



CITY COUNCIL  
**CITY OF NORTHAMPTON**  
MASSACHUSETTS

Councilors:

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

**Meeting Agenda**  
**On-line Video Conference**  
**Meeting Date: January 7, 2021**  
**Meeting Time: 7 p.m.**

The January 7, 2021 City Council meeting will be held via remote participation. The public can follow the council's deliberations by watching the meeting live on Comcast channel 15, live-streaming it on youtube or joining the virtual meeting by phone or computer. For the active youtube link, please see Northampton Open Media's website: <http://northamptonopenmedia.org/>

Live public comment will be available using telephone call-in or video conferencing technology beginning at 7 p.m.

**INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING**

Join the meeting: <http://bit.ly/3nh2vfP>

For telephone call-in, call:

+253 215-8782 US

+301 715-8592 US

MEETING ID: 943 6059 1930

PARTICIPANT #: #

PASSCODE: 180850

**1. Announcement that Meeting is Being Held Via Remote Participation and Audio/Video Recorded**

This meeting is being held via remote participation and audio/video recorded.

**2. Public Comment**

**3. Roll Call**

**4. Public Hearings**

**5. Updates from Council President and Committee Chairs**

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

**7. Communications and Proclamations from the Mayor**

**8. Resolutions**

**A. 20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance - 1st reading**

Documents:

[20.113 Resoluton in Support of Plastic Reduction and Sustainability Ordinance.pdf](#)

**9. Presentations**

**A. Northampton Policing Review Commission Interim Report**

Presentation by Northampton Policing Review Commission Chair Daniel Cannity

**10. Consent Agenda**

**A. Minutes of December 3, 2020**

Documents:

[12-03-2020\\_City Council Minutes.pdf](#)

**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*

**Housing Partnership**

**Sara Howard**, 8 High Street, Florence

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*

Documents:

[20.162 Appointments to Various Committees.pdf](#)

**11. Recess for Committee on Finance (See Separate Agenda)**

**12. Financial Orders (on 1st reading pending Finance review)**

Rule 2.6 requires the Finance Committee to consider certain financial matters.

**A. 20.178 An Order to Increase Personal Property Tax Exemption Threshold to \$2,500 - 1st reading**

Documents:

[20.178 An Order to Increase Personal Property Tax Exemption Threshold to 2,500.pdf](#)

**B. 20.179 An Order to Authorize Borrowing \$1.5 Million for Paving Projects - 1st reading**

Documents:

**C. 20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds - 1st reading**

Documents:

[20.180 An Order to Appropriate Free Cash 1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds.pdf](#)

**13. Financial Orders (on 2nd reading)**

**A. 20.157 An Order to Appropriate CPA Funds to the Conservation Fund - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 12/17/2020
- Passed 1st reading - 12/17/2020

Documents:

[20.157 An Order to Appropriate CPA Funds to the Conservation Fund.pdf](#)

**B. 20.158 An Order to Appropriate CPA Funds for the Smith Charities Emergency Repair Project - 2nd reading**

**History:**

- Positive recommendation, Finance Committee - 12/17/2020
- Passed 1st reading - 12/17/2020

Documents:

[20.158 An Order to Appropriate CPA Funds for the Smith Charities Emergency Repair Project.pdf](#)

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

**History:**

- Positive recommendation, Finance Committee - 12/17/2020
- Passed 1st reading - 12/17/2020

Documents:

[20.159 An Order to Appropriate 55,000 in CPA Funds to AOM Lobby and Salon Rehabilitation.pdf](#)

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

**History:**

- Positive recommendation, Finance Committee - 12/17/2020
- Passed 1st reading - 1st reading

Documents:

[20.160 An Order to Appropriate CPA Funds to the Pine Brook Connector Acquisition Project.pdf](#)

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

History:

- Positive recommendation, Finance Committee - 12/17/2020
- Passed 1st reading - 12/17/2020

Documents:

[20.161 An Order to Appropriate CPA Funds to the Affordable Housing Fund.pdf](#)

**14. Orders**

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

Documents:

[20.183 An Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters.pdf](#)

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

Documents:

[20.184 An Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections.pdf](#)

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

Documents:

[20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language.pdf](#)

**15. Ordinances (Not yet Referred)**

Rule 5.2.3 provides that no ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

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

Documents:

## 16. Zoning Ordinances (Not yet Referred)

**Process Note:** M.G.L. Chapter 40A, Section 5 requires the City Council to submit zoning ordinances to the Planning Board for review within 14 days of receipt and for the Planning Board and City Council or a committee designated for that purpose to hold public hearings thereon, together or separately, prior to adoption.

### A. 20.181 An Ordinance Relative to Affordable Housing (350-6-12)

Documents:

[20.181 An Ordinance Relative to Affordable Housing - 350-6-12.pdf](#)

## 17. Ordinances

### A. 20.114 Plastic Reduction & Sustainability Ordinance - 1st reading

**History:**

- Referred to Community Resources Committee (CRC) and Legislative Matters (LM) - 9/3/2020
- Public forum held. Positive recommendation with request for consideration of possible amendments related to enforcement/implementation date and disability accommodations - 11/16/2020
- Referred to Disability Commission - 11/5/2020
- Two exemptions recommended, Disability Commission - 11/10/2020
- Multiple amendments approved, LM - 12/14/2020
- Positive recommendation as amended, LM - 12/14/2020

Documents:

[20.114 Disability Commission Recommendation.pdf](#)

[20.114 Plastic Reducton and Sustainability Ordinance - POST 12-14-20 LM.pdf](#)

### B. 20.154 An Ordinance Relative to a Stop Sign on Edwards Square - 2nd reading

**History:**

- referred to Legislative Matters (LM) - 12/3/2020
- positive recommendation, LM - 12/14/2020
- passed 1st reading - 12/17/2020

Documents:

[20.154 An Ordinance Relative to a Stop Sign on Edwards Square.pdf](#)

### C. 20.155 An Ordinance Relative to Parking on Middle Street -

## **2nd reading**

### **History:**

- Referred to Legislative Matters (LM) - 12/3/2020
- Positive Recommendation, LM - 12/14/2020
- Passed 1st reading - 12/17/2020

Documents:

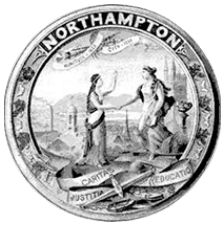
[20.155 An Ordinance Relative to Parking on Middle Street.pdf](#)

## **18. Information Requests (Charter Provision 2-7) and Committee Study Requests**

## **19. New Business**

## **20. Adjourn**

*Contact: G-L Sciarra, Council President*  
glsciarra@northamptonma.gov  
(413) 570-3133



**City of Northampton**  
MASSACHUSETTS

***In the Year Two Thousand and Twenty***

Upon the Recommendation of the Mayor's Youth Commission, Councilor William H. Dwight and Councilor Rachel Maiore

**R-20.113 A RESOLUTION**  
**IN SUPPORT OF PLASTIC REDUCTION AND SUSTAINABILITY ORDINANCE**

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

WHEREAS, the City of Northampton has a duty to protect the natural environment, the economy and the health of its citizens, and

WHEREAS, polystyrene, polyethylene, polyethylene terephthalate, and polyvinyl chloride are typically made from fossil fuels, a non-renewable resource, and

WHEREAS, further that production of such plastics is driving fossil fuel extraction, and

WHEREAS, the manufacture, use, and disposal of these plastics requires substantial energy consumption, and contributes to the greenhouse gases that further climate change and result in adverse local and global environmental effects, and

WHEREAS, plastics 1 - 6 are common environmental pollutants that fragment into smaller non-biodegradable pieces that harm or kill marine life and wildlife when ingested, and

WHEREAS, the Environmental Protection Agency states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy", and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance, classified by the National Toxicology Program (NTP) as "reasonably anticipated to be a human carcinogen" and as a potential food and beverage contaminant that may "leach from polystyrene containers used for food products", and

