



## Committee on Community Resources and the Northampton City Council

### Committee Members:

Chair: Councilor Gina Louise Sciarra

Vice-Chair: Councilor Dennis P. Bidwell

Councilor Maureen T. Carney

Councilor Alisa F. Klein

### Meeting Minutes

Date: April 13, 2017

Time: 2:30 pm

Location: City Council Chambers  
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 2:30 pm Councilor Sciarra called the meeting to order. Present were: Councilors Sciarra, Bidwell, and Carney. Councilor Klein arrived at 2:35 pm. Councilor Sciarra noted that the meeting was being video and audio recorded.

2. **Public Comment: None**

3. **Minutes of Previous Meeting**

A. **Approve minutes of February 21, 2017 meeting**

B. **Approve Minutes of the March 20, 2017 meeting.**

Councilor Carney moved to approve the minutes as a group; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

4. **17.265 An Ordinance relative to taxis and vehicles for hire - Referred to committee on 4/6/2017**

Officer Allard explained that over the last year he has received a lot of complaints from taxi companies about other taxi companies. The specific concern has been that certain companies are operating a taxi services using livery license plates. The benefit to the business owner is cost of insurance. It is cheaper to insure an auto with livery plates than it is for a vehicle with taxi plates. He notes that there is a void in the city ordinances. There is really nothing in the ordinances to govern liveries. He also notes that metering is called for in the ordinance, however, none of the taxis in Northampton are currently using metering. Officer Allard proposed to Chief Kasper that the definition of liveries be established, that the taxi ordinance be cleaned up to govern metering, and then separate the types of vehicles so that each vehicle hired for service would be aware of what the requirements would be. This would make the job of enforcement and compliance much easier.

Councilor Sciarra asked if previously taxis were required to have meters; Officer Allard stated yes, but for several years taxis have not had meters in the city. The ordinance only covers businesses that are based in Northampton.

Officer Allard stated that for the definition for liveries he looked at the industry standard. A livery is used as a carrier service with more than twelve hours notification for a particular fare; the fare is not metered if less than 25 miles; the vehicle would not be displaying stickers to indicate that it is a taxi cab service. This will mean that the vehicle operator cannot pick up fares on the street.

Councilor Bidwell asked where Uber service fit into all this and whether it was included in the metering using a GPS smartphone. Officer Allard stated that Uber is GPS metered and is fare structured by Uber.

Officer Allard was clear that a specific metered was not required. Businesses could opt for wired or GPS; smartphone Apps would meet the standard. The idea is to assure the consumer that they are not being over-mileaged on the fare. Right now there are no standards, so a fare today could be a different price than tomorrow. The revised language in the ordinance protects consumers by asking that drivers state the maximum rate that a customer might pay before the trip starts.

Councilor Bidwell wondered if an Uber vehicle would fit the definition; Officer Allard stated, "no"; a vehicle with taxi markings has to be registered as a taxi according the Massachusetts General Laws. Uber is operating almost as a livery service. Councilor Bidwell asked if the intent of the ordinance was to bring Uber in under the ordinance; Officer Allard stated, No; the intent is to have the two taxi companies in town be subject to the same requirements. Officer Allard stated that if someone has taxi cab markings but are using livery plates, this must change. A company can operate both taxi cabs and a livery service, but the markings need to be consistent with the ordinance requirements.

Councilor Sciarra stated that the City Solicitor looked over the ordinance and supported changing section 316-18 regarding the section about a child safety seat plan. More definitive language is required in this section in order to make it enforceable. Officer Allard had no objections to changing the section.

Chief Kasper had made a language change to the definition of livery service; Officer Allard agreed with the proposed language change by the Chief.

