



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor William H. Dwight, Chair
Councilor Alisa F. Klein, Vice Chair
Councilor Maureen T. Carney
Councilor David A. Murphy

MEETING AGENDA

Date: January 14, 2019
Time: 5 p.m.

Location: City Council Chambers
212 Main St., Northampton, Massachusetts

- 1. Meeting Called to Order and Roll Call**
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meeting**
 - A. Minutes of November 13, 2018 and November 13, 2018 Joint Community Resources/Legislative Matters Meeting**

Documents:

[11-13-18_Committee_on_Legislative_Matters.pdf](#)
[11-13-18_Joint_Community_Resources-Legislative Matters_Public Forum.pdf](#)

- 4. Public hearing on proposed zoning change**

Public Hearing Notice published December 31, 2018 and January 7, 2019 per M.G.L. Chapter 40A, Section 5.

Documents:

[Public Hearing Notice for 1-14-19 LM Meeting.pdf](#)

- A. 18.204 An Ordinance to Amend the Definition of Accessory Structure**

History:

- Referred by City Council to Planning Board and Legislative Matters -

12/6/2018

- Planning Board public hearing held, 1/10/2019 - Positive recommendation with no changes
- Legislative Matters public hearing scheduled - January 14, 2019

Documents:

[18.204 An Ordinance to Amend the Definition of Accessory Structure.pdf](#)

5. Items Referred to Committee

A. 18.222 An Ordinance Relative to Taxis and Livery Vehicles for Hire - referred by City Council, 01/03/2019

Documents:

[18.222 An Ordinance Relative to Taxis and Livery Vehicles for Hire.pdf](#)

B. 18.223 An Ordinance Relative to Parking on Pleasant Street - referred by City Council 01/03/2019

Documents:

[18.223 An Ordinance Relative to Parking on Pleasant Street.pdf](#)

6. New Business

7. Adjourn

*Contact Bill Dwight at
bdwight@comcast.net*



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Maureen Carney

Councilor Alisa F. Klein

Councilor David A. Murphy

MEETING MINUTES

Date: November 13, 2018, Time: 5 p.m.

Location: City Council Chambers, 212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Carney, Councilor Dwight, Councilor Klein and Councilor Murphy. Also present were: City Solicitor Alan Seewald and City Councilor Jim Nash.
2. **Announcement of Audio and Video Recording**
Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.
3. **Public hearing on proposed zoning changes**
 - A. **18.174 An Ordinance to Amend Chapter 350-12.3 Significant Trees**
Councilor Carney moved to open the public hearing. Councilor Klein seconded. The motion passed unanimously 4:0. The public hearing was opened at 5:04 p.m.

Councilor Dwight asked if anyone wished to speak in favor.

The proposal to amend the ordinance came out of the Mayor's office and the Public Shade Tree Committee, Office of Planning and Sustainability Director Wayne Feiden advised. At its public hearing November 8th, the Planning Board recommended in favor of the ordinance with amendments.

City Council passed the original tree ordinance three years ago (when City Councilors Jesse Owens and Owen Freeman-Daniels were members, Councilor Dwight reminded). Before it passed, planners worked with the City Council to adopt it but were sort of guessing at some things, Mr. Feiden related. It is time to revisit the ordinance on what has worked and what hasn't, he explained.

Trees serve all sorts of functions but planners are also trying to encourage other values such as net zero energy building and affordable housing, he pointed out. Most recently, Habitat for Humanity had difficulty trying to afford net zero building requirements.

What is proposed by amendment of the Planning Board is to allow a waiver for tree removal when creating net zero energy buildings with other community benefits such as affordable housing or open space. As an example of a project this would facilitate, Mr. Feiden cited development of a property on Glendale Road. The site consists of roughly 80 acres and developers crowded development onto two acres near the road. They could have spread development around the property in which no trees would have come down, but this would have eliminated 50 acres of open space. The waiver provision allows the Planning Board to look at whether getting net zero build is worth the loss of some trees.

Also, before trees had to be replaced with deciduous trees; this allows coniferous trees to be planted. For city-owned property, decisions to approve specific tree replacements could be made by the planning office in consultation with the Tree Warden, he said.

Her initial concern before realizing that the tree committee was involved was what they thought, Councilor Klein shared. Councilors have that input but one thing that continues to stand out as a concern is that it ends up being the Planning Board that makes a case by case decision and they don't necessarily have the expertise that people on the Public Shade Tree Committee have. There's a part of her that has concern that people with expertise aren't going to be called in on every tree replacement decision, she explained.

Mr. Feiden described the special permit approval process. The DPW is always sent all special permit applications for review, he confirmed. With recent reorganization, Tree Warden Rich Parasiliti is becoming more of a functionary and less of a policy position. Whoever is in that position would be the one who would be notified so the Planning Board would have the benefit of his or her recommendation.

The Planning Department application deadline is four weeks before the meeting primarily to solicit and receive comment. They ask the DPW to give them their comments a week before so they can share them with the applicant.

Councilor Dwight asked if there is a table of reference that addresses carbon offset.

The Planning Board debated that, Mr. Feiden responded. They questioned whether they could just do a flat formula and allow [the waiver] by right if applicants met the formula. They can calculate/present in table form how much carbon is being lost but some trees are scrubby and not very exciting and some are amazing in terms of shade value. It seemed important to tell the Planning Board what they had to consider but not to do it in a formula format, he concluded.

Councilor Dwight said he understands that the Planning Board is a discretionary board and takes all these things into consideration, but he imagines when decisions are challenged it is somewhat difficult to defend the challenge if there are more gray lines.

That was the discussion for the Planning Board, exactly, Mr. Feiden confirmed.

Councilor Dwight read a comment received from Amy Meltzer into the record as follows:

"I am unable to attend the meeting Tuesday night when the proposed changes will come to the City Council Committee on Legislative Matters, which suggest waiving the requirement for replacing significant trees in cases of net zero development, and possibly in other cases as suggested by the Northampton Planning Board. I do not consider this a "minor amendment", as it's described in the public agenda, and I urge you

not to recommend this proposal as a blanket waiver. At a time when the city is committed to climate readiness and resiliency, it's unwise to make an exemption from replanting or paying for replanting automatic under ANY circumstances. If members of the city government feel it's essential in very limited cases, I urge the city to create a limited process by which developers may apply for such a waiver."

What she's recommending is exactly what the Planning Board is recommending, Mr. Feiden commented. The original recommendation was approval as part of the site plan review process; now the Planning Board is recommending a case-by-case assessment and issuance of a special permit, he clarified.

Councilor Carney mentioned that Ms. Meltzer said the proposed ordinance was characterized as a 'minor amendment' on a public agenda. Mrs. Krutzler assured her that this description was not used in any of the City Council's agendas.

Councilor Dwight asked if there were any opponents or people who otherwise wished to speak. Hearing none, Councilor Carney moved to close the public hearing but was informed that the hearing should be kept open for discussion of the second zoning ordinance. Councilor Carney withdrew her motion and members moved to a consideration of 18.179.

B. 18.179 An Ordinance to Amend Chapter 350-11.5 B2 Site Plan Submittal Requirements

The Planning Board and Tree Warden have sometimes felt that they don't ask for enough information so this is requiring additional information such as the species of trees, Mr. Feiden explained. Some applicants include this information but many don't, so planners want to make the requirements uniform.

Councilor Dwight reviewed the proposed changes.

Councilor Dwight asked if there were any questions or comments. Hearing none, Councilor Carney moved to close the public hearing. Councilor Klein seconded. The motion passed unanimously 4:0.

Councilor Murphy moved to move 18.174 and 18.179 as a group as amended by the Planning Board. Councilor Carney seconded.

Councilor Carney asked about the change to the size caliper.

This was at the request of Mr. Parasiliti, Mr. Feiden said. If applicants are planting in a back yard planners prefer a smaller caliper because they get twice as many trees, he explained. The change allows the Planning Board the option of allowing smaller trees.

Councilor Dwight called the motion in favor of a positive recommendation to a vote, and it passed unanimously 4:0.

