



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
Northampton, Massachusetts

Roll Call

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

- | | |
|---------------------------------------|--------------------------------------|
| At-Large Councilor Marissa Elkins | At-Large Councilor Jamila Gore |
| Ward 1 Councilor Stanley Moulton, III | Ward 2 Councilor Karen Foster |
| Ward 3 Councilor Jim Nash | Ward 4 Councilor Garrick Perry |
| Ward 5 Councilor Alexander Jarrett | Ward 6 Councilor Marianne L. LaBarge |
| Ward 7 Councilor Rachel Maiore | |

Announcement that Meeting Audio/Video Recorded

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

Public Comment

Public Comment

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

Jackie Ballance of Florence, said she sent City Council members an invitation earlier today to sit in on a Zoom meeting with Eric Hill, survey director for the Cambridge Historical Commission, who is going to tell them about Neighborhood Conservation Districts (NCD's). Cambridge has been successfully using NCD's for the past four decades to maintain the integrity of participating neighborhoods. Creation of NCD's has been called 'historic preservation light' and is one way a city can preserve neighborhood character using guidelines for reviewing new construction projects, demolitions and major renovations. By adding one step to the approval process, neighborhood commissions - which can include local realtors, architects and historians, as well as the abutters and abutters to the abutters of a particular project - can review project proposals. No one knows a neighborhood better than the people who live there and each district develops its own guidelines, design standards and priorities. The process allows neighbors to have some power over the development that impacts them most. They are able to negotiate with builders and guide more desirable development. This would have made a huge difference in Bay State Village and in the Montview neighborhood. Tomorrow will be the first meeting with Eric, but he has indicated that he will be happy to join them another time. She said she hoped one or two of them would be free to join them.

Dave Newland, Monson, MA, Production Manager of Northampton Open Media (NOM), informed those listening that this past Friday was Liz Walber's last day at NOM. They parted on amicable terms and she is off to pursue other interests. He took a moment to thank her for the last three years. She started a little before the pandemic and was an integral part of NOM's transition to virtual meetings. She put in a lot of time to make sure the Northampton community was able to continue to access its local government meetings and they are very thankful for the time she gave to this community and their organization. He and Al Williams are the two people left at NOM now so residents can direct any correspondence previously directed to Liz to them. They are hiring and will be accepting applications through the end of the month.

Sarah Catay, Northampton, spoke in favor of the ordinance prohibiting the use of wild or exotic animals for entertainment. Her interest started out with reading a story in the Gazette about a similar ban passed in Amherst, after which she reached out to her ward councilor, Karen Foster, to see if they could do something similar in Northampton. She was partially inspired by a bear she sometimes sees in her yard on Franklin Street. She feels strongly that the bear belongs in the wild and can't imagine it being a traveling animal for other people's entertainment. She knows Northampton is considered a compassionate community and a leader in compassionate and humane treatment for both humans and animals. This ordinance is just one way they can insure humane treatment for wild animals.

In speaking to a friend, she said she specifically doesn't take her kids to fairs that have wild animal acts, so she personally would feel more comfortable coming to events that don't have that type of act.

Laura Hagan, Director of Captive Wildlife for the **Humane Society of the United States**, spoke in favor of **22.192 An Ordinance Prohibiting the Use of Wild or Exotic Animals for Entertainment**. For broader context, Massachusetts remains a destination for traveling acts using dangerous wild animals for performances and on display. The wild animal exhibitors that have traveled in their state have a history of poor animal care and violations of federal law, including failure to provide animals with basic needs such as veterinary care, proper food and adequate shelter, and have also been cited for failing to handle animals safely, endangering not only the animals held in captivity but the public. Traveling wild animal acts that have visited Massachusetts tour with animals that have attacked the public or their trainers. These outcomes result from a life defined by aversive training methods, near constant travel and an inability of these animals to express even the most basic of their natural behaviors,

There is no state law prohibiting these outfits, and this ordinance provides a wonderful opportunity for Northampton to lead by encouraging exhibitors to convert to a more humane business model. 13 other Massachusetts communities, including Amherst and Pittsfield, have passed local laws relating to traveling wild animal acts with great results. As more Massachusetts localities tell these businesses that they're not welcome, they make Massachusetts a more humane state. She thanked them for their consideration.

Maisie Tuck introduce herself and shared that, as a member of the **Northampton Youth Commission**, two weeks ago, she was appointed to be the Youth Commission liaison to the City Council. She said she just wanted to introduce herself.

