



CITY COUNCIL
CITY OF NORTHAMPTON
MASSACHUSETTS

City Councilors:

Marissa Elkins, At-Large

Jamila Gore, At-Large

Stanley W. Moulton, III, Ward 1

Vice President - Karen Foster, Ward 2

Council President - James Nash, Ward 3

Garrick M. Perry, Ward 4

Alex Jarrett, Ward 5

Marianne L. LaBarge, Ward 6

Rachel Maiore, Ward 7

Meeting Agenda
On-line Video Conference
Meeting Date: May 19, 2022

Meeting Time: 7 p.m.

The public can follow the council's deliberations by watching the meeting live on Comcast channel 15, live-streaming it on YouTube or joining the virtual meeting by phone or computer. For the active YouTube link, please see Northampton Open Media's website: <http://northamptonopenmedia.org/>. Live public comment will be available using telephone call-in or video conferencing technology.

INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

Join the meeting: [PUBLIC MEETING LINK](#)

For telephone call-in, call:

+929-436-2866 US

Meeting ID: 845 2122 8288

Passcode: 279430

1. Announcement that meeting is being held by remote participation and Audio/Video Recorded

This meeting is being held by remote participation and audio/video recorded.

2. Roll Call

3. Public Hearings

A. 7:00 pm **Public Hearing on 22.081 National Grid Pole Petition for One (JO) Pole on Clark St. (Petition # 30481354)**

Per M.G.L. Ch. 166, Section 22, the Northampton City Council is holding a public hearing on on National Grid's petition to install one JO pole on Clark St. (Petition #30481354). The City Council will hear all persons who wish to be heard thereon.

Documents:

[22.081 Pole Petition - Clark St.with DPW Recommendation.pdf](#)

B. 7:15 pm **Public Hearing on Administrative Order**

The Northampton City Council will hold a Public Hearing on **Thursday, May 19, 2022 at 7:15 p.m.** The City Council will consider proposed amendments to the **City of Northampton Administrative Code, Part I Administrative Organization, Section 3.0 Health and Human Services Division and Part II Multi-Member Appointive Organization, Section 12.0 Health, Board of.**

The City Council will hear all persons who wish to be heard thereon.

Documents:

[22.106 An Administrative Order to Amend the City of Northampton Administrative Code.pdf](#)

[22.106 Administrative Order Message.pdf](#)

4. Public Comment

5. Announcements from Councilors and the Mayor

6. Presentations

A. **FY2023 Budget Message**

Presentation by Mayor Gina-Louise Sciarra.

7. Recess for City Services Committee Meeting (see separate agenda)

8. Consent Agenda

Rule 4.4.4 There shall be no debate or discussion by any City Council member regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

Rule 4.4.5 Any item may be removed from the Consent Agenda upon the request of any City Council member prior to the taking of a vote on the motion to approve it. All such items will be considered individually, in the order in which they were removed, immediately following consideration of the Consent Agenda.

A. Minutes of March 17, 2022, March 31, 2022 and April 14, 2022

Documents:

[03-17-2022_City Council Minutes.pdf](#)

[03-31-2022_City Council Minutes.pdf](#)

[04-14-2022 City Council_Minutes.pdf](#)

B. Approve 22.081 National Grid Pole Petition for a JO pole on Clark Street

SEE DOCUMENTS ABOVE

C. 22.095 An Order to Appropriate CPA Funds for Shepherd Barn Historic Preservation Project - 2nd reading

History:

- Referred to consent agenda - 5/5/2022

Documents:

[22.095 An Order to Appropriate CPA Funds for Shepherd Barn Historic Preservation Project .pdf](#)

D. 22.096 An Order to Appropriate \$664,068 in CPA Funds to Valley CDC for Prospect Place Housing Project - 2nd reading

History:

- Referred to consent agenda - 5/5/2022

Documents:

[22.096 An Order to Appropriate 664,068 in CPA Funds to Valley CDC for Prospect Place Housing Project.docx.pdf](#)

E. 22.097 An Order to Acquire Property Located on Sylvester Road - 2nd reading

History:

- Referred to the consent agenda - 5/5/2022

Documents:

[22.097 An Order to Acquire Property Located on Sylvester Road.pdf](#)
[22.097 Survey of Pomeroy Acquisition.pdf](#)

F. 22.099 An Order to Approve Budgetary Transfers - 2nd Reading

History:

- Referred to consent agenda - 5/5/2022

Documents:

[22.099 FY22 Budget Transfer.pdf](#)

G. 22.100 An Order to Authorize Borrowing \$22.5 Million for Sludge Dewatering, Clarifier, Plant Water System and SCADA Upgrades to the Wastewater Treatment Plant - 2nd Reading

History:

- Referred to consent agenda

Documents:

[22.100 Sewage Treatment Plant Upgrades - Mass Clean Water Trust - 22,500,000 Borrowing Authorization - 1.pdf](#)

H. 22.102 Appointment of Patrick McCarthy as Central Services Director, City Services recommendation pending

Documents:

[22.102 Central Services Director Appointment 04-22-22 \(1\).pdf](#)

I. 22.117 Reappointments to Various Committees - for referral to City Services

Board of Assessors

Dennis Nolan, 319 Elm Street, Northampton

Term: July 2022-June 2025

Reappointment

Conservation Commission

Jason Perry, 14 Carolyn Street. Florence

Term: July 2022-June 2025

Reappointment

Northampton Housing Authority Board of Commissioners

JoElla Tabutton Springfield, 81 Conz St., Apt 626, Northampton

Term: July 2022-June 2025

Reappointment

Documents:

[22.117 Mayors Appointment Memo.pdf](#)

[22.117 Reappointments to Various Committees.pdf](#)

9. Financial Orders (on 1st reading)

Rule 2.6.1.1.1 Process. Financial orders will be introduced and discussed at a full City Council meeting and referred to either the consent agenda of a future meeting or the Finance Committee for more public input, discussion and recommendation.

Process note: Agenda items #C through #H are the financial orders to adopt the FY2023 Proposed Operating Budget

A. 22.108 An Order to Surplus and Transfer Property Located at 196 Cooke Avenue for Affordable Housing, Parking and Conservation - 1st reading

Documents:

[22.108 An Order to Surplus and Transfer Property Located at 196 Cooke Avenue for Affordable Housing, Parking and Conservation.pdf](#)

B. 22.109 An Order to Acquire Property Located Off Coles Meadow Road to Add to the Broad Brook-Fitzgerald Lake Greenway - 1st reading

Documents:

[22.109 An Order to Acquire Property Located Off Coles Meadow Road to Add to the Broad Brook-Fitzgerald Lake Greenway.pdf](#)

C. 22.111 An Order to Approve FY2023 General Fund Budget - 1st reading

Documents:

D. 22.112 An Order to Approve FY 2023 Sewer Enterprise Fund Budget - 1st reading

Documents:

[22.112 An Order to Approve FY 2023 Sewer Enterprise Fund Budget.pdf](#)

E. 22.113 An Order to Approve FY 2023 Water Enterprise Fund Budget - 1st reading

Documents:

[22.113 An Order to Approve FY 2023 Water Enterprise Fund Budget.pdf](#)

F. 22.114 An Order to Approve FY 2023 Solid Waste Enterprise Fund Budget - 1st reading

Documents:

[22.114 An Order to Approve FY 2023 Solid Waste Enterprise Fund Budget.pdf](#)

G. 22.115 An Order to Approve FY 2023 Stormwater and Flood Control Enterprise Fund Budget - 1st reading

Documents:

[22.115 An Order to Approve FY 2023 Stormwater and Flood Control Enterprise Fund Budget.pdf](#)

H. 22.116 An Order to Approve FY2023 Revolving Funds - 1st reading

Documents:

[22.116 An Order to Approve FY2023 Revolving Funds.pdf](#)

I. 22.118 An Order Authorizing Acquisition of Drainage Easement on Sherman Avenue - 1st reading

Documents:

[22.118 An Order Authorizing Acquisition of Drainage Easement on Sherman Avenue.pdf](#)

[22.118 Declaration of Drainage Easement.pdf](#)

[22.118 Sherman Avenue Plan.pdf](#)

J. 22.119 An Order to Accept DA Sullivan \$10,000 Gift for Public

Art Project - Thornes Marketplace Mural - 1st reading

Documents:

[22.119 An Order to Accept DA Sullivan 10,000 Gift for Public Art Project - Thornes Marketplace Mural.pdf](#)

10. Financial Orders (on 2nd reading)

11. Orders

A. 22.043 An Order for Special Legislation to Prohibit Landlords and Brokers from Requiring Brokers' Commissions to be Paid by a Tenant or Prospective Tenant - 2nd reading

History:

- Referred to Northampton Housing Partnership, Community Resources and Legislative Matters - 3/3/2022
- Positive recommendation, Housing Partnership (see letter, attached) - 3/7/2022
- Public forum held, Community Resources. Councilor Jarrett introduced two amendments: first, to correct a scrivener's error in the third "whereas" paragraph by removing the word "the" so that the paragraph began as follows:
" *WHEREAS, the PVPC report found that such rental commissions,...*";
second, to amend Section 2 of the Act so that it will read as follows:
" *SECTION 2. No landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant **retain, hire, or** engage a rental agent or broker **and pay such agent or broker a fee or commission** as a condition to applying for or leasing a residential rental unit in the City of Northampton, and no such landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant make any payment in violation of SECTION 1 of this act.*"
- Positive recommendation as amended, Community Resources - 4/25/2022
- Positive recommendation as amended, Legislative Matters - 5/9/2022

Note #1: A question was raised at the Community Resources meeting about whether a voluntary relationship between a broker and tenant would be prohibited under the proposed legislation. Attorney Seewald's response via email was as follows:

"Nothing in the proposed special act modifies the voluntary relationship between the prospective tenant and a broker. The act would prohibit a lessor from compelling a prospective tenant to pay the lessor's broker or compelling the tenant to engage and pay a broker."