4. Minutes of October 9, 2018

Councilor Carney moved to approve the minutes of October 9, 2018. Councilor Klein seconded. The motion passed unanimously 4:0.

5. Items Referred to Committee

- A. 18.173 An Ordinance to Amend Chapter 312-36 of the Code Book (Proposal to Increase Hourly Rate in E.J. Gare Parking Garage)**

Councilor Carney moved to put the ordinance on the floor for discussion. Councilor Klein seconded. All members have read the Mayor's memo and they had an informal discussion with the Mayor as the proposal was first presented, Councilor Dwight reminded. Addressing himself to the city solicitor, Councilor Dwight said they wanted to make sure this is a legal process because councilors on the board before were very concerned with who possesses the authority to change the parking rates in the garage.

This is not a subject that anyone he knows in the city is looking to make an issue of, Attorney Seewald responded. He did express his concern when he first came on board that the proper delineation is that the City Council decides the use of the property then gives it to the Mayor to figure out how to operate the parking garage. [To do otherwise] is "going by old standards where the council is tenacious and wants to continue its hold over the doings in the parking garage," he indicated.

As a point of information, the City Council did change the time limit of parking meters, Councilor Carney noted.

This has not been an issue that has been raised to him since 2013/2014, Attorney Seewald asserted.

It came up during Finance Committee discussions, Councilor Murphy acknowledged.

After charter reform, there was some debate on this floor as to where the authority lies, Councilor Dwight reminded. The executive branch as he understands it actually does determine parking rates, etc. However, there were two councilors that took issue with that and actually won the debate and that has led to where they are now where the City Council is actually determining parking rates and parking terms, he related.

He thinks there was a lot of reeducation of the City Council at the time on their role, Attorney Seewald observed. He thinks they carved out enough of the executive authority that it was just not a fight that needed to be fought.

That's only because the Mayor has acquiesced, Councilor Murphy pointed out.

If it is deemed that rate changes and parking duration is the purview of the Mayor, does it come out of the ordinance book? Councilor Carney asked.

"It's an executive function," Attorney Seewald confirmed.

If the Mayor were to object, Councilor Carney asked if the next step would be to withdraw the ordinance.

He could do that, Attorney Seewald agreed.

He has not heard a peep about this, Councilor Dwight acknowledged. Last time, he heard a lot of peeps,

Councilor Carney asked if there had been any news coverage about the rate increase. It will be on the City Council agenda Thursday, members noted.

In this case the increase was to offset the cost of the credit card system, Councilor Dwight added. It also was part of the comprehensive parking plan, Councilor Klein said.

It is worth noting the passing of Bill Letendre, who died Wednesday, and making note of his contribution. He was the 'father of the parking garage,' Councilor Dwight remarked.

Councilor Klein asked if the chair of the Transportation and Parking Commission (TPC) had anything to say about its discussion.

Councilor Klein pretty much summarized their discussion; how this aligns with the parking plan and brings rates in the garage in alignment with other rates throughout the city. Also that, along with compensating for the cost of credit cards, raising the rate serves to create turnover in the garage and increase the availability of parking and make people want to park for a little while and move on rather than stay there all day.

She recalls a recommendation for an incremental movement to encourage people to find other means to come downtown, Councilor Klein added.

Councilor Dwight called the motion for a positive recommendation to a vote, and it passed unanimously 4:0.

B. 18.183 An Ordinance Relative to No Parking on Grass Plots/Tree Belts

A recommendation is still pending from TPC, so this ordinance will be tabled until the next meeting, Councilor Dwight advised.

C. 18.184 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Adding Section 5-7 (Designating Certain Positions as Municipal Employees)

Councilor Klein moved to put the amended version on the floor. Councilor Carney seconded.

Councilor Dwight expressed his understanding that this is a housekeeping measure.

Attorney Seewald confirmed his understanding. They have come to learn that actions designating certain positions as special municipal employees are strewn about in different orders so this is an effort to put them all in one place, he explained.

Councilor Dwight asked if this impacts in any way their qualification for minimum wage. . .

It has only to do with conflict of interest, Attorney Seewald clarified. Designation as a special municipal employee loosens restrictions for municipal employees in that they have a right to work during normal working hours elsewhere and to work for a few hours in another position.

Councilor Murphy noted that a lot of people were losing interest in serving on boards if doing so meant they couldn't appear before the Planning Board, etc.

The one that stands out to her as kind of questionable is the Board of Health because members of that board have the ability to set regulations in the city, Councilor Klein observed. If employees are creating regulations, it seems as if the threshold should be higher. . .

Attorney Seewald pointed out that other bodies such as the Planning Board, License Commission, etc., issue regulations. However, he has said the Board of Health is the most powerful board in any town.

It was her understanding that what the Board of Health can do has more impact than regulations of the Planning Board because is tantamount to law, Councilor Klein continued. She was under the impression they could actually create ordinances.

Anyone who has a financial interest in a matter before a board will not be able to participate, Attorney Seewald stressed.

Special municipal employees have advantages in certain exemptions; it's not that the law doesn't apply to them. For example, there are some exemptions that would require an order of the City Council. Also, employees would still have to get the appointing authority to authorize participation in some matters; they just wouldn't have to come to this body. Most of this is housekeeping because most of these positions are already designated as special municipal employees, he noted.

With respect to extra-curricular club advisors, if someone is a teacher and wants to be an adviser, he or she is getting a second contract in his or her own department; thus requiring an exemption.

Councilor Dwight called the motion in favor of a positive recommendation to a vote, and it passed unanimously 4:0.

D. 18.195 An Ordinance Relative to Parking on Grove Avenue

Councilor Murphy moved to put the ordinance on the floor for discussion. Councilor Carney seconded.

After being recognized by the chair, Deborah Jacobs of 82 Grove Avenue explained that she and a neighbor at 74 Grove Avenue (Linda Butler) sent in a request to the TPC over the fact that they were having such a hard time getting out of their driveways. Their street is a wonderful resource for people who want to use the rail trail/get down to the river, she noted. They were told by the TPC that they could not get no parking across from their driveways and were asked to come back with another proposal. The street is also very, very narrow. Mrs. Butler made a recommendation.

The ordinance as presently proposed [to prohibit parking altogether on the westerly side and to prohibit parking on the easterly side of Grove Avenue for 120 feet from Evergreen Road] "will make some people very, very unhappy" in that they wouldn't be able to park on either side of the street, she claimed. It also doesn't really help them get out of their driveways.

Mrs. Butler would like to go to Plan C and she would like this withdrawn because it really doesn't do what they set out to do.

Every single person who lives on that street came to a meeting; however, the plan that got submitted was changed by the TPC, Councilor Klein indicated. One piece of what was requested was abided by - to prohibit parking on one side of the street - but the other issue, that there are two houses that literally cannot back out of their driveway - was not addressed. Also, one space was blocked off that wasn't even requested and doesn't make sense to anyone.

DPW Director Donna LaScaleia said the reason they did this was because a tree and bushes could obstruct the sight line of people turning onto Grove Avenue, Councilor Nash explained.

There is no reason the city should prohibit parking on this section, Councilor Klein asserted. The TPC ordinance doesn't address what's necessary. Plan C is going back to the drawing board and trying to figure this out in a way that makes sense to people.

A terrific proposal was put forth by Linda Butler, of which half is being put forward, i.e. a parking prohibition on the easterly side of the street, Councilor Nash agreed. Ms. Butler's proposal for this side of the street involved line striping. There was line striping on Florence Street, Fruit Street and Grove Avenue. At that point, TPC members realized 'we need a clear policy before we go forward with line striping on any of these streets.' Someone made a motion and request to the DPW to develop a proposal over the next few months so that they have a clear policy. So that piece of the proposal for Grove Avenue got tabled, as well as for Fruit Street and Maple.

TPC members took the DPW's recommendation on sight lines at face value, Councilor Nash noted. From the photographs that were shared he could see that no parking there may be unnecessary.

Folks coming down to access the bike trail need a little more direction as to where to park. Where line striping is more helpful is in directing people where to park, he added.

