Committee on Community Resources and the Northampton City Council

Committee Members:
Councilor Dennis P. Bidwell
Councilor Maureen T. Carney
Councilor Alisa F. Klein
Councilor Gina-Louise Sciarra

Meeting Agenda

Date: January 23, 2017
Time: 5:00 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call**

2. **Public Comment**

3. **Revisit committee meeting dates for February and April**

4. **Approve Minutes of November 21, 2016**

   Documents:

   Committee_On_Community_Resources_Minutes_November_21_2016.Pdf

5. **Approve Minutes of December 19, 2016**

   Documents:

   Comm._Respurces_12_19_2016_Final.pdf

6. **Discussion of submitted CSR report and next steps**

7. **Items Referred to Committee**

   A. **17.234 A Resolution declaring Northampton a Fair Employment City - possibly referred to committee on 1/19/2017**

      Documents:

      17.234.Pdf

   B. **17.235 An Order regarding wage compliance certificates in License - possibly referred to committee on 1/19/2017**

      Documents:

      17.235.Pdf

8. **New Business**

9. **Adjourn**

Prepared By:
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Meeting Minutes

Date: November 21, 2016
Time: 5:00 p.m.
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. Meeting Called to Order and Roll Call

At 5:00 pm Councilor Sciarra called the meeting to order. She announced that the meeting was being audio and video recorded. On a roll call the following councilors were present: Councilor Sciarra, Councilor Bidwell, Councilor Klein, and Councilor Carney. No other City Councilors were present.

2. Public Comment

There was no public comment.

3. Approve Minutes from the October 17, 2016 meeting

Councilor Klein moved to approve the minutes of October 17, 2016. Councilor Bidwell seconded the motion.

Councilor Klein corrected the spelling of former Ward 4 City Councilor Pam Schwartz. Also, under the list of potential committee members to attend an expert panel discussion for Arts, Councilor Klein added an Arts Trust representative and a representative from the Center for the Arts. She was pretty sure these positions were suggested at the last meeting.

The minutes were approved as amended on a voice vote of 4 Yes, 0 No.

4. Approve committee calendar for 2017

Councilor Klein moved to approve the committee's calendar of dates for 2017; Councilor Carney seconded the motion.

Councilor Sciarra observed that the committee will be meeting the fourth Monday in January, 2017 due to Martin Luther King Day on the normally scheduled day. She also noted that the committee will be meeting on Tuesday, April 18th, 2017 because April 17th is Patriot's Day.

Councilor Klein suggested skipping the July or August meeting. Councilor Bidwell agrees with the spirit of the suggestion. Councilor Bidwell preferred to skip the August meeting; this meeting will be removed from the committee's calendar noting that if unforeseen circumstances arise, the committee will revisit this at a later time.

The committee will meet the fourth Monday in October due to the Columbus Day/Indigenous People's Day holiday on the third Monday.

The committee approved the calendar as amended on a voice vote of 4 Yes, 0 No.

In general the committee meets the third Monday of the month at 5:00 p.m. Below is a proposed schedule for 2017.

Monday, January 23, 2017 (Jan. 16 which is the third Monday is a City holiday)
Tuesday, February 21, 2017
Monday, March 20, 2017
Tuesday, April 18, 2017 (April 17 is a City holiday)
Monday, May 15, 2017
Monday, June 19, 2017
Monday, July 17, 2017
No meeting in August
Monday, September 18, 2017
Monday, October 23, 2017 (4th Monday)
Monday, November 20, 2017
Monday, December 18, 2017

5. Continue Discussion about CSR Findings and Next Steps

Councilor Sciarra reports that she and Councilor Bidwell met with Mayor Narkewicz. Based on what was discussed, Councilor Bidwell put together an outline for what might be a plan that includes recommendations from the committee. He points out that the document is nothing more than a starting point for a conversation; some of the items are still taking shape. He notes that his prepared document is more or less an outline of what a report of the committee's recommendations might look like. Councilor Bidwell thought there was a very helpful response from the Mayor regarding the notion of a task force addressing panhandling and at-risk population in downtown Northampton. His characterization of it is that the Mayor did acknowledge that there was a lot discussed about this issue and that he understands that the committee may feel compelled to do something. The Mayor recommended that rather than the committee taking the lead on pulling a task force together, perhaps it would be more appropriate for the committee to ask the Mayor to convene such a task force.

Councilor Sciarra noted that additionally the Mayor recognized that these are conversations with multiple departments that are happening in City Hall right now. The Mayor is not interested in seeing the committee duplicate efforts but it might be appropriate to indicate that committee's position about the issue.

Councilor Bidwell is relieved to hear the Mayor's perspective about this issue. He does feel that the Mayor in combination with other folks take a look at this issue. Perhaps what the committee needs to do regarding downtown economy per se is to do a combination of op-ed pieces and resolutions. These can be a way for the committee to discuss what it has learned and to identify what people can do to help the downtown economy. A lot of items fell into the category of "refer elsewhere", especially to Transportation and Parking Commission. Councilor Bidwell indicated that he has no vision about how the report should be written, but rather is something that the committee should talk about. He does not imagine the report to be lengthy. He notes that the committee did issue one report already which summarized the committee's process and included the minutes of the meetings.

Regarding wage theft legislation, Councilor Carney suggested that an update on the timeline may change some of the information in the report. It has taken time to gather all of the information and get feedback from the City Solicitor. It has been discussed that there are separations between the duties of the Mayor and the parts of wage theft legislation that are under City Council control. This subject can be looked at in four different areas:

- Licenses
- Procurement
- CPA
- T.I.F.

Councilor Carney explained that it was clear that the procurement piece and the T.I.F. piece is administered by the Mayor's Office and as a result these areas would fall under the Mayor's jurisdiction. All of the licenses, except those issued by the City Council, also fall under the Mayor's purview. Given this, Councilor Carney stated that the Mayor might be willing to draft an executive order similar to the one that was passed around to the committee. Attorney Seewald has drafted a possible executive order that would not be implemented until the pieces that the City Council needs to consider has been done. The City Council would require license applicants to attest to being in compliance with wage and hour laws. This would likely require an order to be passed. The second piece would be that an ordinance regarding CPA legislation would need to be implemented. This new legislation would require applicants to attest that they comply with wage and hour laws. There is some additional language that needs to be added before that ordinance can be brought forward and considered by the City Council. This additional language will add a stipulation that if an applicant for CPA funds was found not to be in compliance with wage and hour laws then the CPA grant money would need to be returned back to the City. The plan is for these pieces to go to the City Council on December 1st. From there they would go at least to Legislative Matters and possibly to Community Resources.