Note #2: Councilor Nash requested that this item be placed on the 5/19 agenda and that both versions of the proposed Act be presented for discussion. He would like the City Council to vote to approve the amendments.

Documents:

[22.043 - Solicitor Seewald Opinion.pdf](#)
[22.043 Housing Partnership Recommendation.pdf](#)
[22.043 PROPOSED AMENDMENTS to Special Legislation regarding Brokers Fees.pdf](#)
[22.043 An Order for Special Legislation Relative to Brokers Commissions.pdf](#)

B. 22.106 An Administrative Order to Amend the City of Northampton Administrative Code - 2nd reading

History:

- Proposal to amend administrative code introduced and public hearing on same announced for 5/19/2022 - 5/5/2022

Documents:

[22.106 An Administrative Order to Amend the City of Northampton Administrative Code.pdf](#)
[22.106 Administrative Order Message.pdf](#)

C. 22.107 An Order Opting out of Mosquito Control Spraying Conducted by the State Reclamation and Mosquito Control Board - 1st reading

Process note: Per the process established by the Executive Office of Energy and Environmental Affairs (EEA), municipalities may opt out of broadcast aerial spraying for mosquitos. To opt out, the City Council is required to take a vote indicating Northampton's intention to opt out after accepting public comment and consulting the Board of Health. The city must also prepare an alternative mosquito management plan. A certified copy of the vote, checklist and mosquito management plan is required to be emailed to the EEA by May 27, 2022, At its meeting April 21, 2022, the Board of Health recommended opting out.

Documents:

[22.107 An Order Opting Out of the Mosquito Control Spraying Conducted by the State Reclamation and Mosquito Control Board.pdf](#)

D. 22.072 An Order For Special Legislation Relative To Ranked Choice Voting In The City Of Northampton

History:

- Ranked Choice Voting (RCV) Committee recommendation presented by Committee Chair Robert Boulrice - 4/14/2022
- Referred to City Services, Legislative Matters (LM) & Board of Registrars (BOR) - 4/14/2022
- Joint meeting of City Services and LM to consider RCV - 5/2/2022
- Positive recommendation, City Services - 5/2/2022
- Positive recommendation, LM - 5/2/2022

- Positive recommendation, BOR on split vote of 2 Yes (Powers, Kay), 1 No (Tarantino), 1 Vacant. Registrar Tarantino voiced concern that changing the voting procedure is "a solution in search of a problem" He is not convinced that this is a better way to elect a representative body. He is concerned that the process is outcome oriented; that the process is defined with the end result in mind (whether its diversity or voter participation) that is brought into effect by working backwards.

Documents:

[22.072 RCV Legislation Order - redlined.pdf](#)
[22.072 RCV Legislation Order.pdf](#)

12. Zoning Ordinances (Not yet Referred)

Process Note: M.G.L. Chapter 40A, Section 5 requires the City Council to submit zoning ordinances to the Planning Board for review within 14 days of receipt and for the Planning Board and City Council or a committee designated for that purpose to hold public hearings thereon, together or separately, prior to adoption.

A. 22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial - 1st reading

Documents:

[22.110 An Ordinance to Rezone 130 Pine Street from URB to Office Industrial.pdf](#)
[22.110 Florence Congregational Church Development Agreement.pdf](#)

13. Ordinances

14. Resolutions

A. R-22.101 A Resolution in Opposition to a Proposition 22 Clone Ballot Initiative - 2nd Reading

History:

- Resolution introduced and discussed - 5/5/2022

Documents:

[22.101 A Resolution in Opposition to a Proposition 22 Clone Ballot Initiative .pdf](#)

B. R-22.103 Resolution in Support of the Edward P. Boland Department of Veterans Affairs Medical Center in Leeds, Massachusetts - 2nd Reading

History:

- Resolution introduced and discussed - 5/5/2022

Documents:

[22.103 Resolution in Support of The VA Medical Center in Leeds.pdf](#)

15. Information Requests (Charter Provision 2-7) and Committee Study Requests

16. New Business

Rule 4.9 NEW BUSINESS. Any Councilor may introduce any written proposed order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.

17. Adjourn

Contact: Jim Nash, Council President (E-mail: jimnashcitycouncil@gmail.com) (Phone: (413) 582-0637)