



## **Committee on Finance and the Northampton City Council**

*Councilor David A. Murphy, Chair  
Councilor Maureen T. Carney  
Councilor Marianne L. LaBarge  
Councilor Gina-Louise Sciarra*

**City Council Chambers, 212 Main Street  
Wallace J. Puchalski Municipal Building  
Northampton, MA**

Meeting Date: December 20, 2018

Note: The Finance Committee Meeting took place during the City Council Meeting as announced. The City Council Meeting began at 7 p.m.

1. **Meeting Called To Order:** At 7:31 p.m. Councilor Murphy called the meeting to order.
2. **Roll Call:** Present were committee members David Murphy, Maureen Carney, Marianne LaBarge & Gina-Louise Sciarra. Also present from the City Council were Bill Dwight, Jim Nash, Ryan O'Donnell, Dennis Bidwell, and Alisa Klein.
3. **Approval Of Minutes From The Previous Meeting**
  - A. Minutes of December 6, 2018  
Councilor LaBarge moved to approve the minutes. Councilor Carney seconded. The motion passed 4:0 by voice vote.
4. **Financial Orders**
  - A. 18.216 An Order To Grant Driveway Easement To Albert Mosley  
Councilor Murphy read the text of the order.

Councilor LaBarge moved to return the order to the full City Council with a positive recommendation; Councilor Sciarra seconded.

Attorney Evans spoke to this item during public comment, Mayor Narkewicz said. The order gives Mr. Mosley an easement and right to pass over city-owned land. He pointed out the small portion of land involved, shown on the plan as a shaded area at the end of the driveway. The action is to correct an oversight when the city took land for flood control purposes, he explained. No consideration is involved.

It's amazing that it went this long without being noticed, Councilor Murphy commented.

It's just common sense for him to have access to his property, Councilor LaBarge agreed.

Councilor Dwight asked if there were circumstances where use of the easement would be questionable. The reason the land was taken without notice in the first place was because it protects the area of the levee, he pointed out. "The idea is to maintain the integrity of the levee," he observed.

The city paves Mr. Mosley's driveway and reserves the right to sign off on any project proposed for that sliver of land, Mayor Narkewicz confirmed. If the owner needed to dig a trench for underground utilities the city might need to grant another easement, he acknowledged.

Councilor Nash said he walked the site with Mr. Mosley and this makes perfect sense. Fifty years ago the property was farmland, and tractors would pass over the land to get to the fields. When the levee was built, access continued for the farmers. As Mr. Mosley's councilor, he fully supports this.

The motion passed unanimously 4:0 by voice vote.

**B. 18.217 An Order To Accept Gift Of Ammunition From Walmart**

Councilor Murphy read the text of the order.

Councilor LaBarge moved to return the order to the full City Council with a positive recommendation; Councilor Sciarra seconded.

The Walmart on North King Street is discontinuing the sale of ammunition at its Northampton store, Mayor Narkewicz advised. Store managers approached the police to donate the remnants of their inventory. The City Council has given the police department authority to accept gifts of personal property up to \$5,000, but, because this exceeds that, it needs to come before them for authorization. Some items will be destroyed but others will be able to be used for training and certification.

Councilor Murphy expressed his understanding that the police are required to train on a regular basis with fire arms, so the city would otherwise have to buy the ammunition.

As part of the capital plan, there was an appropriation for tactical supplies that included ammunition, Mayor Narkewicz confirmed. From FY2015 to FY2017, councilors approved expenditures of roughly \$215,000 for a shooting range in the basement of the police station, he reminded. The station was originally designed to have a shooting range but it wasn't able to be built with initial funds. The department has an active training facility and officers are required to train, he stressed. Officers work very hard not to have to use their weapons but they obviously have to be trained.

The state requires police officers to firearms train and if they don't accept the donation they will have to buy it, Councilor Murphy reiterated.

In talking to a resident, she was told he uses the gun range on Ryan Road, Councilor LaBarge said. He told her Walmart does not sell ammunition in Northampton, he has to go to Hadley.

As he said, Walmart used to sell and stopped selling in Northampton, Mayor Narkewicz affirmed.

Councilor LaBarge asked when they stopped, and the Mayor said he didn't know.

Councilor LaBarge asked what they would do with the ammunition they don't use.