Councilor Klein indicated that Attorney Seewald suggested that the legislation need not go back to this committee and Councilor Klein agrees. She feels it would slow the process down quite a bit. (Clerk note: As a practical matter this legislation would not likely affect license applications until they are renewed in April.)

Councilor Sciarra inquired about the CPC application timeline. Councilor Carney was unsure; she notes however, that she had drafted what she thought was a complete document that could be used but members of the carpenter's union are hoping that additional references to state law could be added. This will affect the timeline for when the CPC guidelines are implemented.

Councilor Klein indicated that the CPC is meeting on the 7th of December. If the legislation were brought forward on December 1st it could be referred to the CPC, Community Resources, and then Legislative Matters could review the language at their January meeting. Then it would go back to City Council on January 19th. The Mayor will roll out the executive order at the same time.

Councilor Carney indicated that the form would be simple-it would require applicants to check off that they are in compliance with wage and hour laws. If not, then there would be an additional check to indicate that a wage bond was in place. If the application were for CPC funds, there would include statement indicating that if there is a breach of the terms specified then CPA funds would need to be returned to the City.

Councilor Klein indicated that at the last meeting there was a question about out-of-state companies and whether there could be follow-up with claims, particularly in out-of-state construction industries. Councilor Carney did not recall that there was an answer to that question.

Councilor Bidwell reflected that given the amount of time spent on this issue and hearing testimony about it, he feels that it would seem appropriate for the legislation to come back to this committee. He knows he will have questions about anything brought forward. Councilor Carney points out that the meatier portions of the wage and hour legislation will be addressed through an executive order. Unless the Mayor decides to put something in the form of an administrative order, it is not likely that an executive order would go to a Council committee. Councilor Bidwell hopes that the committee will have a chance to see an executive order before it is published, even informally. Councilor Carney indicated that there is a draft and if she is able to circulate it she will do so. Councilor Klein feels that the point Councilor Bidwell is making is a good one. It is her understanding that the Mayor is planning to unveil his executive order when the first reading of the Council legislation takes place. If there are questions that the committee has, then she hopes that they can be answered before it is introduced, even if it is informally. Councilor Carney stated that there are possibly questions even on the rough draft that was circulating. Councilor Bidwell specified that his questions address where investigative and enforcement responsibilities lie. He wants to be sure that no expectation exists that there is that capability at the City level. As Councilor Carney understands it the License Commission staff person is Cyndi Murphy. She administers all applications as they come in. Similarly as part of the application process there would be a form whereby an applicant would attest to compliance. If they have a finding, then they can secure a wage bond. Cyndi's job would be to confirm the two checkboxes. Councilor Bidwell asked if a member of the community comes forward to the Mayor and states that there is reason to believe that someone's information is not accurate. Councilor Carney indicated that the City would want to follow up on this issue. This would require a phone call to the AG's Office. The City personnel are not expected to conduct an investigation. If it is determined that there is truth to the fact that someone lied on their application then the License Commission would likely want to follow up on the matter. This does not create any mechanism for the City to get worker's wages back. It does give leverage for community groups to advocate on behalf of workers. If they know that there is a brewing situation where wages or overtime is not being paid, the community group could step in and address the issue with the employer. Part of the mediation could be the risk of losing a license if a finding is made.

Councilor Sciarra asked if there was anything that the Mayor's Office needed to provide to trigger an investigation. Councilor Carney indicated that the AG's Office is going to take communications from cities and towns very seriously. Having the complaints come from municipalities may be a way to have the cases bubble to the top more quickly. Councilor Klein restated the question about how much work this would entail for the City. Councilor Carney does not know the answer to that question; the City may be asked to complete a form, make a phone call or send an e-mail to the AG's office. Councilor Carney feels that it is the process of establishing a relationship between the City and the AGs Office that will prove most valuable as time goes on.

Councilor Sciarra wondered what will keep a complaint from the City from falling through the cracks. If the City, for example, says that there is an allegation about a certain business, but the City doesn't provide proof, what are the assurances that the issue will be investigated? Councilor Carney has been told by former AG staffer Jocelyn Jones that it is about creating relationships with the AGs office; it's the calls from cities and towns that will push along a case. They do acknowledge that cases take time to address the concerns. Councilor Bidwell indicated that perhaps something can be learned about procedures and protocols from those cities and towns that have already passed legislation. Councilor Klein agreed to contact the AGs office to find out who the person or people are that the City should talk to better understand what process they might be using with other communities. She can also inquire about what kind of a system the City would have to set up to "check-in" on a periodic basis. She will bring this information to the next meeting.

Councilor Bidwell is on board with the spirit of what is intended. He would, however, like to better understand the mechanics of it. He would also like for there to be a clear understanding of what the City can and cannot do.

Councilor Carney feels that the City can make it clear that people who violate wage and hour laws will not be entitled to T.I.F's, CPA grants or licenses. The City can do this to the best of its ability by is application process for these things.

Councilor Klein specified that the City would not be taking allegations from people. People who have issues would still be required to file complaints with the AG's Office. What the City is doing is asking companies that are coming for licenses whether or not they have an existing claim against them. It is not the City's responsibility to manage allegations.

Councilor Carney is hopeful that as time goes by there may be a way for the Mayor's Office to take complaints and forward them along to the AG's office. Alternatively, they could put a person in touch with someone at the AG's office while keeping the information available about the complaint. The captured data may prove useful in the future.

Regarding "Arts", Councilor Sciarra informed the group that, according to the Mayor, many of Arts agencies get together on a periodic basis. There have been times when these organizations have collaborated on different initiative, such as when the Cultural District was established. However, there is still the interest in promoting, publicizing and making known all that is done for arts and culture. It might be useful to understand what the City does and the different ways that people can get involved.

Councilor Klein recalled that at the last meeting the committee talked about different models that might be used to move forward. She tried to convey this a couple of times as she felt the committee was being presumptuous about convening the interested parties. The Mayor also said that these different Arts organizations do have different reasons that they meet and work together. She wonders how the City Council or this committee bolster or engage with those efforts; or amplify what is already being done. One of the things that was talked about was having someone from this committee be the liaison to the bodies that are already meeting. This model is worthy of investigation concerning how contributions can be made by the Council or committee. Or, alternatively, someone from those committees can be a liaison to the Council or this committee. When the Social Services Committee was an active committee, representatives from the Arts Trust, and the Center for the Arts came to those committee meetings and discussed what was going on. They also were invited to the City Council meetings to give an update about events and programs. Councilor Klein would like the committee to think more creatively about how the committee can concretely help and what recommendations can be made to City staff and Mayor to help amplify the work of these organizations.

At the last meeting Councilor Klein stated that she would be in touch with Arts organization reps to see what they wanted and what forums they are meeting in and whether they wanted a Council rep to come to their meetings. If the committee wants to move forward with that process, Councilor Klein is willing to proceed along those lines.

Councilor Carney also recalled that in the past there was a committee that was dedicated to arts and culture. That committee got "absorbed" into the Social Services, Veterans Culture and Recreation committee. She notes that it would be helpful to find out if the organizations find committee participation helpful. Councilor Sciarra reflected that having sat on that committee, she recalls that organizations came and presented and indicated that they wanted more from the City; however, specific needs were not identified.

Councilor Bidwell remembered that he had suggested the notion of a forum; it might make better sense to have a meeting of this committee that is devoted to arts and downtown events and marketing and promotion of the same. He feels that based on his conversations with others that there are certain gaps. There is an effort regarding regional tourism; however, there is not a effort to promote downtown tourism. It might be worthwhile to have relevant groups be in the room at the same time to talk about a comprehensive downtown marketing strategy. Questions will likely center around "What will it take; the answer will likely be "money". Then this will perhaps be the opportunity to explore options, such as, can we dedicate (liquor license) revenue to marketing for downtown events? Other revenue streams can also be looked at where some portion of that revenue be dedicated to something. If combined with media attention, this could result in a master calendar of events coming up in the next year combined with

opportunities for volunteering. One meeting may not be enough to address this topic, but it might be a jumping off point.

Councilor Klein asked about the focus of the D.N.A. Councilor Bidwell's impression is that the D.N.A. wants to address "marketing strategy" in their second or third year of operation. Councilor Bidwell feels that there is a comprehensive marketing plan for downtown Northampton. The regional tourism council has some experience, but they have a broader purview. They gather a great deal of data about shoppers. By using credit card receipts a profile of where people are coming from is available. To have that information available would be of some use. This might tie into a marketing strategy. Councilor Bidwell is suggesting that the Council raise the question about whether it made sense for there to be a downtown marketing strategy. Perhaps help could be given by exploring revenue streams to see what was possible.

Councilor Klein reflected that the outline provided by Councilor Bidwell is quite comprehensive. She would not like to see a whole lot more work done in this area. Some of the bullet points could be flushed out and some of the decisions that are made here could be added, but the list is a nice beginning to a final report.

Councilor Bidwell wondered if the committee should come up with a report that includes all of the recommendations in his outline or if it is better to jump ahead and ask the Mayor to cooperate in the development of a meeting of this committee dedicated to these arts and events organizations. Councilor Bidwell would be happy to coordinate pieces that will go into a full report from the committee; however, he has no intent to write the final full report. Councilor Carney does not believe a full report is required. The committee can seek the support of the Mayor; convene a one-time board; detail the conversation details with the Mayor; etc. Councilor Sciarra would like a final report; she feels it will give closure to the entire process of the Committee Study Request. The bullets of Councilor Bidwell's outline can be flushed out further to re-cap certain points and make certain requests of the Mayor in the final report. She recognizes that more work still needs to be done as a committee but the report will close out the CSR. Councilor Sciarra would be willing to work on portions of the final report. Councilor Sciarra points out that not all actions need to be completed before the report is submitted.

Councilor Klein indicated that Councilor Bidwell's document feels like the beginning of a strategic plan of what can be done. It seems like the next step is defining planned action for each category. She feels that the report doesn't have to be developed much beyond what is already written. The report would indicate what the committee considered and then spell out what the recommendations of the committee would be and how the committee will move forward. Perhaps next August or September the committee could write up a summary about what it has achieved.

Councilor Bidwell would be happy to work with Councilor Sciarra to flush out a final report. He suggested that Councilor Klein could address the arts piece and come up with recommendations for the final report. This may entail working with other members of the community, including Suzanne Beck and Brian Foote. He proposed that this small group explore whether coming together and discussing the suggested topics would make sense. Councilor Klein proposes to convene a meeting with five or six people and pose the question of what they would prefer: a one-shot meeting with these topics or on-going conversations.
Councilor Klein reflected that she would like to talk about the issue of downtown panhandling and the subject of at-risk people without panhandling being the centerpiece of what the committee is trying to get at. People who are doing the best that they can but having rough circumstances should be addressed. The issue should focus on ways to address the needs and not on the issue of panhandling. Councilor Klein feels that this is reductionist and this is problematic for her. Councilor Sciarra expressed that this is hard because the larger conversation is outside of the committee's control. She would like for any discussions that the committee have be broader than "panhandling". The work that is underway according to the Mayor has those elements in it. In the committee's report the recommendation can stipulate that this how the committee would like it to be framed.

Councilor Klein feels that there is a difference between approaching people with compassion and approaching people with a pejorative shaming and framing. When panhandling is used as the first approach it is seen as shaming and pejorative. She feels that part of the leadership that the committee can show and use is to shift the way that the

committee talks about it. She does acknowledge that there are many people who are upset with "panhandlers". However, she speaks from a place of compassion for the people who are in a position where they are asking for money on the street.

Councilor Bidwell acknowledged what Councilor Klein said, however, he feels that the committee cannot be blind to the fact that in addition to Northampton residents who are experiencing hardship and addiction and illnesses and health issues, there is a growing percentage who are not Northampton residents and are not homeless. They set up shop for the day for regular "office hours". They create a presence that is not welcoming. The messaging of this issue is incredibly complicated. To convey compassion and eagerness to provide assistance and services is one thing, but also acknowledging that there is something else going on as well. Councilor Bidwell feels that both need to be addressed.

Councilor Carney recalled that as a Council this issue has been dealt with a couple of times. She feels that the one can get caught up in whether the people on the street are residents of the City. They still have a constitutional right to panhandle, ask for money, and solicit on the streets. This is one of the reasons why Councilor Carney wrote the vibrant sidewalks resolution. As a community they are part of our streets and part of the street culture. The needs of those who are at-risk should be addressed. The needs of businesses should also be addressed. Councilor Carney feels that "we" are bending over backward trying to do what can be done to address the needs of the downtown economy. As long as the premise exists that one of the things is to acknowledge the "problem" of panhandling and framing it in those terms, we will continue to see this come back as something that we should do. It is easy to presume that we should help the people who are at-risk so that they no longer need to panhandle. However, there are people who may not need the money but feel compelled to panhandle for some other reason. In other cultures it is required to ask and give money as a religious premise. There are business owners who have an issue with panhandling. However, you cannot take away someone's right to ask for money on a public street or sidewalk.