WHEREAS, polyethylene terephthalate and polystyrene, are based on benzene, which is a known carcinogen and hazardous substance, and

WHEREAS, polystyrene, and polyvinyl chloride are generally not recyclable, and

WHEREAS, polystyrene is used as food service ware by food establishments and packing material by retail establishments operating in the City of Northampton, and

WHEREAS, disposable food service ware constitutes a portion of the litter in Northampton's streets, parks and public places, which increases municipal expenses, and

WHEREAS, biodegradable and/or compostable materials are available as affordable and effective alternatives to most plastic products, and

WHEREAS, New York, California, Oregon, Hawaii, Puerto Rico, American Samoa Islands, Northern Mariana Islands, US Virgin Islands, and Guam have enacted plastic bag bans; with Connecticut, Delaware, and Maine having passed plastic bag ban legislation not yet in effect; and with Vermont having passed a comprehensive single-use plastic ban, and

WHEREAS, over 100 municipalities throughout the United States, Canada, Europe, and Asia have banned polystyrene food service ware, including Amherst, Brookline, Great Barrington, Somerville, Cambridge, and South Hadley in addition to 41 other municipalities in Massachusetts, as well as: Oakland, CA; Chicago, IL; Miami Beach, FL; Albany, NY; New York, NY; Portland, OR; and Seattle, WA

NOW, therefore, the City of Northampton acts to enact an ordinance to prohibit the use and distribution of polystyrene, polyethylene terephthalate, polyethylene, and polyvinyl chloride in food service ware and packaging material, and require instead the use and distribution of certified biodegradable, compostable, reusable, or recyclable products or materials.



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

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**Roll Call**

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra. At 7 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**

Councilor Sciarra announced that the meeting was being held via remote participation and audio and video recorded.

**Public Comment**

**Public Comment**

Councilor Sciarra opened the floor to public comment and explained the procedure she would use in conducting the public comment session.

There being none, Councilor Sciarra moved to the next item on the agenda.

**Public Hearings**

**Public Hearings**

None.

**I  
Updates from Council President/ Committee Chairs  
Announcement - Notice of Intent by the Commonwealth of Massachusetts to Purchase an Agricultural Preservation Restriction (APR) on Farmland in Northampton (APR Project Name: Omasta, John P. and Faye, Project ID: 20B02)**

**Updates from Council President and Committee Chairs**

**Announcement - Notice of Intent by the Commonwealth of Massachusetts to Purchase an Agricultural Preservation Restriction (APR) on Farmland in Northampton (APR Project Name: Omasta, John P. and Faye, Project ID: 20B02)**

In accordance with M.G.L. Chapter 7C, Section 37, Councilor Sciarra read into the record the Commonwealth's Notice of Proposed Acquisition dated November 2, 2020 announcing its intent to purchase an Agricultural Preservation Restriction (APR) on Farmland in Northampton, Massachusetts, specifically, the Omasta farm.

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

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

None.

**Communications and Proclamations from the Mayor  
COVID-19 Update by Public Health Director Merridith**

**Communications and Proclamations from the Mayor**

**COVID-19 Update by Public Health Director Merridith O'Leary and Mayor David Narkewicz**

Councilor Sciarra introduced an update on the COVID-19 pandemic in Northampton, noting that, as of yesterday and today, the commonwealth has hit the highest new case numbers yet.

Public Health Director Merridith O'Leary presented a report on COVID-19 cases in Northampton. The city's emergency management team meets twice a week to share COVID-19 related

O'Leary and  
Mayor David  
Narkewicz

updates, and she always leads off with data representing national, state and local trends in the COVID-19 pandemic. She offered this glimpse of what's going on now in Northampton:

Northampton has had 476 cases since the beginning of COVID. Since October (October through the month of December to date), the city has had 146 cases. Prior to that, in September they had two cases, and, in August, one or two. The numbers were extremely low throughout the end of summer/beginning of fall.

They can see what's happening at the national level, and they are trending the same way here in the county and in Northampton, she confirmed.

Of the 476 cases, 199 (42%) have come out of long-term health care facilities: nursing homes, rest homes, etc. Everything outside of that is what they call community transmission, they can't quite identify how it's happening.

In contrast, of the most recent 146 cases, only 15 have been from long-term health care facilities, O'Leary reported. Conversely, back in April during the first surge, over 65% of cases were in long-term health care facilities and the remainder were community transmission. There's a lot more community transmission happening now, she observed.

The fact that numbers are rising in the United States and locally indicates that they're going to have a rapid acceleration of cases, especially with the thanksgiving holiday and people traveling and congregating indoors with family and friends. They have seen this trend with all of their holidays - about 14 to 21 days later they see a steep incline in cases. They are expecting the same to happen after the thanksgiving holiday but to be a little more severe because the weather is cooler. She expects to start seeing cases coming in from holiday gatherings this weekend and it will really have an impact in about 14 days.

Besides cases, she also looks at the incident rate and positivity rate. The positivity rate is the percent of positive tests out of all tests administered. The benchmark that everybody sets is 5%. Communities should be pulling back and shutting things down when they hit this level. The state puts out a weekly report every Thursday. Today's report said Northampton's positivity rate is 1.15%; last week, it was 1.24%. At the beginning of November it was .33%, which coincides with the growth of their cases.

The state positivity rate is 3.73%. The positivity rate is measured over a span of time (14 days) because daily positivity rates ebb and flow. It is better to take chunks of time and look at trends. As an example, the state's positivity rate today is 7.32%, so the daily positivity rate is really high. At the height of the surge, the maximum positivity rate was 8.15%, so they can see that they are nearing where they were at the highest point in the first surge.

There have been 232,000 total cases in the state and 10,824 deaths to date. They have watched the positivity rate go from .8% in August to 7.32% today. The county and local positivity rate has been on the same congruent path as the state. This is data she gives to the emergency management team twice a week.

One of the primary functions of the health department is case investigation. If someone tests positive, the lab reports it to the state department of public health, which triages it and sends it down through its MAVEN software program to the community where the person lives. It is up to the local Board of Health to do the case investigation. They call and ask all kinds of questions and then start their contact tracing. She has a team of contract contact tracers who help with that. She let a lot go during the summer but they are now onboarding more. Cases have changed a lot; the cases were much simpler in April because they were really shut down at that point. Then, the average number of contacts was about 3.5 and most were household members. Contacts are extremely complex now and trying to identify close contacts is a very cumbersome and laborious job.

She is watching data trends globally, nationally, statewide and countywide. She is looking at granular data, and this helps her set policies. To date, she has set over 20 local orders, everything from suspending high contact sports to requiring businesses to report to the health department within 12 hours after notification of an affected employee as well as gathering orders, venue orders, mask orders, etc. She uses the data to drive her policy and recommendations.

Additionally, they hired eight or nine public health ambassadors in the late summer/early fall to have a presence in the community. Their primary job was handing out masks. They took this responsibility on very early on - in April - getting homemade ones and giving them out to people who didn't have them. They kind of adopted that and kept with it. In the summer they hired public health ambassadors to take this on for them. They go out in the community, set up tables and provide really good information and masks.

Northampton was one of the first communities to have a mask mandate. To date, they have given out over 5,000 masks, so it's been a huge undertaking. They also go to events. If they find out someone is having an event in the paper or on social media, they try to have a presence there. It is not really about enforcement; it is about education. The ambassadors will stay with the health department until the end of December.

Another thing she follows pretty closely is what's happening with hospitals here in the state and locally. She looks at capacity. At the end of October into November, they saw hospital capacity decreasing quite significantly so the state opened up surge hospitals to increase capacity.

Massachusetts has 1,325 inpatients with COVID and 261 COVID patients in ICU's across the state. She can safely say they have about 24% of COVID beds open, equating to the availability of maybe 3,400 COVID beds left in the state and about 900 ICU beds.

