



**CITY COUNCIL MEETING
CONDUCTED AS AN ON-LINE ZOOM MEETING
Northampton, MA**

<p><u>Roll Call</u></p>	<p>A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra. At 8:49 p.m. on a roll call the following City Councilors were present:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">At-Large Councilor Gina-Louise Sciarra</td> <td style="width: 50%;">At-Large Councilor William H. Dwight</td> </tr> <tr> <td>Ward 1 Councilor Michael J. Quinlan, Jr.</td> <td>Ward 5 Councilor Alex Jarrett</td> </tr> <tr> <td>Ward 2 Councilor Karen Foster</td> <td>Ward 6 Councilor Marianne LaBarge</td> </tr> <tr> <td>Ward 3 Councilor James B. Nash</td> <td>Ward 7 Councilor Rachel Maiore</td> </tr> <tr> <td>Ward 4 Councilor John Thorpe</td> <td></td> </tr> </table>	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	
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<p><u>Announcement of Audio/Video Recording</u></p>	<p>Councilor Sciarra announced that the meeting was being held via remote participation and audio and video recorded.</p>										
<p><u>Public Comment</u></p>	<p><u>Public Comment</u> Councilor Sciarra opened the floor to public comment and explained the procedure she would use to recognize people wishing to make a comment.</p>										
<p><u>Public Hearings</u></p>	<p><u>Public Hearings</u> None.</p>										
<p><u>I Updates from Council President/ Committee Chairs</u></p>	<p><u>Updates from Council President and Committee Chairs</u> The City Services Committee meeting scheduled for January 4, 2021 has been rescheduled to January 14, 2021 at 4 p.m., Councilor LaBarge reminded.</p>										
<p><u>Recognitions and One-Minute Announcements by Councilors</u></p>	<p><u>Recognitions and One-Minute Announcements by Councilors</u> Saying he didn't want it to pass without notice, Councilor Dwight recognized the 25th anniversary of the Northampton needle exchange, one of the original above-ground needle exchanges established in the Commonwealth. It is the model of a harm reduction program initiated by Tapestry in conjunction with Police Chief Russell Sienkiewicz and then Mayor Mary Ford in a time when resistance to needle exchanges was intense and saturated with bigotry and deep misunderstanding of substance abuse, HIV and Hep C transmission and other problems associated with intravenous drug use. He acknowledged the work of Leslie Laurie and the late former Holyoke City Councilor Tim Currington, who he watched endure some hideous community reaction with grace and courage. Liz Whynot is the current director. He commented that he is grateful for the program and for the city that had the courage to put it into use.</p>										
<p><u>Communications and Proclamations from the Mayor</u></p>	<p><u>Communications and Proclamations from the Mayor</u> None.</p>										
<p><u>Resolutions 20.113 Resolution in Support of Plastic Reduction and Sustainability Ordinance - 1st reading</u></p>	<p><u>Resolutions</u> <u>20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance - 1st reading</u> The city solicitor has advised that he recuse himself from this discussion and discussion of the ordinance later tonight due to a possible conflict with his business Pedal People, Councilor Jarrett disclosed.</p> <p>The sponsors request postponement of discussion of this resolution since it would presume passage of the ordinance which is to be debated tonight, Councilor Dwight explained. They would like to defer this to their next meeting presuming that the ordinance either passes or fails</p>										

tonight. It would be appropriate to consider it after the second reading of the ordinance, he suggested. The co-sponsors are in agreement, Councilor Maiore confirmed.

Northampton Policing Review Commission Preliminary Report

Northampton Policing Review Commission Preliminary Report

Northampton Policing Review Commission (NPRC) Chair Daniel Cannity presented highlights of the report. He thanked the City Council and Mayor for creating the joint commission and recognized the work of fellow commissioners, including the contribution of three who have since resigned - Dana Olivo, Carmen Lopez and Larissa Rivera. He also thanked community members who participated in and attended meetings.

The NPRC was formed in response to a national outcry around police brutality and recognition of the history of the institution of policing and its link to racism, sexism, classism and homophobia, Cannity reminded. It was also in response to a local outcry for justice and request to rethink the concept of policing and community services. To that end, they created three subcommittees: Alternatives to Policing, Policing Policies and Services and Spending and Contracts. They also recently formed another subcommittee related to community outreach in recognition of the need to involve the people most impacted by proposed changes. They have invited a number of local, national and international presenters to discuss what is happening within the city and the city's needs. They have also looked broadly at other contexts where changes have been made, from small changes to reform to action close to abolition, just to understand what the possibilities are and to inspire them. They have made dozens of requests for information from the police department and city in general and this informs their work. They just received more information yesterday to account for police officers' activities during working hours.

The report is organized into three different sections related to the subcommittees but he stated his intention to condense it into major themes explored by the commission, including:

- ❖ disparities between community members who feel safe and those who don't, why some people don't feel safe within the community and what they need to feel safe.
- ❖ history and funding of the police department and responsibilities police have taken on.

He posed a series of questions propounded by Booker Bush, including, "How do we want our child who is experiencing a profound bout of depression to be treated, by a police officer or by a supportive team of providers?"

"If the community has nothing else to offer, the police become the answer," he quoted Dr. Bush as adding. This is related to police being the fallback for disinvestment in other community services, Cannity asserted.