Councilor Bidwell stated that he is not aware of anyone who would like to put forward any kind of resolution or suggestion that the right to ask for money be taken away. In the spirit of some of the alternative approaches taken in other cities, the City has the right to produce a program that provides people walking the streets with an alternative way to support at-risk people. People can give directly or give to a fund that will directly go to mental health services, health services, etc. The approach could take advantage of technology, for example, texting a contribution. What that may do would affect the cash flow of the people on the street directly asking for money. It would be totally up to the person walking down the street to decide to donate money or not.

Councilor Carney indicated that about six or eight years ago there was a campaign to stop giving to panhandlers. The unfortunate part is that you don't know how the money is being used. She recalled that there was a counter attempt to to protest against giving money to businesses because one could not be sure that the businesses weren't using it to go to Foxwoods. Councilor Carney recognizes that giving people an alternative if they should choose to be charitable has its merits. There could be a publicized way to collect money that would be funneled to organizations that help people. Councilor Bidwell hopes that the messaging will be better than the last time this was tried. Councilor Bidwell suggested that the level of seriousness of the panhandling issue would suggest that it is time to address this issue again, but with a better message. He feels that Peg Keller would agree with this. He doesn't suggest the Council be seated around the table but it may be appropriate to officially recommend to the Mayor that he build on the interest that is out there and convene such a group. The committee could suggest some topics for that group. Councilor Bidwell believes that if there were some encouragement and blessing from the Council, this suggestion would be given a little boost. Councilor Carney feels that the only issue is that she feels that "panhandling" should not be labeled as a problem. She feels that what can be said is that certain people, like business owners, residents, etc. have issues or problems with people panhandling on the streets. It needs to be clearly stated that the right to panhandling exists. It has already been stated in a resolution that panhandlers contribute to the downtown vibrancy..

Councilor Bidwell feels that none of the proposals that are being looked at appear to be inconsistent with the spirit of a vibrant sidewalk. Councilor Carney points out that the wording in the recommendations is important. A

recommendation to only decrease panhandling would be contrary to the spirit of the vibrant sidewalk resolution. She notes that it is important to say that we respect the right of panhandlers to be on the street.

Councilor Klein said that this reminds her of talking about the prison population. Ninety five percent of women who are incarcerated have been sexually abused as children or have been raped as adults. We also know that people who suffer from mental illness have all kinds of intensely adverse experiences in their lives. We as a society are very good at responding after the fact, far down the line when people start exhibiting behaviors, whether they are criminal behaviors or panhandling behaviors or mental illnesses. There are value judgments attached to the way in which we respond. In Councilor Klein's opinion there is not enough focus on what happened in people's lives to get to this point. When we start talking about reducing the number of panhandlers we are devaluing their lives and what they have been through and brought them to the point of doing something that is "socially acceptable". Councilor Klein does not want to be a part of that. She feels that the Council needs to think clearly about what our values are about people and what we as a society can do to keep people safe and get everything that they need as they are coming up in the world so they are not resorting to criminal behaviors, panhandling behaviors, mental illness issues, etc. That to Councilor Klein is a foundational piece to how she would like to have the issue talked about. The way in which we are devaluing the people who, for whatever reason, are doing something on the streets that is not socially acceptable, they are on a long path to get to that place. Councilor Klein does not want to be a part of this framing and feels that we have to think really hard about how it would be framed in the future.

Councilor Sciarra asked if it would be okay if she attempted to frame this subject and then at the next meeting the committee could revise what she brings to the table. She would like to be able to put together a report that everyone feels comfortable with. The committee agreed.

Councilor Klein expressed concern that her example that 95% of women incarcerated were sexually abused at some point in their life might be misconstrued as suggesting that panhandlers were sexually abused. She had intended her example to suggest that society tends to react to situations rather than take proactive steps to prevent.

Councilor Sciarra restated that she and Councilor Bidwell will attempt to pull together a final report to be reviewed at the December meeting. This will hopefully complete the CSR and give a clear path for action. Councilor Sciarra would prefer that the report be completed before any further actions are taken by committee members.

6. New Business

None

7. Adjourn

At 6:25 pm Councilor Bidwell motioned to adjourn the meeting; Councilor Carney seconded the motion. The motion as approved on a voice vote of 4 Yes, 0 No.

Prepared By:
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Committee Members:
Councilor Dennis P. Bidwell
Councilor Maureen T. Carney
Councilor Alisa F. Klein
Councilor Gina-Louise Sciarra

Meeting Minutes

Date: December 19, 2016
Time: 5:00 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. Meeting Called to Order and Roll Call: On a roll call the following committee members were present: Councilors Bidwell, Carney, Klein and Sciarra. No other city councilors were present. Councilor Sciarra announced that the meeting was being video and audio recorded.

2. Public Comment: None

3. Minutes of Previous Meeting: Councilor Carney moved to postpone the approval of the committee minutes from the November 21, 2016 meeting so that the committee would have more time to review them. Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No. The committee will review the minutes in January, 2017.

4. Review and Revise Draft Recommendations & Report for CSR:

The committee reviewed the draft recommendations that Councilor Bidwell put together with input from Councilor Sciarra. The committee discussed what the next steps would be. The

previous report that was prepared was submitted to the Council President and Vice-President as they had originally requested the study. It was noted at the City Council meeting that the report had been submitted. Councilor Sciarra will ask the Council President what the next step should at this point; she assumes that it will be the same; however, since the report includes recommendations, and the possibility of referral of items, then it will need to be defined more clearly what the next steps should be.

Comment [p1]: Councilor Sciarra

Councilor Bidwell notes that the two page outline that was reviewed at the previous meeting is now a 3 page report. He took seriously the recommendation that the report did not need a lot of flushing out. He added a little bit of detail and context and prepared it not knowing what the next steps will be.

Councilor Sciarra will also seek guidance regarding how the report/recommendations should be submitted to the Mayor.

Comment [p2]: Councilor Sciarra

Councilor Carney suggested that at the beginning of the report there should be a variety of recommendations and where there is mention of drafting an ordinance and resolution, it might be better for Councilor Carney to clarify the status of the wage theft legislation.