She compares that to what's happening in Western Massachusetts. COVID availability beds is about 24% in the state and ICU beds availability is about 39%; in [western] Massachusetts, they have about 38% availability of COVID inpatient beds and 67% ICU beds.

In her report to the emergency management team, she lets them know what's happening at CDH and gives a brief overview of what's happening at Baystate Medical Center and a few other larger, regional hospitals.

Recently, they have been working with ServiceNet and First Churches to get a shelter open, Director O'Leary continued. She is happy to report that tomorrow at 4 p.m. those doors will open. It will not be at full capacity initially. It looks like they will be able to house 37 residents there with 20 to go in tomorrow. All have gotten tested this week and know the expectations. ServiceNet has been working with the residents at the cot shelter to move them over. As they ramp up their staff, they will get more residents.

Another big piece of her job is acting as an advisor to the schools. They talk about best practices and mitigating strategies and once a week she has to make a recommendation as to whether schools should remain open, move forward with a hybrid model or pause. She's able to give them really granular data of what's happening in the schools and out in the community.

State data can be a little misleading. The state has set up metrics and classifies communities as gray, green, yellow or red based on certain parameters. What's really tricky about using state data and state metrics is that there can be duplicates in the surveillance system. The same person can be put in there two or three times.

From Sunday morning to this morning, she has had 12 cases identified as Northampton cases but, in fact, the people don't live in Northampton, they live in Pittsfield, Amherst and Holyoke. This can put them into the red.

If you really want to know what's happening in Northampton, she's the best resource for that, and that's why she meets with the committee and schools regularly. She talks with other health directors in the counties on a very regular basis and tends to have a pulse of what's going on in their communities and their schools. There is a Memorandum of Agreement that if other communities are in the red zone, decisions are made based on that.

She has been talking to the mayor a little bit about possibly standing up a testing site. Testing right now is extremely bottle-necked. The restrictions are closing in on them again partly because of Thanksgiving travel but also because there are more sick people. They are finding it can take two or three days for people to get an appointment to get in and get tested and therefore they are out in the public even though they are COVID-positive and should be at home in isolation. If all goes forward, they are hoping next week to have a test site open for the first day. Unfortunately,

as much as she advocated almost daily to the state COVID command team, they have never gotten a 'Stop the Spread' site here in Hampshire County.

She has also been talking to UMass about opening up to do a little more community asymptomatic testing. She thinks it's very unfortunate that they're nine months into this pandemic and testing is still limited.

Lastly, vaccination. They are starting to look at their EDS plans and starting to think strategically about when vaccines come to the local level. She just submitted her paperwork because Northampton has been identified as being on par to get COVID vaccines because it is already a registered vaccination site through the state. They are anticipating maybe March at the earliest for local communities to get vaccinations. Once they get vaccinations, they are going to want to do mass vaccinations. They did a drive-thru clinic on Halloween where they did 450 flu vaccines. They actually exercised one of their EDS plans at Smith Vocational. It was very cold and they were freezing out there.

That is an overview of what the health department has been doing, she concluded.

Councilor Nash said she mentioned vaccinations being available in early March for the general public. He wondered if health care workers would be getting vaccinated earlier.

The state hasn't released the final plan yet, but their hope is that health care workers will be part of Phase 1A for the vaccine, also 1<sup>st</sup> responders and employees in long-term care facilities, Director O'Leary responded. Chief Davine was notified by the Cooley Dickinson Hospital (CDH) that it's their intention around the 15<sup>th</sup> of December or so to have vaccinations available for the 1<sup>st</sup> responders.

Councilor Quinlan thanked Director O'Leary for her presentation. She mentioned advocating for Hampshire County or Northampton to have a mini testing site. He asked if a location has been picked out.

It is not going to be a set location and it is not going to be open to the general public, Director O'Leary advised. One thing she is seeing a lot of right now is transmission happening in their businesses. If essential businesses are going to remain open, she feels it is important to have asymptomatic testing available for restaurants and grocery stores. She thinks being strategic and mindful in how they do this and showing the state a very good model will benefit them in the end.

She mentioned she's the best resource for information. Councilor Quinlan asked if she creates a report when she meets with the school department and if there is a way they can access that information easily.

She doesn't make a weekly report for the school department. She does put up a graph of where Northampton is for cases two to three times a week on the [www.northamptonma.gov](http://www.northamptonma.gov) COVID page, so that's updated regularly, Director O'Leary shared. The committee she's been asked to be on by the school superintendent is just an advisory committee so she doesn't think anyone is taking scripted notes.

When she came to the City Services Committee back in March she said there was a need for people to join the Medical Reserve Corps (MRC). He asked if she still needed volunteers.

Director O'Leary said most definitely. When it comes time for mass vaccinations, they are going to need a lot of volunteers. The MRC run out of Northampton is county-wide. She stressed that volunteers do not have to have a medical background.

Councilor LaBarge asked how many ambassadors she has working.

Seven ambassadors work from 15 to 20 hours a week, Director O'Leary advised.

Councilor LaBarge asked how come it ends in December.

The city is using CARES Act funding to pay for it and CARES Act funding ends in December, Director O'Leary related.

Councilor LaBarge asked what happens if they still have a problem after December.

The primary goal of the ambassadors is information. In addition to that, she has hired a full-time COVID compliance officer. His salary has been supported by the CARES Act up until now but the city is going to have to absorb that cost come January 1st. They have received over 2,500 complaints since the summer and a lot of the compliance officer's time is spent addressing complaints, Director O'Leary reported. 85% of them are mask-wearing complaints.

They will need to continue to keep the COVID compliance officer on the budget come January 1<sup>st</sup>, she acknowledged. If things ramp up to such a level again, she will ask the mayor for extra support and they would have to figure out a funding mechanism for that.

In the Gazette, it stated that the Easthampton mayor is closing down the schools until March, Councilor LaBarge noted. She asked if there is an uptick going on there.

Easthampton's numbers based on its population are significantly higher than here in Northampton, Director O'Leary pointed out. She thinks it was a decision based on widespread community transmission.

She looks at that, but she also looks at what's happening in the schools – i.e. do they have transmission happening in the schools? Northampton hasn't had that. They have very good public health strategies in place. They do health screenings every single day. If there is even a possibility someone is sick, they start with containment efforts. They will cohort certain people and get them out of there until they know differently. "We're really conservative" because they don't want community transmission happening in the schools.

Councilor LaBarge asked the percentage in Northampton.

The positivity rate is 1.15%, Director O'Leary replied.

Where are we standing right now with the COVID-19 in Northampton? Councilor LaBarge asked.

We're definitely up. We have seen 146 cases over the last three months, Director O'Leary reiterated.

Re: ServiceNet, Councilor LaBarge asked if they are sheltering COVID-positive people in motels.

Right now, ServiceNet has 15 people at Grove Street and they are going to have 38 or 39 at First Churches which is a congregate setting, Director O'Leary explained. If someone were to screen in that they were sick or had known contact with someone COVID positive or tested positive themselves, they would go to an isolation and recovery center run by MEMA. There is one out east and one is opening next Wednesday in Pittsfield. They will go to a hotel until their quarantine or isolation ends. They are hoping to get an isolation center here in Hampshire County. Mayor Narkewicz has been a huge advocate and support of that. They did have one on Conz Street at the Quality Inn but it was underutilized. She thinks MEMA saw the cost vs. how much it got used.

Councilor LaBarge thanked Director O'Leary, health department ambassadors and employees and the mayor.

Councilor Maiore thanked Director O'Leary for the update. Re ambassadorships, she asked how that worked out. Did they report that they were well-received?

When their boots were first on the ground in the public it was more about asking people to do the right thing and they encountered confrontations, Director O'Leary reported. The ambassadors weren't trained on de-escalation tactics so they changed their tactics really quickly. In the early months of the program, ambassadors were utilized a lot more than they are now. There were small-scale events happening outside and more people just walking around downtown. Now that it's gotten colder there really are not a lot of interactions happening between the general public and the ambassadors.