Councilor Murphy asked what the appropriate solution was for tonight – do they continue to allow them to come up with an alternative or just approve part of it. . .

Councilor Nash said he would defer to Councilor Klein and her constituents. Maybe tabling action until the line-striping piece is clarified, he suggested. The TPC motion was to give Ms. LaScaleia until January to propose a policy on line-striping, he indicated.

Members discussed and sought direction from the city solicitor. His suggestion would be to make a negative recommendation, Attorney Seewald said.

Councilor Murphy withdrew his positive recommendation and moved to make a negative recommendation at the request of the neighbors. Councilor Klein seconded.

Councilor Klein publicly apologized to the chair of the TPC because she wasn't able to come to the meeting at which the proposal was discussed because it was on Yom Kippur.

The motion passed unanimously 4:0.

E. 18.196 An Ordinance Relative to Parking on Wilder Place

Councilor Murphy moved to put the ordinance on the floor for discussion. Councilor Carney seconded.

Similar to the previous ordinance, this ordinance is also to create a 'no parking' zone, Councilor Nash explained. In this case, the proposal has the support of the neighbors.

The people who are parking there now aren't people living on the street. They are either working for a business in the immediate area or running into one of their customers. The street is super narrow and people are parking on both sides at points even at the end of the street where there is a fire hydrant and two driveways. The DPW went out and made the recommendation to move all parking to one side of the

street, in this case the westerly side. The ordinance was initiated by residents of Wilder Place, he confirmed.

Councilor Dwight called the motion for a positive recommendation to a vote, and it passed unanimously 4:0.

6. **New Business**

The committee will reconvene at 7 p.m. for a joint meeting with the Community Resources Committee to discuss tenant representation in the Northampton Housing Authority, Councilor Dwight announced.

7. **Adjourn**

Councilor Klein moved to adjourn. Councilor Carney seconded. The motion passed unanimously 4:0. The meeting was adjourned at 6:11 p.m.

Prepared By:

L. Krutzler, Administrative Assistant to the City Council

413.587.1210; krutzler@northamptonma.gov



Joint Meeting of the City Council Committees on Community Resources and Legislative Matters and the Northampton City Council

Community Resources Committee Members:

*Chair: Councilor Gina Louise Sciarra
Vice-Chair: Councilor Dennis P. Bidwell
Councilor Alisa F. Klein
Councilor James Nash*

Legislative Matters Committee Members:

*Chair: Councilor William H. Dwight
Vice Chair: Councilor David Murphy
Councilor Maureen T. Carney
Councilor Alisa F. Klein*

Meeting Minutes

Date: November 13, 2018

Time: 7:00 pm

Location: City Council Office, 210 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call.** At 7 p.m. Councilor Dwight called the joint meeting to order. **Legislative Matters Committee Roll Call:** Present on roll call were Councilors William Dwight, David Murphy, Maureen Carney and Alisa F. Klein.

2. **Community Resources Committee Roll Call:** Present on roll call were Councilors Gina-Louise Sciarra, Alisa F. Klein and James Nash. Councilor Dennis Bidwell was absent.

Also present was Northampton Housing Authority Executive Director Cara Clifford, Northampton Housing Authority Commissioner Jeff Jones and Tenant-Commissioner Emily Laufer, Northampton Housing Partnership members Julio Alves and Patrick Boughan, Councilor Marianne LaBarge and Council President Ryan R. O'Donnell.

3. **Announcement of Audio/Video Recording**

Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television (NCT).

4. **Public Comment**

Although people were present for the public forum, there was no public comment of a general nature unrelated to the forum.

5. **Community Forum on Proposal to Expand Tenant Membership of the Northampton Housing Authority**

A. 18.142 An Order to Strengthen Democratic Representation in the Northampton Housing Authority - referred to CR and LM, 8/16/2018

This is the second public forum that has been held on the order; the first being on October 24, 2018, Community Resources Committee Chair Gina-Louise Sciarra reported. As at the last meeting, they will allow the order's sponsor – Council President Ryan O'Donnell - to give a brief presentation. She noted that the order has been amended so she asked Councilor O'Donnell to present the amendment

The order asks the legislature to pass legislation through the home rule process to modify the structure of the Northampton Housing Authority (NHA) governing board, Councilor O'Donnell explained. As originally introduced, the proposal had two policy objectives – to increase tenant representation on the board and to allow tenants to choose those representatives through an election.

Both of these goals were part of his overall belief in the need to increase accountability and democracy in the housing authority. The housing authority's own mission statement says it best when it declares its aspiration to “hold ourselves and each other accountable.” As a practical matter, no governing body can be expected to be given its due automatically, it must actively exercise its power of oversight, engage the people to whom it delegates authority and demand to be consulted when it believes it has a role in oversight. When there are problems, it has to take responsibility for those problems. If it doesn't do these things, the governing board is ultimately going to lose influence and effectiveness. He believes the formal inclusion of more tenants and housing advocates as commissioners would support the governing board in its effort to be more involved, vigilant and focused on the central needs of the residents of public housing due to their natural direct experience as tenants and ties to the community. Stronger connections with tenants are just going to make the board work better, he suggested.

While it tries to improve its connection to tenants, the housing authority also needs stronger connection to the city and its democratic institutions. The housing authority is actually larger than some small towns in Massachusetts. In some ways it is really its own city but today that city is isolated - cut off legally and socially in many ways from the government and civic life of the wider community.

In contrast, Northampton is about to embark on a year-long review of its charter; a process to evaluate itself and recommend reforms if necessary. That is never done for the housing authority, but it should be. The tenants of the housing authority deserve some thought on their part about reforms that could help them.

Councilor O'Donnell reviewed the proposed amendment that he was asking Legislative Matters to adopt. Originally, the proposal would have added six tenant-commissioners to an existing five-member board. The City Council set up a public process for review of the proposal consisting of two public meetings and two public forums, and this process entailed conversations with the Mayor, City Solicitor, tenants themselves, legal experts, housing advocates, housing authority representatives, Northampton's incoming state legislative representatives and the Department of Housing and Community Development (DHCD), the agency that oversees public housing among other things.

After listening to all opinions and concerns, he approached Mayor Narkewicz and together they collaborated to arrive at a mutually-agreed upon revision that he believes crucially can secure the necessary political support to succeed in Northampton and stand a better chance in the legislature – this while pursuing the reform objectives described. He stands by this revision, which he asks to be adopted and which he believes will make a big difference. If enacted by the legislature, the NHA would expand from five to seven members. This would include a minimum of two tenant members as opposed to the one

tenant-commissioner that is required to be a member today. It would also add one housing advocate from the Northampton Housing Partnership, the city board charged with pursuing affordable and fair housing in Northampton. These would be appointed by the Mayor and would be subject to City Council approval as all appointments are. In addition to the people that reside in units directly owned and operated by the housing authority, Northampton residents who receive a rental subsidy through a voucher program would also qualify to be one of the tenant-commissioners. The result would be a board of a size on a par with other jurisdictions in the country with a greater capacity for subcommittee work, resident services, etc.

The tenant-commissioners would be well-positioned to forge a stronger connection to the residents of public housing and, hopefully, they would facilitate the creation of a resident advisory board and flourishing tenant associations across Northampton. The housing advocate would be well-positioned to forge an equally strong relationship with the City of Northampton and its overall efforts to fight for affordable housing.

Ever since he was the councilor from Ward 3 and worked at the Walter Salvo House he has been puzzling about what they could do to address some of the concerns they would want addressed if they lived in public housing. He thinks this is a meaningful reform and he looks forward to the comments tonight from the public and his fellow councilors, he concluded.

Councilors received three letters from members of the public which have been shared with the committees, Councilor Sciarra related. She read aloud letters from Ella Smolenski and Kimberley Rogers and stated that she would refrain from reading the third letter due to privacy concerns.

Councilor Dwight read aloud a memo from City Solicitor Alan Seewald dated October 16, 2018 re: Home Rule Procedures and also read a memo from Amy Stitely of DHCD re: DHCD Comments on Proposed Northampton City Council Legislation – 10/10/18.