City Clerk Pamela Powers gave her traditional pre-election public service announcement to remind folks that elections are coming up. Early voting starts this Saturday and will take place at City Hall for all precincts. All voters across the city will be able to vote during early voting hours at this one location. Hours are Saturday, October 22nd from 9 a.m. to 3 p.m. then the following Monday through Friday from 8:30 a.m. to 12:30 p.m.

The following week, Saturday, October 29th early voting will be available from 9 a.m. to 5 p.m. and that is also the last day to register to vote. The following Monday through Friday early voting will again be held at City Hall from 8:30 a.m. to 4:30 p.m.

Election Day voting is November 8th from 7 a.m. to 8 p.m. at all 14 polling locations throughout the city. Anyone with questions can call (413) 587-1224.

To date, the Clerk's office has mailed out over 6,600 early voting ballots and over 700 have already been returned. Even if residents receive an early vote ballot by mail they can still vote early in person or go to the polls on Election Day, she clarified.

There being no further comments, Councilor Nash brought public comment to a close.

Public Hearings
Announcement of
Tax Classification
Hearing

Public Hearings
Announcement of Tax Classification Hearing
Councilor Nash made the following announcement:
Per M.G.L. Ch. 40, Section 56, the Northampton City Council will hold a public hearing on Thursday, November 3, 2022 at 7 p.m. by remote participation to discuss the percentages of the local tax levy to be borne by each class of real and personal property within the City of Northampton for FY2023. Information regarding this hearing will be available for public inspection on line at www.northamptonma.gov on or before November 1, 2022 after 12 p.m. Instructions for accessing the hearing will be posted on the November 3, 2022 City Council agenda on www.northamptonma.gov no later than 48 hours prior to the meeting.

Announcements from
Councilors & the
Mayor

Announcements from Councilors & the Mayor

The annual rag shag parade is Monday, October 31st at 6 o'clock starting from Trinity Row Park and going to Florence Civic Center, Councilor Jarrett reminded. It is an amazing parade with hundreds if not thousands of people marching in costume.

In addition, downtown trick or treating supported by the Downtown Northampton Association (DNA) is from 3 to 5 p.m. on October 31st, Councilor Foster shared. It's a fun time to see all the kids out in costume and the businesses supporting them.

And, Laurel Park is celebrating its 150th anniversary this Saturday, October 22nd with activities from 10 a.m. to 4 p.m., Councilor Moulton announced. A formal program at 11 a.m. in the tabernacle will be followed by lunch with 19th century foods. The event will feature music from the fiddle orchestra of western Massachusetts, a gallery of art by residents of Laurel Park and the unveiling of historical signs approved with Community Preservation Act (CPA) funding earlier this year. It is a day of not just celebration and recreation but an opportunity to learn something about the history of Laurel Park.

And, at the last meeting, Clerk Powers shared that information on Question 4 was left out of the red book mailed to residents, Councilor Nash advised. He proceeded to explain why Question 4 is important. Last fall, the legislature passed a new law allowing all residents to obtain a driver's license. This new law is due to take effect next July, and voters can protect it by voting yes on 4 and supporting the right of undocumented residents to obtain a driver's license in Massachusetts. It allows all drivers in Massachusetts to be properly vetted for licenses, pass a test and buy insurance regardless of documentation status. This will lead to safer roads across their state. Next Thursday, October 27th, he and Javier Luengo-Garrido of the ACLU are hosting two Zoom meetings at 8 a.m. and 5:30 p.m. to provide information from the Yes on 4 campaign. Those interested in joining can email him at jimnashcitycouncil@gmail.com to receive a link. His colleagues on council are cordially invited to attend as well. Please vote yes on 4.

Finally, with regard to 22.159 An Ordinance to Amend §312-36 Parking Meter Locations and Regulations, an item they were discussing a few weeks ago, they got stuck on a start date, Councilor Nash reminded. The mayor is still working on that particular part of the ordinance and asked that it not be placed on the agenda tonight. She will bring it back to them when that aspect has been clarified.