The first section covers the framing of the study. Councilor Carney suggested crossing out "preparing a draft ordinance"; given some of the charter concerns, it looks like the legislation originally planned will be in the form of a resolution. The section that covers the CPA was where there was discussion about a possible ordinance change; because there is talk about the CPC bringing this forward, there would be no change in existing ordinances covering this topic. With regard to licenses, an order is being discussed. In summary, there will be an order, a resolution coming from the City Council and an Executive Order coming from the Mayor's Office. In the committee's report, Councilor Carney believes that the draft resolution is enough to cover the issue. The order, when it comes forward, will be specific to licenses. Councilor Klein suggested modifying the wording to read, "preparing a Council resolution and order".

Comment [p3]: Suggested language change

Councilor Bidwell wondered if the order will be a Council order or supporting an order brought forward by the Mayor; Councilor Carney states that it will be both because there are licenses that are issued by the License Commission and City Clerk and some by City Council. For those that fall under the City Council, there will be a council order and for those issued by the City Clerk or License Commission, there will be a different order.

Moving on to Arts, Downtown Events and Promotion, Councilor Klein had a few comments, most of which were grammatical in nature. (See Councilor Klein's comments in the document accompanying these minutes.) Councilor Klein stated that she is impressed with

what was presented; it was clear that this required a lot of work to look at all of the minutes and pull out the salient points. She recognizes that this takes a lot of time.

Regarding the section on At-Risk population and "Panhandling", Councilor Sciarra watched the video from the previous meeting. Everyone expressed genuine, heartfelt, and compassionate thoughts about this. She hopes the language in the report captures what Councilors Carney and Klein wanted to say themselves. She feels that her attempt takes a step forward to re-frame the discussion in a way that feels comfortable for everyone.

Councilor Carney appreciates that this section was framed in a way in which the focus was on being able to provide help to at-risk populations without letting what has been seen in the past as derogatory comments about people who are panhandling. The report refrains from describing panhandling as pesky, annoying, or irritating. The focus is instead on people who may be at-risk who may need services and that is what is being talked about here. Councilor Carney also appreciates seeing New Haven having alternative ideas to give money to the needy without a direct contribution.

Councilor Klein offered some alternative language; in the second paragraph rephrase "non-ordinance ways" to include "and non-punitive ways of addressing the needs". Regarding the second bullet point about community out-reach officers; she is not in favor of including the bullet point that singles out the police as a City resource for interacting with at-risk folks. Councilor Klein thinks that this implies by default that there is a management role for police. She also believes that the term "at-risk" should refer to the wellbeing of folks and not focus on their potential for criminal or disruptive behaviors and actions. She feels it is important to not focus on the disruptiveness or potential criminality; she states that citing the police specifically doesn't feel right to her.

Comment [p4]: Suggested language change

Councilor Sciarra understands Councilor Klein's point and notes that she added this because the officers who do community outreach downtown have made great efforts to get to know people personally and take a personal interest in them as individuals. She feels that this is a compassionate and personal point of view. She contrasts this with someone else who doesn't even know the name of the individuals. The police have demonstrated that they care to recognize people as individuals who have identities, paths and needs. Councilor Carney wondered if there was a way to refer to NPD in their social service capacity. Councilor Sciarra understands that she is looking at this in a different perspective; she came to this conclusion after researching about the police department's roles by visiting their website. Councilor Bidwell suggested "additional resources for various outreach workers"; there are at least three organizations out there that have outreach workers. Councilor Sciarra was trying to focus on what the City already does. Councilor Bidwell feels

Comment [p5]: Suggested wording

that it is legitimate for the committee to aim to get outreach workers in the City whether they are City employees or not.

Councilor Klein notes that there has been a real effort under the new Chief to create that kind of interaction with the community with people everywhere. In Leeds there is an officer who has established relationships with people in the village of Leeds. Focusing on the police is a double edge sword; while they perform a vital community service, they also may need to arrest individuals at some point. That is the role that police play in our community. Many people on the street in a position of panhandling are people of color who have difficult relationships in general with law enforcement. To single out the police who play that outreach role, the way that it "lands" for people who have been targeted by law enforcement in the past is not necessarily going to be positive. Councilor Klein applauds the Police Department for trying to turn this around; the NPD is good at creating positive relationships in ways that other law enforcement bodies are not. The committee discussed alternative language to convey the thoughts about this and settled on "and other social service outreach professionals" as suggested by Councilor Carney.

Comment [p6]: Suggested language

Councilor Klein suggested that words be added to the last bullet point so that it reads, "What can the City Council and other City offices, committees and commissions do to be of additional help". She points out that the conversations will be with more than just the City Council.

Comment [p7]: Suggested language

Regarding worker's issues, Councilor Carney gave an update about the work that she has been doing in this area. There has been an understanding that the Mayor would issue an executive order with regard to procurement and licenses. The City Council would also consider an order that would relate to licenses that it had jurisdiction over. There would also be some language with regard to the CPA and T.I.F. This was explained at the last Community Resource meeting. In a subsequent meeting that was held with the City Solicitor it was discussed that a lot of this gets down to the different governmental bodies and what amount of authority each body has. Alan Seewald concluded that the City Council ought not be directing the License Commission or the Mayor and also the CPC with regard to the CPA portion. It had been proposed that an ordinance would be the avenue used to change the CPA requirements to ensure wage and hour compliance of applicants. It has since been decided that since the CPC is governed by state law, they should put forward their own stipulations and conditions. The Mayor is willing to co-sponsor a resolution that would address the issues of wage theft. The resolution would call on the License Commission to ensure compliance with wage and hour laws; it would also call on the CPC to ensure that its applicants complied with wage and hour law. A certification form tied to the application would be completed by those interested in receiving a license or CPA funds. The license applicant would sign an application form certifying that they are in compliance

with wage and hour laws. The form would allow for wage bond options if an applicant can't certify wage and hour law compliance. The specific detail would not be included in the resolution, but it would be understood that they are being called upon to take action.

Councilor Carney reports that regarding the CPA, there was some real concern by the solicitor about the claw back language. The concern is that applicants that are typically funded under the CPA are lenders who have nothing to do with the sub-sub contractor who might be violating the wage and hour laws. While there was reticence to apply claw back language, there is an agreement that the CPC will be asked to have applicants certify that contractors and subcontractors will be in compliance with wage and hour laws. A bid would be considered incomplete without the certification. Councilor Carney explained that the T.I.F. part was more clear cut. There doesn't seem to be any problem with applying those conditions to T.I.F. applicants. These applicants would need to certify that they comply with wage and hour laws. Claw back language can be added; there is precedence for using claw back language for other conditions that have not been met, such as job creation, etc.