Councilor Sciarra read the text of the amended order into the record.

PUBLIC COMMENT

Kenneth Richard Pratt, a Salvo House resident for over a year, said he has watched the place go 'down and down and down into the sewer.' They have a lot of problems of all kinds at Salvo House, he shared. He has been assaulted by a deadly weapon. (The case was handled by the district court – NHA did not take care of it, he reported.) He believes the intention of 18.142 is correct; he agrees that communication between residents and the authority needs to be formally improved. However, he questions the means. To use an agrarian metaphor, "We have a situation here where the fox will be guarding the hen house if the authority is allowed to run whatever elections do take place," he asserted.

Residents of Salvo House are not used to speaking up; they have been beaten down, he contended. He doesn't think the authority is intentionally doing this, they are just typical bureaucrats, not listening to people. If they are one day late with the rent, they will listen; if they have people crashing out, overdosing in the newly-commemorated Budgar room, no action is taken. Something needs to be done to protect the residents. He is in favor of 18.142 if it really does represent the people's wishes.

Roy C. Martin of 81 Conz Street, Apt. 529, said he was in favor of the proposal when it said there would be six additional tenants; one from each place. The reason he was in favor is that since Cara Clifford became the director, she has taken away tenant association after tenant association and has taken money

that was supposed to go to the tenant associations and given it to the service coordinator, Lynne King. She has taken everything away from the people. She lies her way through a meeting, and "people eat it up."

"We need representation," he agreed, noting that means they need one person from each building to go to the board meetings and sit down with them and say 'this is what's going on.'

'We try,' he asserted. He talks to Gerry Budgar once in a while. They commemorated a room for Gerry's parents, who did a lot for the Salvo House. People are making a mess there; the rugs are filthy and the rugs in the hallway are filthy. A door closer is broken and the door stays wide open. He reported this to the office today and was told he needed to call in the complaint. However, if they call in at night or around a holiday, they get no coverage.

He was former president of the tenant association. When he was president, it was strong; almost like a union. People would have parties; they also had commitment from the office. When John Hite was there, "we had good commitment." They could call him up at home and he would be there in 15 minutes no matter what time of day or night.

Right now they have to deal with Cara, and "Cara is two-faced," he alleged.

The Mayor did not reappoint one member because he had spoken up to Clifford on a couple of things. Who's doing what? He asked rhetorically. Are Cara and the Mayor working together? He asked. If the Mayor appoints people, how do they know they're going to get representation?

"The place is getting like the old wild west," he observed. They don't get police reports when there are disturbances there, he added.

The amendment leaves them "without representation," unlike the original order. The sponsor figured the City Council wasn't going to vote for it so he changed it around, Mr. Martin charged. "Now there's no balls to it whatsoever," he claimed.

Tom Burton of Salvo House commented that, as the proposal was originally designed, it was a minimalist approach. Electing people is the core to this because it is giving people within the community power, he stressed. With the air conditioner issue, they had nobody to turn to. Representation on Beacon Hill had been eliminated and the Mayor said it wasn't his bailiwick; finally it went to the District Attorney. Fortunately, what fixed it was Councilor LaBarge showing up at a meeting. There was a lot of ballyhoo about it in the newspaper and they were able to get it rescinded.

He would think that a democratic process where tenants have people to represent them from their community would be a better way to do it than having appointments by a Mayor who is 'indifferent to that population, obviously.'

Board members have no accountability to anybody, he continued. To have additional members appointed by the Mayor doesn't really solve the problem "because the Mayor is part of the problem," he claimed. He has lived there for five years and he's never seen him there. It is a very critical situation. The people in the housing authority have to make their own decision about who represents them. To him, this is critical. Having Mayor Narkewicz do it will lead to the same disaster they have now. He acknowledged that there

may be some things they have to work through. Democracies are more time-consuming than a dictatorship, he pointed out.

The most important part of this legislation as it was originally promulgated is that people would be elected, he reiterated. In reality, they should all be elected.

Julio Alves of 35 Fort Hill Terrace identified himself as a member of the Northampton Housing Partnership but said he was speaking on his own behalf. He is here to speak in support of the expansion of tenant membership in the NHA, he volunteered. He thinks the current proposal in its amended form is much too modest, but if that's what they have to work with, then he urged them to support it. He thinks all agree that fair election and representation is a fundamental right. He was very surprised to learn that residents had such little representation. He thinks representation is essential because no one knows the needs and issues of the buildings like the tenants do. It has become clear that without tenant representation they will not be able to hear the diversity of voices they need to hear.

He hears a lot of frustration and has been hearing a lot of frustration among the tenants for a long time. It is not just an issue of fairness; it is also a matter of expediency; if things are really going to change, they have to hear from the people who are most affected.

Jeff Jones of 76 Woods Road said he is chairman of the board of the NHA but is not speaking for the board; only for himself. He has no idea whether other members have voiced their opinion or come to the prior meeting, he said. He was never consulted for the first proposal nor to his knowledge was anybody else on the board. He read about this second proposal in this morning's Gazette and found out about the first when a newspaper reporter called him on the phone.

He is very sensitive to the tenants' situation. He is the representative of organized labor that is mandated to be on the board. Right now, of five people, they have two tenants as the governor's appointee is also a tenant. In his opinion, two out of five members is sufficient representation to get across the tenant's point of view to the executive director.

His goal has been to activate the tenant associations. Recently, Hampshire Heights formed its tenant association and was recognized by the NHA. Salvo House and McDonald House at one time had tenant associations but these have since dissolved. His vision to get this started is to have functioning tenant associations to bring those issues forward to the NHA.

If you look at its definition, the housing authority is a quasi-governmental agency. The NHA is not a department of the city. Basically, he thinks there are bumps in the road but he does think they are getting the job done. They have a grievance process in the bylaws for tenants to go through. Instead what they're getting is tenants calling the City Council and calling the Gazette; they don't go through the grievance process. One of the things he's tried to do as chair is to have ample time for tenant issues. He tries to have time for tenant issues and, recently, with the air conditioner fiasco, they had a public comment period. The current board is committed to making the NHA bigger and better than it has been and to moving forward.

Edgardo Cancel of 19D Hampshire Heights said he can't help but be extremely frustrated after hearing this man talk. He has been going to all the NHA board meetings for the last couple of years and has been consistently shut down and consistently told to shut up and consistently interrupted by the executive director when he is trying to make a point.

"We need representation," he insisted. "Nobody was consulted about this," but he is glad somebody took the initiative to think about people whose rights are being violated on a daily basis and whose properties are deteriorating on a daily basis. He is really grateful somebody took the initiative to put the proposal forward. No, he's not crazy about the amendment, he would really like six members of the housing authority but he also doesn't think that that proposal is going to go anywhere. He reached out to many people and none of them think it's going to go anywhere. The current amendment is much more realistic and would at least give them one more representative of the housing authority and an advocate from the housing partnership.

To come here and hear the chairman of the housing authority say they're doing a good job is really frustrating, because they're not doing a good job. An election might work because residents are so disenfranchised that they have no faith in the city, no faith in their leaders and no faith in the Mayor because this has been happening for a long time. An election might not work because people might not come out because they might think 'why?'

He thanked Councilor O'Donnell for the original proposal and for the amendment because, "I feel like it's something and we're getting somewhere here." But there are a lot of problems. "We need to do something as a community; we need to come together," he urged.

The new person on the housing authority is not from Florence Heights, she's from Hampshire Heights - his neighbor Emily. They have a lot of cool things going on at Hampshire Heights, but no one from the housing authority is supporting them, he maintained. There is nobody supporting Florence Heights and there's no representation there. We've been working hard to have somebody with a voice and we finally have somebody in there. He said he didn't know if the amendment was going to cut it, but he pleaded with them as the City Council to continue to think about them. There are a lot of things that are going wrong and they're being consistently shut down.

"Grievance process? Nobody knows about that," he retorted. When tenants try to go through the proper process, they keep getting shut down. There is no resident advisory board, but, "I want to be on it," he stated.