Consent Agenda

Consent Agenda

Councilor Nash reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. **Councilor LaBarge moved to approve the consent agenda with the removals. Councilor Elkins 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 October 6, 2022
 - B. 22.178 An Order to Appropriate CPA Funds for Northampton-New Haven Canal Greenway Repairs
 - C. 22.179 An Order to Appropriate CPA Funds for Parsons House Collections Storage
 - D. 22.180 An Order to Reprogram Funds for Leeds School Roof Repair
 - E. 22.181 An Order to Appropriate \$750,000 from Capital Stabilization for Radio System Upgrade
 - F. 22.182 An Order to Reprogram Funds for JFK Radio Antenna Replacement
 - G. 22.183 An Order Authorizing 30-Year Radio Tower Leases
 - H. 22.184 An Order to Reprogram Funds for AOM Fire Suppression System
 - I. 22.185 An Order to Reprogram Funds for Leeds School Playground
 - J. 22.187 An Order to Approve a Gift of Sidewalk Replacement Adjacent to 1 King Street
 - K. 22.193 Appointments to Various Committees - for referral to City Services Committee
- Planning Board**

Stacey Dakai, 150 North Street, Northampton

Associate Member

Term: October 2022-June 2025

To fill a vacancy

Transportation & Parking Commission

Debin Bruce, 49 Columbus Avenue, Northampton

Term: October 2022-June 2025

To fill a vacancy

Trust Fund Committee

Joe Rokowski, 49 Warburton Way, Northampton

Term: October 2022-June 2025

To fill a vacancy

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

Orders

22.186 Warrant for November 8, 2022 State Election - 2nd reading

Orders

22.186 Warrant for November 8, 2022 State Election - 2nd reading

Councilor Moulton moved to approve the warrant in final reading. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed final reading:

City of Northampton
MASSACHUSETTS

22.186 A Warrant
To establish the date, time, and location of an upcoming election for
The State Election

In the City Council October 6, 2022

Upon the Recommendation of City Clerk Pamela L. Powers,

Ordered,

that meetings of the inhabitants of the qualified voters of the City of Northampton will be held on Tuesday, November 8, 2022, in the several polling places designated for the purpose by the City Council, as follows:

- WARD 1, Precinct A - In Jackson Street School Gymnasium
- WARD 1, Precinct B - In Jackson Street School Gymnasium
- WARD 2, Precinct A - In Smith Vocational-Agricultural High School Gymnasium – Building B
- WARD 2, Precinct B - In Smith Vocational-Agricultural High School Gymnasium – Building B
- WARD 3, Precinct A - In the Senior Center, Great Room, 67 Conz Street
- WARD 3, Precinct B - In the Senior Center, Great Room, 67 Conz Street
- WARD 4, Precinct A - In the Senior Center, Patte's Front Room, 67 Conz Street
- WARD 4, Precinct B - In the Senior Center, Activity Room #1, 67 Conz Street
- WARD 5, Precinct A - In Florence Civic and Business Building, 90 Park Street
- WARD 5, Precinct B - In Smith Vocational-Agricultural High School Gymnasium - Building B
- WARD 6, Precinct A - In Robert K. Finn Ryan Road School Gymnasium
- WARD 6, Precinct B - In Robert K. Finn Ryan Road School Gymnasium
- WARD 7, Precinct A - In John F. Kennedy Middle School, Community Room
- WARD 7, Precinct B - In Leeds School Gymnasium, Lower Level

The polls will be opened at seven o'clock in the forenoon and closed at eight o'clock in the evening of the said day, and all such qualified voters will in the wards in which they are entitled to vote between said hours give in their votes for the following offices:

- GOVERNOR and LIEUTENANT GOVERNOR FOR THIS COMMONWEALTH
- ATTORNEY GENERAL FOR THIS COMMONWEALTH
- SECRETARY OF STATE FOR THIS COMMONWEALTH
- TREASURER FOR THIS COMMONWEALTH
- AUDITOR FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS FOR THE SECOND CONGRESSIONAL DISTRICT
- COUNCILLOR FOR THE EIGHTH DISTRICT
- SENATOR IN GENERAL COURT FOR HAMPSHIRE FRANKLIN & WORCESTER DISTRICT
- REPRESENTATIVE IN GENERAL COURT FOR THE FIRST HAMPSHIRE DISTRICT
- DISTRICT ATTORNEY FOR THE NORTHWESTERN DISTRICT
- SHERIFF FOR HAMPSHIRE COUNTY

Pursuant to Mass. Gen. Laws c. 54, sec. 72, Ordered that the City Clerk shall detail no fewer than one constable for each precinct located in a polling place, no fewer than one police officer in each polling location in a school building when school is in session, and, in consultation with the Chief of Police, shall detail such other staff as may be necessary and prudent to assure a safe and orderly election in accordance with state and local laws relating to elections.