Councilor Carney reported that the way it was left a Council resolution would define the problem and declare commitment to local labor, local business, and fair labor. The resolution would call on the CPC and License Commission to ensure fair wage practices. Councilor Carney notes that in terms of what might be referred, there might not be much. Orders are usually not referred; the order would cover those licenses handled by the City Council which include licenses for bowling and billiards, second hand dealers, among others. Most of those that impact workers are handled by the License Commission. These include alcohol, food and beverage, etc. Councilor Carney notes that the process could be that particular language comes back to this committee for consideration or the committee could know that this would be included part and parcel of the package. The package would include the resolution calling on the CPC and the License Commission; the Administrative Order (Executive Order) that would deal with procurement/City vendors; the CPC and License Commission adding appropriate language in their policies and procedures.

Councilor Carney notes that a resolution is different from an ordinance. There was talk about the timing; perhaps the resolution could be brought forward for the second meeting in January. The Mayor has indicated that there needs to be a conversation with the License Commission and CPC.

Councilor Bidwell asked about the resolution co-sponsored by the Mayor. He wonders if the resolution would ask the License Commission and the CPC to incorporate this in the way that they do business. Councilor Carney notes that the language would "call on" these bodies to take action but she notes that they can refuse. She is trying to avoid this by working independently with members of the bodies who have expressed interest in this

area. The language doesn't need to be in place at the time the resolution is written. She notes that people would be willing to go to the committee to explain the language that would be most effective to achieve the desired goal. Essentially, there is been problems in the construction industry where CPC funding has been in play. There is a concern that there are not adequate consequences for improper actions. There is nothing to compel businesses to do what is being asked of them; however, they can be compelled to include a certification document with their application.

Councilor Bidwell asked as a practical matter if all subcontractors would even be in place when a contract was negotiated. Councilor Carney stated, "No"; but the contractor would take the money and will also agree to require all contractors and subcontractors comply with wage and hour laws. Regarding T.I.F. applicants, money can be taken back and this has been done in the past. The Mayor was comfortable with the notion of claw back with T.I.F. applicants. She also notes that the License Commission is being asked to require certification of applicants.

To make the information more accurate, Councilor Carney proposes to change the second paragraph under "Worker Issues". The wording should not reflect the drafting of an ordinance, but rather administrative orders, resolutions and orders. No "review by committee" should be included here, but should only state "brought to the Council" only.

Comment [p8]: Suggested language

Councilor Klein asked whether it was intended not to use the term "wage theft" in the sentence, "Councilors Carney and Klein have been meeting with the Mayor and City Solicitor to develop City responses to addressing these worker issues. Instead of "worker issues" it should read, "wage theft related issues.

Comment [p9]: Suggested language

The committee then looked at the section regarding the state of the overall downtown economy. No suggestions were made to amend this section.

Regarding items to refer to Transportation and Parking Commission, Councilor Sciarra notes that the Committee can ask TPC to work on the items that were suggested. Councilor Carney wondered if there was a loading zone ordinance; Councilor Bidwell stated that there was, but there was a desire to review it. Councilor Sciarra notes that TPC has not talked about rail very much. She is not sure if this is something that TPC would work on. Councilor Bidwell notes that the Mayor does have a passenger rail advisory committee, but it might be defunct. There was also an economic development advisory committee that is also defunct. Councilor Klein thinks that it is okay to ask the TPC to have some discussion to see if it was a relevant topic. Councilor Sciarra wonders if this is something that should be put under the op-ed piece. Councilor Klein notes that if it was discussed by TPC,

representatives from Planning, PVTA, etc. They might be able to volley a few recommendations back about what the City Council or the City should do. Councilor Sciarra will bring it up with the TPC. Councilor Klein suggested that the Committee could ask for an update from the Commission and the Mayor as to where the City is at with policy or if there is any work being done at the state level. Maybe an update will help to decide if there are issues that the committee could tackle. Councilor Klein suggested changing the language to state, "requesting an update" She feels certain that Wayne Feiden would have some kind of update. Councilor Sciarra and Bidwell feel that Terry Masterson would have the most up to date information. Councilor Bidwell feels that the Committee could mention rail in its op-ed piece as well.

Comment [p10]: Councilor Sciarra

Comment [p11]: Suggested language

Regarding the conclusion, Councilor Klein had a general comment that she shared with the committee. She wonders if the report should reflect that members of the committee will serve as liaisons to the stakeholders in various aspects of the downtown business economy moving forward so we have a sustained role in this issue and so that there is an identified person on the Committee with whom stakeholders can be in touch with questions, requests, issues, etc. moving forward? The committee had talked about councilors who were sort of assigned to topics: Councilor Klein about the Arts; Councilor Bidwell about at-risk population, etc. Councilor Bidwell proposed words to help address this concern; Councilor Klein asked what the committee had imagined in this area. Did the committee plan to have one member represent the whole committee, or would the whole committee participate in meetings and events when a particular topic came up. Councilor Bidwell remembers discussing a critical piece of this arts discussion would be the working group that would be put together and then Councilor Klein would play a critical role as part of that group. Once the planning is complete, then it could likely be that the entire committee would be part of the event. Councilor Klein feels that this would be seen as a public meeting and the committee agreed. Councilor Klein would like to see language in the conclusion that says that the committee considers this its purview in an on-going way and that there will be sustainable relationships that members of the forums will continue.

Comment [p12]: Add language to conclusion

Councilor Bidwell feels that there was sentiment amongst the committee members that there will be an end to the actions taken by this committee. Councilor Sciarra feels that the study does need to be closed out. She would like to be careful about setting up expectations about relationships with individual councilors. Councilor Bidwell thinks that there is an on-going sensitivity with the Mayor about what the on-going role is for this committee. He has a feeling that the report might be better received if the committee doesn't make an explicit expectation of continuing involvement, but rather informally agree that the committee would like to do it to the extent that it makes sense. Councilor Sciarra agrees that the committee needs to be careful about what it can promise and where the committee's jurisdiction lies. Councilor Klein suggested a simple sentence that concludes

the report by saying that this committee is looking forward to helping or playing a role in the vibrancy of the downtown economy. Councilor Bidwell suggested that the report does state that and Councilor Klein agrees.

Councilor Bidwell concedes that the first point under Arts should incorporate the Florence community as well.