She has offered to the schools now that they went into hybrid operation last Monday, if they need

to have a presence in the morning or another set of eyes or if they need help with bus monitoring, ambassadors are available to them. She thinks overall it has been a successful initiative. If they are still in the same situation in the spring they might have to bring them back.

Councilor Maiore asked Director O'Leary to touch upon general advice for residents about getting tested when asymptomatic and guidelines for holiday activities.

Mass.gov has an interactive website on testing. It will tell the parameters of various testing sites (i.e. - if need patients need a doctor's order or to be symptomatic), hours it is open, location, etc.

Asymptomatic testing is probably going to be reduced dramatically because they need to save the tests for those who are sick and who have had direct, close contact.

As for the holidays, all she can say is that, in her opinion, the worst days are coming upon them. December through the end of January are going to be extremely difficult times, and she urges everyone to do their part. If you have to go out, wear your mask. Stay six feet apart from everyone. No indoor gatherings other than with household members. Stay home when you're sick. Get tested. Adhere to public health guidelines. If you've been asked to quarantine, make sure you quarantine to the date you're supposed to. It is important that they have really good public health communication and that constituents have confidence in their leadership. She's sad, too, that she doesn't get to see her three adult children. "We need to do this together to get on the other side."

Councilor Maiore said she is talking to people who are making informal plans to quarantine for eight days and then get tested at CVS but her understanding is that no amount of quarantining will mitigate the risk of indoor gathering.

If someone were desperate to see one of their family members, going absolutely nowhere and quarantining for 14 days and everyone else at the gathering doing the same is the safest way to do it, Director O'Leary confirmed. She doesn't believe in [the safety of] getting a test and going to see family members. It is one moment in time.

Councilor Foster thanked Director O'Leary for her comprehensive update. With regard to having strong public health communications, the way she's speaking tonight feels like a message that would be really helpful to the community. She asked if there are ways councilors could be helpful in getting that message out. She also asked what plans she has for speaking to the community.

It has been very challenging to have good communication with the public, Director O'Leary acknowledged. Very early on she had weekly question and answer sessions and did that until June or so. Transmission rates went down and calls weren't really well-attended, so they discontinued them.

Public Health Nurse Kate Kelly started this past Monday and she told her today that one of her priorities is to have more public interaction. She would like once a week or every other week to put something in the Gazette such as an Op-ed or editorial and the other week to have a panel with the public health nurse which people could attend via Zoom with time for questions to be asked. It is on her 'to do' list to be more interactive with the public.

Councilor Foster asked what her position is on sewage testing, whether she thinks that's a valuable strategy to pursue.

The city just started doing sewage testing with a company called Biobot but she is not sure of the value yet. What sewage testing is supposed to show is that, based off this one sampling, next week they can anticipate having x amount of people being COVID positive. But Northampton has Westhampton and CDH sewage coming in to its facility. She thinks it's great if it can be done at a residential site such as a long-term care facility. It shows if COVID is there or not.

The University of Virginia does it at their residential dorms and it captures a lot of asymptomatic cases. It gives them a concentration of virus that they try to match up with the number of cases in a given week.

Re the MEMA shelter in Pittsfield, Councilor Foster wondered if plans are in the works for health care workers who might need to isolate. Are there any plans or options available to them in

Northampton?

Director O'Leary said she thinks Smith College opened up some of its residential dorms to health care workers last season. She hasn't had any conversations with them.

Those conversations happened between Smith College and CDH, Mayor Narkewicz elaborated. He assumes if there were a similar surge they would have that conversation again. Smith College has made an announcement about its opening so it will have to have its own isolation and quarantine housing. The city doesn't have any facilities it could provide for that. It is part of CDH's active contingency planning.

Councilor Foster asked Director O'Leary to talk briefly about her decision to pause sports when she did.

They had made connections locally in Northampton of youth sports to contacts. They couldn't make the connection that it was happening on the field. For example, for soccer, they often made the connection that it was happening on the sidelines or at social gatherings afterwards. Those connections were made and at the same time state data showed that medium-to-high-contact sports were the #1 activity where transmission was happening, more than dining and more than shopping. She was looking at state data and, of course, what happened with hockey. It wasn't so much what was happening on the ice but what was happening on the bench. When that decision was made, they were still doing extremely well in Northampton. They were on the low end of the green and were talking about getting a hybrid model up and running. All these other communities were in the yellow going into the red. She didn't want to chance their kids having transmission from playing with kids in other communities and sparking transmission in the schools. Her priority is keeping their kiddos in school.

Councilor Dwight commented that he derives enormous comfort from her and the mayor's vigilance and the courage both have displayed with their decisive actions. He thinks it is reflected in the fact that, given all of Northampton's variables, she has done breathtakingly well. He is concerned about seniors who are living at home, isolated and alone. Over the nine-month pandemic, culturally, they have seen people adapt to masks, but they seem to have developed a certain comfort level with the circumstances and taken chances they weren't taking back in April. He is particularly concerned about the impact on seniors who live in their homes alone and don't have access to Zoom or other information sources. He asked how she is able to get the message to them that a holiday gathering, while extremely desirable, is a risk to them and to all people consequential to them.

This is a tough one, Director O'Leary acknowledged. She has heard from so many seniors that they are willing to take the risk to see their families; that they were going to die of loneliness. She feels like the vaccine is so tangible. She is telling them to hold on; to please not take the risk.

Senior Services Director Marie Westburg is working on a program to help seniors with technology. She is doing one-on-one training at the senior center teaching seniors to use technology to hopefully get them connected with family members. It is heart-breaking. These are their most high-risk community members. The senior center was the first thing closed down and will be the last thing to open up until they have herd immunity. Her message is: "Just hold on, we're on our way."

The senior center has a list of seniors they call on a regular basis, Mayor Narkewicz added. It is not only a training program but a technology lending program. They are actually setting up seniors with devices and hot spots. They have been doing a lot of classes such as yoga, albeit in a Zoom environment, as well as running a transportation program to get people to appointments safely. Seniors are definitely their most at-risk population.

Councilor Thorpe thanked Director O'Leary for her presence. He asked what preparations are involved in receiving the vaccine. He mentioned storage requirements.

The vaccine that has to be kept at a temperature of 70 below zero will go to large hospitals that have equipment to store material at that temperature, Director O'Leary confirmed. They won't see that at a local level. They do have vaccine refrigeration. They have plans and Memorandums of Understanding (MOU) with companies but it's hard to say what she will need to mobilize until

they know which vaccine they are going to get.

Councilor Sciarra asked if there is any way they could do sewage testing at Linda Manor.

Director O’Leary said she doesn’t think it is possible. When DPW Director Donna LaScaleia approached her about it, that was her first question and she gave her all the reasons why they couldn’t.

Councilor Sciarra mentioned the application for fireworks for First Night. First Night is being planned to be enjoyed from home but, as they know, people have a need to congregate. She asked if she’s had any conversations about how to mitigate the risk to people who might end up downtown on First Night.

She hasn’t thought about First Night, Director O’Leary admitted. Her #1 message is going to be to stay home and not come out and not congregate. That’s going to be the #1 most important public health message and then they’ll talk about public health strategies if people do come out. With any public health message, fears become background noise after a while.

There isn’t going to be a ball-raising this year, Mayor Narkewicz noted. The rest of events are going to be streamed or pre-recorded. The only thing happening live outdoors are fireworks being shot off the parking garage. The thought was that there are enough places to spread out to see them downtown.

Councilor LaBarge said this answered her question about fireworks and the raising of the ball.

Councilor Maiore asked what kind of impact higher education is having on the COVID positivity rate in Northampton. If they control for higher ed., what does the COVID positivity rate look like?