People may inherit or otherwise come into possession of firearms or ammunition, and it is not uncommon for them to bring them to the police department for disposal, Mayor Narkewicz said. (They are given to the state police for destruction, he noted.) Similarly, gun buyback programs allow people with guns to bring them in for destruction.

Councilor LaBarge asked how much the police department asks for ammunition on a yearly basis.

The city has been funding ammunition through the capital appropriation for tactical equipment, which covers a number of items, he noted. In FY2018, \$8,000 or \$9,000 was spent on ammunition, he estimated.

Councilor Klein explained the background to her thoughts and concerns about the donation, beginning by recounting questions she posed to the Police Chief, Mayor and Finance Director. Her main question is whether the donation is going to offset the department's request for appropriation to its Ordinary Maintenance (OM) budget this year or in a future year by \$13,000. To answer this, she sent an e-mail yesterday morning asking if she could please get an accounting of the purchases of ammunition in the last five years, an inventory of ammunition currently in stock and a figure for the amount budgeted for ammunition in the last five years. She asked for the information for this meeting but, if that was not possible, for the second reading on the order.

She read the Mayor's email response verbatim, noting that he copied the president and vice president of the council. (See attachment to original minutes – E-mail from David Narkewicz to Alisa Klein dated December 20, 2018.)

She would have preferred that the Mayor's response not offer a value judgement on her request and the reason and implications behind it, she related. She is sorry he saw it as an expression of a lack of trust in the Police Department; it was not that, she maintained. She shared her opinion that it was a necessary and reasonable inquiry to determine if there was a need for a donation from 'a somewhat questionable corporate entity' of a \$13,000 gift of lethal ammunition. As she said, she wanted to understand if the donation was going to offset the department's OM budget next year or in subsequent years.

Referring to Chief Kasper's memo, Councilor Klein noted that the donation includes 80 cases of 12 gauge bullets. She expressed her understanding that these are shotgun slugs used for hunting and that the NPD does not use shotguns. Each case has ten boxes of 25 rounds each, so 80 cases would be 20,000 rounds. The 35 cases of 20 gauge bullets (also shotgun slugs used for hunting) amounts to 8,750 rounds. One case of .44 magnum consists of anywhere from a thousand to two thousand bullets, depending on the size of the boxes, and seven cases of .410 gauge bullets adds up to just under 2,000 rounds. One case of .38 specials equals about one thousand bullets while a case of .45 automatics is about 600. Two cases of .40 bullets comes to just under 2,000 while

seven cases of .22 long rifle comes to 35,000 rifle shots. The memo also references an assortment of individual boxes of other ammunition.

She did some research and found out how many bullets or rounds were in each of the cases being donated. According to the memo, the total value is estimated as \$13,000. She questioned why the total is estimated, since Walmart surely keeps an inventory of its products. She would like an exact amount; not an estimate, she noted. Not including the assortment of individual boxes, the donation represents just under 70,000 bullets and slugs, she asserted.

While the majority would be used for training, why would the city serve as a pass through to the state police for other items? She asked. Walmart as a corporation should be using its own funding for destruction, she suggested. She doesn't understand why the police department would be playing that role and is curious to know what portion of the donation will actually be used.

Those are the questions they can't get an answer to before taking a first and second vote, she concluded. She hopes to rally her colleagues to submit them as a formal information request, she indicated.

In terms of his characterization, he thinks what he's hearing tonight affirms it because the city and City Council routinely accept gifts from corporations, individuals and businesses, Mayor Narkewicz responded. In his experience, he's never had this level of detail requested.

It is a gift of personal property, so they asked for an estimate of its value, he added. They are not accepting an amount of money; they are accepting a gift of tangible personal property, he stressed.

In terms of the notion that a gift should immediately offset the budget of a department; this is also unprecedented, he contended. Smith College recently gave a \$50,000 gift to the School Department to purchase a van and it routinely gifts computers. He has never once heard someone say that since the school received this gift its budget should be reduced.

"I stand by my remarks and I do believe that this is a particular focus on police," Mayor Narkewicz continued. He has no issue if someone believes the police department should not have weapons or should not do training; that is a perfectly acceptable belief. His question is what standard they are holding the police department to as compared to other departments and other gifts that have been received. They accepted a military jeep and a military trailer on behalf of the veterans department and he doesn't remember anyone asking for an accounting of ceremonial hardware or whether they were going to cut the department's budget by that amount.