Comment [p13]: Language suggestion

Councilor Bidwell states that he has been taking careful notes and is willing to go back and incorporate the suggestions that he has heard. He will get the revisions to the Administrative Assistant. Councilor Klein will do the same. The AA will pull the report together and attach it to the minutes of the meeting. Councilor Sciarra will find out how it gets transmitted to the Council President and Vice President. If there is something that doesn't feel quite right, the committee will have an opportunity to make changes as part of their review of the minutes. In the mean time it will be considered the working document. This doesn't mean that the committee should wait to send the document onto the President and Vice-President. Councilor Bidwell feels that the committee is pretty much in agreement with the editing that has been done. If there is anything that anyone has a problem with then the committee can make the changes at the next meeting.

Comment [p14]: Councilors Sciarra, Bidwell, Klein and Administrative Assistant

Back to the conclusion, Councilor Sciarra would like to change the first sentence to reflect that the committee is closing the CSR but has not concluded its work concerning the topics that were discussed.

The committee discussed changing the words to reflect that the study is concluded and will incorporate words reflected in the title of the study.

Comment [p15]: Suggested language

Councilor Klein moved to approve the committee's report as amended; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. New Business – None

6. Adjourn: At 6:07 p.m. Councilor Klein moved to adjourn the meeting; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By: *P. Powers, Administrative Assistant to the City Council*
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Final Report to the Northampton City Council on the Committee Study Request on the Local Economy (Issued on March 3, 2016)

City Council Committee on Community Resources
January 12, 2017

City Councilor Gina-Louise Sciarra, Chair
City Councilor Dennis Bidwell, Vice-chair
City Councilor Maureen Carney
City Councilor Alisa Klein

OVERVIEW

In March, 2016, the City Council's Community Resources Committee was asked by the Council's President and Vice President to "study issues relative to the local economy, with a focus on businesses and workers in downtown Northampton and downtown Florence, for the purpose of identifying practical recommendations, if any, that the City Council could pursue to strengthen the local economy." As detailed in the Committee's July 18 interim report to the City Council, between March and June the Committee held four public forums to hear concerns and recommendations from a broad range of different constituencies, received reports and testimony from several members of the Mayor's staff, and received reports and commentary from various outside experts and groups as well.

At the Committee's meetings in September, October and November, the Committee deliberated on possible recommendations going forward. This report lays out those recommendations, which consist of:

- Seeking the cooperation of the Mayor in convening a forum
- Asking the Mayor to convene a task force
- Preparing a draft Council resolution and order
- Referral for consideration by other committees or agencies
- Public education efforts through newspaper opinions pieces, etc.

ARTS, DOWNTOWN EVENTS, PROMOTION

The Committee heard a great deal of commentary about the value of downtown events, the major contributions of artists and arts organizations to the City's vitality and economy, and the need for even more of these events, combined with even greater levels of promotion. Specific comments and recommendations expressed at the Committee's forums addressed topics such as: better promotion of Arts Night Out; development of a year-round downtown market in a permanent home; greater visibility on travel websites; more festivals and events at different locations downtown; more "pop-up" art in non-traditional locations; more arts venues.

Recognizing that the City and various non-profit arts organizations already provide a broad range of exciting and well-promoted events, and are already addressing many of the issues cited above, **the Committee recommends that, with the cooperation of the Mayor, the Committee join with other groups to host a one-time forum on the topics of downtown arts, events promotion, and how City government (i.e. City Council, the Mayor's Office, City staff and City committees and commissions) can potentially play an enhanced role in these realms. We would propose that a small working group, including one of our Committee members, organize a forum designed to include all arts-related organizations and organizations involved in downtown events planning and promotion.**

Possible topics for such a forum would be:

- Report from the Regional Tourism Council on their marketing efforts, with updated data on tourism-related spending
- Is there a need for a specific downtown marketing strategy?
- Are there revenue streams that could be dedicated to downtown marketing?
- Updates on downtown arts and events programming for 2017
- Review of arts programming and events planned for Florence Center
- Updates on mechanisms for coordinating the activities of all groups and their promotion
- Is there a master calendar for the planning of such events?
- Outreach for volunteers (for events, for board vacancies, etc.)
- Soliciting support of media in events promotion and volunteer recruitment
- What can the City Council and other City offices, committees and commissions do to be of additional help?

AT-RISK DOWNTOWN POPULATIONS AND "PANHANDLING"

The Committee heard a great deal of commentary from a broad range of downtown stakeholders over multiple meetings on the topic of the at-risk and marginalized downtown populations and solicitation for money, or "panhandling." Many comments centered on the needs of the individuals, while many other comments were directed towards the perceived issues around actions, particularly solicitation for money. The complexity of this issue, and the extreme sensitivity required to address it, was made clear. As a committee, we are committed to the constitutionally-protected rights of all people in public spaces, and recognize the contributions of all to the fabric and vibrancy of our community. We recognize the impact the opioid crisis is having on the at-risk community, and how potential cuts to social services in federal and state funding may expand that community.

The Committee recommends that the Mayor convene a task force of city employees, representatives from social service, housing and advocacy organizations, downtown stakeholders, and a member of this Committee, to explore non-ordinance and non-punitive ways of addressing the needs of downtown at-risk populations and ways that expanded resources can be directed towards the agencies and organizations doing direct work with our at-risk populations.

Possible topics to be tackled by such a task force might include:

- Coordinating services to at-risk populations
- Additional resources for social service outreach professionals to increase their current work connecting personally with potentially at-risk individuals downtown
- Finding effective ways to facilitate contributions to agencies and organizations providing services to at-risk populations
    - Effective messaging
    - Use of new technologies

    - Alternative donation locations
- What can the City Council and other City offices, committees and commissions do to be of additional help?

At an appropriate time, we would envision a City Council resolution in support of the approaches recommended by such a task force.

WORKER ISSUES

The Committee heard a great deal of commentary about working conditions facing some restaurant workers and some construction workers. Comments ranged from some employers not paying minimum wage, some workers not being paid for overtime, fear of retaliation by managers, and dangerous working conditions. The Committee also heard concerns about painting all employers, especially restaurant owners, with the same brush.

Councilors Klein and Carney have been meeting with the Mayor and the City Solicitor to develop City responses addressing wage theft related issues. **The Committee recommends that a draft Executive Order being prepared by the Mayor, and a proposed Council Resolution and Order, be brought to the Council.**

The Committee also expressed interest in supporting one or more resolutions supportive of state legislation aimed at strengthening the Attorney General's ability to enforce worker condition and wage-related statutes.

OVERALL STATE OF THE DOWNTOWN ECONOMY

The Committee heard considerable commentary expressing concerns about the state of Northampton's downtown economy, ranging from the number of retail vacancies and high rents on Main Street, to the effects of e-retail and the looming Springfield casino project. The Committee also heard appreciation for the Council's unwavering support of a single tax rate, for the generous support shown local non-profits by downtown businesses, and for the City's investment in improvements at the Academy of Music. (Pulaski Park hadn't yet opened at the time of these forums.)

