



CITY COUNCIL MEETING  
 CITY COUNCIL CHAMBERS  
 WALLACE J. PUCHALSKI MUNICIPAL BUILDING  
 212 MAIN STREET, NORTHAMPTON  
 Northampton, MA

**Roll Call**

A regular meeting of the City Council was called to order by City Council President Gina-Louise Sciarra. At 7:16 p.m. on a roll call the following City Councilors were present:

- |  |                                      |
|--|--------------------------------------|
| At-Large Councilor Gina-Louise Sciarra   | At-Large Councilor William H. Dwight |
| Ward 1 Councilor Michael J. Quinlan, Jr. | Ward 5 Councilor Alex Jarrett        |
| Ward 2 Councilor Karen Foster            | Ward 6 Councilor Marianne LaBarge    |
| Ward 3 Councilor James B. Nash           | Ward 7 Councilor Rachel Maiore       |
| Ward 4 Councilor John Thorpe             |                                      |

**Announcement of Audio/Video Recording**

At 7:16 p.m., Councilor Sciarra convened the regular meeting. She announced that the meeting was being audio and video recorded.

**Public Hearing**

**Public Hearing**  
None.

**Updates from Council President & Committee Chairs**

**Updates from Council President & Committee Chairs**  
 The Legislative Matters Committee will hold a public hearing on proposed changes to the city charter on Monday, March 2, 2020 at 7 p.m. in council chambers, Councilor Dwight announced. Many have heard the Charter Review Committee’s recommendations, but the chair and co-chair will be there to reiterate their presentation and provide more opportunity for community input and discussion. The hearing is the final step before bringing proposed changes to the full council for final action. Everyone is invited to come to speak to the changes or to hear what’s being proposed.  
  
 Councilor Jarrett noted that the hearing is not yet on the city calendar and Councilor Dwight said a public hearing notice is in the process of being posted.

**Recognitions and One-Minute Announcements by Councilors**

**Recognitions and One-Minute Announcements by Councilors**  
 Councilor Jarrett updated members on the activities of the Complete Count Committee, the local volunteer group formed to increase awareness and encourage participation in the federal census. It’s very important to get a complete count for proper representation on the local, state and national level but also for the funding it brings, he stressed. It is estimated that communities bring in \$2,400 per person from various sources. It is safe – no personal information is shared with anyone, including other government departments, and this is the first census which offers the opportunity to respond online. Certain groups historically have been undercounted – people of color - especially men aged 18 to 49 - low-income renters, both urban and rural, single female headed households, etc. The area around Smith College is the lowest responding area, followed by downtown and the northern part of Ward 5 with public housing complexes such as Forsander Apartments and Meadowbrook. He is asking anyone listening and councilors themselves to communicate the importance of this to their constituents and be thinking of ways to reach underrepresented populations in their wards. There are also job opportunities – the census is still very much hiring.  
  
 As they head into pothole season, Councilor Nash reminded residents that the way to report a pothole is to go to the Public Works page on the city website and click on the link to report a pothole.  
  
 The last override forum is this Monday, February 24, 2020 at the Leeds Elementary School at 7 p.m., Councilor Maiore announced.  
  
 City Clerk Pam Powers writes that the City Clerk’s office needs election poll workers, Councilor Dwight reported. Workers are needed to cover information desks at the senior center and Smith Vocational and Agricultural School. Some familiarity with all Northampton voting locations is