22.186

Qualified voters will also give in their votes, "Yes" or "No" on the following questions:

**QUESTION 1
PROPOSED CONSTITUTIONAL AMENDMENT**

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yeas 159 - nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

YES
NO

**QUESTION 2
LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

22.186

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

YES
NO

**QUESTION 3
LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for "all alcoholic beverages" and for "wines and malt beverages") that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of "all alcoholic beverages" licenses that any

22.186

one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of "all-alcoholic" beverages' licenses that a retailer could acquire, restrict use of self-check-out, and require retailers to accept customers' out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

YES
NO

**QUESTION 4
REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any document issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

22.186

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

YES
NO

**QUESTION 5
THIS QUESTION IS NOT BINDING**

Shall the representative from this district be instructed to introduce and vote for legislation that puts a fee on the carbon content of fossil fuels to compensate for their environmental damage and returns most of the proceeds in equitable ways to individuals as a cash-back dividend?

YES
NO

Passed final reading and enrolled.

Financial Orders (on 2nd reading)

Financial Orders (on 2nd reading)
22.178 An Order to Appropriate CPA Funds for Northampton-New Haven Canal Greenway Repairs

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

The following order was adopted in final reading:

22.178 An Order to Appropriate CPA Funds for Northampton-New Haven Canal Greenway Repairs

City of Northampton
MASSACHUSETTS

In City Council, October 6, 2022

Upon the recommendation of the Community Preservation Committee

22.178 An Order to Appropriate CPA Funds for Northampton-New Haven Canal Greenway Repairs

Ordered, that

WHEREAS, the Office of Planning and Sustainability submitted a CPA application for critical and time-sensitive long-term repairs to a stone retaining wall along the Northampton-New Haven Canal Greenway;

WHEREAS, if the wall failed, it necessitate closure of the trail, and would break Greenway multi-use trail transportation and recreation links from southern Northampton and points south;

WHEREAS, CPA funds will be used as a match for \$160,000 in MassTrails funding, which must be spent by the end of Fiscal Year 2023;

WHEREAS, on September 28, 2022, the Northampton Community Preservation Committee, voted unanimously to recommend that \$120,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$120,000 be appropriated from Community Preservation Act funding to the Northampton-New Haven Canal Greenway Retaining Wall project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$120,000 is appropriated from the CPA Budgeted Reserve account #2344930-359930).

Passed final reading and enrolled.

The following order was adopted in final reading:

22.179 An Order to Appropriate CPA Funds for Parsons House Collections Storage

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City of Northampton
MASSACHUSETTS

In City Council, October 6, 2022

Upon the recommendation of the Community Preservation Committee
22.179 An Order to Appropriate CPA Funds for Parsons House Collections Storage

Ordered, that

WHEREAS, Historic Northampton, Inc. submitted a Small Grants application for Community Preservation Act funding to purchase appropriate long-term storage for its ephemera, photograph and research collections within the Parsons House;

WHEREAS, the collections yield important information about Northampton's history, and are frequently accessed for research by community members, businesses, and nonprofits;

WHEREAS, improved collections storage was a critical recommendation of the Massachusetts State Historic Records Board, will protect these resources for the future, and will facilitate artifact inventory;

WHEREAS, on September 28, 2022 the Northampton Community Preservation Committee, voted unanimously to recommend that \$3,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$3,000 be appropriated from Community Preservation Act funding to Historic Northampton, Inc. for purchase and installation of Parsons House collections storage. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council. Specifically, \$3,000 is appropriated from the CPA Budgeted Reserve (account #2344930-359930)).

Passed final reading and enrolled.

The following order was adopted in final reading:

22.180 An Order to Reprogram Funds for Leeds School Roof Repair

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City of Northampton
MASSACHUSETTS

In City Council _____
October 6, 2022

Upon recommendation of Mayor Sciarra

22.180 An Order to Reprogram Funds for Leeds School Roof Repair

Ordered, that

\$4,240 from the Leeds School Chimney Repair account (19303 586705) be reprogrammed for the purpose of repairing the Leeds School Roof.

Passed final reading and enrolled.