The Committee also heard presentations from the City's Economic Development Director, from realtors, and from the Chamber of Commerce, all providing various data points and perspectives on the state of downtown.

The Committee recommends that it communicate its view of the state of Northampton's Downtown Economy in one or two opinion pieces to appear in the local press.

Perhaps one such piece might summarize the facts about downtown occupancy rates, public and private investments, recent successful business transitions, hotel/meal tax trends, etc. It might

also be appropriate in such a piece to highlight the Council's unanimous and consistent support for the Factor of One property tax.

Another opinion piece might cover such topics as:

- The fact that Northampton's downtown is the envy of almost all other cities our size
- The need to be aware of the looming impacts of the Springfield Casino and the ever-present effects of on-line commerce
- Innovative ways of encouraging "shop local"
- The need to support the Downtown Northampton Association.
- An encouragement to landlords to show restraint regarding rents (And a reminder that the Council is limited in doing more than that)
- A recognition that the vast majority of restaurants play by the rules and are worthy of our patronage
- Encourage more businesses to validate for the garage parking
- The importance of pressing for long-awaited commuter rail service

At the appropriate time, the Committee imagines a Council resolution supportive of measures to further strengthen an already strong and resilient downtown.

REFER TO TRANSPORTATION AND PARKING COMMISSION

A variety of issues came up that the Committee recommends be referred for study to the Transportation and Parking Commission, such as:

- **Request an update for North-South commuter rail**
- **Review of loading zone ordinance**
- **Review the parking ticket appeals process**
- **Explore whether the Council should seek a seat on the PVTA Board**

IN CONCLUSION

With submission of these recommendations, the Community Resources Committee concludes its study of the local economy pursuant to the March, 2016 Committee Study Request. However, the Committee looks forward to staying involved in all of these issues and making further recommendations in the months ahead, as necessary, to continue drawing attention to the need for a vibrant and healthy downtown Northampton and Florence Center economy.

In the City Council, January 19th, in the Year Two Thousand and Seventeen

Upon the recommendation of Councilor Alisa F. Klein and Councilor Maureen Carney

R-17.234
A Resolution
Declaring Northampton a Fair Employment City

WHEREAS, the residents of and visitors to the City of Northampton annually spends hundreds of thousands of dollars purchasing food, apparel and other goods; and

WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

WHEREAS, ensuring fair employment practices in Northampton provides workers with the rights to which they are entitled under both state and federal law, consumers with the knowledge that those who serve them are treated ethically, and local businesses an enhanced opportunity to make a positive economic and social impact in our communities; and

WHEREAS, ensuring decent working conditions and fair wages for workers is an essential part of investment in local economies and sustainable employment practices; and

WHEREAS, the practice commonly known as "wage theft"- improperly withholding payment from employees and failing to pay them in accordance with state and federal wage and hour laws - harms the well-being of workers, their families, and their communities, as well as the reputation of employers; and

WHEREAS, low income and immigrant workers, and workers who are non-native English speakers are most vulnerable to this practice; and

WHEREAS, workers in the hospitality service industry are also vulnerable to this practice; and

WHEREAS, the misclassification of employees as independent contractors presents one of the most serious problems facing affected workers in the construction industry and misclassified workers often are denied access to critical benefits and protections to which they are entitled, such as the minimum wage, overtime compensation, family and medical leave, unemployment insurance, and safe workplaces; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, the City of Northampton has the opportunity to lead by example and present a model of economic and social responsibility and sustainability, and

WHEREAS, the City of Northampton expresses its support for sustainable and equitable commerce, construction, and economic development; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under G.L. chapter 138 and chapter 140, and recipients of Community Preservation Act funds and Tax Increment Financing comply with applicable wage laws;

WHEREAS, the City of Northampton in its **Buy Local/Buy Fair Resolution** (April 17, 2008), recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to protecting our local business base; and

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts decrees Northampton a "FAIR EMPLOYMENT CITY" in the United States; and

BE IT FURTHER RESOLVED that as authorized under M.G.L. c. 30B and c. 149, Section 44, the City of Northampton should award bids for goods and services and public construction to responsible contractors alone.

BE IT FURTHER RESOLVED that in the City of Northampton, vendors and/or contractors who violate the state and federal wage and hour laws should be deemed not responsible and therefore, should not be awarded contracts from the City of Northampton.

BE IT FURTHER RESOLVED that we endorse an Executive Policy Order addressing these issues with regard to procurement and Tax Increment Financing.

BE IT FURTHER RESOLVED that we call on the City of Northampton License Commission to ensure that applicants for licenses pursuant to M.G.L. c. 138 or M.G.L. c. 140 certify compliance with applicable wage laws.

BE IT FURTHER RESOLVED that we call on the Community Preservation Committee to ensure that applicants for Community Preservation Act funding, as well as any contractors and subcontractors on these publicly-supported projects, certify compliance with applicable wage laws and ensure that contractors used don't have a recent history of wage theft and tax fraud.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the City of Northampton Community Preservation Committee and the City of Northampton License Commission.

City of Northampton

MASSACHUSETTS

In City Council, January 19, 2017

Upon the recommendation of Councilor Alisa Klein and Councilor Maureen Carney

17.235
An Order
Wage compliance certificates in License

Ordered, that

WHEREAS, the practice commonly known as "wage theft" – improperly withholding payment from employees and failing to pay them according to required schedules – harms the well-being of employees, their families, and their communities; and

WHEREAS, low income, immigrant, and limited English proficient workers are most vulnerable to this practice; and

WHEREAS, workers in the hospitality service industry are also vulnerable to this practice; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under G.L. chapter 140 comply with applicable wage laws;

NOW, THEREFORE, pursuant to the authority vested in the City Council of the City of Northampton by St. 2012, c. 277, Art. 2, and every other power hereto enabling, the City Council hereby orders and directs as follows:

WAGE COMPLIANCE CERTIFICATES IN LICENSES

The Northampton City Council, in issuing licenses under G.L. c. 140, may consider whether a

potential or current licensee has been subject to a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act in determining whether to issue, re-issue, modify, suspend or revoke a license. The City Council may require a wage bond or insurance be posted by any potential licensee who has been subject to a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act. Licensees that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions shall be prohibited from holding, or continuing to hold, licenses issued under G.L. c. 140, for the entire period of debarment or other stated time period.