to having mixed-income housing, meaning a mix of affordable as well as market-rate units. Additional beneficial features would be 20 or more parking spaces open to the public. Right now there are about 10 public parking spaces on the property in addition to the approximately 80 spaces in back that were formerly reserved for court personnel during the day but available in the evenings.

A weight is given to multi-story buildings (over three floors) with the minimum height standard being 30 feet or about three floors. The rest of the scoring criteria identifies what the city would be looking for in terms of creating a new use for this property that would add to and enhance the vibrancy of downtown.

As an RFP, the item technically falls under the jurisdiction of the Finance Committee so the council is pretty much compelled to refer it to Finance, Councilor Nash advised.

Councilor Jarrett expressed his understanding that Finance is scheduled to meet September 6th and that the Mayor's office is hoping for approval at the regular meeting on September 7th.

They want it turned around as soon as possible as they hope to get it out on the street this fall, Director Misch confirmed. There is a long turnaround time for responses, she noted.

Councilor Jarrett expressed his understanding that the city would receive half the sale price. For folks who have not been following this since September of 2021, he clarified that if the city decided not to sell it and instead used it as city property, it would have to pay the state its full appraised value. This serves as a big incentive for them to sell it, he pointed out.

He asked if she could speak to the bid price set. Allowing a lower price in exchange for more public benefit could be beneficial, he suggested.

It is a 1.5 acre parcel in the middle of downtown where property values are high, Director Misch stressed. She is not a commercial appraiser but in comparison, the Lumbyard, a slightly smaller parcel which is 100% affordable housing and not in such a prime location, sold for \$1 million back in 2017. The city is legally required to provide a rationale if a property is sold for less than its assessed value. The latest valuation is \$2.9 million and the minimum bid is \$2.5, essentially a discount for which they have to provide a rationale to the state.

With regard to mixed income housing, Councilor Jarrett expressed his understanding that the more market rate units proposed, the more advantageous the proposal. The most points (5) are

awarded for a 60/40 split with 60% market rate/40% affordable housing. Fewer points (3) are awarded for a 50/50 split. In other words, the less affordable housing, the more points awarded.

Within a half mile ring, the city has 688 deed-restricted, subsidized affordable housing units and, within a quarter mile, 290 units, not counting the 30 that will be coming on line behind City Hall, Director Misch noted. The idea is to say that affordable housing is certainly beneficial but they also know there is a need for new housing of any type.

It is noteworthy that the language specifies 'market rate housing or commercial development' to identify the fact that two buildings could potentially be developed. The front building could have market-rate commercial separate from an affordable housing project in the back, for example. The reason for thinking about breaking those pieces apart is that they know from experience that affordable housing developers such as Valley CDC and Wayfinders have had an incredibly difficult time filling commercial spaces on the first floor of buildings on Pleasant Street. In the scenario described, a Valley CDC could carve off a piece of the project and build single-use residential in back and commercial in front and come up with those additional points.

Councilor Jarrett said the point that is confusing to him is the 60/40 threshold. Under this system, developers wouldn't receive points for a 70/30 split.

Mayor Sciarra expressed her understanding that city officials could still value a project with a 70/30 split even though it doesn't fit within this point structure.

They have talked a lot about attainable housing, Councilor Jarrett added. He asked if they had thought of ways to encourage attainable housing and if there's any place for that in the criteria.

She thinks they would potentially have to give points for residence size in order to address that, Director Misch said. It is something they did not put in but that certainly could be considered.

An additional beneficial feature cited is 20 or more parking spaces available to the public at specified hours for three or more days a week, Councilor Moulton noted. He asked how she arrived at three days as the threshold.

There's no magic to that number, she confirmed. It was just meant to establish that a portion of the week be available to the public.

Councilor Moulton said he just wondered if it sets the bar too low. Wouldn't they prefer that the parking spaces be available five days a week?

It depends on what the market is for the property, Director Misch said. The goal is walking a tightrope between creating a way to value a proposal while not overly restricting possible uses.

Councilor Moulton said he shares Councilor Jarrett's sentiments as to the value of so-called workforce or attainable housing. Calling for mixed income housing but setting up somewhat arbitrary scoring rubrics to him seems limiting. He would hope that within the criteria they could somehow specify that they would like to see some workforce housing and that it would count in the scoring.

Mayor Sciarra said she certainly agrees. Workforce housing or smaller-sized units is something they have been actively trying to encourage.

The challenge is how to give points for it in the scoring, Councilor Moulton said.

It's something they could certainly look at, Director Misch said.

