



## **Committee on Finance and the Northampton City Council**

*Councilor Gina-Louise Sciarra, Chair  
Councilor Marianne LaBarge, Vice Chair  
Councilor Michael J. Quinlan, Jr.  
Councilor John Thorpe*

### **On-line Zoom Meeting**

Meeting Date: March 4, 2021

Note: The Finance Committee Meeting took place during the City Council Meeting as announced. The City Council Meeting began at 7 p.m.

1. **Meeting Called To Order:** At 9:56 p.m., Councilor Sciarra called the meeting to order.
2. **Roll Call:** Present were committee members Gina-Louise Sciarra (Chair), Marianne LaBarge (Vice-Chair), Michael J. Quinlan, Jr. and John Thorpe. Also present from the City Council were William H. Dwight, Alex Jarrett, Karen Foster, Rachel Maiore and Jim Nash. Also present were Mayor David Narkewicz, Finance Director Susan Wright and Administrative Assistant Laura Krutzler.
3. **Approval of Minutes of February 4, 2021**  
Councilor LaBarge moved to approve the minutes of February 4, 2021. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.
4. **FINANCIAL ORDERS**
  - A. **21.202 An Order To Authorize Acceptance Of Gifts Of Labor And Materials For Sidewalk Repair Or Replacement**  
Councilor Sciarra read the order.

Councilor Quinlan moved to positively recommend the order. Councilor LaBarge seconded.

The resolution itself captures the history of this since it has been a long-standing issue, Mayor Narkewicz presented. Residents doing repairs to their driveways have sometimes asked if they can make repairs to an adjacent city sidewalk, but a long-standing Department of Labor ruling made that impossible without compliance with prevailing wage laws. There was recently a change to this policy. To create a mechanism to allow the city to accept these gifts of materials and labor, they are proposing this order designating the DPW as a gate keeper to make sure the work is done properly. The order would allow those types of gifts and preauthorize the DPW to review and accept them, he explained.

Councilor Quinlan asked if they didn't approve something like this on Main Street.

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They definitely authorized work there on city-owned property and the right of way, Mayor Narkewicz confirmed. They have done similar things in the past. Basically anytime somebody wanted to do their driveway over and fix the sidewalk they would otherwise have to bring forth orders on a case by case basis.

Councilor Dwight said he had to express some discomfort with this. The fact is, it runs counter to their express commitment to and philosophy of how it's appropriate for any work associated with the city to be done with fair wages, i.e. - living wages. He has heard annoyance from some residents about the fees assessed for resurfacing their driveways, he added.

His response to that would be that most contactors are charging good prices to do this work, Mayor Narkewicz said. Sole source suppliers are exempt from prevailing wage laws whether it is a public or private project. He doesn't know that they trying to skirt the prevailing wage requirement. They are talking about one or two panels of a sidewalk or a section of asphalt on either side of a driveway apron. Their goal was not to subvert prevailing wage, it was more to facilitate the acceptance of gifts.

It is the same conflict that came up when they did the gas station approval, Councilor Dwight commented. It just gives him agita. He is not suggesting the mayor is trying to find a cute way to dodge that commitment at all. He does understand the initiative and desire. He agrees the outcome will probably be quicker and will facilitate more pervasive repairs.

To be a public contractor and bid on public contracts, contractors have to register with the Department of Labor Standards and submit information about their crew. A driveway contractor is probably not going to want to do all that, Mayor Narkewicz noted. He said he understands the concern.

Councilor Sciarra asked what if somebody wanted to do the whole length of sidewalk in front of their house. Would that come before the council?

That's not really what's envisioned here, Mayor Narkewicz said. He assumes if someone wanted to replace the sidewalk with concrete, under this, they could come to the DPW and petition to do that but they would have to build to the standards of the city. He supposes hypothetically it would be allowed under this but it's not typically what they've received. These are typically requests in conjunction with some kind of project happening on the private property.

It does bring up a question of equity to him, Councilor Jarrett volunteered. If anybody who has funds is able to fix their own sidewalk, what does this mean to those who donate traffic calming? Are only those who can pay for traffic calming able to jump the line? Ideally, they would have enough funds to pave all the sidewalks.

He noted that the authorization would be in perpetuity. If the Cooley Dickinson Hospital decided it wanted to do an entire block, would the DPW decide that if this order passes? He asked.

This would be if they wanted to donate repairs to a public sidewalk, Mayor Narkewicz clarified. The alternative is to bring these forward individually to the City Council for review, he reiterated.

Councilor Jarrett suggested the idea of having someone taking advantage of this provision pay more to do work on someone else's sidewalk, but Mayor Narkewicz pointed out that the donors would be making a gift of real property, not money. He doesn't know if they could compel people to give 40 extra hours of a contractor's time.

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Councilor Nash asked if the \$5,000 gift rule would apply here, but Mayor Narkewicz said he's not aware of such a rule. The city has carved out some exceptions. For example, the City Council has authorized the school committee to accept gifts up to \$25,000.

Any gift of monetary value can be accepted under Mass. General Law, they just can't spend it without the council's approval, Mayor Narkewicz clarified. The police department can accept gifts of up to \$5,000, he said.

Councilor Jarrett noted that in this case there is no limit to the dollar value. It sounds like there is a possibility there could be a limit above which it would come to the council.

Mayor Narkewicz confirmed that is true. There is no urgency to this, so he could work with the solicitor on putting a cap on it. He would probably ask the DPW director for a ballpark of what a typical driveway apron project runs. He could withdraw the order and resubmit it or they could advance it, he advised.

Councilor Maiore said she is curious about liability issues when someone else fixes a sidewalk.

That is why the order has really strict review by the DPW, Mayor Narkewicz said.

The idea of a cap makes a lot of sense while at the same time not bogging down a homeowner who wants to fix the driveway, Councilor Foster suggested.

After more brief discussion, Mayor Narkewicz said the DPW director would be comfortable with a cap of \$9,500. He suggested insertion of "labor and materials valued up to \$10,000" [for a round number] as an amendment. Councilor Quinlan so moved. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.

The motion to positively recommend the order as amended passed unanimously 4:0 by roll call vote.

#### **B. 21.203 An Order To Discontinue A Portion Of Sherman Avenue**

Councilor Sciarra read the order.

Councilor Quinlan moved to positively recommend the order. Councilor LaBarge seconded.

The proposal is fairly straightforward, Director Feiden said. There was an error in building the house which made it a little too close to the property boundary. The owners are not eligible for a variance or zoning relief. City officials are very worried about precedent value. The city can't give up land for only private benefit; there has to be a public benefit. There was a negotiated agreement and the property owner has been a pleasure to work with. The property owner is prepared to write a check as soon as the council approves the order.

It happens very rarely, he said, in response to a question. It will not have any effect on folks traveling on Sherman Avenue.

For the record, the exact boundaries aren't totally clear which is why the second paragraph says the city will issue an instrument. He is not sure if they are going to issue a quit claim deed or another instrument.

Councilor Nash thanked Director Feiden for keeping him in the loop and tying it in with the Safe Routes for School program.

Councilor Quinlan asked how this happens.

It is the property owner's responsibility to do a survey, Director Feiden explained. They're literally off by 1.2 feet. The problem was either the survey or a lack thereof.

The motion passed 4:0 by roll call vote.

C. 21.204 An Order To Release A Parking Easement On Glendale Road

Councilor Sciarra read the order.

Councilor Quinlan moved to positively recommend the order. Councilor Thorpe seconded.

Twenty years ago, the city did what it called a limited conservation development where it purchased about 21 acres of land, permanently preserved 16 acres of it, gave one lot to Habitat for Humanity and sold one lot as a market-rate lot, Director Feiden presented. They always planned to sell the land on Glendale Road. Once the landfill project died, it was in their queue to deal with this. They put the lot on the market and signed an agreement to sell to a buyer for \$84,300. The buyer did a title search and realized there is an easement there. The easement says the city's parking can't interfere with the property owner's driveway. It understandably made the buyer nervous. The order says the city is going to get the northerly part of the easement and the buyer will get the southerly part.

There is history because one of the realtors in Northampton owned the property, Councilor LaBarge volunteered. The realtor wanted to put in a massive building. They worked tirelessly to not let that happen. None of them wanted to have such a massive development in that area.

There was a large housing development planned, Director Feiden confirmed. They were very happy to be able to purchase the property and have some conservation land.

Councilor LaBarge said she doesn't have a problem with the movement of the driveway. She expressed her understanding that the city is going to have its own driveway

The motion passed 4:0 by roll call vote.

5. New Business

None.

6. Adjourn: There being no further business, Councilor Quinlan moved to adjourn. Councilor Thorpe seconded. The motion carried on a roll call vote of 4 Yes, 0 No. The meeting adjourned at 10:47 p.m.

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