The following order was adopted in final reading:

22.181 An Order to Appropriate \$750,000 from Capital Stabilization for Radio System Upgrade

22.181 An Order to Appropriate \$750,000 from Capital Stabilization for Radio System Upgrade

City of Northampton
MASSACHUSETTS

In City Council _____ October 6, 2022

Upon recommendation of Mayor Sciarra

22.181 An Order to Appropriate \$750,000 from Capital Stabilization for Radio System Upgrade

Ordered, that

The sum of \$750,000 be appropriated from the Capital Stabilization Fund (5000 340616) for the Radio System Upgrade Project.

Passed final reading and enrolled.

The following order was adopted in final reading:
22.182 An Order to Reprogram Funds for JFK Radio Antenna Replacement

22.182 An Order to Reprogram Funds for JFK Radio Antenna Replacement

City of Northampton
MASSACHUSETTS

In City Council _____ October 6, 2022

Upon recommendation of Mayor Sciarra

22.182 An Order to Reprogram Funds for JFK Radio Antenna Replacement

Ordered, that

\$5,158.43 from the Leeds School Chimney Repair Account (19303 586705) be reprogrammed for the purpose of replacing the Radio Antenna at the JFK School.

Passed final reading and enrolled.

The following order was adopted in final reading:
22.183 An Order Authorizing 30-Year Radio Tower Leases

22.183 An Order Authorizing 30-Year

Radio Tower Leases

CITY OF NORTHAMPTON
MASSACHUSETTS
In City Council, October 6, 2022

Upon the recommendation of the Mayor Gina-Louise Sciarra, Department of Public Works and Northampton Fire Rescue.

22.183 An Order Authorizing 30-Year Radio Tower Leases

Whereas, Chapter 30B of the Massachusetts General Laws requires City Council approval for contract terms exceeding three years, and

Whereas, a radio system study has identified the radio tower sites located at 22 Atwood Drive, 170 Glendale Road, and 123 Haydenville Road (“the radio tower locations”), are required to give the City of Northampton complete radio coverage for public safety and city operations, and

Whereas, securing the needed equipment space at the radio tower locations will enable the operation of the new radio system.

NOW, THEREFORE,

ORDERED THAT the Mayor is authorized to execute lease agreements for the radio tower locations for periods not to exceed thirty years on such terms and conditions as the Mayor may deem reasonable and appropriate.

Passed final reading and enrolled.

The following order was adopted in final reading:
22.184 An Order to Reprogram Funds for AOM Fire Suppression System

22.184 An Order to Reprogram Funds for AOM Fire Suppression System

City of Northampton
MASSACHUSETTS

In City Council _____
October 6, 2022

Upon recommendation of Mayor Sciarra

22.184 An Order to Reprogram Funds for AOM Fire Suppression System

Ordered, that

The \$75,000 from the Senior Center Window Repairs (19303-586919) be reprogrammed to the Academy of Music Fire Suppression System (sprinkler Phase 2) project (19303-586229).

Passed final reading and enrolled.

The following order was adopted in final reading:
22.185 An Order to Reprogram Funds for Leeds School Playground

22.185 An Order to Reprogram Funds

for Leeds School
Playground

City of Northampton

MASSACHUSETTS

In City Council October 6, 2022

Upon recommendation of Mayor Sciarra

22.185 An Order to Reprogram Funds for Leeds School Playground

Ordered, that

The \$25,000 for the Leeds School Playground Fence (19303 586514) be reprogrammed for the purpose of updating the Leeds School playground area and equipment.

Passed final reading and enrolled.

22.187 An Order to
Approve a Gift of
Sidewalk
Replacement
Adjacent to 1 King
Street

**The following order was adopted in final reading:
22.187 An Order to Approve a Gift of Sidewalk Replacement Adjacent to 1 King Street**

CITY OF NORTHAMPTON

MASSACHUSETTS

In City Council, October 6, 2022

Upon the recommendation of the Mayor and Department of Public Works

22.187 An Order to Approve a Gift of Sidewalk Replacement Adjacent to 1 King Street

Whereas, the City is the owner of the King Street layout, Northampton, Massachusetts which includes the sidewalk to the face of the building at 1 King Street; and

Whereas, JPMorgan Chase Bank, N.A. (Chase Bank) is the owner of property at 1 King Street, Northampton, Massachusetts (Assessors' Map 32A, Parcel 135), with Grantors rights to said parcel contained in a deed recorded in the Hampshire Registry of Deeds in Book 14683, Page 148; and

Whereas, the main entrance to 1 King Street includes a step up from the existing sidewalk and is therefore not compliant with the accessibility requirements of the Americans with Disabilities Act (ADA); and

Whereas, Chase Bank plans to renovate the building and the extent of renovation triggers ADA accessibility improvement requirements that include the main building entrance; and

Whereas, Chase Bank has offered, at its own expense, to reconstruct the sidewalk in such way as to create an accessible entrance; and

Whereas, the Department of Public Works has reviewed and approved the proposed sidewalk replacement plans, has no objection to the proposed accessibility improvements and appreciates the offer of Chase Bank to make such improvements.