Elizabeth Humphrey of 293 Prospect Street said she is not a resident of public housing, but after she heard one of the board members use the excuse of 'quasi-government.' telling her there's nothing they can do because they're in between government and private, she was compelled to respond. This is a huge problem which is coming up all over Massachusetts, she reported.

One of the candidates for state Auditor - Judge Stamos - made working toward abolishing quasi-government part of his platform because it is so easily corrupted and subject to money mismanagement. She highly resents the fact that someone is using this status to tell her that she can't help people in the town she lives in. She hopes this passes and really appreciates the effort Councilor O'Donnell has put into this.

Councilor Dwight reminded speakers to refer their remarks to the committee and not to people in the audience.

Patrick Boughan of 95 Straw Avenue, another member of the housing partnership, thanked Councilor O'Donnell for putting this proposal forward. He found out about the second version in the newspaper. As far

as the first proposal, he really liked that it was elected. In following school reforms, one thing that comes up is that, when schools close, participation in democracy generally goes down because school committees are a path for people to be elected for the first time. Participation in the housing authority would be a path into state government in the same fashion, he suggested. But even as an appointed board, he thinks it would be a step forward. He understands from the solicitor's memo and comments from DHCD why the sponsor switched from elected to appointed. He asked Councilor O'Donnell why he went from six to two?

It is a political compromise, Councilor O'Donnell acknowledged. When he put forward the original proposal, he believed in it, and he thinks doing it that way is possible. There are many other jurisdictions in the United States that have greater tenant representation on their boards and that elect tenants, he noted. Washington D.C has an 11 person board and three of them are tenants. Federal law establishes housing authorities on a federal basis. . . there are a wide number of models.

To change this takes political will at the local level and the state level. He has talked to the new state representatives and has full confidence that they will be supportive. The decisions made about the number and the election were purely political decisions. It doesn't do any good at the end of the day to fight a losing battle if it doesn't end up with any progress. "I want to see progress in this area. I'm not always good at getting votes but I'm pretty good at counting them and I made a compromise that I feel will be pretty successful in Northampton," he shared. "My answer is that this is a proposal that can pass," he concluded.

Mr. Boughan said he likes the purist proposal best, but he'd like to see progress as well so he supports the amendment. It would probably be most effective if members could be from larger communities instead of smaller sites. As a member of the housing partnership, he is interested in housing authority residents. They have talked about cross posting to bring the city's involvement with the housing authority closer in.

Elizabeth Boughan of 95 Straw Avenue said two things struck her as she was listening. When they're deciding what's worth nudging the state about, most people on the City Council are homeowners. She wants them to stop and think about what it would be like to be a renter and not to have a choice to decide to move. "You're stuck," she observed. "If you piss somebody off, you're stuck."

It is a very specific situation that's very specific to public housing - wanting to advocate for yourself and being afraid to. Regardless of what goes forward, the City Council needs to think really hard about the culture there. People who live in public housing are citizens of Northampton and she thinks they can be more proactive about representing those voices. If they can't have elections (and she is strongly in favor of elections, she confirmed), having some mechanism for people within public housing to make some sort of recommendations might make people more trusting of the outcome, she suggested. One problem is people really feeling that their trust is betrayed.

Emily Laufer of 10B Hampshire Heights said she is a member of the NHA but speaking on her own behalf. She has total imposter syndrome when comes to being on the NHA board, she confessed. If there were even two more people who were residents or who came from somewhere similar to her she would feel so much stronger serving the community. She voiced the perception that low income properties in Northampton are already disregarded by the city in general. She feels she would be disregarded in many of her opinions but feels like if they had just two more it would make a big difference in starting to be recognized in the greater community.

A woman who identified herself as 'Jane Doe' asked the committee chair to read her letter aloud. She asked not to be publicly identified because she is a victim of domestic violence and her security is at risk.

Councilor Sciarra reminded her that the meeting is being audio and video recorded. She said she would keep her identity as Jane Doe. She proceeded to read aloud her letter.

The sponsor has made some changes to the draft, Ms. Doe noted. The thing that's not there is inclusion of voucher participants in the surrounding towns. The housing authority is still responsible for them. HCVP holders need to be represented and it is important to understand the issues they face. She said she couldn't figure out how an election could be legally conducted since the housing authority can't release the addresses of voucher recipients to the public.

She feels like everybody's screaming at each other, Ms. Doe lamented. They have a fabulous new executive director and they are about to send the fabulous four to Beacon Hill. She feels like they should rally around the director and support her. It doesn't feel safe so she is really hoping they can fix this soon. DHCD is the entity people should appeal to.

She hopes what she wrote is clear and that perhaps they can have commissioners that don't scream at the executive director. She understands that's what is supposed to happen. She doesn't understand why everybody is fighting and pointing the finger. She feels like the executive director is really in a difficult position because of this and it's hard for her to execute her responsibilities.

People are starving, she continued. She expressed the opinion that, "it's a luxury to have air conditioners." She thinks there are broader things to think about and it concerns her. She thinks they need to support Ms. Clifford as the executive director. She attended a meeting last month and tried to advocate for civility. There are 1,200 voucher holders and only half that number living in public housing. They have different needs; they are completely different, yet the NHA is responsible for them. There is a lot of funding at stake. "A lot of people have their eyes on us," she cautioned.

Even the second revised draft does not provide an opportunity for those who reside in surrounding towns but whose vouchers are administered by the NHA. They have issues; they're concerned about vouchers at the federal level. The housing authority is responsible for managing those people's relationships with landlords. "Someone needs to fix this," she admonished.

It's not that we need six people that are tenants on the board; we need talent on the board, Jane Doe opined. This 'old boy's network' that people are talking about, it's over . . . it's over, she asserted. She watched a commissioner screaming at the executive director and she was shaking. She wondered how the new member must feel.

"I risked a lot to talk, but I'm so passionate about this; it means so much," she concluded. She said she doesn't think it's finished.

Councilor O'Donnell said he wanted to recognize the importance of the speaker's comments. For the record, no privacy or confidentiality laws will be abridged or changed as a result of anything in the order, he assured. Even if an election piece were part of this that wouldn't have been the case. It is true that of the roughly 2,200 people that receive housing assistance, most are recipients of federal and state housing programs and he agrees that these are very important constituencies to represent. The amended version

allows a member to be an HCVP recipient. He is flexible on the point of whether voucher holders who are not Northampton residents could be candidates.

"The privacy and confidentiality piece is not going to change in any way," he stressed.

Senator-elect Jo Comerford said she was here to speak in strong support and on behalf of Councilor O'Donnell. She had something prepared to say but when she heard Emily Laufer, her comments captured the heart of what they're trying to say. "We need more voices to support tenants." It means a tenant is not alone, he or she has sustained support. She is in strong support of this and is in strong support of the leadership here in Northampton. She is grateful for these hearings. She would be very excited to work with Councilor O'Donnell should the City Council pull it forward at the state level.

There being no further public comment, Councilor Sciarra thanked the audience for coming to the public forum.

Members proceeded to deliberate.

Councilor Carney thanked everybody who came out, especially the two housing authority board members. She thanked them for their service, noting that she also served for many years on the NHA and was Commissioner Jones' predecessor as the labor representative from Northampton. Of the four mayoral appointments one is required to be a representative of organized labor, she reminded. According to Commissioner Jones, the governor's representative is presently a tenant. She also served on the housing partnership, so she thanked those members for their participation.

She had some difficulty with the original version of the proposal and can definitely understand why Councilor O'Donnell may have amended it to a version that has much more chance of not only passing the City Council but also passing the general court, given that Northampton would be the first city to introduce anything like this. She commended Councilor O'Donnell for his initiative. She appreciated the comments about civility and hoped that would be possible. She has been involved in Ward 1 with some tenant activities with Mr. Cancel. There is a lot of education work that has to happen. We as City Councilors can help people understand as our constituents that there is a grievance procedure, she suggested.

She appreciates that the change will actually lead to Northampton's housing authority in its present configuration having three tenant representatives since there are two now and this would be a third. There would always be at least two and she thinks two would be an appropriate number. "I am in support of this," she confirmed.