	<p>desirable. Pay is \$12.75 an hour. Individuals are also needed at all voting locations to work as inspectors. Anyone interested should complete an application.</p> <p>And, early voting is next week from February 24, 2020 to February 28, 2020 from 8:30 a.m. to 4:30 p.m. for both the special municipal election and the presidential primary, Councilor Sciarra announced. Extended voting hours are available Thursday, February 27<sup>th</sup> until 7 p.m.</p>
<p><u>Communications &amp; Proclamations from the Mayor</u></p>	<p><u>Communications and Proclamations from the Mayor</u> None.</p>
<p><u>Resolutions</u></p>	<p><u>Resolutions</u> None.</p>
<p><u>Presentations</u></p>	<p><u>Presentations</u> None.</p>
<p><u>Consent Agenda</u></p>	<p><u>Consent Agenda</u> Councilor Sciarra reviewed the single item on the consent agenda - the minutes of February 6, 2020. <b>Councilor LaBarge moved to approve the consent agenda. Councilor Dwight seconded. The motion passed 9:0 by voice vote.</b></p> <p>The following item was approved as part of the consent agenda: A. <u>Minutes of February 6, 2020</u></p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p><b>At 7:27 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:07 p.m. The City Council reconvened at 8:07 p.m.</b></p>
<p><u>Financial Orders (on 1<sup>st</sup> reading) 20.025 Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading</u></p>	<p><u>Financial Orders (on 1<sup>st</sup> reading)</u> <u>20.025 An Order to Adjust Income Limit for Senior Tax Deferral Program - 1st reading</u> Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded.</p> <p>Massachusetts General Law says that communities charge 8% interest or lower subject to their charters, Councilor Jarrett reported. Has Northampton decided on that 5%? He asked.</p> <p>Mayor Narkewicz said his understanding was that the rate is 5% statutorily, so he'll have to do some research. He'll give him a source for his information, he said.</p> <p>He thinks it's great that Northampton charges 5%, Councilor Jarrett assured. If there is an opportunity to lower it further, he wondered aloud how that would be decided.</p> <p>The Mayor said he would try to find that out.</p> <p>Councilor Dwight said it would be worth discussing as a possible addition to the charter. Mayor Narkewicz said he would not be in favor of putting interest rates in the charter since they are subject to change but they could look at it.</p> <p>Councilor Foster asked if he had an anticipated number of people who might take advantage of the program under the expanded income guidelines. She said she thinks it's a fantastic idea. She voiced the assumption that it would be a small enough number that the city would be able to absorb it in the budget.</p> <p>Mayor Narkewicz said he didn't know how many would choose to participate. People come in and out of the program so there is a natural ebb and flow in the number of participants. Administrators believe it is an important enough policy measure that it can be absorbed in the budget, he</p>

confirmed. The Assessors are required to maintain an Overlay Account to fund abatements and exemptions of committed real and personal property taxes for any fiscal year, he explained.

Members asked questions to clarify details of the program. The total amount of taxes deferred may not exceed fifty percent (50%) of the owner’s proportional share of the property, Councilor Jarrett clarified.

Councilor Maiore said she wished it could go beyond seniors to others who would fit into this bracket who are facing hardship.

Mayor Narkewicz acknowledged there are other people facing struggles. “For now these are the programs we’re trying to avail ourselves of,” he said.

The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.026 Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System - 1st reading

20.026 An Order to Accept DA Sullivan \$10,000 Gift for Digital Display and Presentation System - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded.

There being no discussion, the motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.030 Order to Accept Donation of Voting Signs - 1st reading

20.030 An Order to Accept Donation of Voting Signs - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor LaBarge moved to suspend rules to allow a second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Dwight moved to approve the order in second reading. Councilor Jarret seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

**City of Northampton**  
MASSACHUSETTS

*In City Council February 20, 2020*

Upon recommendation of the Mayor,

20.030 An Order to Accept Donation of Voting Signs

*Ordered, that,*

the City of Northampton accepts the donation of 20 “Vote Today” signs valued at approximately \$240, donated to the Northampton City Clerk’s Office by Rigali Walder Orthodontics in Florence, Easthampton and Amherst, in accordance with General Law Chapter 44, Section 53A.

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2<sup>nd</sup> reading)  
20.018 Order to Appropriate \$25,000 in Whiting

Financial Orders (on 2<sup>nd</sup> reading):

20.018 Order to Appropriate \$25,000 in Whiting Street Trust Funds - 2nd reading

Councilor Dwight moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Street Trust Funds  
- 2nd reading

The following order passed two readings:

City of Northampton  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor and the Whiting Street Fund Committee

**20.018 An Order to Appropriate \$25,000 in Whiting Street Trust Funds**

*Whereas*, Mr. Whiting Street, a successful Northampton business man, left \$25,000 to the City of Northampton in his will of 1875 with instructions that the money be used “for the relief and comfort of the worthy poor”;

*Whereas*, the Whiting Street Fund Committee, which was created by Administrative Order, issued its third annual grant application seeking proposals from local organizations with the goal of helping low-income persons in our community and with a specific focus on helping resolve food insecurity issues in the community;