Ordered that, Northampton City Council, authorizes Chase Bank to contract for and undertake the reconstruction of approximately sixty (60) linear feet of concrete sidewalk, brick pavers and granite curb and reset all appurtenant structures along the King Street frontage of their building at 1 King Street, all in reasonable conformity to the plans reviewed and approved by the Department of Public Works, and accepts the replaced ADA compliant sidewalk as a gift to the City.

Passed final reading and enrolled.

Ordinances (Not Yet Referred)
22.191 Ordinance Relative to Parking on Main Street (Leeds) - 1st Reading

Ordinances (Not Yet Referred)

22.191 An Ordinance Relative to Parking on Main Street (Leeds) - 1st

Reading

Councilor Nash invited Councilor Maiore to speak to why she wanted to see this revisited.

This ordinance was originally crafted by DPW Director Donna LaScaleia and unanimously recommended by the Transportation and Parking Commission (TPC), Councilor Maiore reminded. It ended up being amended by Legislative Matters (LM) to make the parking restriction year round instead of seasonal and that amendment is now negatively impacting renters on Main Street in Leeds. Parking was previously not restricted and residents used to be able to park on both sides of Main Street but now can only park on the river side. This side was chosen because it can accommodate 10 more parking spaces but the downside is that it has chronic drainage issues and limbs occasionally falling from trees. Renters are the only ones without driveways on Main Street, so parking on this side disproportionately affects them.

If the 'No Parking' restriction were made seasonal as originally proposed, renters would only be impacted in the summer and not the winter. The safety concerns the director originally had around parking have to do with how heavily the area is utilized in the summer and so are not present in the winter, she pointed out. To her it seems reasonable and to support equity to make this restriction seasonal so renters can otherwise park on the side of the street next to their apartments which is a little higher and cleaner for their cars. She's been working with the renters and they are ready to describe the burden of this being a year-round restriction in greater detail. They were told they could speak at LM and so didn't attend tonight.

She talked at length with Director LaScaleia about this. Because the language is exactly how it was in the original version and TPC already recommended it, the director did not feel it needed to go back to the TPC, she reported.

Councilor Foster asked Councilor Maiore if she thinks some residents are happy with the year round restriction and that thus an opportunity for more public comment might be valuable.

Councilor Maiore said she did some outreach on Main Street and to the Leeds Civic Association. Residents she spoke to were universally in support of the seasonal restriction and, in fact, had assumed the 'No Parking' ban would be seasonal. She hasn't heard from anyone who lives in Leeds who would be against this change. The director felt like she had done enough outreach, she added. Her hesitation in sending it back to TPC is that ideally she'd like it to pass before a major snowstorm.

As the second councilor who sits on the TPC, Councilor Foster asked Councilor Gore for her input on having the TPC revisit this.

If Councilor Maiore did outreach and talked to Director LaScaleia she agrees it could go forward to other committees without going back to TPC, Councilor Gore indicated.

There are new members on TPC so it is reasonable for it to go there but they can address anything that comes up in full council as well, Councilor Maiore said.

Councilor LaBarge agreed with what she just heard from Councilor Maiore. Knowing the area and her husband having lived on Water Street for a long time, she confirmed there are severe drainage problems in there. She feels Councilor Maiore has done a good amount of communication with residents. She would definitely like to see it go to LM. People can attend that meeting and come forth and say what they have to say. She would like to see this pass before the first snowstorm because otherwise there's going to be a problem.

Councilor Jarrett said he is glad to see this being re-introduced. In 2021 when the current ordinance was adopted, he brought up the question of whether it could be designed with courtesy one-way traffic, or yield flow. In this configuration, sections of the road have parking on both sides while other sections only have parking on one side, allowing two large vehicles to pass. This would provide a year-round solution to the problem and potentially slow traffic

during those times when a number of cars are parked there. He doesn't think that option was fully explored, so he would be interested in it being looked at by the director and the TPC with input from the Bicycle and Pedestrian Subcommittee for consideration of how the various parking options affect bicycle traffic.