[This apparent disparity] is why he didn't entertain her information request and why he asked the City Council to review and approve the request as a whole, Mayor Narkewicz explained. For those reasons, he demurred on responding and invoked the charter, which requires the city council as a body to make information requests.

Chief Kasper's e-mail cites the morale of the police department, and it is a real thing, he added. "We are losing police officers to other communities," and he intends to call that out.

Councilor Klein said she didn't think they had proof of causality of these kinds of conversations being the reason, but Mayor Narkewicz said they actually have exit interviews.

"It would be useful to have that information," she responded. However, in talking about gifts, she feels like they are comparing apples to oranges, Councilor Klein continued. It is one thing to get a donation of a bus that transports children for educational purposes as opposed to bullets that can kill people. Police do necessarily have to come under a particular type of scrutiny because of the power that they hold and the responsibility they have in the community, she suggested. She thinks it is absolutely appropriate to sometimes inquire in a different kind of way about a particular kind of gift. She is wondering why they would need an addition of 70,000 bullets.

"Is it really going to strengthen the ability of our police force to keep our community safe?" she asked rhetorically.

He doesn't question the 'elegant solution' theory, his concern is more about Walmart's [benefit], Councilor Dwight volunteered. Walmart gets a write-off for the donation. His concern is that the gift will be assessed a value, and the city will destroy a large portion of it. Walmart gets the bulk of that write-off and the city only keeps \$7,000. Walmart would otherwise redistribute this to other locations or otherwise have to pay to destroy it, he pointed out.

The fact remains that it might benefit from a pretty sweet deal of a tax write off, he elaborated. To that extent, the stated value concerns him relative to the portion of the donation the city will retain.

He can certainly get more specificity on which parts of the donation the police department wouldn't use, Mayor Narkewicz said.

He doesn't want to be the enabling agency that allows Walmart to pad its books, Councilor Dwight explained. He asked if statistics are available on the use of weapons by Northampton police. The last time he remembers an exchange of gunfire, police were actually on the receiving end back in 1978. He doesn't recall any other exchange of gunfire by this police agency. He would imagine statistics are available relative to that.

He could certainly provide them, Mayor Narkewicz confirmed. He said he believes Councilor Dwight is correct; he is not aware of other instances where police officers have discharged their weapons. "Our emphasis is to try not to use lethal force," he noted.

However, if their police are called on to fire a weapon he's sure they wouldn't want it to be the first time they have done so in five years.

Councilor Dwight expressed his understanding that firearms training is mandated by the state, and Mayor Narkewicz confirmed this is true. Before, Northampton police were renting a trailer for shooting practice.

He has had the opportunity to tour the new police station and see the firing range and now has a better understanding of its use, Councilor Bidwell related. He understands that training is probably a good part of the reason why there hasn't been a discharge of weapons over a number of years. He is comforted by the fact that such training is required and that the police department takes that training very seriously.

Similar to Councilor Dwight, his question is whether it would be possible to determine how much of the donation would be used versus how much would be destroyed. If so, he wondered if the donation to the department could just consist of the usable portion of ammunition. He agreed that he wouldn't want to see them be the vehicle for an inflated tax donation.

Mayor Narkewicz said he could definitely separate out the unusable items.

The open data portal on the NPD website shares information about officer-involved shootings, Councilor Sciarra noted.

The Mayor 'kind of shot down his idea,' Councilor Nash commented.

He wasn't shooting down his idea, he was just pointing out that there seems to be a clear bias when they're talking about the police department, Mayor Narkewicz responded.

"I want to be clear that's not coming from me," Councilor Nash rejoined. His idea is that budgets are hydraulic; i.e. -if they get a gift in one department, they can move that money around and use it somewhere else.

A gift is a one-time gift, it's not recurring revenue, Mayor Narkewicz reminded. Again, this is not a conversation we ever have about any other gift, he reiterated.

Councilor Nash agreed but pointed out that the timing of the gift has an effect on the conversation. If they were talking about it in the middle of the budget season, the conversation might be different. "Here it is, we're in the middle of the holidays, and we have this gift of bullets. That's the thing that's kind of difficult," he elaborated.

If there were a way through the budget to say, 'we're not going to spend this money over here and we're going to turn it into something else,' that would be helpful for him, he indicated.