Councilor Murphy asked Councilor O'Donnell if he had reached out to any of the commissioners or staff at the housing authority before drafting the original order.

Councilor O'Donnell said he had not.

Councilor Murphy asked if had spoken to them since.

He set up a public process and invited members of the housing authority and staff to participate, Councilor O'Donnell responded. At the last meeting, one member of board and the executive director attended.

Councilor Murphy asked how many of the other members spoke individually to commissioners about their feelings about the existing structure. He spoke to Marilyn Richards and Gerry Budgar, and they said they would appreciate additional members who had the skill set to assist and advise them, he related. They said it would be helpful if the appointing authority would seek out individuals with skill sets that would be helpful to them.

NHA board members supervise the executive director, and the two noted that the air conditioner policy was not brought before the board. He is disappointed that they were not contacted before the original draft was made. He would be upset if someone jumped on his public body without contacting him first. He does think he can support the version that is before them now. He is also a former member of the housing partnership and has been involved in the property business for a long time and personally manages property. It is harder dealing publicly than dealing privately, he suggested. He would encourage commissioners to let the Mayor know what kind of skills they would like board members to have. He thanked Councilor O'Donnell for updating the order.

Councilor O'Donnell said he thinks it is important to understand what the housing authority board is. There is a tendency to believe they are somehow an advisory and an oversight board. They are the governing body, he stressed. The executive director only has authority because it is delegated to her by the board. Air conditioners were put in without consulting the housing authority board. The housing authority has the responsibility to create a political environment where they demand to be consulted, he maintained. It is also important to have incentives aligned so that tenants will demand that the housing authority function in a healthy way. If they have tenants and housing advocates, those housing boards are more likely to succeed.

Councilor Dwight asked Councilor Murphy if board members had an objection to the proposal.

No, their objection was that they hadn't been consulted, Councilor Murphy said. They didn't object to tenant representation; they mentioned that they now have 40% tenant representation. They objected to the initial version which more than doubled the size of the housing authority as they felt it would be sort of unwieldy. They said they wouldn't necessarily mind more members but wanted members with skill sets that they would find useful for decision making, be it an attorney or someone with property management experience. He thinks they objected to six people from the tenant base that wouldn't bring the skills that they needed, he clarified.

As far as managing property or providing services for tenants, he imagines that's a skill set that tenant representatives would bring, Councilor Dwight rejoined. He referred to etic and emic perspectives, explaining that these mean two different views - one from outside and one from within the culture. The initial proposal actually had him pretty excited, but he also recognized and acknowledged that it was pushing a very big rock up a very steep hill with the only impact being a lot of people getting crushed and their hopes and dreams dashed.

The compromise actually does get that rock further up the hill. It was very encouraging to hear the senator-elect's comments, he noted. She will be introducing this to a body whose constituency they don't know. Part of the frustration from all of this is that there are so many divisions here. Part of the frustration tenants have expressed with the City Council's response is that their authority is rather limited. There is a difference in elected representation; there is authority and then there is influence. There is a cultural attitude of division where people living in public housing are somehow thought to be beholden to the rest of them. They are expected to make accommodations based on the theory that society is doing them a favor. It's

been a grotesque cultural phenomenon that's been aggravated and expanded in recent years. He is excited about a little pushback from a community that will be making an unprecedented request. Councilor O'Donnell has had the courage to give it a try and say, "Let's see what we can do." He is excited to support any portion of this, he volunteered.

He understands that, as elected officials, there are a lot of assumptions about what they can and cannot do. It's a structural problem and a cultural problem and he's grateful that the councilor has invested the energy. "I hope it's not quixotic. I'd like to see this move forward," he concluded.

Councilor Murphy said he wanted to object to the assumption that there's something unique about coming from within public housing. Every issue that someone brought up today is something that one of his tenants would have brought up. The concept that there are different expectations from people in public housing is inaccurate. Everyone wants the same thing: a clean, safe place where things work, he asserted. They want their unit to be safe; they want their complex to be safe, they want to be treated with respect and when they call the administration they want service. He doesn't think they want to stigmatize public housing residents by saying they're a little bit different. He thinks it is important not to make distinctions.

There is in fact a distinction between public housing and landlords, Councilor Dwight pointed out. There is a culture they've heard testified to tonight that makes it more challenging to have problems addressed. That's what he's speaking about.

Councilor Klein added that, in the commercial housing market, a person can walk away from a place where the landlord is not serving his or her needs. If someone has enough money to find a place on the open market, he or she has enough money to find another place on the open market. There are people who can't necessarily walk away from a situation that is not serving them fairly. There are particular demands to listening to people in public housing. It is quite different from people who can pay market prices.

She thanked those who spoke, acknowledging there's some fear in speaking out about what's not going right in public housing. It is very much appreciated because it takes courage. She thanked Councilor O'Donnell as well for what she termed a noble proposal. "I think the values and ethics behind it are really important," she observed. She supported the initial proposal and is frankly disappointed because the concept of 'nothing about us without us' is really central to her personal values. She thinks people should have a voice, but she also has served long enough on the City Council to understand that you have to be a realist about what is needed to move something forward. The piece that is pretty disappointing to her is not seeing this as an elected office. They all have the privilege and the voice to select those who represent them and she thinks people in public housing should have the same privilege.

She doesn't think it is mutually exclusive to support Ms. Clifford and the housing authority board and also to support tenants, Councilor Klein continued. She doesn't think it has to be a battle or a demonization of the people on the board and the executive director. But she thinks they have to be accountable and one of the ways to ensure that is to have strong tenant representation and interweaving on that board.

She takes exception to the call for talented people as preferable to having more tenant representation. Again, she doesn't think those have to be mutually exclusive. It feels rather denigrating to assume people have to be lawyers or businessmen to bring those skills to the housing board. Yes, you need talents and skills but you need experiences. You need to know what's going on in the homes and in the communities in

order to be able to respond and to correct and address issues. She reiterated how important it is to her to insure tenants have as much representation as possible.

She asked Ms. Doe a question to clarify why elections wouldn't be a possibility for HCVP voucher holders.

They would put her at risk of having her address disclosed, Ms. Doe replied.

Councilor Klein said she thinks an election is possible but that appointments could be used for people who are voucher holders.

To campaign a candidate would need 1,200 private addresses of voucher holders, Ms. Doe replied. Ms. Clifford can't disclose those.

Councilor O'Donnell reiterated that they are not disclosing any information that they are not allowed to disclose. He mentioned the possibility of having a hybrid model with some appointed and some elected members.

What he would envision for the housing authority would be 'layers,' he elaborated. He would like to have more tenants on board but he would also like resident advisory boards and building-based tenant associations. He envisions this as pretty rich.

Councilor Nash thanked Councilor O'Donnell for bringing this forward. He thinks the most important thing about both versions has been the discussion they're having right now. He also thanked those who spoke. He echoed something Jane Doe said earlier; i.e. - that they all need to get on the same page. There's a lot of work to be done and a lot of distrust, as well as a lack of funding. "We need voices;" he agreed, adding that an advisory board would be terrific. "I think it would be a good first step for all of us just to trust each other and move forward and realize there's a lot of work to do."

He is going to support the order, he confirmed.

Councilor Sciarra echoed her thanks to everyone for coming. She too was in favor of the first version and sort of stubbornly in each meeting asked if there was a way they could have even more representation and a way each property could have representation. It is disappointing to her that they are moving away from that. She wasn't sure that the will wasn't with the council but she didn't have high hopes for it when it went to Boston. She wants to move the ball forward and so will support this. She is thankful for the strong voice she heard tonight for people in the voucher program and mindful of the complications that were expressed. She would like them to be elected but is thankful they are moving this forward.

Community Resources Committee Vote

Councilor Nash moved to send order 18.142 forward with a positive recommendation. Councilor Klein seconded. Councilor Sciarra clarified that this is the amended version. The motion passed with 3 Yes, 0 No on a roll call vote with Councilors Klein, Nash and Sciarra voting affirmatively. (Bidwell absent.)