In looking at movements to defund, such movements also call for reinvestment, he stressed. Any time something is taken away from the police, it needs to be redirected. If they're taking away money, they also need to take away responsibilities and put it towards the group best suited for the task.

- ❖ Finding the right group or person for the job.

Cannity explained the commission's underlying premise that, just as they wouldn't send an electrician to a fire, they shouldn't send law enforcement to calls that are not crimes, such as dealing with unhoused people or people in mental health crises. They are looking to see what better options they can come up with. Alternatives include peer responder and co-responder models but some of the most compelling are peer-led responders; i.e., well-trained people with expertise who also have lived experience.

With regard to policing policies, many look good on paper and sound really nice but don't always address all of the concerns of the community, especially those of people most impacted by the problems, Cannity suggested. They are looking at existing policies with an eye toward considering alternatives and making sure everything is in alignment.

- ❖ Accountability and transparency

Commissioners are concerned with making sure accountability is built into any changes they propose and that the people most impacted by services have a voice in those services, not just at the inception point but continually throughout operation of the program/service.

Finally, commissioners are looking at the cost of policing, ranging from exorbitant state costs for incarceration to costs to the city of police responding to inappropriate calls.

The Policies and Services Subcommittee identified several areas where there is marked room for improvement, including policies around school resource officers, domestic violence, rape and sexual assault, mental health and addiction services, interactions with houseless individuals, drone surveillance and traffic enforcement. He offered to review these in greater detail upon request.

REALLOCATION

They are also looking at options for costs; i.e., ways the city can allocate funds away from some departments towards others that reinvest in communities and safety options. This includes looking at revenue generated by the police from outside details and from budget cuts to other departments, including the police department itself. The commission has a wish that the council and mayor work together to allocate the funds that have already been cut from the police department to community safety investments such as the resiliency hub, additional warming shelters, employment and housing. They want to be really clear that, with all of the things they are looking at, the 10% from this year is not going to be a long-term solution. Even before they release their final report, they are looking for those funds to be allocated out into the community.

They are also looking at pay equity across departments within the city. Police represent 34% of city employees who make over \$85,000 per year, nine out of 20 of the top highest-paid employees and four out of the top five highest-paid. They want to make sure that whatever changes are made there is pay equity across the work force, especially considering that employees of peer responder models tend to be underpaid.

Mr. Cannity said that was the executive summary and he would be happy to answer questions.

Councilor Sciarra commented that the preliminary report is quite extensive and clearly reflects the time and effort the commission is investing.

As noted, city officials have given them an enormous charge and the amount of time and work the commission has invested in this has been substantial, Councilor Dwight acknowledged. He asked if, with the deadline looming, members feel they have been overtaxed or if they think they can come up with a substantive, actionable report that they are comfortable with.

Mr. Cannity said yes-ish. He is pretty confident they can have some strong recommendations that are well-thought out for short-term goals. He is a little concerned about the broad, sweeping ideas in terms of exactly how they're going to be implemented. A lot of the recommendations are going to end up being for a process along with a method of on-going evaluation to make sure it meets the expectations of the city. Although there are many issues of agreement, there is also a lot of tension within the group, he acknowledged. He thinks one of the things that they will end up recommending is that there is room for more. In terms of their recommendations, it's going to be more about a process.

Councilor Dwight commented that what he describes is not a symptom of a problem but a symptom of a vibrant, high-functioning commission. Those discussions and debates should exist, he suggested.

Since the establishment of the commission, the state has created new standards by which law enforcement will be held accountable going forward, Councilor Dwight noted. He asked if that meshes with things they are working on or if they have found points of conflict with it.

Mr. Cannity said he doesn't think there are points of conflict, but the state's recommendations as they stand are a bare minimum. As a city, he thinks that they deserve better. NPRC recommendations are much closer to the original draft of state legislation before amendments were made.

Mr. Cannity fielded extensive comments and questions from councilors. Councilor Quinlan noted with regret the resignation of three of the four women of color on the commission, commenting that having meetings at night for these three, especially on Zoom, proved to be impossible.

Councilor Maire commented on how impressed she is with the initial report, noting that the

level of discourse, respect, thoughtfulness and analysis is doing a great service to the community. She encouraged the inclusion of metrics in the final report to guide the budget process and voiced concern that, while it may be efficient and easier to use established organizations, it is important to have accountability in a higher sense so as not to risk transferring services to a police-like organization. She would like to better understand the value of the city creating its own team vs. using established organizations in the community.

She said she was struck by the number of unaccounted hours in the pie chart created using the call logs and wondered why so much was unknown about the calls.

With regard to accountability, the cost/benefit is really going to be about measuring and making sure existing organizations already have a commitment to justice, equality and other desired values, Mr. Cannity said. If they don't already have that and it's not demonstrated, it is very unlikely that the service is going to meet the city's expectations.

Meanwhile, they are looking at what it takes to create a new team or department and examples of places where this has already been done.

With regard to the logs, Mr. Cannity explained that sometimes police are doing more than one thing and this is not captured by the system of recording. Also, the number of available hours was based on the 47 full-time patrol officers budgeted, but the police chief explained just yesterday that on average only 35 officers are on duty. He hasn't had time yet to update the chart to reflect the updated information. They also just received more information to account for about 17,000 of the 69,000 hours. Total hours presented also do not account for paid time off such as vacation, family and personal leave. "This is still preliminary," he stressed.

In response to a comment from Councilor LaBarge, Mr. Cannity said the commission is looking at shifting to civilian flaggers but this is not something that has been easily implementable in Massachusetts. They are also looking at changing traffic enforcement in general so that traffic enforcement is unarmed, reducing the chance for a fatal engagement.

The state police union in Massachusetts is one of the strongest police unions in the country and consequently, Massachusetts is the only state that mandates that any work on a highway system needs a police detail, Councilor Dwight volunteered. It is a means to an end, which is gathering extra overtime for police. That is why state police cruisers are always seen on road construction projects; officers are not even obligated to get out of their cars. As some have proposed, a living wage could be paid to a flagger to do literally the same thing.

Very recently, Massachusetts has allowed civilian flaggers for some types of traffic details but the wages they require are very similar to the wages that are paid for the police so there is not much of an incentive to use them, Councilor Jarrett added. Civilian flaggers can be used but many communities don't use them because they don't save much money.

In response to a question from Councilor Nash about actionable steps, Mr. Cannity said they do not yet have direct recommendations for exactly what to do with \$887,000 cut from the FY2021 police budget. Initial cuts were made in a particular spirit and they would advocate for those funds to be used as soon as possible. They will include recommendations for their use if they have not been used by the time of the final report. He doesn't think a long-term solution could be funded with that money.

Councilor Nash asked if they have looked at dispatch, and Mr. Cannity confirmed they have talked about it pretty extensively. Any major change to emergency services and crisis response in cities has to include well-trained dispatch that knows the questions they should be asking and how to redirect individuals to services that exist. Everyone points to Cahoots as an example because it has three decades of success behind it. Dispatch is the initial point of contact and there are different ways to do it. Emergency services can all have the same number or there can be a separate number for non-violent, non-threatening emergencies. "Dispatch is a big part of it," he agreed.

Councilor Foster thanked Mr. Cannity for the incredible amount of work and thought members have put into this process. When they talked about establishing a commission, this is what they had in mind. She loved the framing of how they would want their loved one responded to in a

mental health crisis. She did read the report and appreciated its recognition that simply using an existing social service agency to handle mental health calls isn't as easy as it may sound.

She thinks they need to recognize that, as part of the process, they are going to need to spend more money upfront to create the kind of change they are looking for. (She gave the example of how investment in out of school time programs has been shown to save money in the long run in policing and incarceration since the peak time youths commit crimes is after-school hours.)

She also brought up the potential for privacy concerns around electronic traffic enforcement.

Mr. Cannity agreed that defunding the police without making an investment in community services just creates problems down the line since right now police have a lot of the responsibility for community safety. He mentioned savings in police spending that have been realized in communities where peer responder and co-responder models have been introduced.

Regarding traffic enforcement, every time an officer pulls someone over there's a potential for violent interaction, so one of the things that has been looked at is just reducing the number of stops at night, he related

He mentioned different kinds of electronic enforcement, including license plate readers, stationary cameras, radar and facial recognition technology. Facial recognition technology especially is related to a lot of problems with racial inequity.

It's worth noting that facial recognition and municipally-operated stationary cameras are banned in the City of Northampton specifically for the reasons cited, Councilor Dwight advised.

As a fellow member of the NPRC, Councilor Jarrett thanked Mr. Cannity for the presentation and for serving as first co-chair and then chair. He thinks the report is really a great synthesis of the work of their commission. Councilors will see in the report acknowledgement of further work that needs to be done, and commissioners welcome feedback about what future work is needed. In thinking about costs, it's important to remember that much of these costs, i.e., medical and incarceration, are borne by organizations other than the municipality. If they can avoid having people incarcerated, it saves the state a great amount of money, and it would be great to figure out a way to share in that savings, Councilor Jarrett suggested.

He thinks Massachusetts pays roughly \$70,000 per year for every person that's incarcerated, Mr. Cannity shared. The NPRC made some requests from the district attorney for information about the outcomes for people incarcerated from this community. As people are diverted away from incarceration they could make a pretty strong correlation between interventions done by the city and the outcomes seen. In Dallas, they introduced a simple co-responder model and saw 31% fewer people going to jail, county lock-up or the hospital. Assuming they see a similar reduction, that's a pretty significant number to bring to the state.

Councilor Sciarra made the observation that they have very rich qualitative data from the community and voluminous quantitative data from the police department but little qualitative data from this source. She asked what the commission's process will be for interviewing and collecting information from police department members.

They have gotten some information from the police chief through freedom of information requests and have had lively internal debates about where, when and how to include police personnel themselves, Mr. Cannity said. The Policies and Services Subcommittee wants to bring the chief in to speak but other folks wanted to bring in individual officers. The commission as a body has left it up to the individual subcommittees to decide who they want to bring in and for what purpose.

Councilor Foster pointed out that, in talking about percentages of incarceration, they are talking about human lives. Although questions may have been couched in terms of the budget, she wanted to recognize that actual people's lives will potentially be benefitted by this work.

Councilor Sciarra thanked Mr. Cannity for his report and presentation.

Ordinances
20.114 Plastic
Reduction &
Sustainability
Ordinance - 1st
reading

Ordinances
20.114 Plastic Reduction & Sustainability Ordinance - 1st reading

Councilor Sciarra stated her intention to move this item up on the agenda if there was no objection.

Councilor Jarrett stated his intention to recuse himself.

Councilor Sciarra read the ordinance.

Councilor Dwight moved to put the ordinance on the floor for discussion. Councilor Maire seconded.

Councilor Dwight moved to recognize Noah Kassis, Eli Marlin, Renna Pye and Marty Nathan. Councilor Thorpe seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.

Councilor Dwight invited Youth Commission Chair Noah Kassis to open the discussion since the ordinance is the product of the earnest and inspired work of that commission. Discussion on the ordinance has been ongoing for at least two years, and the Youth Commission has been devoted to this issue for a long time, he noted.

This has been very much a team effort across several generations of the Youth Commission with their fantastic community partners, doctors Renna Pye and Marty Nathan, and he's glad to get to the council floor, Noah related. He thanked Councilor Nash as chair of the Community Resources Committee and said he is looking forward to answering any and all questions. For young people, the climate crisis is a very important issue. Tackling it through a plastics ordinance is not the flashiest way of going about it but is one way for the city to start to address the issue. There are going to be a lot more ways, and he promised he or his successors would be back with more climate-related initiatives.

Councilor Nash summarized the process the Community Resources Committee followed in reviewing the ordinance and reported on its findings. He worked with Downtown Northampton Association (DNA) Executive Director Amy Cahillane, Marty Nathan, Renna Pye, Councilor Maire and Eli Marlin on extensive outreach to the business community, including flyering downtown businesses and personally speaking with many business owners, he reported.

Councilor Nash summarized the major concerns heard from the business community and how they were addressed: specifically, the need for plastic straws for people with disabilities, concern about the August 1st start date, the timing of the ordinance in relation to the pandemic and the unreliability of the supply chain. Amendments have been made to address the first two concerns. Regarding timing, after consulting the city solicitor he has come to the conclusion that they should enact the proposal tonight with the idea that, as the responsible body, come January 1st, if they still are in a state of emergency, they could delay implementation. If they are still in a pandemic, he will bring to the floor next year a delay order that will last until the end of the pandemic, he pledged. They don't want to do undue harm to businesses, he assured.

With regard to the supply chain, he acknowledged that due to the pandemic and high demand for take-out, the availability of materials required by the ordinance is unreliable. He and Councilor Maire spent a lot of time with Herrell's and Cooper's Corner, two businesses in particular that feel they're going to be very impacted by the exemptions. He had a discussion with the mayor today about situations where compliance would be so detrimental to a business that another solution would need to be considered, and the Mayor shared with him that he would be open to such consideration. The job of the executive is to work with the council, he pointed out. Two years from now, should there be a business which would have an undue negative effect due to this ordinance, the city and city council will work with that business, he avowed.

Mayor Narkewicz confirmed that if the administrative arm encounters an issue that requires some modifications or allowances, the executive branch would come back to the council and say 'we need to adjust this.' That's certainly very commonplace with ordinances, he noted.

It is worth noting this is true of every ordinance, Councilor Dwight commented. As an example, he cited King Street zoning. Standards were established that those in the business community

felt were too restrictive and stifled development. The chamber came back and lobbied for change and the city council effectively changed the ordinances. There was a recommendation to tie the implementation date to the lifting of the state of emergency, but the city solicitor's strong recommendation was to attach it to a date certain.

Sponsors have been responsive, inquisitive and conscientious about how this proceeds while at the same time maintaining its essential mission. One very encouraging outcome from all the Zoom calls is that it appears there is unanimity on the need to reduce the human contributions to climate change and environmental degradation. Almost everyone has prefaced their remarks with agreement that something must and should be done.

Progressive insults on the climate are not the consequences of a dark campaign prosecuted by a malevolent state. "We did this...all of us are complicit because we tend to favor expedience and expense over all other things."

"We must address our impact on the ongoing systemic collapse of the climate with the same urgency and commitment and sacrifice that we addressed the pandemic," he suggested. What's more critical at this point is to protect everyone else in the community. Their response to this is just as critical. "We're sitting here dealing with a ticking clock."

What they're doing is declaring that they will not be complicit in this process. They've been bested by Westfield, a much more conservative community. The reason for doing this is to protect all of them and generations subsequent to them. It is particularly powerful because it is inspired and presented by the youth commission, a group with much greater investment in the outcome than older residents. Their urgency is not fashionable; their urgency is genuine. As the fossil fuel industry - the creator of all plastics - has transitioned out of producing fuel oil, they've decided that their only salvation is to invest in a massive expansion of plastics. One thing he found in his research is that all the plastics ever created with the exception of those burned still exist today. "To now, all of that plastic is still with us. It's still part of our system and, as we find out, it's part of our reproductive systems, our food chain, our blood systems [and] our endocrine systems."

The fossil fuel industry is one of the most egregious sources of climate impact. The creation of plastics now is threatening to outstrip the danger of cars. They have a very real obligation not to come off as hypocrites. They have to at every opportunity that presents itself enact laws and policies that move them toward that goal. As such, 1) they won't be complicit, and 2) they become a model and help to persuade state initiatives. Questions and concerns relative to the supply chain, etc., have been addressed. The more real questions that are problematic are the ones raised by Rebecca and Dmitri and also heard from Amy and Jesse. Since the city ceded that it will no longer manage and control its own waste and own landfill, they now have to deal with the increased pressures for compostability. The hope is that it will inspire more people to compost at home and that the city will be able to do something to accommodate the increased volume of compostable material.

"I don't think we should dispense with this ordinance or postpone it any more out of those concerns," he concluded.

He did want to ask the solicitor whether this applies to municipal systems. He would want to ask the solicitor, but he thinks it does. Hopefully before they get to second reading he will have an opportunity to speak to the solicitor about that. He would recommend alphabetizing definitions in the beginning, he added.

Councilor Maiore said she completely agreed with Rebecca Robbins, Aimee Francaes and Amy Cahillane that they're going to have to figure this out as a city. There is definitely going to have to be a component of consumer education and consumer involvement. She doesn't think they can wait to come to some stable place to then pass an ordinance.

This is certainly something that there's more work to be done on, but the starting point is precisely here.

As she had at Legislative Matters, Councilor LaBarge advocated for including language in the ordinance to put businesses on notice that no establishment has the right to ask anyone the

nature of their disability. However, Councilor Dwight reiterated his previously-stated belief that since this is already covered by the Americans with Disabilities (ADA), it is unnecessary to repeat it here. In general, in order to make laws more streamlined and approachable, they don't repeat in local ordinance what is already established under Mass General Law and state law.

Noah said he agrees with Councilor Dwight about repeating the ADA language. There is a requirement that the mayor or mayor's designee provide succinct materials explaining the requirements of the ordinance. He thinks this admonition should be included in that material.

When Northampton passed the plastic bag ban, the city created a flyer and other educational materials to distribute to businesses. Mayor Narkewicz confirmed. He agreed it could be included in the educational material.

Councilor Quinlan said he heard a call for the city itself to have a facility or program for handling compostable infrastructure. He challenged the Youth Commission to think of what the city can do to support this. He asked whether packaged plastic straws will still be for sale by retailers under this ordinance.

The way he's reading it and the way it was intended, a retail establishment cannot distribute non-polypropylene straws, Noah responded. A retail establishment could sell bulk polypropylene straws only, he clarified.

In response to a question from Councilor LaBarge, Councilor Maiore said she and Councilor Nash met with State Street Fruit Store owner Rich Cooper and went through the list of products he uses, and Councilor Nash took copious notes. They also spent hours and many meetings talking with Judy Herrell.

After various additional comments, Councilor Maiore moved to amend the ordinance by adding the following as an 8th item in Section B:

- (8) *Food establishments must provide disposable food service ware accessories only upon request by customers or at a self-serve station.*
- a) *Online food ordering platforms that take orders of prepared food for pickup by or delivery to customers in the City of Northampton are required to provide options on their ordering platform that enable customers to choose which disposable food service ware accessories to include with each order. When no options are selected by the customer, the default practice shall be that no disposable food service ware accessories are provided. The platform must provide the food establishment an option/method for listing a customized list of accessories that are offered by each food establishment listed on their platform.*
 - b) *For delivery orders, food establishments may choose to include specific accessories, such as cup lids, spill plugs, and trays, in order to prevent spills and deliver food and beverages safely.*

And, by adding the following as new definitions, titled "DISPOSABLE FOOD SERVICE WARE ACCESSORY" and "ONLINE FOOD ORDERING PLATFORM," respectively, directly after the definition "DISPOSABLE FOOD SERVICE WARE":

DISPOSABLE FOOD SERVICE WARE ACCESSORY

All types of disposable food service ware provided alongside prepared food, including but not limited to utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment cups or packets, straws, stirrers, splash sticks, and cocktail sticks. This does not include such items that are necessary for the containment of foods, such as plates, bowls and bags.

ONLINE FOOD ORDERING PLATFORM

The digital technology provided on a website or mobile application through which a consumer can place an order for pick-up or delivery of prepared food. Such platforms include those operated directly by food establishments, by companies that provide delivery of prepared meals to consumers, and by online food ordering systems that connect consumers to prepared food vendors directly.

Councilor Dwight seconded.

This 'opt-in' provision is modeled after an ordinance from Berkeley, CA, Noah explained. It saves businesses money and is something a lot of businesses are already doing.

Eli Marlin and Renna Pye spoke to the amendment.

The motion passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.

Next, Councilor Maiore moved that the Plastic Reduction and Sustainability Ordinance be amended by adding the following as a seventh clause in section B:

"Any retail establishment or food establishment that is greater than 5,000 square feet in area and provides any type of checkout bag shall sell such checkout bags for no less than ten cents (\$.10) per checkout bag. All proceeds from the sale of such checkout bags shall be retained by the retail establishment or food establishment. Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "checkout bag charge" thereon."

Councilor Dwight seconded with correction of a scrivener's error to change the numbering from the 7th to the 8th clause.

Noah spoke to the amendment. Councilor LaBarge asked if the City Council had the ability to set the price of an item for a business.

Councilor Dwight said Noah consulted the city solicitor and he said the language is fine and appropriate as crafted.

Members asked questions and offered comments, Councilor Dwight explained that they were trying to change a culture. "The idea is to promote a cultural shift." The amendment requires supermarkets over 5,000 square feet to charge at least 10 cents for a paper checkout bag.

Councilor Nash requested that they table this particular amendment. His instinct is that this is probably not a big deal. He would be fine with moving forward with voting on the ordinance up to this point tonight and just having a chance to think this over.

Councilor Dwight alternately proposed that he approve the amendment tonight and, should his decision change, propose a deletion in two weeks. Otherwise they will have to amend in second reading and people won't know it's part of the content. His preference is not to table, he shared.

This is very standard measure in similar ordinances and clearly within the scope of promoting reusable items, Noah added.

Councilor Sciarra called the motion to approve the amendment to a vote, and it passed 8:0 by roll call vote with Councilor Jarrett recused.

The motion to approve the ordinance as amended passed 8:0 by roll call vote with Councilor Jarrett recused.

See minutes of January 21, 2021 for second reading.

Councilor LaBarge requested a five-minute break. The City Council recessed briefly at 11:40 p.m. The council reconvened at 11:49 p.m.

Consent Agenda

Consent Agenda

Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate discussion upon request. Councilor Jarrett asked that the appointment of Sara Howard be removed for separate discussion. **Councilor Maiore moved to approve the consent agenda with the removal. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.**

The following items were approved as part of the consent agenda:

- A. **Minutes of December 3, 2020 City Council Meeting**

B. 20.162 Appointments to Various Committees - for referral to City Services Committee

Arts Council

Jesse Hassinger, 184 Main Street, Apt. 4, Northampton

Term: January 2021-June 2024

To fill a vacancy

Human Rights Commission

Kathy Wicks, 102 Black Birch Trail, Florence

Term: January 2021-June 2024

To fill a vacancy

Northampton Housing Authority- Board of Commissioners

Jo Ella Tarbutton, 81 Conz Street, Apt. 626, Northampton

Term: January 2021-June 2022

To fill a newly-created position on the NHA Board of Commissioners through the Special Act

Councilor Dwight moved to approve the appointment of Sara Howard to the Northampton Housing Partnership. Councilor LaBarge seconded.

Councilor Jarrett said he needed to recuse himself since Sara Howard is his life partner.

The motion passed 8:0 by roll call vote with Councilor Jarrett recused. The following appointment was approved:

Housing Partnership

Sara Howard, 8 High Street, Florence

Term: January 2021- June 2024

To fill a vacancy

<p><u>Recess for Committee on Finance Meeting</u></p>	<p>At 11:53 p.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 12:22 p.m. The City Council reconvened at 12:22 p.m.</p>
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<p><u>Financial Orders (on 1st reading pending Finance)</u> <u>20.178 Order to Increase Personal Property Tax Exemption Threshold to \$2,500 - 1st reading</u></p>	<p><u>Financial Orders (on 1st reading pending Finance review)</u> <u>20.178 An Order to Increase Personal Property Tax Exemption Threshold to \$2,500 - 1st reading</u> Councilor Jarrett moved to approve the order in first reading. Councilor LaBarge seconded. Councilor Jarrett said he read a portion of the state law that authorizes this, M.G.L. Ch. 59, Section 5. It lists at least 58 exemptions. It would be helpful to have a briefing of all the possible exemptions the city could be enacting, he suggested. He asked how the mayor has gone about making decisions about which ones to adopt. The finance director recently did a Powerpoint presentation to explain many of the exemptions available to seniors, Mayor Narkewicz advised. Selecting particular exemptions has been a slow process as additional exemptions have become available, Director Wright related. Most of them have quite a range that the city can adopt. They stayed the same for quite a while until last year, when the mayor asked the assessor's for a recommendation. The assessors recommended increasing several exemptions. She thinks the one they use most is the elderly exemption. The city raised not only the income eligibility limit for applicants but the exemption amount and reduced the age requirement from 70 to 65. The presentation is still on the assessor's website. They made quite a few changes in the exemptions last year to provide more generous benefits to veterans and elders. They do take advantage of many of them. Councilor Jarrett said he would take a look over them to see if there are any they haven't heard about. The motion passed unanimously 9:0 by roll call vote.</p>
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<p><u>20.179 Order to Authorize Borrowing \$1.5 Million for Paving Projects - 1st rdg.</u></p> <p><u>20.180 Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds - 1st reading</u></p>	<p><u>See minutes of January 21, 2021 for second reading.</u></p> <p><u>20.179 An Order to Authorize Borrowing \$1.5 Million for Paving Projects - 1st reading</u> Councilor Dwight moved to approve the order in first reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of January 21, 2021 for second reading.</u></p> <p><u>20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds - 1st reading</u> Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of January 21, 2021 for second reading.</u></p>
<p><u>Financial Orders (in 2nd reading)</u></p> <p><u>20.157 Order to Appropriate CPA Funds to the Conservation Fund - 2nd rdg.</u></p>	<p><u>Financial Orders (in 2nd reading)</u></p> <p><u>20.157 An Order to Appropriate CPA Funds to the Conservation Fund - 2nd reading</u> Councilor LaBarge moved to approve the order in second reading. Councilor Thorpe seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>The following order passed two readings:</u></p> <p style="text-align: center;">City of Northampton MASSACHUSETTS</p> <p style="text-align: center;"><i>In City Council, December 17, 2020</i></p> <p style="text-align: center;"><i>Upon the recommendation of the Community Preservation Committee</i></p> <p style="text-align: center;"><u>20.157 An Order to Appropriate CPA Funds to the Conservation Fund</u></p> <p><i>Ordered, that</i></p> <p>WHEREAS, the Northampton Conservation Commission submitted an application for Community Preservation Act funding for the Conservation Fund;</p> <p>WHEREAS, the fund makes possible increased acquisition or protection of open space parcels in Northampton by supporting fast action on time-sensitive real estate opportunities and placement of permanent conservation restrictions;</p> <p>WHEREAS, the project meets the goals of the Northampton Sustainability Plan for protection of open space and agricultural lands, and the applicant has used these funds effectively in the past towards the protection of hundreds of acres of open space;</p> <p>WHEREAS, on November 19, 2020, the Northampton Community Preservation Committee, voted unanimously to recommend that \$50,000 in Community Preservation Act funds be used to support this project.</p> <p>NOW, THEREFORE BE IT ORDERED,</p> <p>That \$50,000 be appropriated from Community Preservation Act funding to the Northampton Conservation Fund. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.</p> <p>Specifically, \$50,000 is allocated from the CPA Open Space Reserve (account #2344930-359931)</p> <p><u>Passed two readings and enrolled.</u></p>

20.158 Order to Appropriate CPA Funds for Smith Charities Emergency Repair Project - 2nd reading

20.158 An Order to Appropriate CPA Funds for the Smith Charities Emergency Repair Project - 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:

**City of Northampton
MASSACHUSETTS**

In City Council, December 17, 2020

Upon the recommendation of the Community Preservation Committee

20.158 An Order to Appropriate CPA Funds for the Smith Charities Emergency Repair Project

Ordered, that

WHEREAS, the Smith Charities submitted a CPA application for critical exterior repairs to the Smith Charities Building at 51 Main Street;

WHEREAS, the Smith Charities have operated continuously since 1865 from the building, which was designed by noted architect William Fenno Pratt, and is located within the Downtown National Register Historic District;

WHEREAS, the project will address the most critical needs identified in an historic building assessment to ensure that it will remain a unique part of the downtown streetscape in the future, and will leverage state grant funds;

WHEREAS, CPA funds will be utilized exclusively for critical exterior repairs, and in no way contribute to the operating expenses of Smith Charities;

WHEREAS, on November 19, 2020, the Northampton Community Preservation Committee voted unanimously to recommend that \$85,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$85,000 be appropriated from Community Preservation Act funding to the Smith Charities for the Smith Charities Emergency Repairs project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$85,000 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932).

Passed two readings and enrolled.

20.159 Order to Appropriate \$55,000 in CPA Funds to AOM Lobby and Salon Rehabilitation - 2nd reading

20.159 An Order to Appropriate \$55,000 in CPA Funds to AOM Lobby and Salon Rehabilitation - 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:

**City of Northampton
MASSACHUSETTS**

In City Council, December 17, 2020

Upon the recommendation of the Community Preservation Committee
**20.159 An Order to Appropriate \$55,000 in CPA Funds to AOM Lobby and Salon
Rehabilitation**

Ordered, that

WHEREAS, the Academy of Music submitted a CPA application for lobby, salon, and downstairs hallway rehabilitation;

WHEREAS, the work will conform to the Secretary of the Interior’s standards for historic rehabilitation, will complement theater restorations already completed using CPA and other funds, and will take advantage of Covid-19 closures to prepare for reopening;

WHEREAS, on November 19, 2020, the Northampton Community Preservation Committee voted to recommend that \$55,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$55,000 be appropriated from Community Preservation Act funding to the Academy of Music for the Lobby and Salon Rehabilitation. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$55,000 is appropriated from the CPA Historic Preservation Reserve (account #2344930-359932).

Passed two readings and enrolled.

20.160 An Order to Appropriate CPA Funds to the Pine Brook Connector Acquisition Project - 2nd reading

20.160 An Order to Appropriate CPA Funds to the Pine Brook Connector Acquisition Project - 2nd reading

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

The following order passed two readings:

**City of Northampton
MASSACHUSETTS**

In City Council, December 17, 2020

Upon the recommendation of the Community Preservation Committee

20.160 An Order to Appropriate CPA Funds to the Pine Brook Connector Acquisition Project

Ordered, that

WHEREAS, the Northampton Conservation Commission and Office of Planning & Sustainability submitted a CPA application for purchase of 53 acres within the Broad Brook/Fitzgerald Lake Greenway on Boggy Meadow Road;

WHEREAS, the parcel includes a perennial stream, rich wetlands, upland habitat, serves as a critical segment of an existing wildlife corridor, is adjacent to already-protected open space and will provide an additional entrance to the Greenway from Bridge Road;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail Plan to protect open space, provide for passive recreation, and protect heritage landscapes;

WHEREAS, on November 19, 2020, the Northampton Community Preservation Committee voted unanimously to recommend that \$160,600 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$160,600 be appropriated from Community Preservation Act funding to the Northampton Conservation Commission and Office of Planning and Sustainability for the Pine Brook Connector acquisition Project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$73,400 is appropriated from the CPA Open Space Reserve (account #2344930-359931), and \$87,200 is appropriated from the CPA Budgeted Reserve (account #2344930-359930).