Councilor Sciarra asked about how the enforcement would go to be sure that people were complying with the requirement to meter their service. Officer Allard stated that for liveries, trip sheets would be required to contain information, including, Date, Month, Time, Year, Vehicle Company, License Number, Name of the Driver, License Plate Number, Pick up Time, and Address of Person Who was Picked up. These would be records that would have to be maintained so that if there was an inspection, it could be determined that the vehicle was operating in compliance with the regulations. Metering would be a little harder. Today, due to technology, open metering is a possibility whereby a customer can check to be sure that he/she is being charged the correct rate.

The Administrative Assistant explained that there was a disconnect between the PD's desire to have livery vehicles fall under the re-write of the ordinance and the interpretation of the City Clerk's Office which viewed the definition of a livery as a way to distinguish what fell under the ordinance and what did not. There is also a discrepancy in what the requirements are as spelled out in the ordinance and actual practice, particularly with Business Licenses. Today, the DBA filing is used in place of the Business License.

The committee recognizes that Uber type services would not fall under the ordinance at this time. Councilor Sciarra asked the committee how they would like to proceed. Given the numerous changes that are being proposed, the committee allowed the Administrative Assistant to re-work all of the changes and then forward to the City Clerk and City Solicitor for feedback.

Motion to continue until the next committee meeting made by Councilor Carney and seconded by Councilor Klein. The motion was approved on a voice vote of 4 Yes, 0 No.

##### **5. Discussion on Op-Eds pertaining to CSR and Update on the Mayor's Panhandling Advisory Group:**

Councilor Bidwell explained that Stan Moulton from the Gazette is quite interested in running a series of three articles. The first of three has already run. There is positive feedback about the first article; however, Councilor Bidwell is aware that there are concerns that have been raised with some key businesses closing. The concern is about whether Northampton is becoming a downtown for "head shops". Councilor Sciarra states that she has heard concerns not related to the op-ed, but again about the recently announced closings. She notes that it seems that people are looking for a more experiential retail opportunities; this was something that was heard during at least one of the public forums that the committee held. Councilor Bidwell noted that sometimes it is events, festival, etc., that bring people into the retail stores. Councilor Bidwell feels that a one-time forum where the arts organizations and the others talk about the role of events and generating activity and visibility in the community. This is something the Councilor Bidwell wanted to talk about with the Mayor.

Councilor Bidwell also reports that the Mayor has established a Panhandling Advisory Group, as had been recommended by the committee. The committee consists of the social service and housing organizations, a representative of the DNA, a representative of the Greater Northampton Chamber of Commerce, a representative from the Police Department, and one business owner. There was an initial meeting where everyone was given an opportunity to talk about themselves and their organization. The focus of the next meeting will be to share data about who is out on the streets and why. Councilor Bidwell notes that some of the most aggressive solicitations are being done by non-profit organizations that are out on the street. There is also a group of folks who are not soliciting at all but are on the streets as part of the community.

Councilor Klein is concerned about the letter that was suggested as the next in the series of articles going into the Gazette. Councilor Bidwell is not so concerned about the timing about getting the article to the Gazette. At the very least the article should cover the Mayor's recently established committee.

Councilor Bidwell shared that the Mayor is not all that crazy about convening a meeting of Arts organizations. He feels that this is something that is already done, and to have another group would create redundancy. Councilor Bidwell suggested that the committee think about whether they wanted to move forward with that recommendation. Councilor Bidwell suggested that he would prepare an up-to-date summary of what was going on in the area of Arts and Events.

Councilor Klein asked whether the Mayor's ad-hoc committee was subject to open meeting laws. Councilor Bidwell believes that the Mayor's ad-hoc committees are not subject to open meeting law because members are not elected officials. Councilor Klein suggested that this is a crucial issue that people have very strong feelings about and the kind of conversation that a lot of people would like to have access to.

Councilor Sciarra suggested that this discussion be continued until the next meeting.

7. **New Business:** None

8. **Adjourn:** At 3:50 pm Councilor Klein moved to adjourn the meeting; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By:

*P. Powers, Administrative Assistant to the City Council*  
(413) 587-1210, [ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov)