MEETING AGENDA

Date: December 9, 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 12, 2019
   Documents:
   11-12-19_Committee_on_Legislative_Matters.pdf

4. Items Referred to Committee
   A. 19.137 An Ordinance to Amend Chapter 312 Vehicles and Traffic [to delete handicapped parking space on Pleasant Street]
   History:
   - Referred to Transportation and Parking Commission (TPC) and Legislative Matters (LM) - 9/19/2019
   - Positive recommendation, TPC - 10/21/2019
   - Due to oversight, left off 11/12/2019 LM agenda
   Documents:
   19.137 An Ordinance to Amend Chapter 312 Vehicles and Traffic.pdf
B. 19.176 An Ordinance Prohibiting the Use of Face Surveillance Systems - referred by City Council November 21, 2019

Documents:

19.176 An Ordinance Prohibiting the Use of Face Surveillance Systems.pdf

5. New Business

6. Adjourn

Contact D. Murphy at
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Committee on Legislative Matters and the Northampton City Council

Meeting Minutes

Date: November 12, 2019, 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: William H. Dwight, Maureen T. Carney, Alisa F. Klein and David Murphy. Also present were: Senior Planner Carolyn Misch and City Councilor Jim Nash. The city solicitor was excused.

2. Announcement of Audio and Video Recording
Councilor Dwight announced that the meeting was being audio and video recorded.

3. Public Comment
Adele Franks of Florence said she was present as chair of the Select Committee on Pesticide Reduction (SCPR). SCPR members just today finished their report including their recommendations. Although they did not write the ordinance that is on the agenda, it is very consistent with their approach. They found that children are the most likely to be harmed by pesticides and that places where children play have the least justification for pesticide use. She is here to speak in favor of the ordinance because it is entirely consistent with what their committee has learned and what it is recommending. She thinks the transition of four years is very reasonable. She said she fully supports the use of harmful pesticides being discontinued in the locations cited.

Northampton resident Anne-Louise Smallen said she also wanted to speak in favor of the transition to organic management of city-owned land and thanked committee members for having brought it to Legislative Matters. She thinks it is great and a wonderful step for the City of Northampton. She does have one question/comment, that being the fact that conservation areas and the community garden will not be under the purview of the ordinance. She doesn’t know why and it doesn’t make much sense to her that they wouldn’t be part of that transition. She is a member of the community garden, she confirmed.

Jeff Napolitano said he is in favor of the Safe City Ordinance. It is an odd position that the fair City of Northampton is behind other cities and municipalities in the valley in terms of the progressive nature of its immi-
migration policy. This ordinance would bring the city up to speed in understanding that it isn't the role of city employees to carry out the unfunded mandate of the federal government to do its job in terms of immigration law enforcement. These things were unnecessary 20 years ago because it was understood that the federal agency would do its job. Adopting this would put Northampton in line with Greenfield, Springfield and other communities in codifying the policy of keeping immigration enforcement out of the role of local government.

Megan Paik spoke in support of the Safe City Ordinance, echoing Jeff Napolitano's remarks. She actually doesn't think the legislation will increase the number of reports by undocumented aliens. The ordinance will remove very real fears undocumented residents have about the possibility of arrest and deportation. As an immigrant herself, she knows there are barriers to achieving the level of trust in municipal government that citizens take for granted. To ask for health benefits, etc. often has unintended consequences. As Napolitano said, adoption of the ordinance will give residents heightened awareness of the plight of undocumented aliens in their midst. It will be much easier for citizens to be effective allies for undocumented residents if they have the support of this ordinance. People will be able to make reports on their behalf in cases of violation. She urged councilors to please support the ordinance.

Javier Luengo of the American Civil Liberties Union (ACLU) of Massachusetts confirmed that the ACLU fully supports the ordinance. Even though this feels like a huge step, this is a pretty basic step, he maintained. It's really basic and really simple. He works with undocumented immigrants every day. When an undocumented immigrant gets detained by ICE in Western Massachusetts and Connecticut, he's the one taking the call. ICE is capitalizing on municipalities that are willing to throw their residents under the bus. This was passed in Springfield, Easthampton and Greenfield.

Northampton can do better. This will make a little change but it will be a significant change, he concluded.

Reverend Claire Overlander of Florence said she wanted to speak from a faith and moral perspective and also as an attorney admitted to practice in the state of New York. For 10 years, she lived in a city in New York State that was populated to a majority amount by undocumented immigrants from Mexico, Honduras, Guatemala and El Salvador. At that time, she housed a family of undocumented Mexicans for 10 years in an apartment in her house. Having a home in the center of that city meant she was personally privy to the suffering of people who were undocumented and who were there for the same reasons as all of her grandparents except one that was born here. There were times that she would stop the police from arresting young men who had slept in their cars. She went out and asked the police [to refrain], and they knew she was an attorney and backed off. There was a beating behind her house, and she called and was told not to worry, it was just a [derogatory term for a foreign national]. She remembered going to the home and being so impressed with what the government was doing for the immigrants. As she left with a Spanish-speaking person, she said, ‘Isn't this wonderful?’ and she said, ‘yes, if you can read English.’ She told her, ‘Lydia cannot even read her own language because it is an indigenous language.’ She speaks to them as someone who did no differently than what her grandparents did and also as a minister, as that is what ministers are called to do in this nation of immigrants.

4. Public hearing on Proposed Zoning Change
Public Hearing Notice published October 29, 2019 and November 5, 2019 per M.G.L. Chapter 40A, Section 5.

A. 19.149 An Ordinance to Rezone 37 Parcels from GI to OI and Portions of Two Parcels from GI to FFR
Councilor Dwight introduced the public hearing by referencing the legal notice and its dates of publication.

Councilor Klein moved to open the public hearing. Councilor Carney seconded. The motion passed unanimously 4:0. The public hearing was opened at 5:17 p.m.

Councilor Dwight said they would begin by hearing from proponents.

The zoning amendments before them are part of a bigger package of zoning amendments to transition from General Industrial (GI) to Office Industrial (OI) zoning throughout the city, Senior Planner Carolyn Misch explained. Councilors may remember a couple of months ago making a similar change to take parcels in Leeds and convert them from GI to OI to allow more flexibility in the reuse of properties and to match more closely what is likely to occur in OI rather than GI. One use not allowed in OI is warehousing; i.e. – heavy industrial use that is more typical of an industrial park near the interstate, where that use is still in place.

The parcels in question are all off Texas Road and Easthampton Road. The Planning Board made a positive recommendation on October 24th. These are the last remaining parcels along this corridor to be rezoned, she presented.

When asked to compare the two zoning designations, Ms. Misch confirmed that both are industrial zones. Both districts allow back office uses, manufacturing, research and development (r & d) and light warehousing. GI also allows a heavy, sort of large-transport, warehousing use (such as found in an Amazon-type distribution center).

Other uses allowed in OI are second floor residential and mixed residential/work space. For the reuse of older mill buildings OI allows additional uses such as restaurant, entertainment and commercial recreation as a way to encourage more flexible reuse of those buildings. Otherwise, the two zones are very similar in terms of uses allowed.

Councilor Murphy noted that Phillips Enterprises is pretty much the only manufacturer in that area now. He said he believes that use would be allowed under OI.

There were some storage uses in that area but since the City Council voted to allow self-storage in OI, those properties will be compliant with this change.

For the second set of changes, planners have made changes to rezone all properties the city has acquired for conservation purposes to Farms, Forests and Rivers (FFR). These two rezonings are part of that.

There being no further comments, Councilor Carney moved to close the public hearing. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote. The public hearing was closed at 5:23 p.m.

5. Approval of Minutes of Previous Meeting

Councilor Carney moved to approve the minutes of October 7, 2019. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote.

Councilor Murphy moved to return the proposed zoning change to the City Council with a positive recommendation. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote.
6. **Items Referred to Committee**

Councilor Dwight stated his intention to take the two ordinances referenced in public comment out of order. Members approved taking agenda item 5 C (19.153) out of order by consent.

**A. 19.153 Northampton Safe City Ordinance - referred by City Council 10/17/2019**

Councilor Dwight noted that an updated version of the ordinance was submitted today. He offered to accept a motion to send it forward with a favorable recommendation.

Councilor Dwight clarified that the version on the floor is the version as originally referred by City Council on October 17, 2019. He read the ordinance aloud.

In consultation with the Mayor and city solicitor, there were a number of comments, and the long text he read has effectively been reduced to this. (He held up a revised, two-page document.)

He expressed his understanding that the Mayor and city solicitor are in agreement that the amended version is in force and effect. Councilor Klein noted an additional small amendment to change the phrase ‘to neither detain nor delay’ to ‘to detain or delay.’

Councilor Dwight read the amended version, noting, among other things, that the definitions have been much reduced. After reading it, he asked if Councilor Klein wanted to propose it as an amendment.

Councilor Klein moved to forward the amended ordinance as just read with a positive recommendation. Councilor Carney seconded.

Councilor Klein proceeded to provide an explanation as to how the original ordinance morphed to a page and a half. Sponsors got feedback from the city solicitor and Mayor that they were committing the violation of legislative overreach in that they were directing city police and city staff in reporting or not reporting on undocumented immigrants. Essentially, what they have done is to remove some of the problematic clauses and refer to ‘city resources’ instead of ‘city staff.’

They did so in consultation with the Mayor and he has agreed to issue another executive order similar to what he did for the Police Department which will indeed be an executive order for all city staff. This will fill in some of the differences in the ordinances.

For more specific differences, she said she would like to recognize Jeff Napolitano because he was very instrumental in helping change the language to comply with the city solicitor and Mayor's comments.

Councilor Klein moved to recognize Jeff Napolitano. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote.

The crux of it is that, whereas, in some cities and towns this is just passed as a straight ordinance, here in Northampton they do things differently so it is passed as part ordinance and part executive order, Mr. Napolitano advised.

He thinks the difference is that Northampton is operating under a new charter that brightly defines the difference between executive and legislative powers, Councilor Dwight interjected. The Mayor and city solicitor’s objections were not based on the intent but more on the execution as he understood it.
In other communities the differentiation of powers are less specifically defined, Mr. Napolitano agreed.

Councilor Carney said she would just note that this is not the first time they have bumped up against this issue. When they worked on the executive policy order on wage law compliance, sponsors worked with the Mayor’s office to comply with the charter, she reminded. She thanked the Mayor and City Councilors who brought this forward. It’s great for the City of Northampton, she opined.

The more relevant issue is the trust act; when the Mayor signed into executive order the ambiguous distinction of making Northampton a sanctuary city, Councilor Dwight suggested.

One thing the federal government has done is define what is and what isn’t a sanctuary city. Mr. Napolitano shared. It had been solely defined as any city which violates 8 USC 1373 which basically says that if city officials have information about somebody’s immigration status they have to give it to the federal government if they ask. The other provision is that city officials cannot impede or break that communication between the federal government and the municipality. This goes out of its way to make sure that is not violated at all.

Even by the Department of Justice’s (DOJ’s) own definition, none of the policies or resolutions actually violate this clause. He referred to a report called ‘The Myth of Sanctuary Cities.’ This certainly does not violate any portion of federal law, he assured.

It is also worth noting that the federal government cannot compel municipalities to do its work or its bidding, Councilor Dwight added. What he would say is that this is not new, he continued. It is only new in that the federal government is asking municipalities to expend its own resources. The default position before the 2000’s was that city officials were just not going to do more than legally required. Adoption of the ordinance is the baseline of what they should be doing on this issue, he concluded.

Mayor Narkewicz said he just wanted to thank the sponsors for working with them to craft this amendment. He fully supports it and the Police Chief fully supports it. Building on the 2014 executive order that he issued, he will expand that to include all city employees. He appreciates them working with him to get this accomplished.

Councilor Dwight called the motion to forward the ordinance as amended with a positive recommendation to a vote, and it passed unanimously 4:0 by roll call vote.


Members next took up agenda item #6 E out of order.

Councilor Dwight asked if there wasn’t a report supposed to be received with this.

The Select Committee on Pesticide Reduction (SCPR) report was submitted today to the council president and will be presented to the City Council at its next meeting, Councilor Klein advised. [Presentation of the ordinance] “is jumping the gun a little bit” in that they are trying to get it on the agenda. But the ordinance is definitely in conformance with the recommendations of SCPR, she confirmed.
The Board of Health and Health Department have not yet seen the report, she acknowledged.

Councilor Klein moved to forward the ordinance with a positive recommendation to the full City Council. Councilor Carney seconded.

Councilor Dwight began to read the ordinance. Councilor Klein interjected to note that an amendment will be proposed to eliminate the entire Section E Notification of Pesticide Use because it’s been learned that Mass. General Law (MGL) already has a procedure and notification process related to pesticide use.

Members agreed to waive reading of this section.

As she mentioned, this came directly from a recommendation they make in the report, Councilor Klein presented. It is important to note for the public that, because of the city solicitor’s interpretation of MGL, the city council does not have the authority to regulate how school department grounds are managed. They figured out it is about five properties altogether. City officials are already managing Pulaski Park, Maines Field, Agnes Fox, etc., organically, she advised.

Councilor Klein reviewed amendments based on feedback from the city solicitor as follows:

- Removal of Section E. Notification of Pesticide Use
- Removal of Section C. Enforcement.
- D. Exceptions becomes C. Exceptions
- Final Section Becomes D. Effective Date

There is already a civil procedure around challenging city ordinances, Mayor Narkewicz noted. There is a whole procedure in place so trying to create their own procedure didn’t really make sense. References to awarding lawyer’s fees, etc. is not really under the purview of a city ordinance, he suggested.

She would like to amend ‘Department of Health’ to say ‘The Department of Health or its designee,” Councilor Klein added. Mayor Narkewicz agreed. He suggested she might want to say ‘Health Director or his designee.’

Councilor Dwight suggested ‘the director of the Health Department or their designee.’

Councilor Klein moved to amend the ordinance as discussed. Councilor Carney seconded. The motion passed unanimously 4:0 by voice vote.

He is very uncomfortable that they get things that they don’t have a final version of, Councilor Murphy volunteered. He had a final copy of the ordinance before this. They don’t have feedback from the Health Department, and he would like to hear from Parks and Recreation who have to administer it.

“We seem to be in some sort of tremendous hurry and we are not doing the diligence we should be doing,” he suggested. The city solicitor clearly put some time into this, and they don’t have that final report. They seem to be cutting process short, which he termed “unfortunate.” None of the revised copies of anything reached them prior to the meeting, he complained.

Councilor Dwight said he didn’t disagree.
Councilor Klein said she also didn’t disagree. “We definitely are trying to move this quickly,” she acknowledged. The city solicitor had a very short time to look at it. The problem is they voted on the resolution to establish the SCPR back in March, and the process of screening applicants and appointing the committee took a lot longer than it should have. They weren’t able to have their first meeting until August which condensed the time the select committee had to do its work to four months. They did it; they met 11 times in four months. In that process, they had a member of the Board of Health (BOH) on SCPR (Cindy Suopis), and she was having back channel conversations with the board. BOH members had some questions but they were not resistant to it. They were worried about the timeframe with respect to their getting up to speed in knowing how to do their job.

In the course of their meetings, they interviewed and spoke with a number of department heads - Central Services, the Office of Planning and Sustainability (OPS), the DPW and Health Department, she related. There was ongoing conversation with them about what’s currently being done and understanding on their part that they were looking at it with a critical eye toward what they could be doing.

She personally as a member of that committee would love to see them create policy that would ban all pesticide use. However, they decided to hone in on a piece of the puzzle, which is protecting children to the extent possible. They had two public forums and received an enormous amount of written public comment, almost all of which was in favor of regulating pesticide use in the city. “There’s an incredible appetite for us to be bold and make changes,” she asserted.

Members decided purposely to choose a very generous time period of four years so the city has lots of time to figure out how this can be done. They sent in an initial application to Stonyfield Organic, which has a grant program to provide up to $20,000 to convert playing fields to organic pest management. If councilors pass this, there is a 95% chance they will be awarded a grant to do this work at essentially no cost to the city. There are a lot of moving parts; a lot of work has been done. Although it seems on its face to be pushing legislation through, there has been a lot of work. She has even received feedback that they are not doing enough and should have done more, she shared.

Despite the concern that they are moving quickly, “I think it’s time for us to take some very bold steps,” she concluded.

For him, it is still not in its final form, Councilor Murphy responded. He is not comfortable supporting it the way it is; that does not mean that the intent does not have merit. One of the things that has always bugged him is that they get things here and this is supposed to be the last stop, and things are not done.

Councilor Dwight pointed out that Legislative Matters does make amendments. He shares concern about the lack of any memos or formal testimony from the BOH and DPW, etc., the two departments that would be most be impacted by this. He does understand and absolutely believes that they are in favor and have been complicit in developing this, but he shares Councilor Murphy’s discomfort with that.

Councilor Murphy noted both this and the safe city ordinance were changed dramatically by the city solicitor and they didn’t see this until they got here.

This is what they do tend to see toward the end of the term and the session, Councilor Dwight pointed out.
The amendments really address more the form than the substance of what they are proposing, Councilor Klein observed. It is a simple removal of two pieces that legalistically don’t make sense. She thinks the amendments to this one were far less significant in terms of content than to the previous one that members just moved forward with a positive recommendation. In terms of departments not engaging with them and not receiving memos; to her, there’s a need for them as a municipality and them as a City Council to take a bold step. It is never going to be an easy transition for any town to imagine the conversion from throwing chemicals onto fields. Today in the state house three bills were considered about pesticide reduction, including a ban on glyphosate.

“There is tremendous appetite to do this. . . I think it’s time for us as a City Council to step up and shepherd this transition forward,” she proposed. They really have done the footwork to make this transition as easy as possible. Four years allows them to not throw this on departments and say, ‘Do it right away.’

She conceded they could have had more feedback but said she thinks they have enough of a mandate.

Given the fact that they don’t have direct feedback from the DPW and BOH, the people responsible for maintaining this, he is not comfortable supporting this now, Councilor Murphy responded. Hopefully they will have that feedback by the time it goes to council because he would like to feel comfortable supporting it. “It has merit, and I’d like to support it,” he clarified. He doesn’t think they’re doing their job moving it forward at this point.

Councilor Dwight reiterated that he shares Councilor Murphy’s concern about the process but that that is not going to deter him from a positive vote because he shares the hope that they will have an opportunity to hear from the department heads.

The Mayor asked if it is possible for the administrative assistant to send the ordinance to the DPW and BOH with a note that this has just come out of Legislative Matters and request for feedback. Members added with the report attached.

SCPR members will be doing a presentation of the report on November 21st, it was noted.

Councilor Dwight said he is aware of some of the problems that were experienced by the committee.

Councilor Dwight called the motion to forward the ordinance with a positive recommendation to a vote, and it passed 3:1 with Councilors Dwight, Carney and Klein in favor and Councilor Murphy opposed.

C. **19.125 An Ordinance Related to Wireless Antennas on Street Poles**
The planning department is requesting that Legislative Matters defer this item, Mayor Narkewicz advised. Planners have not yet worked out final language. They are asking to continue to the next meeting.

He had a meeting with Carolyn Misch and representatives from Verizon and they expressed concerns with some parts of it, Councilor Murphy reported. Ms. Misch said she would make some changes based on their concerns.

Councilor Murphy moved to continue the agenda item. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote.
D. **19.136 An Ordinance to Amend Chapter 312 Vehicles and Traffic [to amend definitions of Parking Meter and Meter Violation]**
Councilor Dwight reviewed the proposed changes.

Councilor Klein moved to send the ordinance forward with a positive recommendation. Councilor Murphy seconded. Councilor Dwight said he would only propose that in each case where the word ‘app’ occurs, it be changed to ‘application.’ The motion makers accepted the friendly amendment, and the motion passed unanimously 4:0 by voice vote.

E. **19.155 An Ordinance to Delete Reference to the Depot Lot from Section 312-110 - referred by City Council 10/17/2019**
This is an amendment to strike an archaic reference to the ‘Depot Lot,’ it was noted.

Councilor Murphy moved to forward the ordinance with a positive recommendation. Councilor Carney seconded. It is strictly a housekeeping measure, Councilor Dwight noted.

Councilor Nash raised the point that it had not gone to TPC.

Mayor Narkewicz reminded members that there is no requirement that ordinances be referred there.

Councilor Carney suggested Councilor Nash place the item on the TPC's agenda next Tuesday and report back, and Councilor Nash said he would be willing to do that.

The motion passed unanimously 4:0 by voice vote.

F. **19.156 An Ordinance Relative to Parking on Phillips Place**
The proposed ordinance expands the parking prohibition on Phillips Place from 50 to 100 feet from its intersection with Pomeroy Terrace, Councilor Nash explained.

Councilor Carney moved to forward the ordinance with a positive recommendation. Councilor Klein seconded.

This is part of the ‘truck escape route’ from the industrial park, Councilor Nash observed. In looking at the picture, you can see that the truck isn’t able to get fully into the right lane because of a car parked there. Trucks bang up against the utility pole, and the curb is getting worn down. The idea is to remove three or four spaces to allow trucks to make the turn into the right-hand lane.

Councilor Klein asked who uses the spaces; are they used by the residents?

They could be used by anyone, Councilor Nash said. Parking is tight on Phillips Place and they are getting rid of some valuable parking but if this is to be the escape route they need to make it possible for trucks to negotiate the turn.

Councilor Klein questioned whether the turning radius is adequate for 18-wheelers without cars parked there.
The TPC asked Director LaScaleia to drive a truck around the corner and make a turn and come back with a recommendation for the distance for which parking should be prohibited.

The motion passed unanimously 4:0 by voice vote.

G. 19.157 An Ordinance Relative to Parking on Walnut Street
Councilor Murphy moved a positive recommendation. Councilor Carney seconded.

People’s parking behavior changes, Councilor Nash reflected. There are two driveways on Walnut Street that are 12 feet apart and suddenly people have started parking there. If it is a larger vehicle, it blocks access to one of the driveways. Police have been out there ticketing people, and people have asked why they can’t put up a sign. This will allow a sign to be installed.

Councilor Dwight noted there is an ordinance on the book prohibiting people from parking within three feet of a driveway.

There was some discussion in TPC of creating a motorcycle parking spot, but the decision was to just move forward with this and get it done, Councilor Nash related.

The motion passed unanimously 4:0 by voice vote.

H. 19.159 An Ordinance to Amend Section 312-109 [to Convert Six Long-Term Parking Spaces on Bridge Street to Two-Hour Parking]
Councilor Murphy moved to forward the ordinance with a positive recommendation. Councilor Klein seconded.

He wanted to follow up on a couple of issues that came up at City Council, Mayor Narkewicz advised. City staff are doing an analysis of the six spots to see if any would qualify as a handicapped spot. ADA rules require that handicapped parking be near a curb cut and have the right grade, so the city engineer is taking a look at that. Between now and when the ordinance comes to council, he could offer an amendment if one of the spaces meets the necessary warrants.

On the issue of availability of long-term parking, staff have done an analysis and have identified areas where additional long-term parking could be created. He will bring specific proposals forward to the TPC to address the issue of the loss of the six parking spaces, he pledged.

One of the places right in that area is Bridge Street east of the post office. A whole stretch in front of Historic Northampton is striped parking. That would actually be a really good place for 10-hour parking, he suggested. Along with those spaces which would create well more than six long-term parking spaces, there are also some spaces on Gothic Street near the James House lot. Three random spaces right outside the James House lot are easy candidates to become 10-hour spaces.

Also, councilors may recall creating a bunch of spaces at the end of Pleasant Street. He feels now that spaces in front of the Millbank Plaza could become long-term spaces, which would help employees. A couple of others are not as high a priority; i.e. -a few spaces north of Joe’s on Market Street and some spaces on Phillips Place that run parallel to the St. John Cantius Church.
They looked at Hawley Street but the parking administrator raised concern that there are businesses right across from those (an optician, a lawyer, a real estate company and a nail salon). They would basically be displacing another set of businesses that wouldn't have short-term parking. He feels confident they will be able to put forward to TPC a set of long-term parking spaces that will more than compensate for the loss of six spaces. The parking administrator is working with the traffic engineer to draw those up and put them on the TPC agenda for consideration.

The two issues he heard the other night were the handicapped piece and the loss of long-term parking. It may be more appropriate to put an additional handicapped space on the other side of the street, he conjectured.

Councilor Dwight confirmed that the issues of compensatory parking and handicapped parking had been addressed. The principal concern on the part of the council president was thwarting process but, “we have been thwarting process all night,” he said facetiously.

Councilor Nash promised a ‘very vigorous discussion’ in TPC.

Councilor Dwight called the motion to a vote, and it passed unanimously 4:0 by voice vote.

I. 19.164 An Ordinance to Amend Chapter 16 Departmental Revolving Funds to Delete Senior Services Gift Shop Revolving Fund
The ordinance proposes to delete the reference to a gift shop revolving fund since there is no longer a gift shop, Councilor Dwight explained.

Councilor Murphy moved to forward the ordinance with a positive recommendation. Councilor Klein seconded. The motion passed unanimously 4:0 by voice vote.

6. New Business
None.

7. Adjourn
Councilor Klein moved to adjourn. Councilor Carney seconded. The motion passed unanimously 4:0. The meeting was adjourned at 6:57 p.m.

Prepared By:
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In City Council September 19, 2019

Upon recommendation of the Mayor

19.137 An Ordinance to Amend Chapter 312 Vehicles and Traffic

An ordinance regarding vehicles and traffic:

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 312-117; providing for On-Street and Off-Street Handicapped Parking Spaces.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

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

DELETE AS FOLLOWS:

Pleasant Street
(off Gleason Plaza)

First parking space on the westerly most side of the most northerly end of the parking lot east of the first entrance off of Gleason Plaza

[Added 9-19-2002]
In the Year Two Thousand and Nineteen
Upon the Recommendation of Councilors Alisa F. Klein, William H. Dwight, and Gina-Louise Sciarra

19.176 AN ORDINANCE
Prohibiting the Use of Face Surveillance Systems

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

That the ordinances of the City are hereby amended by inserting, as Chapter 290, Section 1, the following ordinance titled Prohibition on the Use of Face Recognition Systems by Municipal Agencies, Officers, and Employees.

Section 1.
Definitions. For purposes of this section:

(a) “Face surveillance” refers to an automated or semi-automated process that assists in identifying an individual by capturing information about an individual based on the physical characteristics of an individual’s face.

(b) “Face surveillance system” is any computer software or application or other technology that performs face surveillance.

(c) "City official" shall include all officials and employees of the City, whether elected or appointed.

Section 2.
Prohibition

It shall be unlawful for any city official to expend any city resources to obtain, retain, access, or use any face surveillance system.

Section 3.
Miscellaneous

(a) Three years from the month of enactment of this ordinance, this ordinance shall be placed on the agenda of the City Council for such amendments as Councilors may propose and the Council may adopt.

(b) Nothing in this Chapter shall be construed to limit any individual’s rights under state or federal law.

(c) The provisions of this ordinance shall be effective immediately upon passage.