Legislative Matters Committee Vote

Councilor Carney moved to forward the order to the full council with a positive recommendation as amended. Councilor Klein seconded.

Councilor O'Donnell pointed out two small clerical errors. There should be a comma after the word "Ordered" and a semicolon at the end of the paragraph after the word 'petition.' The motion passed unanimously 4:0 by roll call vote with Councilors Dwight, Murphy, Carney and Klein voting affirmatively.

6. **Adjourn Legislative Matters/Community Resources Continue Meeting to Take up New Business**

Councilor Klein/moved to adjourn the Legislative Matters Committee meeting. Councilor Carney seconded. The motion passed unanimously 4:0. Legislative Matters was adjourned at 9:18 p.m.

The Community Resources Committee took a brief recess and reconvened at 9:28 p.m.

7. **New Business**

A. **Minutes of October 24, 2018 Community Resources Meeting**

Councilor Klein moved to approve the minutes of October 24, 2018. Councilor Nash seconded. The motion passed unanimously 3:0 (Bidwell absent).

B. **Discussion of Drafting Letter/Meeting Request to President of Columbia Gas**

Members discussed a draft letter to Stephen Bryant, the President of Columbia Gas, requesting that he attend a meeting to address questions about natural gas service and consumption in Northampton.

Members made a number of additions and corrections to the draft, after which Councilor Nash read the final version aloud. They decided to ask Mr. Bryant to attend the regular meeting on January 28, 2019.

Councilor Nash moved to accept his letter and authorize Councilor Sciarra to send it to Mr. Bryant. Councilor Klein seconded. The motion passed unanimously 3:0.

8. **Adjourn.** At 9:58 p.m., Councilor Klein moved to adjourn the meeting; Councilor Nash seconded. The motion was approved on a voice vote of 3 Yes, 0 No.

Prepared By:

Laura Krutzler Administrative Assistant
(413) 587-1210

EXHIBIT A

List of Documents Reviewed at November 13, 2018 Joint Meeting of Community Resources/Legislative Matters:

1. E-mail from Ella Smolenski dated October 27, 2018
2. E-mail from Kimberley Rogers dated November 1, 2018
3. E-mail from 'Jane Doe' dated November 4, 2018
4. Memorandum from City Solicitor Alan Seewald to William H. Dwight, Chair, Committee on Legislative Matters and Gina-Louise Sciarra, Chair, Committee on Community Resources dated October 16, 2018 re: Home Rule Procedures.
5. Memo from Amy Stitely, DHCD to Councilor Ryan O'Donnell dated October 10, 2018 re: DHCD Comments on Proposed Northampton City Council Legislation – 10/10/18.
6. 18.142 An Order to Strengthen Democratic Representation in the Northampton Housing Authority
7. 18.142 An Order to Strengthen Democratic Representation in the Northampton Housing Authority - AMENDED

COUNCILORS

AT LARGE

Ryan R. O'Donnell - President
William H. Dwight



WARD

- 1 Maureen T. Carney
- 2 Dennis P. Bidwell
- 3 James Nash
- 4 Gina-Louise Sciarra – Vice President
- 5 David A. Murphy
- 6 Marianne L. LaBarge
- 7 Alisa F. Klein

CITY COUNCIL *CITY OF NORTHAMPTON* MASSACHUSETTS

PUBLIC HEARING NOTICE

The City Council Committee on Legislative Matters will hold a public hearing on Monday, January 14, 2019 at 5 p.m. on the following proposed change to the Zoning Ordinance of the City of Northampton, Massachusetts in City Council Chambers, 212 Main Street, Northampton, MA:

5 p.m. Proposed Zoning Ordinance Amendment:

- 350-2.1 Modify Definition of Accessory Structure

Publish Date: December 31, 2018 and January 7, 2019

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 350-2.1 Code of Ordinances, City of Northampton, Massachusetts, be amended by clarifying the definition of detached structures not intended as dwelling units.

18.204 An ORDINANCE
To Amend the Definition of Accessory Structure

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled:

Modify 350-2.1 Definitions as follows:

STRUCTURE, ACCESSORY

Any structure which is incidental and subordinate to the principal structure, but which is located on the same lot as the principal structure. Accessory structures shall not exceed 40% of the gross floor area of the principal structure(s) and shall not contain, bathing, sleeping or kitchen facilities.

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Transportation and Parking Commission

18.222
AN ORDINANCE

RELATIVE TO TAXIS AND LIVERY VEHICLES FOR HIRE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the Code of Ordinances be amended as follows:

§ 316-13 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS OWNER'S PERMIT

Permit required to operate a business utilizing vehicles for the conveyance of people.

OPERATOR'S PERMIT

Permit required by any person operating vehicles performing services under a business owner's permit.

REGISTRATION OF VEHICLES

The filing with the City Clerk of certain information relative to vehicles providing service under a business owner's permit.

TAXICABS

A motor vehicle with a seating capacity not to exceed eight passengers, displaying on its exterior permanently painted or decal identification markings, a light affixed to the roof of said vehicle, and a taxi registration number plate issued by the Massachusetts Registry of Motor Vehicles, operated for hire by or on behalf of the holder of the business owner's permit or by an employee or independent contractor of said permit holder; but which does not pick up, transport, or discharge passengers along a set route.

LIVERY VEHICLES

Any limousine or other vehicle which is designed to carry 15 or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license under this ordinance.

§ 316-14 Reserved

§ 316-15 Reserved

§ 316-16 Exception for common carriers regulated under state law.

The provisions of this article shall not apply to any business operated in a manner and for the purposes stated in Chapter 159A of the General Laws of Massachusetts. The provisions of this article shall not apply to a holder of a certificate issued by the Department of Public Utilities.

§ 316-17 Business owner's permit.

A. No person, corporation or other entity ~~based in Northampton~~ shall operate a taxicab or livery business within the City of Northampton without a permit as provided herein. Taxicab and livery businesses located and permitted in other communities shall be required to obtain a permit in accordance with this chapter. Permits may be granted only to suitable persons, corporations or other entities who are the legally registered owners of said taxicabs or livery vehicles, and provided that all places of business ~~for servicing located in~~ Northampton are established at a legal street address ~~within the City~~ conforming to all applicable City ordinances and state laws.

B. Any person desiring to operate such a business within the City of Northampton shall file an application with the City Clerk for referral to the City Council setting forth the name and residence of the owners of said business, the address from which the business will be operated, the kind of service to be provided under the permit, and the hours of daily service. Said application shall also state a description of the motor vehicle(s) to be operated under the permit. No owner or driver shall solicit business except at the place of business listed, or City-approved taxi stands (per § 312-39).

C. All permits shall continue in force until the first day of May next after the date issued and shall not be sold, assigned or transferred without the approval of the City Council. A transfer includes the issuance or transfer of more than 40% of the outstanding stock of the corporation.

D. All vehicles operating under the Business Owner's Permit are subject to vehicle permitting requirements per § 316-19.

E. The City Council shall issue to the applicant a permit which shall be placed in a conspicuous location in the applicant's place of business.

§ 316-18 Operator's permit.

A. No person shall operate a vehicle governed by the provisions of this Article unless they have obtained an operator's permit from the Chief of Police. Applicants shall apply on forms furnished by the City Clerk and shall set forth under oath such information as the Chief of Police may require. All applications shall be forwarded by the City Clerk to the Chief of Police within five days of filing of the application. The Chief of Police shall issue or deny the license within 30 days of referral.

B. Operator permits shall be signed by the Chief of Police and shall be numbered in order as granted and unless sooner suspended or revoked shall continue in force until the first day of May next following the date of issuance thereof. The Chief of Police shall cause notice of the issuance or denial of a permit to be filed with the City Clerk.

C. The permit issued to the applicant shall be encased in plastic and shall bear a color photograph of the applicant. Said permit shall be displayed in a prominent place in the interior of any vehicle while being operated as a taxicab or livery by the applicant. No permit shall be issued unless the applicant furnishes proof of having a valid Commonwealth of Massachusetts motor vehicle operator's license. Any suspension or revocation of said license or right to operate shall cause the applicant's taxi or livery operator's permit to be automatically revoked.