Councilor LaBarge echoed the comments of Councilor Bidwell. She would like Chief Kasper to look at what the police department needs, just accept that and let Walmart do what it wants with the rest. She agreed they have never had a conversation like this about any other donation. How come only Northampton is having a problem with the police department? She asked. They aren't having it any place else, she noted. She mentioned Smith College's donation of a laser to the Northampton Fire Department without controversy.

Councilor Sciarra thanked Councilor Klein for doing a sort of cataloguing as it gives them a scope of what they're talking about. She'd really rather save Northampton tax payers money and have the

ammunition destroyed or used by police than sold over the counter to the community, she volunteered. She would prefer that Walmart's largesse came in the form of a cruiser, carseats, etc., but this is what they're surplus and they would otherwise buy it.

From the description of it, this is not anything they would carry on duty, this is practice ammunition, Councilor Murphy noted. And what is not used they would destroy. If they turn them down, Walmart is very likely to take the ammunition to Hadley and sell it. It is a pretty possible outcome and none of it would get destroyed.

Councilor Murphy called the motion to a vote, and it passed by voice vote with 4 Yes, 0 No.

**C. 18.218 An Order To Authorize Acquisition Of Storm Drain Easement Off Marshall Street**

Councilor Murphy read the text of the order.

Councilor LaBarge moved to return the order to the full City Council with a positive recommendation; Councilor Sciarra seconded.

The next two orders are somewhat related in that there were discrepancies discovered when the city was constructing the Bradford Street pumping station in 2010 in relation to the expansion of the Coca Cola plant, Mayor Narkewicz explained. It was basically discovered that the city has no easements for city sewer lines in an existing area of Bradford Street and Woodmont Road as well as for a small section of drain line that crosses Marshall Street. Basically, the city had built its utilities on DCR property but didn't have easements allowing it to access them. Essentially, they are acquiring easements on state-owned land for utilities that already exist, he advised.

In talking to a homeowner, he became aware of some confusion related to the order, he added. The order is not talking about a new sewer line that is being put in, it is talking about existing infrastructure, he clarified. Between now and the next meeting, he will have the city solicitor reach out to the homeowner to make sure there is no conflict with his land. He apologized for apparent confusion caused by the order's wording.

Councilor Nash thanked the Mayor for reaching out to their constituents and his willingness to meet with them. They found out about this issue about two hours before the meeting and he appreciates that they'll be able to meet with city officials to straighten this out.

Councilor Murphy called the motion to a vote, and it passed with 4 Yes, 0 No.

Councilor Bidwell stepped out momentarily.

**D. 18.219 An Order To Authorize Acquisition Of Easements For Road Improvements At Bradford Street And Woodmont**

Councilor Murphy read the text of the order.

Councilor LaBarge moved to return the order to the full City Council with a positive recommendation; Councilor Sciarra seconded.

This is the order they should have executed at the time of construction in 2010, Mayor Narkewicz repeated. Although worded as if proposing things to be done; everything has already actually been done. This is to go back and correct things so that easements are in place.

Councilor Bidwell returned.

Councilor Dwight asked what triggers notification of abutters. Was notification sent out back in 2010? He asked.

Mayor Narkewicz said that was a really good question.

A lady in the audience who didn't identify herself for the record confirmed that there was a widening of the road. She was concerned with the present-tense nature of the easement language and seeks assurance that it wouldn't be able to be used as a justification of another taking.

It is essentially to legitimize something that already exists on land of the Commonwealth, Councilor Murphy said. It does not change anything else.

Part of the reason for the confusion is that the current owner actually takes care of that area and mows and maintains it, Councilor Nash shared.

It is not uncommon for homeowners to be mowing easement land, Mayor Narkewicz pointed out.

Councilor Murphy called the motion to a vote, and it passed by voice vote with 4 Yes and 0 No.

5. **New Business**

*-Reserved for topics that the Chair did not reasonably anticipate would be discussed.*

6. **Adjourn:** At 8:29 p.m., Councilor LaBarge moved to adjourn. Councilor Sciarra seconded. The motion was approved on a voice vote of 4 Yes, 0 No.

*Contact: D. Murphy @ [david.murphy8@comcast.net](mailto:david.murphy8@comcast.net)  
or 413-586-5461*