For positivity rates for Massachusetts, there is a total number including higher ed. and another line that extrapolates higher ed., Director O’Leary related. With higher ed. they have people getting tested over and over again and that skews the positivity rate. She hasn’t extrapolated Smith College information because they only have a small number of students and faculty on campus so she doesn’t think it would skew the positivity rate. The number would look a lot better than it actually is because there are so many tests being done on repeat people.

Councilor Sciarra assured Director O’Leary that her tireless leadership has truly been very comforting. She publicly thanked her public health nurse Jenny Meyer who is leaving and welcomed Kate Kelly. If they can be helpful in any way, please never hesitate to contact them.

Director O’Leary encouraged councilors to reach out to her directly anytime they have questions.

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| <p><u>Resolutions</u></p>   | <p><u>Resolutions</u><br/>None</p>  |
| <p><u>Consideration/vote on request to reduce 120-day notification period for Omasta APR to 60 days</u></p> | <p><u>Consideration/vote on request to reduce 120-day notification period for Omasta APR to 60 days</u><br/>There is a request from the state to reduce the notification period for the Omasta Agricultural Preservation Restriction (APR) from 120 to 60 days, Councilor Sciarra explained.<br/>Councilor Dwight moved to approve reducing the waiting period by half to 60 days. Councilor LaBarge seconded.<br/>Mayor Narkewicz reminded councilors that they also approved an order authorizing the city to acquire an APR. State law includes a mechanism to allow the governing body to reduce the notification period by waiving the full 120-day notification requirement.<br/>Councilor Foster asked if there is any potential harm that could come to a party from there being a shortened notification period, and Mayor Narkewicz said no, because putting the land in Chapter 40A is a decision by the Omasta family. They are making the decision to give up the development rights to their property forever. He doesn’t think is anybody being harmed because</p> |

the Omastas are voluntarily making this decision.

Councilor LaBarge said she supports the 60 days. It's a beautiful property and she thanks them for preserving it.

Councilor Jarrett noted that the letter states the closing for the property is a time-sensitive matter.

**The motion carried unanimously 9:0 by roll call vote.** Councilor Sciarra said the council would take a second reading at its next meeting.

Consent Agenda

Consent Agenda

Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate discussion upon request. Councilor Dwight asked to remove the fireworks application.

**Councilor Dwight moved approval of the consent agenda with the remaining items.**

**Councilor LaBarge 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 November 5, 2020 City Council Meeting**

**B. 20.153 Petitions for Pool Tables Licenses – Packards**

Renewal License for Packards, 14 Masonic Street - Sunday License

Renewal License for Packards, 14 Masonic Street - Weekday License

Robert E. McGovern, Petitioner

**C. 20.152 Application for Supervised Display of Fireworks - First Night.**

Name of Sponsor: Northampton Arts, Inc.

Location of Display: E. John Gare Parking Garage, 85 Hampton Avenue, Northampton, MA

Fireworks/Special Effects Company: Pyrotecnico Fireworks, Inc.

Operator: Robert Gutowski

Date of Display: December 31, 2020 @ 6:15 P.M. Rain Date: 01/01/2021

**Councilor Dwight moved approval of the fireworks permit. Councilor LaBarge seconded.**

Councilor Dwight asked what precautions they are taking. In the context of the discussion they just had, it seems almost crazy to have an event like this that would simply invite people to gather downtown.

The arts council will be working with the fire department and taking the obvious safety precautions, Mayor Narkewicz advised. The garage will be closed and cordoned off. They will be doing an informational call of some kind relative to First Night. Typically, fireworks happen right as various First Night concert venues are moving from daytime to nighttime so there is a crush of people downtown. He doesn't see any of that happening because all of the events are streaming online. Northampton Open Media (NOM) will be filming and streaming the fireworks. It's in that context that they are anticipating that there will not be a lot of people downtown. Obviously, all of their mask requirements are in effect. It is a relatively short program. The fireworks are five to 10 minutes then it's over. He thinks the thinking was to have this one element of First Night that is hard to replicate indoors.

"It just seems contra-indicated given everything else we just talked about," Councilor Dwight observed. He asked what precautions police would take. Are they going to be able to break up groups? He is prepared to approve the application but thinks it's worth noting that it does seem contra-indicated given the circumstances.

As an analogy, Boston held a virtual Fourth of July celebration this year, Mayor Narkewicz noted. The Boston Pops performed and there were fireworks but no one could go spectate it. Certainly they will have people downtown but they won't have the level of staffing they would normally have because there won't be any venues and there won't be a need to shut down streets because there won't be a ball raising. His point is well-taken, though.

They heard Director O'Leary say she's going to encourage people to stay home, Councilor Jarrett noted. Like Councilor Dwight, he has a similar question. But if things do arise, he does have faith that Director O'Leary would make an order that would cancel it. Perhaps the fact that she hasn't done that is something they can trust.

Most definitely, and he can tell them she would not hesitate to shut it down, Mayor Narkewicz confirmed.

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|  | <p>Councilor Jarrett made a very good point, Councilor Dwight observed. We've invested this much trust in Director O'Leary's judgment and he's prepared to trust her. He has every confidence in both of them.</p> <p>Councilor Sciarra said she's concerned about it too. She hopes it's been considered by those who've entered into this contract.</p> <p>The motion passed unanimously 9:0 by roll call vote.</p>                          |
| <p><u>Recess for Committee on Finance Meeting</u></p>  | <p>At 8:52 p.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 9:04 p.m. The City Council reconvened at 9:04 p.m.</p>  |
| <p><u>Financial Orders (on 1st reading pending Finance)</u><br/> <u>20.156 Order to Appropriate Free Cash \$60,000 to Health Department for Temporary COVID-19 Staffing - 1st rdg.</u></p> | <p><u>Financial Orders (on 1st reading pending Finance review)</u><br/> <u>20.156 An Order to Appropriate Free Cash \$60,000 to Health Department for Temporary COVID-19 Staffing - 1st reading</u><br/>                 Councilor Maiore moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of December 17, 2020 for second reading.</u></p> |
| <p><u>Financial Orders (in 2<sup>nd</sup> reading)</u></p>   | <p><u>Financial Orders (in 2<sup>nd</sup> reading)</u><br/>                 None.</p>  |
| <p><u>Ordinances (Not Yet Referred)</u><br/> <u>20.154 Ordinance Relative to a Stop Sign on Edwards Square</u><br/> <u>20.155 Ordinance Relative to Parking on Middle St.</u></p>          | <p><u>Ordinances (Not Yet Referred)</u><br/> <u>20.154 An Ordinance Relative to a Stop Sign on Edwards Square</u><br/> <u>20.155 An Ordinance Relative to Parking on Middle Street</u><br/>                 Councilor LaBarge moved to refer 20.154 and 20.155 as a group to Legislative Matters. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.</p>  |
| <p><u>Ordinances</u><br/> <u>20.139 Ordinance to Add Section 285-31 Newspaper Boxes – 2nd reading</u></p>  | <p><u>Ordinances</u><br/> <u>20.139 An Ordinance to Add Section 285-31 Newspaper Boxes – 2nd reading</u><br/>                 Councilor Dwight moved to approve the ordinance in second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>The following ordinance passed two readings:</u></p>   |

**CITY OF NORTHAMPTON**

**MASSACHUSETTS**

*In the Year Two Thousand and Twenty*

**Upon the Recommendation of the Mayor and Planning & Sustainability**

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 285 Code of Ordinances, City of Northampton, Massachusetts, be amended by adding section 285-31 (Newspaper Boxes) of said code; to encourage the availability of publications consistent with public safety and public use of sidewalks and public spaces.

**20.139 An ORDINANCE  
to add Section 285-31 Newspaper Boxes**

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:

**Section 285-31 Newspaper Boxes**

- A. The purposes of this ordinance are:
  - 1) To prevent the unlimited proliferation of private news racks that cause visual clutter, reduce pedestrian safety, and negatively impact city aesthetics.
  - 2) To replace individual private news racks with publicly-owned multi-rack newsstands that provide available space for all types of publications.
  - 3) To promote the public health, safety and welfare and the aesthetic qualities of the City by controlling the placement, size, construction and appearance of news racks.
  