Workforce housing is typically understood as housing accessible to people making 100% to 110% and up to 175% of the area median income (AMI), Director Misch clarified. On the Cape and islands it is 200 to 300% so it is dependent on the community. Setting an income threshold is not enforceable, she asserted.

With regard to additional public benefit, Councilor Jarrett proposed the idea of encouraging space or amenities open to the public and the creation of affordable commercial or incubator

space. They don't really have benchmarks for that so he can see why it would be difficult to impose. They really need an entity; i.e. - a community land trust or community investment cooperative, to facilitate those kinds of public benefits. He is interested in making something like that happen but it is not necessarily something that can be done within this RFP, he acknowledged.

He cited the article, "Strategies to promote affordable commercial space in cities' as future food for thought and planning.

As they heard earlier this evening, consistent with his interest in fostering businesses that might not have the same resources as multi-national corporations, the mayor's office is working hard on strategies to support small business and business expansion through financial incentives such as the vacant storefront program, Director Misch pointed out.

They don't know what this property will hold and want to insure the maximum flexibility since it is such a great opportunity for downtown. With respect to public space, the courthouse lawn is right across the street. There is a balance between encouraging public space and making sure it is not everywhere, she observed.

After confirming the interest of Councilor Perry in having the Community Resources Committee also review the RFP, **Councilor Jarrett moved to refer the RFP to a joint meeting of the Finance Committee and Community Resources on September 6th at 6 p.m. via Zoom. Councilor Moulton seconded. The motion passed unanimously 9:0 by roll call vote.**

See minutes of September 7, 2023 for final reading.

Orders
23.363 Warrant for the November 7, 2023 Biennial Municipal Election - 1st reading

Orders
23.363 Warrant for the November 7, 2023 Biennial Municipal Election - 1st reading
Councilor Nash read the warrant.

No early voting is proposed on Sunday, City Clerk Pamela Powers noted. She drew attention to a distinction between the two Community Preservation Committee positions on the ballot: one term begins the first Monday of January 2024 and the other begins upon the certification of the election results. According to the charter, the person replacing someone appointed shall begin serving immediately after election results are certified. Both serve for four years beginning on the first Monday of January 2024.

As a result of Governor Baker signing into law an Act fostering voter opportunities, trust, equity and security in June of 2022, it is now the council's responsibility to approve having early voting in person, Clerk Powers explained. The council may elect not to but that would not be her recommendation. Certain portions of all elections have been modified as a result and specific language gives municipal elections the option to pare back some of the activities related to in person early voting or to opt out of early voting by mail. She didn't bring the recommendation to opt out of early voting by mail forward as she didn't think the City Council wanted to entertain it. The request for early voting has to be made after no less than 50% of the Board of Registrars votes to request the City Council to allow it, and they did that earlier this year.

See minutes of September 7, 2023 for final reading.

Financial Orders (on 2nd reading)

Financial Orders (on 2nd reading)
The following orders were approved as part of the consent agenda:

23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 2nd reading

23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 2nd reading

City of Northampton
MASSACHUSETTS

In City Council July 13, 2023

Upon recommendation of Mayor Sciarra

23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade

Ordered, that

The sum of \$196,397 be appropriated from the General Stabilization Fund (5000 340574) to support the upgrade to the Academy of Music Fire Suppression System.

Passed final reading and enrolled.

Ordinances (Not Yet Referred)

Ordinances (Not Yet Referred)

None.

Ordinances

Ordinances

None.

Resolutions

Resolutions

None.

New Business

New Business

Adjourn

Adjourn

Councilor Perry moved to adjourn. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 9:25 p.m.

Attest: _____, Administrative Assistant

EXHIBIT A

List of Documents Reviewed at August 17, 2023 Northampton City Council Meeting:

1. August 17, 2023 Agenda
2. 23.348 National Grid-Verizon Pole Petition for Loudville Road
3. 23.360 National Grid-Verizon Pole Petition for Bradford Street, Petition No. 30759246
4. 23.335 Comcast Petition for Underground Conduit at 54 Main Street, Florence
5. 23.335 Plan
6. June 1, 2023, June 15, 2023, June 30, 2023 and July 13, 2023 regular City Council meetings minutes and June 15, 2023 Special City Council Meeting minutes
7. 23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade
8. 23.362 Northampton Bowl Applications for Weekday and Sunday Bowling Licenses
9. 23.367 Appointments/Reappointments to Various Committees - Memo from Mayor Gina-Louise Sciarra to City Council Dated August 17, 2023 re: Appointment to Boards, Committees, and Commissions proposing the appointment of Donnell Turner to the Human Rights Commission and Marilyn Richards to the Northampton Housing Authority, together with applications for appointment.
10. 23.368 Appointment of Assistant Fire/Rescue Chief Andrew Pelis as Chief of Northampton Fire/Rescue
11. Spreadsheet entitled, "Cannabis, Meals, Hotel-Motel, Short-Term Rentals FY23"
12. Spreadsheet entitled, "Enterprise Fund Expenses.063023"
13. Spreadsheet entitled, "Enterprise Fund Revenue.063023"
14. Spreadsheet entitled, "GF Expenses.063023"
15. Spreadsheet entitled, "GF Revenue.063023"
16. 23.364 Request for Proposals for 33 King Street
17. 23.361 An Order to Award Contract for FY2024 - FY2026 Audit to Scanlon and Associates
18. 23.365 An Order to Appropriate \$20,000 from RRA 2328 to Businesses Participating in Vacant Storefront Program
19. 23.366 An Order to Authorize Payment of Prior Year Invoices
20. 23.369 An Order to Appropriate 30,000 from Stabilization for Part-Time Staff Support for Commission to Investigate Racialized Harms
21. An Order Authorizing the Lease of a Portion of the Jackson Street Elementary School to Clarke School for the Deaf - 23.370 Program Sharing Agreement, Clarke Lease Agreement
22. 23.363 Warrant for the November 7, 2023 Biennial Municipal Election

| Record of City Council Votes for August 17, 2023 | | 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: | | Yes | Yes | Yes | Motion to approve | Second | Yes | Yes | Yes | Yes | Motion carried 9:0; roll call | |
| Minutes of June 1, 2023, June 15, 2023 and July 13, 2023 regular meetings and June 15, 2023 and June 30, 2023 Special City Council Meetings | | | | | | | | | | | | Consent |
| 23.353 An Order to Appropriate Stabilization Funds for AOM Fire Suppression System Upgrade - 2nd reading | | | | | | | | | | | | Consent |
| 23.362 Northampton Bowl Applications for Weekday and Sunday Bowling Licenses @ 525 Pleasant St. | | | | | | | | | | | | Consent |
| 23.367 Appointments to Various Committees - for referral to City Services | | | | | | | | | | | | Consent |
| 23.368 Appointment of Assistant Fire/Rescue Chief Andrew Pelis as Chief of Northampton Fire/Rescue - for referral to City Services | | Consent | | | | | | | | | | |
| Review of Request for Proposals (RFP) for 33 King Street | | Yes | Yes | Yes | Motion to approve | Yes | Yes | Second | Yes | Yes | Motion carried 9:0; roll call | |
| 23.361 An Order to Award Contract for FY2024 - FY2026 Audit to Scanlon and Associates | | 1st reading | Yes | Yes | Yes | Motion to approve | Yes | Yes | Second | Yes | Yes | Motion carried 9:0; roll call |
| 23.365 An Order to Appropriate \$20,000 from RRA 2328 to Businesses Participating in Vacant Storefront Program - 1st reading | | Suspend rules | Yes | Yes | Yes | Yes | Yes | Motion to approve | Yes | Second | Motion carried 9:0; roll call | |
| | | Approve | Yes | Yes | Second | Yes | Motion to approve | Yes | Yes | Yes | Motion carried 9:0; roll call | |
| 23.366 An Order to Authorize Payment of Prior Year Invoices - 1st reading | | Suspend rules | Yes | Yes | Yes | Yes | Yes | Motion to approve | Yes | Second | Motion carried 9:0; roll call | |
| | | Approve | Yes | Yes | Yes | Yes | Yes | Motion to approve | Yes | Yes | Second | Motion carried 9:0; roll call |
| 23.369 An Order to Appropriate \$30,000 from Stabilization for Part-Time Staff Support for Commission to Investigate Racialized Harms - 1st reading | | 1st reading | Yes | Yes | Yes | Yes | Yes | Motion to approve | Yes | yes | Second | Motion carried 9:0; roll call |
| 23.370 An Order Authorizing the Lease of a Portion of the Jackson Street Elementary Sch | | Suspend rules | Yes | Yes | Yes | Yes | Yes | Motion to suspend | Yes | Second | Yes | Motion carried 9:0; roll call |
| | | Approve | Second | Yes | Motion to Approve | Yes | Second | Second | Yes | Yes | Yes | Motion carried 9:0; roll call |
| 23.363 Warrant for the November 7, 2023 Biennial Municipal Election - 1st reading | | 1st reading | No Action | | | | | | | | | |
| Adjourn | | | Yes | Yes | Yes | Yes | Second | Yes | Yes | Yes | Motion to approve | Motion carried 9:0; roll call |