TPC meets October 25th, the bike path subcommittee meets November 9th and Legislative Matters meets November 14th, so they could potentially make those referrals and still approve it at the November 17th City Council meeting, he noted.

Councilor Foster said she thinks they did discuss this in TPC and Director LaScaleia's concern about parking on both sides was the width of the roadway. The engineering information she shared was very helpful in that discussion.

Councilor Nash suggested referring the ordinance to LM and inviting Director LaScaleia to speak to any questions around whether courtesy one-way traffic was considered. That way they could both get the answers and keep it on a faster track.

Since he feels input from the bike/ped committee might also be useful, Councilor Jarrett suggested the possibility of also inviting Planning Director Carolyn Misch to LM as chair of that committee. As the chair of LM, he will consider those options if they go that route, he confirmed.

Councilor Jarrett moved to refer the ordinance to Legislative Matters. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

22.192 Ordinance Prohibiting the Use of Wild or Exotic Animals for Entertainment - 1st reading

22.192 An Ordinance Prohibiting the Use of Wild or Exotic Animals for Entertainment - 1st reading

Co-sponsor Councilor Foster gave the background to her sponsorship of the ordinance, noting that it has been a two-year process for her and Councilor Nash to develop and introduce it.

The intention is to make a statement and send a message to acts using wild and exotic animals, she explained. She wasn't sure the language proposed would have a direct impact in Northampton, but, as they dug deeper, they realized some local activities might be affected. She and Councilor Nash worked behind the scenes with the Three County Fairgrounds since it previously featured acts which would fall under the ordinance. To their credit, they really came to the table and had a lot of meetings with them.

The ordinance does not affect Look Park as animals in its wildlife center are there for rehabilitation and are not traveling, she noted. As they heard in public comment, it's clear that traveling with wild and exotic animals leads to cruel and inhumane treatment.

Councilor Nash thanked the fairgrounds Board of Directors for working with them. They reviewed multiple drafts of the ordinance to make sure they were comfortable with what they are presenting, he confirmed.

The ordinance is a statement about where we are as a community around entertainment that includes wild animals, he stated. Wild animals are not like domesticated animals such as dogs and horses and their compliance is not given willingly or humanely. It is time to draw a line around this type of entertainment. As stated earlier, it is not a ban on circuses; it's really about preventing creatures from being coerced and pressured into performing acts that are not natural to them.

Councilor Foster thanked Laura Hagen from the Human Society and representatives from the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) for helping craft the language so that 'grannies racing pigs' and other benign activities are exempted.

Councilor Maiore expressed enthusiastic support but commented that, as an agricultural and farm-focused community, it did occur to her there could be unintended consequences if the language wasn't carefully crafted. They basically addressed the question of how distinctions were made so as not to unreasonably prohibit non-exploitative activities, she noted. She

asked if it was clear in their minds that the language has been vetted enough so that it will not impact local businesses that treat animals well.

That's where the work with the fairgrounds was integral to the process, Councilor Nash confirmed. They really wanted to make sure that the ordinance didn't discourage agriculture or interfere with the country's oldest agricultural fair but instead only discouraged this particular type of entertainment that can occur at fairs.

The fairgrounds appreciated their reaching out to them to make sure they were clear around the agricultural aspect. "That's free and clear," he assured.

Councilor Elkins moved to refer the ordinance to Legislative Matters. Councilor Jarrett seconded.

Councilor Jarrett noted that the section number may need to be adjusted since §128-8 is already in use.

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

<p><u>Ordinances</u></p>	<p><u>Ordinances</u> None.</p>
<p><u>Zoning Ordinances</u> <u>Avenue – 2nd</u> <u>reading</u></p>	<p><u>Zoning Ordinances</u> None.</p>
<p><u>Resolutions</u></p>	<p><u>Resolutions</u> None.</p>
<p><u>New Business</u></p>	<p><u>New Business</u> None.</p>
<p><u>Adjourn</u></p>	<p><u>Adjourn</u> Councilor Foster moved to adjourn. Councilor Perry seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 8:05 p.m.</p> <p>Attest: _____, Administrative Assistant</p>