- B. Definitions
  - 1) Newspaper box: shall mean a container used for dispensing of publications to the public at a fee or no charge.
  - 2) Broadsheet: the largest newspaper format, characterized by long vertical pages (typically 22.5 inches), typically stored in a newspaper box with a fee collecting mechanism.
  - 3) Tabloid: a newspaper having pages half the size or smaller of those of a broadsheet newspaper.
  
- C. Use Regulations
  - 1) Privately owned newspaper boxes may not be placed on City sidewalks or on any public property.
  - 2) The City provides public newspaper boxes with spaces available for lease for both broadsheet and tabloid publications, on a space available basis.

- D. Use of public newspaper boxes
  - 1) Publishers shall apply to the Northampton Building Department for a box space in city-owned newspaper box on the form prescribed by the Building Department, including preferences for newspaper box locations.
  - 2) The Building Department shall annually allocate space at public newspaper box locations using the following:
    - a) First, renewing requests for existing permittees in good standing for their existing space (or for the first year, permitted private boxes on the public way);
    - b) Then, on a first-come-first-served basis based upon the date of receipt of a completed application;
    - c) If applications received simultaneously exceed available boxes, a lottery drawing to determine allocation of available remaining public newspaper box spaces.
    - d) If public newspaper box spaces become available during the year, the Building Department may allocate them to applicants using the same procedures as their annual allocation.
  - 3) Registration and fees shall be due and payable on an annual basis upon the Building Department’s annual allocation of newspaper box space.
    - a) Publications shall pay an additional annual registration fee to the City, based on a fee per box for tabloid publications (smaller size boxes) and fee for broadsheet publications (larger size boxes with fee collecting).
    - b) The Mayor shall annually set the application, annual registration, and, if applicable, box retrieval fees for private boxes removed from the street.
- E. The City shall install public newspaper boxes in downtown Northampton and in Florence Center, subject to exact location and relocations approved by the Department of Public Works:
- F. Once public newspaper boxes have been installed, publishers will be notified to occupy the new boxes and to remove all free standing news racks within 30 days of the notification. Free standing racks are not allowed to coexist on sidewalks with public newspaper boxes. Private newspaper boxes not removed within 30 days of notification shall be removed by the Building Department. The City is under no obligation to store private boxes after their removal. If the City does store any private boxes, any box retrieval shall require the payment of a box retrieval administrative fee.
- G. Newspaper box licensees shall be responsible for the maintenance of their door, door operation, fee collection box if applicable, and the inside of their newspaper box space. Newspaper boxes shall not be used for or contain advertising, logos, or for publicity purposes other than that associated with the dispensing of the publication contained in the box. Public newspaper boxes shall be kept in a reasonably clean, neat and rust free condition, with at least 90% of the surface area free of graffiti and weekly cleaned to remove all litter inside, under and around the box.
- H. Newspaper box permit holder shall hold the City of Northampton harmless from all claims for damage whatsoever arising from the use of public newspaper boxes and provide a Certificate of Insurance documenting Workers Compensation coverage and \$10,000/\$100,000 of property damage with the City named as an additional insured.
- I. Public newspaper boxes not used and/or not maintained for 30 consecutive days, not used for the publication shown on the registration form, or for which no annual fee is paid will be considered abandoned and the Building Department may rescind the public newspaper box space permit, and re-allocate the space, with seven days written or email notice to the address shown on the newspaper box registration.

Passed two readings, ordained and enrolled.

Special Committee for Review of Ordinances (2020 Review) - Request for Extension of Deadline for Submitting Report and Recodification

Special Committee for Review of Ordinances (2020 Review) - Request for Extension of Deadline for Submitting Report and Recodification

Process note: Section 1-15.1 (C) of the Code of Ordinances requires the Special Committee for Review of Ordinances to file a report with the City Clerk no later than December 31st of the year in which its review is conducted.

The Ordinance Review Committee hereby requests an extension of this deadline by three months from December 31, 2020 to March 31, 2021.

As councilors may recall, because of the pandemic, this ordinance review committee was convened late and got started late, Councilor Sciarra related. The request is that they have extra time to complete this.

Councilor Dwight moved to approve. Councilor Jarrett seconded.

As chair of the Ordinance Review Committee, the committee is respectfully requesting an extension, Councilor Thorpe confirmed. They got off to a late start. Normally this committee would have six months to do its review and they are only three months in. So far, they are not only looking at ordinances from a social justice lens but have received 'housekeeping' changes from the Office of Planning and Sustainability, have looked at ordinances involving vehicles and traffic and are waiting for ordinance clean-up from the Department of Public Works. They are looking at parking fines, etc. and so their work is not going to be completed by December 31<sup>st</sup>. They are asking for three more months to complete the report.

Councilor Maiore said she thinks it is a perfectly reasonable request. She thinks ordinance review is an integral part of proactive anti-racist and anti-bias work. As a council they just passed a resolution acknowledging racism as a public health crisis, so it's a big job and she wants them to have sufficient time to do substantive and meaningful work.

Councilor Dwight concurred. Given the circumstances and the large charge - this is not what any previous ordinance review committee has had to face. He is grateful members had the courage to ask for more time rather than rush the process. He has no problem supporting this.

It's worth noting that the reason they have a large amount on their plate is that the previous ordinance review committee also found they couldn't possibly address all the things that needed addressing and councilors added to their agenda the task of looking at the ordinance with a social justice lens. He wants him to know that in no way does he think that this committee has come up lacking. He stressed that the committee is not charged with reviewing all of the ordinances; it's not possible.

Councilor Sciarra echoed her deep thanks, saying she is appreciative of this very intensive work. Councilor Thorpe acknowledged the contribution of other committee members and city staff.

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

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|---|--|
| <u>New Business</u>   | <u>New Business</u><br>None  |
| <u>Information (Charter Provision 2-7) &amp; Study Requests</u> | <u>Information (Charter Provision 2-7) and Information Study Requests</u><br>None  |
| <u>Motion to Adjourn</u>  | Upon motion made by Councilor Dwight and seconded by Councilor LaBarge, the meeting was adjourned at 9:15 p.m. The motion carried unanimously 9:0 by roll call vote.<br><br>Attest: _____ Administrative Assistant to the City Council |



# MAYOR DAVID J. NARKEWICZ

City of Northampton

Office of the Mayor

210 Main Street Room 12

Northampton, MA 01060-3199

(413) 587-1249 Fax: (413) 587-1275

mayor@northamptonma.gov

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DATE: January 7, 2020

TO: City Council

FROM: Mayor David J. Narkewicz

**SUBJECT: Appointments to Boards, Committees, and Commissions**

Please find the attached appointments to City Boards, Committees, and Commissions:

## **Arts Council**

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

Term: January 2021-June 2024

*To fill a vacancy*

## **Housing Partnership**

**Sara Howard**, 8 High Street, Florence

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*



# Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

7 messages

noreply@civicplus.com <noreply@civicplus.com>  
To: mayor@northamptonma.gov

Wed, Dec 2, 2020 at 2:11 PM

## Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: [Mayor@northamptonma.gov](mailto:Mayor@northamptonma.gov) or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

|                                  |  |
|----------------------------------|--|
| First Name                       | Jesse  |
| Last Name                        | Hassinger  |
| Title, if applicable             | <i>Field not completed.</i>                                    |
| Address1                         | 184 Main St. Apt. 4  |
| Address2                         | <i>Field not completed.</i>                                    |
| City                             | Northampton  |
| State                            | MA   |
| Zip                              | 01060  |
| Home Phone                       | <i>Field not completed.</i>                                    |
| Work Phone                       | <i>Field not completed.</i>                                    |
| Cell Phone                       | 213-595-7439   |
| Occupation & Place of Employment | chef/co-owner, Belly of the Beast                              |
| Email                            | <a href="mailto:themadmonk@gmail.com">themadmonk@gmail.com</a> |
| Are you a Northampton resident?  | Yes  |
| Years Lived in Northampton       | 4  |
| Age                              | 30 - 39  |

|  |   |
|--|---|
| Sex  | Male  |
| Racial / Ethnic Background   | <i>Field not completed.</i>   |
| Boards and Committees  | Arts Council  |
| Please list "other" board or committee of interest   | <i>Field not completed.</i>   |
| What skills and experience will you bring to this committee assignment?  | I have been involved in the arts for most of my life, having written a review of a Pierre Bonnard exhibition for my local newspaper in high school, focusing on filmmaking, photography, and fine arts at Sarah Lawrence College, where I received my BA, and also at the School of the Museum of Fine Arts for a post-baccalaureate year, and an MFA in film/video from the California Institute of Art. I have also grown up playing piano, alto, tenor, and baritone saxophone, and bass guitar for most of my high school and undergraduate years. Both my parents have been involved in the arts for my whole life, and my "adoptive" family are both fine artists as well. From 2009-2013 I was the Program Manager at the Coolidge Corner Theater in Brookline, MA, programming first-run and special event films. Of late I have begun some poetry and photography series that are ongoing. |
| Are you currently serving or have you served on any city committee?  | No  |
| Please list other city committees you have served on   | <i>Field not completed.</i>   |
| <p>Required: Please read the following, by signing below you state that you understand and agree.</p> <p><i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p> |   |
| Signature  | Jesse Hassinger   |
| Date   | 12/2/2020   |



# Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

noreply@civicplus.com <noreply@civicplus.com>

Sun, May 31, 2020 at 6:34 PM

To: mayor@northamptonma.gov

## Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: [Mayor@northamptonma.gov](mailto:Mayor@northamptonma.gov) or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

|                                  |   |
|----------------------------------|---|
| First Name                       | Sara  |
| Last Name                        | Howard  |
| Title, if applicable             | <i>Field not completed.</i>   |
| Address1                         | 8 High Street   |
| Address2                         | <i>Field not completed.</i>   |
| City                             | Florence  |
| State                            | MA  |
| Zip                              | 01062   |
| Home Phone                       | 413-586-8031  |
| Work Phone                       | <i>Field not completed.</i>   |
| Cell Phone                       | 413-461-5208  |
| Occupation & Place of Employment | Registered Nurse, Holyoke Health Center, <a href="#">230 Maple St., Holyoke, MA 01040</a> |
| Email                            | <a href="mailto:sparrowmae33@gmail.com">sparrowmae33@gmail.com</a>                        |
| Are you a Northampton resident?  | Yes   |
| Years Lived in Northampton       | 1   |
| Age                              | 30 - 39   |

|  |   |
|--|---|
| Sex  | Female  |
| Racial / Ethnic Background   | White   |
| Boards and Committees  | Housing Partnership   |
| Please list "other" board or committee of interest   | <i>Field not completed.</i>   |
| What skills and experience will you bring to this committee assignment?  | For many years I lived in subsidized housing (at Village Park Apartments in Amherst). I raised my children as a single mother, utilizing public transit, the Amherst Survival Center, as well as other community resources in order to survive and thrive as a member of my community. I put myself through nursing school and became a registered nurse, made possible largely by the fact that I had affordable housing. I understand from experience the challenges, stigmas, and issues faced by people living in public housing. Conversely, also from first hand experience, I understand the value and significance of affordable housing in making the difference between surviving and thriving for a family. As a nurse working in the field of addiction and HIV treatment, I see reiterated time and again the connection between health and affordable housing. I feel passionate about housing and it's importance as a basic need for humanity, and I believe I can bring a helpful perspective to the committee based on my lived experience. |
| Are you currently serving or have you served on any city committee?  | No  |
| Please list other city committees you have served on   | <i>Field not completed.</i>   |
| <p>Required: Please read the following, by signing below you state that you understand and agree.</p> <p><i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p> |   |
| Signature  | Sara M. Howard  |
| Date   | 5/31/2020   |



# Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

8 messages

noreply@civicplus.com <noreply@civicplus.com>  
To: mayor@northamptonma.gov

Sun, Oct 25, 2020 at 3:34 PM

## Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: [Mayor@northamptonma.gov](mailto:Mayor@northamptonma.gov) or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

|                                  |   |
|----------------------------------|---|
| First Name                       | Kathy   |
| Last Name                        | Wicks   |
| Title, if applicable             | <i>Field not completed.</i>   |
| Address1                         | <a href="#">102 Black Birch Trail</a>   |
| Address2                         | <i>Field not completed.</i>   |
| City                             | Florence  |
| State                            | MA  |
| Zip                              | 01062   |
| Home Phone                       | (413) 587-0980  |
| Work Phone                       | <i>Field not completed.</i>   |
| Cell Phone                       | (413) 320-2726  |
| Occupation & Place of Employment | Director of Sustainability University of Massachusetts Amherst<br>Auxiliary Enterprises |
| Email                            | <a href="mailto:m.kathy.wicks@gmail.com">m.kathy.wicks@gmail.com</a>                    |
| Are you a Northampton resident?  | Yes   |
| Years Lived in Northampton       | 15  |
| Age                              | 50 - 59   |

|  |  |
|--|--|
| Sex  | Female   |
| Racial / Ethnic Background   | <i>Field not completed.</i>  |
| Boards and Committees  | Human Rights Commission  |
| Please list "other" board or committee of interest   | <i>Field not completed.</i>  |
| What skills and experience will you bring to this committee assignment?  | My education and experience is in public health, education, equity in the built environment and food systems. I bring 18 years of coalition building. I have been committed to lifelong learning and practicing undoing racism for the last 10 years. I facilitated the Race and Health Equity Board of Director Subcommittee for the Western MA Public Health Institute in Springfield for 5 years. |
| Are you currently serving or have you served on any city committee?  | No   |
| Please list other city committees you have served on   | <i>Field not completed.</i>  |
| <p>Required: Please read the following, by signing below you state that you understand and agree.</p> <p><i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p> |  |
| Signature  | Kathy Wicks  |
| Date   | 10/25/2020   |

Email not displaying correctly? [View it in your browser.](#)

**Mayor of Northampton Mass.** <mayor@northamptonma.gov>  
 To: Wren bellavance-grace <wren.bg@gmail.com>, megpaik@gmail.com

Fri, Nov 6, 2020 at 2:35 PM

Any thoughts on Kathy Wicks for the Human Rights Commission?

Thanks-  
Court



# Online Form Submittal: Application for Appointment to Boards, Committees and Commissions

noreply@civicplus.com <noreply@civicplus.com>

Tue, Oct 20, 2020 at 3:30 PM

To: mayor@northamptonma.gov

## Application for Appointment to Boards, Committees and Commissions

City of Northampton Application for Appointment to Boards, Committees, and Commissions