*Whereas*, the Whiting Street Fund Committee received and reviewed the applications and has made its recommendations to the Mayor;

***Ordered, that***

\$25,000 be appropriated from the interest in the Whiting Street Trust Fund to the following organizations:

\$10,000 to Abundance Farm to support their Pick-Your-Own Initiative in which food insecure residents can actively participate in the life of the Farm by harvesting free, organically grown fruits and vegetables. This program is conducted in collaboration with the Northampton Survival Center and continued funding will support staff needed for the larger programing and ongoing outreach to include planting workshops, cooking demonstrations, and printed educational information in multiple languages. Abundance Farm is located on the site of the Northampton’s Alms House and adjoining Poor Farm which, from 1800 – 1950, served as a critical refuge for Northampton residents in need of shelter, food and other services.

\$5,000 to the Northampton Survival Center to support their Fresh First Program which provides an incentive for clients to come to the Center every week for fresh vegetables, fruits and

bread. The Fresh First Program focuses on improving access to fresh produce, collaborating with local farmers, and providing healthy recipes to use local produce. The Northampton Survival Center is in its forty-first year of operation as an emergency food pantry.

\$5,000 to Grow Food Northampton, Inc. to support their Incentive based Food Access initiatives to provide more affordable locally grown, healthy food for low-income residents. The funding will help support SNAP Share, Tuesday Market SNAP Matching and the Neighborhood Markets Program bringing affordable farm stand food to various locations including the Senior Center, three housing communities, and three elementary schools.

\$5,000 to Salvation Army’s Northampton Service Unit to support emergency based food needs. The local unit provides food vouchers for local grocery stores, food bags, and disaster support in conjunction with other local service agencies. They provide “last resort” resources for those who may not qualify for other types of assistance. The Salvation Army has worked in Northampton for over 60 years and has been in existence since 1865 meeting basic human needs.

Passed two readings and enrolled.

**20.019 Order to Reprogram \$7,500 from CS Energy Management System to Senior Center Energy Control Upgrades - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

20.019 Order to  
Reprogram \$7,500  
from CS Energy  
Management  
System to Senior  
Center Energy  
Control Upgrades -  
2nd reading

**City of Northampton**  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor

**20.019 Order to Reprogram \$7,500 from CS Energy Management System to Senior Center Energy Control Upgrades**

Ordered, that

\$7,500 of surplus funds remaining in the CS Fire Energy Management Systems project (19303-586904), be reprogrammed for a new project to make energy control upgrades to the Senior Center.

Passed two readings and enrolled.

**20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

**City of Northampton**  
MASSACHUSETTS

*In City Council* February 6, 2020

Upon recommendation of the Mayor

**20.020 An Order to Authorize NPS to Enter MOU for Every Student Succeeds Act**

*Ordered, that*

*Whereas* the School Department wishes to enter into an agreement with the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Elementary and Secondary Education, and Department of Children and Families to allow participation in Title IV-E Claiming of Transportation Expenditures for Children in Foster Care;

*Whereas* the *Every Student Succeeds Act (ESSA)*, promotes education stability by allowing a student the right to continue to attend the school in which they were enrolled at the time of their placement in foster care, unless it is determined not to be in the student's best interest;

*Therefore*, pursuant to MGL C. 44 MGL s. 70, the city, by vote of its city council, authorizes the Northampton School Committee as the Local Education Agency (LEA), with the approval of the Mayor, to enter into a Memorandum of Understanding for the purposes of Title IV-E reimbursement.

Passed two readings and enrolled.

**20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

20.020 Order to Authorize NPS to Enter MOU for Every Student Succeeds Act - 2nd reading

20.021 An Order to Appropriate Free Cash to NPS for ERATE - 2nd reading

**City of Northampton**  
MASSACHUSETTS

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*In City Council* February 6, 2020

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Upon recommendation of the Mayor

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**20.021 An Order to Appropriate Free Cash to NPS for ERATE**

*Whereas*, the ERATE program is the name for the Schools and Libraries Program of the Universal Service Fund which is administered by the Universal Service Administrative Company under the direction of the Federal Communications Commission (FCC). The program provides discounts to assist schools in the US obtain affordable telecommunications and internet access;

*Whereas*, the city has received \$51,834.60 for FY2020 ERATE funds allocated to the Northampton Public Schools and the mechanism to make these funds available to the schools immediately requires an appropriation from Free Cash;

*Ordered, that*

\$ 51,834.60 be appropriated from the FY2020 General Fund Undesignated Fund Balance (Free Cash) to the Northampton Public Schools equivalent to the ERATE reimbursement received by the city for the benefit of the school department to improve and expand technology connectivity.

Passed two readings and enrolled.

Orders  
20.027 Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading

20.028 Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading

20.029 Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading

Orders  
20.027 An Order to Grant Easement to National Grid in Conjunction with WWTP Upgrades - 1st reading

Councilor Dwight moved to approve the order in first reading. Councilor Nash seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.028 An Order Authorizing Acquisition of Easements for the Laying Out of Finn Street as a Public Way - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

20.029 An Order Authorizing Acquisition of Easements for the Laying Out of North Street as a Public Way - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

Ordinances (Not Yet Referred)  
20.024 Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

Ordinances (Not Yet Referred)

20.024 An Ordinance to Change CBAC Map to Include Conz Street Lots Rezoned to CB

Councilor Dwight moved to refer the ordinance to Legislative Matters. Councilor Nash seconded. The motion passed unanimously 9:0 by voice vote.

Ordinances19.125 Ordinance  
Related to Wireless  
Antennas on Street  
Poles - 1st readingOrdinances19.125 An Ordinance Related to Wireless Antennas on Street Poles - 1st reading

Councilor Sciarra read the ordinance as forwarded with a positive recommendation by Legislative Matters. It was noted that a few minor amendments have been proposed by the Office of Planning & Sustainability since Legislative Matters' approval.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

Mayor Narkewicz said he was told there was a pretty extensive hearing in Legislative Matters and that the chair would potentially be able to recount the discussion.

Councilor Dwight summarized the discussion in Legislative Matters. The only objection raised was a complaint by former City Councilor David Murphy that an eleventh-hour change to the ordinance was presented the day of the meeting, he shared. He expressed his understanding that there is now another eleventh-hour change.

Mrs. Krutzler reviewed the two minor changes as highlighted on the screen.

The more significant change is transferring the technical requirements/design standards for small cell facilities from the zoning ordinance to the DPW's regulations since this is their area of expertise, Councilor Dwight explained.

The larger discussion is that the FCC established regulations that don't really give them much of a say in the regulation of telecommunications facilities. They can dictate to some degree what installations look like and require them to conform to standard right-of-way regulations but they cannot stop these systems or regulate radio-frequency (RF) emissions. "It is beyond our ability to do anything counter to what the FCC is facilitating here," he stressed.

In the absence of any regulations, they needed to scramble and get something. "We've been talking about this for about seven months," he related. The versions have been changeable and adaptable because "we didn't know what we were doing," he candidly admitted.

Councilor Dwight reviewed the amendments as highlighted in yellow to change the Chapter reference from 285-53 to 285-10 and to change Section 350-10.9 D1 to make 'An application' plural and delete the reference to the DPW having 60-days to promulgate its regulations for small cell facilities. He moved to accept the latest amendments. Councilor LaBarge seconded.

Councilor Jarrett pointed out a second chapter reference in the opening paragraph that should be changed for consistency. He also pointed out a scrivener's error in 285-10 C. Councilor Dwight amended his motion to include these changes, correcting the text in 285-10 C to read as follows, "Each wireless small cell antenna on public ways (including those already installed) shall pay an annual fee of \$270 for right-of-way access and inspections."

The motion to amend passed unanimously 9:0 by voice vote.

Councilor Jarrett said he has received comments from constituents and done some research since the Legislative Matters hearing. As Councilor Dwight said, they don't have the authority to regulate the use of this technology but they do have authority to regulate its placement, construction and aesthetics. The FCC has pre-empted them and has ignored calls from meteorologists who've said there will be a 30% reduction in the accuracy of weather forecasts and from medical professionals who call for more study about possible health effects. He cited the precautionary principle, which is that when an issue has the potential to cause harm and extensive scientific knowledge is lacking, they should proceed with caution and study the issues fully. We as a society have not done that around this issue, he asserted. He acknowledged the reported benefit that wireless telecommunications can bring in needed competition in the area of internet access which could lower rates. However, they have commissioned a study for a municipally-owned broadband network, which, if successful, would also bring in competition and better service, he reminded.

In this decision, they can't legally ask for this caution to be taken, but he wanted to bring in what some other cities have done, mainly in California.

Cities such as Mill Valley, California and Encinitas have enacted protective ordinances that adhere to the letter of state and federal law but are designed to discourage the use in residential areas, he reported. He read an excerpt from the Mill Valley ordinance. City officials there have limited locations to private properties within commercial zoning districts and, in the public right-of-way, to existing poles that are 1,500 feet apart. They have also required a performance bond to insure removal of the equipment when it is no longer needed. Encinitas prohibits 5G facilities within 500 feet of a home or a school, he added.

He wants to open a discussion as to whether they want to balance the regulations the FCC prescribes with the potential health concerns, Councilor Jarrett proposed. Do we want to think about this more and look at what other cities and towns have done? How do we feel about going forward without restricting the use to the extent legally possible versus trying to push that line? He asked rhetorically.

Councilor Dwight said he absolutely agrees. The absence of rules makes them very vulnerable. He understands there are at least one or two 5G towers here already. What drives his concern is that inviting competition is excellent but, on the other hand, it also means a potential bristling of towers all over the place.

He thinks what Councilor Jarrett is proposing makes very good sense but clearly requires a lot more research into what's allowed under Mass. General Law. He proposed they find out what's allowed within the limits of state law and what best serves this community. He would like to move something forward. The reason this was presented 'in a jumble' is there is some aspect of urgency in that there are wolves at the door, he quipped.

The FCC has seemingly acted without expressed concern about the intensification of radio-frequency (RF) transmissions, the proximity of humans to the installations and the impact of RF as far as any health hazards it may present, Councilor Dwight observed.

However, "in the absence of rules we are vulnerable as hell," he pointed out. "I'm with you and I'd glad to work with you" on researching and seeing what options are available, he confirmed. He still feels they should pass what they have now.

Councilor LaBarge agreed with Councilor Dwight. They can even change the language when they do a second reading, she noted.

Councilor Nash expressed his understanding that the absence of an ordinance actually opens them up to even more exposure. So this is actually granting more control.

Councilor Jarrett clarified that he is in agreement with the ordinance and would be happy to work with Councilor Dwight to see if they can strengthen it further. He agreed they should put it in place.

Councilor Maiore thanked Councilor Jarrett for doing that important research.

Councilor Sciarra called the motion to a vote, and it passed unanimously 9:0 by roll call.

**See minutes of March 5, 2020 for second reading.**

**20.012 Ordinance  
Relative to  
Demolition Review  
for Historically-  
Significant  
Buildings - 1st  
reading**

**20.012 An Ordinance Relative to Demolition Review for Historically-Significant Buildings -  
1st reading**

Councilor Sciarra read the ordinance.

Councilor Dwight moved to approve the ordinance in first reading. Councilor LaBarge seconded.

Despite fairly extensive amendments, this is basically a simple change to switch the construction date to which the demolition review applies from 1939 to 1945, Conservation/Preservation Planner Sarah Lavalley explained. Back when the demolition review ordinance was adopted in 2005, it was intended to press pause on the demolition of historic structures.

The Historical Commission has reviewed about 100 buildings in total, six of which were determined to be preferably preserved. A delay was enacted for some of them; most of them were allowed to proceed with an alternate plan such as changes to better reflect the streetscape or

photo-documentation of the structure. 1900 is far earlier than what is recognized as historic at the state level so the commission is proposing a 1945 date.

In response to a question, Ms. LaValley confirmed that a list of about 50 buildings constructed between 1900 and 1939 was created.

The motion passed unanimously 9:0 by roll call vote.

See minutes of March 5, 2020 for second reading.

<p><u>Information (Charter Provision 2-7) &amp; Study Requests</u></p>	<p><u>Information (Charter Provision 2-7) and Information Study Requests</u> None</p>
<p><u>Motion to Adjourn</u></p>	<p>Upon motion made by Councilor Dwight and seconded by Councilor Nash, the meeting was adjourned at 9:08 p.m.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>