D. Upon being denied an operator's permit by the Chief of Police, an applicant shall have the right of appeal to the Mayor or their designee. All such appeals shall be in writing and filed with the Mayor or their designee within 10 days of the denial of the operator's permit. Appeals will be heard within 20 days of the filing thereof. The decision of the Mayor or their designee shall be final and binding.

E. It shall be the duty of the driver of any vehicle for hire to accept as passengers any person who seeks to use the services of a vehicle for hire, provided that such person conducts themselves in an orderly fashion. No person shall be admitted to a vehicle for hire occupied by a passenger without the consent of the passenger.

F. No person in charge of a vehicle for hire shall give directions, information, or service to any person seeking a place or person for unlawful purposes, or convey from place to place a person who is noisy or disorderly.

G. Loud or importunate solicitation of passengers for vehicles for hire on the public ways is prohibited.

H. It shall be unlawful to knowingly permit any vehicle for hire to be used in the perpetration of any crime.

I. It shall be unlawful for any driver of a vehicle for hire while on duty to drink any intoxicating beverage, disturb the peace of the passenger or smoke at any time in a vehicle registered as a taxi or livery under this ordinance.

J. The licensed operator of each vehicle for hire will be responsible to make notification to the Police Department of any article of value left therein by any passenger not later than 24 hours after finding same. The company owner shall secure such item until 90 days have elapsed, and if not claimed will revert to the taxi company.

K. The licensed operator of the vehicle for hire and all passengers must comply with Chapter MGL c. 90, § 13A, regarding the wearing of seat belts.

§ 316-19 Permit requirements for vehicles

A. Vehicle Registration Requirements

1. No vehicle shall be operated for the purposes regulated under this article unless said vehicle has been registered with the City Clerk and approved by City Council. The owner shall provide the City Clerk with the year, make, model, color, current-vehicle registration number and vehicle identification number, together with the number of persons, exclusive of the operator, which it may carry and a photograph of such vehicle. The applicant shall also provide the City Clerk with a policy of insurance as provided below. No such permit shall be issued unless the applicant has presented to the City Clerk a valid certificate of taxi or livery registration issued by the Registrar of Motor Vehicles as required under 540 CMR -2.05.
2. No permit shall be issued until the applicant has delivered to the City Clerk a policy of insurance issued by an insurance company authorized to transact business in the Commonwealth of Massachusetts, covering the motor vehicle(s) to be operated by the applicant under their permit, nor until the applicant has also delivered to the City Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be canceled without giving the City Clerk 10 days notice thereof.

Such policy shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle(s) with their express or implied consent, against loss by reason of the liability to pay damages to others for injury to property or bodily injuries, including death at any time resulting therefrom, sustained during the term of said policy by any person other than the employees of the insured or of such other person responsible as aforesaid who are entitled to payments or benefit under the provisions of Chapter 152 of the General Laws and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth, of such car to the amount or limit of at least \$100,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in

injury to or death of more than one person, and to the amount or limit of at least \$50,000 on account of any one accident resulting in damage to property.

3. Every vehicle operated by the business owner shall be inspected by a state-certified inspection station yearly. A current, valid inspection sticker must be possessed upon application for registration with the City. Such inspection is at the owner's expense, and proof must be supplied to the City Clerk. Whenever the Chief of Police or their designee has reason to doubt such taxicab or livery vehicle is in safe, proper mechanical condition, properly equipped, properly lettered and in a suitably clean condition, they may suspend the City registration permit thereof without a hearing, and take possession of said permit until the conditions are corrected. The owner and/or corporation may file an appeal on the Chief of Police or their designee's action to the Mayor or their designee; however, the suspension shall remain in effect until a decision has been made. All such appeals must be made in writing and addressed to the Mayor or their designee. Appeals will be heard within 20 days of the filing thereof. The decision of the Mayor or their designee shall be final and binding.
4. All vehicles shall provide child safety seats. Taxicab and Livery companies shall provide a plan for proper child safety restraint usage in their vehicles.
5. The City Clerk shall provide the applicant registering a taxicab or livery vehicle with a placard for each vehicle bearing the words "Taxi Vehicle License, Northampton, Massachusetts," or "Livery Vehicle License, Northampton, Massachusetts" setting forth the serial number of the permit, the year issued, the name and address of the holder of the owner's business permit, the year, make and color of the vehicle and the number of passengers permitted to be carried in the vehicle, which shall be attached to the interior of the vehicle so as to be plainly visible to the occupants thereof.

B. Operation and marking of livery vehicles:

1. Livery vehicles shall be hired on a prearranged basis only, with a minimum ~~12~~ twelve-hour notice, provided that fares picked up pursuant to a pre-existing contract shall not be deemed to comply with the twelve-hour requirement unless the specific fare was arranged at least twelve hours in advance.
2. Livery vehicles shall not pick up on-demand fares on the street that were not pre-arranged outside of the 12 hour requirement.
3. Livery vehicles shall not have exterior vehicle markings that state "Taxi" or "Cab".
4. Livery vehicles shall not contain a rate meter, and shall not charge for service based upon miles traveled if the trip is less than 25 miles.
5. Livery vehicles shall have in each vehicle for hire a pre-completed schedule trip sheet including the following information: current date, time month, and year, the name of the vehicle's company and licensed owner, the name of the vehicle's

driver, the vehicle's license number, the time of all pre-scheduled pick-ups of passengers, the name, address, and phone number of the person who scheduled the pick-up, the times of all pre-scheduled pick-ups, and the origin and destination of all pre-scheduled pick-ups.

C. Operation, marking, and metering of taxicabs:

1. No taxicab shall be made so closely to resemble the taxicab of another so as to mislead the public as to its identity. All taxicabs will conform with § 22 of Chapter 40 of the General Laws, to wit, "shall have the name or trade name of the owner and the name of the City or town in which it is licensed, painted or lettered on the sides thereof in letters not less than four inches high and 1/2 inches wide.
2. Taxicabs shall have exterior vehicle markings that state "Taxi" or "Cab".
3. Taxicabs may be hired or hailed on an on-demand or pre-arranged basis.
4. Any taxicab that is permitted in another community and does not operate a permitted taxicab business within the City limits may drop off fares in Northampton from another community and may pick up fares in Northampton and drop them in another community. However, taxicab companies that are not permitted through the City of Northampton may not pick up and drop off the same passenger within the City limits. Further, taxicab companies not permitted through the City of Northampton may transport only passengers that are hired on a pre-arranged basis and may not pick up hailed fares in the City.

§ 316-20 Rates of operation.

Prior to services rendered taxicab and livery company dispatchers or operators must inform customers of the cost of the ride and must post a clear flat rate chart that is visible to passengers. In lieu of these requirements a taxicab may instead have a meter (hard-wired) with rates clearly posted and visible to passengers including the flag drop charge (initial charge), per mile charge, and waiting time charge.

§ 316-21 Violations and penalties.

Any owner or driver violating the requirements of §§ 316-18, 316-19 and/or 316-20 shall be subject to a penalty of \$100 for the first offense and \$200 for each and every subsequent offense. Any owner or driver violating the requirements of § 316-17 shall be subject to a penalty of \$300 for each and every offense. The City Council may suspend or revoke any permit issued under §§ 316-17, 316-18, and/or 316-19 for violation of any state statute, City ordinance, or any rule, order or regulation promulgated by the City of Northampton and/or the City Council. Sections 316-17, 316-18, 316-19, and 316-20 may be enforced by criminal complaint, noncriminal disposition under Chapter 40 of the Code of Ordinances, or any other civil or criminal procedure available by law.

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Transportation and Parking Commission

**18.223
AN ORDINANCE**

**RELATIVE TO PARKING ON
PLEASANT STREET**

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-117 of the Code of Ordinances be amended as follows:

§ 312-117 Schedule XVI: On-Street and Off-Street Handicapped Parking Spaces.

Location	Side	Location
Pleasant Street	Southwesterly	First space southeasterly of Kingsley Ave