Passed two readings and enrolled

20.161 An Order to Appropriate CPA Funds to the Affordable Housing Fund - 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:

20.161 An Order to Appropriate CPA Funds to the Affordable Housing Fund - 2nd reading

**City of Northampton
MASSACHUSETTS**

In City Council, December 17, 2020

Upon the recommendation of the Community Preservation Committee

20.161 An Order to Appropriate CPA Funds to the Affordable Housing Fund

Ordered, that

WHEREAS, the Office of Planning and Sustainability submitted an application for Community Preservation Act funding for the Affordable Housing Fund;

WHEREAS, the fund will be used for soft due diligence and soft costs for predevelopment work necessary for new affordable housing opportunities that the City creates, and for which no other funds are readily available;

WHEREAS, this fund will result in new affordable housing opportunities in Northampton, meets the goals of the Housing Needs Assessment and Strategic Plan, and will help to address impediments to fair housing identified in the Fair Housing Assessment;

WHEREAS, on November 19, 2020, the Northampton Community Preservation Committee, voted unanimously to recommend that \$50,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$50,000 be appropriated from Community Preservation Act funding to the Affordable Housing Fund. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$50,000 is allocated from the CPA Affordable Housing Reserve (account #2344930-359933)

Passed two readings and enrolled.

Orders
20.183 Order
Amending the
Charter to Mail
Ballots for
Municipal Elec-
tions to All
Registered Voters
- 1st reading

Orders - Charter Review Committee Recommendations

Councilor Sciarra reminded councilors that these orders were drafted by solicitor Seewald at their direction and have been reviewed by house counsel. The goal tonight is to approve this language so it can be submitted to the legislature for its consideration

20.183 An Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters - 1st reading

Councilor Sciarra read the order.

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

Interestingly, it is coincidental that they are voting on this order today because those who stayed up and watched the discussion on the House and Senate floor last night know this is the very issue that was being challenged by a number of representatives, particularly as it related to the Pennsylvania vote, Councilor Dwight related. The Republicans in that instance were working very hard to suppress the ability of certain classes to vote and to limit the opportunities of people in urban areas to vote. COVID-19 actually prompted a situation where the state of Pennsylvania made modifications to allow for mail-in ballots. The crux of their argument is that it was an invalid rule that was made during COVID because it wasn't done by the legislature and it therefore invalidated all the votes cast.

In this case, they are establishing and expanding voter rights and expanding participation as opposed to trying to limit it. He finds it particularly relevant today because they've seen a

grotesque display punctuated by a grotesque action. The news just broke that a capitol police officer died due to injuries sustained yesterday. He thinks this is a very appropriate response because they were driven by the sense that the more people entitled to participate in democracy the better. These cynical Republicans would rather game the system in order to advance their own agendas. They're not going to do that here. They don't know who they're expanding the vote to. They could actually be similar right-wing patriots. The fact is, they're entitled to vote and participate in the conversation. He wanted to go on the record that it is with particular pride that he's going to be voting now because it is so very germane and relevant tonight.

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

See minutes of January 21, 2021 for second reading.

20.184 Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections - 1st reading

20.184 An Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections - 1st reading

Councilor Sciarra read the order.

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

Councilor Quinlan asked if there is a space to lobby for this when the orders are considered.

All municipal bills generally go through a committee process and anyone can submit written testimony, Mayor Narkewicz confirmed. They can get information from their legislators as to when the bills are scheduled for hearing. Legislators usually take a bunch of charter changes en masse.

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

See minutes of January 21, 2021 for second reading.

20.185 Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language - 1st reading

20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language - 1st reading

Councilor Foster read the order.

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

See minutes of January 21, 2021 for second reading.

20.186 Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections - 1st reading

20.186 An Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections - 1st reading

Councilor Sciarra read the order.

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

Councilor Quinlan asked if the order shouldn't list 'preliminary election for mayor' in addition to 'preliminary election for ward councilor or preliminary election for ward school committee member' since there may also be preliminary elections for this position.

They could get clarification on this for second reading, Councilor Sciarra said. The motion passed unanimously 9:0 by roll call vote.

See minutes of January 21, 2021 for second reading.

Ordinances (Not Yet Referred)
20.182 Ordinance Relative to Demolition Review for Historically-Significant

Ordinances (Not Yet Referred)

20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings

Councilor Dwight moved to refer the ordinance to Legislative Matters. Councilor LaBarge seconded.

Councilor Jarrett asked if the Historical Commission had weighed in. Mayor Narkewicz said he was fairly certain this was something they discussed, but he could verify that with the

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the Year Two Thousand and Twenty
Upon the Recommendation of the Transportation and Parking Commission

**20.155
AN ORDINANCE**

**RELATIVE TO PARKING ON
MIDDLE 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:

1 SECTION 1
2
3 *That the § 312-102 of the Code of Ordinances be amended as follows:*
4
5 § 312-102 Schedule I: Parking Prohibited All Times.
6

Location	Side	From	To
<u>Middle Street</u>	<u>Southerly</u>	<u>Maple Street</u>	<u>A point 40 feet easterly of Maple Street</u>

7
8

Passed two readings, ordained and enrolled.

<p><u>New Business</u></p>	<p><u>New Business</u> None</p>
<p><u>Information (Charter Provision 2-7) & 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 1:19 p.m. The motion carried unanimously 9:0 by roll call vote.</p> <p>Attest: _____ Administrative Assistant to the City Council</p>