Please return the completed form to: [Mayor@northamptonma.gov](mailto:Mayor@northamptonma.gov) or David J. Narkewicz, Mayor 210 Main Street, Northampton, MA 01060

|                                  |  |
|----------------------------------|--|
| First Name                       | JoElla   |
| Last Name                        | TarbuttonSpringfield   |
| Title, if applicable             | <i>Field not completed.</i>  |
| Address1                         | <a href="#">81 Conz Street</a>   |
| Address2                         | Apt. 626   |
| City                             | Northampton  |
| State                            | Massachusetts  |
| Zip                              | 01060  |
| Home Phone                       | 4133200362   |
| Work Phone                       | <i>Field not completed.</i>  |
| Cell Phone                       | 4133200362   |
| Occupation & Place of Employment | Actress/Education/Counselor  |
| Email                            | <a href="mailto:joellatarbutton@gmail.com">joellatarbutton@gmail.com</a> |
| Are you a Northampton resident?  | Yes  |
| Years Lived in Northampton       | 7  |
| Age                              | 50 - 59  |

|  |   |
|--|---|
| Sex  | Female  |
| Racial / Ethnic Background   | African-American  |
| Boards and Committees  | Arts Council, Disability Commission, Human Rights Commission  |
| Please list "other" board or committee of interest   | Northampton Housing Authority   |
| What skills and experience will you bring to this committee assignment?  | I'm a committed social justice activist/educator/actress who have lived in Northampton and the Pioneer Valley for over 20 years. I was a board member of the Walter Salvo tenant's association and Ward 3 Association |
| Are you currently serving or have you served on any city committee?  | No  |
| Please list other city committees you have served on   | Northampton Housing Authority   |
| <p>Required: Please read the following, by signing below you state that you understand and agree.</p> <p><i>The filing of this form does not guarantee my appointment. An application is kept on file for two (2) years; after that I must file a new application. Being appointed to a committee, board, or commission means that I am considered a Municipal Employee under MGL Chapter 268A and thereby subject to Conflict of Interest Law MGL Chapter 268A, Financial Disclosure Law MGL Chapter 268B, as well as Open Meeting Law MGL Chapter 39: Section 23B. I understand that I will take the conflict of interest test after being appointed and that I also must be sworn in by the City Clerk. I will contact the appointing authority with any questions about my service. Important: Once this form is submitted it becomes a public document, if there is information you do not want open to the public please do not include it on this form.</i></p> |   |
| Signature  | Jo Ella Tarbutton   |
| Date   | 10/20/2020  |

Email not displaying correctly? [View it in your browser.](#)

**City of Northampton**  
MASSACHUSETTS

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*In City Council*

January 7, 2021

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Upon recommendation of the Mayor

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**20.178 An Order to Increase Personal Property Tax Exemption Threshold to \$2,500**

*Whereas*, personal property is subject to local property taxation in Massachusetts unless specifically exempted by law depending on the ownership entity or use of the property;

*Whereas*, tangible personal property consists of goods, merchandise, equipment, tools, machinery, furnishings and effects and other movable property;

*Whereas*, all personal property, owned by Massachusetts and non-Massachusetts residents and businesses that are situated in Massachusetts on January 1, is taxable unless an exemption applies;

*Whereas*, MGL Chapter 59, s. 5 (54) allows for a local option exemption for small personal property accounts in municipalities that accept this section and further requires the municipality to establish a minimum fair cash value required for personal property accounts to be taxed, and to modify that value from time to time;

*Whereas*, City Council previously in December of 2017 set the minimum value of personal property subject to taxation at \$1000 and the Principal Assessor is recommending that the minimum be raised to \$2,500 which will eliminate the issuance of quarterly personal property tax bills of such low value, will not result in significant revenue loss and will provide welcome relief to small local business:

*Ordered, that*, the City of Northampton hereby accepts the provisions of Massachusetts General Law Chapter 59, s 5, (54) and in accordance therewith establishes a minimum value of personal property subject to taxation of \$2,500.

**CITY OF NORTHAMPTON**  
MASSACHUSETTS

*In City Council,*

January 7, 2021

Upon the recommendation of the Mayor

**20.179 An Order to Authorize Borrowing \$1.5 Million for Paving Projects**

*Ordered, that*

the sum of \$1,500,000 is appropriated to pay costs of roadway engineering, design and reconstruction, including the payment of all costs incidental or related thereto; that to meet such appropriation, the Treasurer with the approval of the Mayor is authorized to borrow such amount under M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**City of Northampton**  
MASSACHUSETTS

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*In City Council*

January 7, 2021

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Upon recommendation of the Mayor

**20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds**

*Ordered, that*

\$ 1,500,000 be appropriated from the FY21 General Fund Undesignated Fund Balance (Free Cash) to the following accounts:

|           |                                     |
|-----------|-------------------------------------|
| \$500,000 | Capital Stabilization Fund          |
| \$500,000 | Stabilization Fund                  |
| \$500,000 | Fiscal Stability Stabilization Fund |

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, December 17, 2020*

*Upon the recommendation of the Community Preservation Committee*  
**20.157 An Order to Appropriate CPA Funds to the Conservation Fund**

***Ordered, that***

WHEREAS, the Northampton Conservation Commission submitted an application for Community Preservation Act funding for the Conservation Fund;

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;

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;

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 Northampton Conservation 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 Open Space Reserve (account #2344930-359931)

**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).

**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).

**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).

**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)

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, January 7, 2021*

*Upon the recommendation of the Charter Review Committee*

**20.183 An Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters**

***Ordered, that***

WHEREAS, In accordance with Section 10-6 of the City Charter and Chapter 9 of the Code of Ordinances, in January 2019, the City appointed a Charter Review Committee; and

WHEREAS, On December 12, 2019, the Charter Review Committee filed its Final Report with the City Clerk; and

WHEREAS, the Charter Review Committee made recommendations for certain changes to the City Charter; and

WHEREAS, The City Council wishes to authorize the Mayor to seek special legislation to effectuate the recommended changes.

NOW, THEREFORE, BE IT ORDERED

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows.*

*The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT AMENDING THE SPECIAL ACT CHARTER OF THE CITY OF NORTHAMPTON TO ALLOW FOR EARLY MAIL-IN BALLOTS**

Whereas, The deferred operation of this act would tend to defeat its purposes, which is to improve the governance of the city of Northampton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Chapter 277 of the Acts of 2012, shall be amended as follows:

SECTION 1. Amend article 8 by inserting after section 8-6 a new section 8-7 as follows: "EARLY MAIL-IN BALLOTS. (a) Each active registered voter in the city shall be issued automatically an early mail-in ballot for each preliminary election, regular city election, special city election, or local ballot question. Each active registered voter shall continue to receive an early mail-in ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status, (b) Such ballots shall be mailed to each such registered voter not less than 14 days prior to the election at the address at which such voter registered to vote, and shall include a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, and a declaration that the voter must sign under penalty of perjury that they meet the qualifications to vote, and has not voted in any other ward at this election. (c) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. (d) Such ballots may be returned by mail, in person at the office of the city clerk, or in such ballot drop box as the Mayor may designate. (e) Such ballots shall be counted if postmarked by election day and received not later than the third day after election day. (f) The city may supplement the provisions of this section by ordinance not inconsistent herewith. (g) Nothing in this section shall prohibit or otherwise limit the right of a voter to vote in person during early voting period, if any, or on election day.", and by renumbering section 8-7 to section 8-8.

If the foregoing is not passed:

SECTION 1. Amend article 8 by inserting after section 8-6 a new section 8-7 as follows: "REQUEST FOR EARLY MAIL-IN BALLOT. (a) Not more than 21 days prior to any preliminary election, regular city election, special election, or local ballot question, the city clerk shall mail an application for early mail-in voting to each active registered voter in the city. The applications required pursuant to this subsection shall be in a form prescribed by the city clerk in accordance with state and federal law; provided, however, that said applications shall: (i) include clear instructions for completing and returning the application; (ii) allow a voter to designate the mailing address to which the ballot shall be sent; and (iii) be pre-addressed to the local election official with postage guaranteed. (b) Any voter applying for an early mail-in ballot shall, without specifying a reason therefor, be issued a ballot for such election. (c) The early mail-in ballot packet shall include a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, and a declaration that the voter must sign under penalty of perjury that they meet the qualifications to vote, and has not voted in any other ward at this election. (d) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. (e) Such ballots may be returned by mail, in person at the office of the city clerk, or in such ballot drop box as the Mayor may designate. (f) Such ballots shall be counted if postmarked by election day and received not later than the third day after election day. (g) The city may supplement the provisions of this section by ordinance not inconsistent herewith. (h) Nothing in this section shall prohibit or otherwise limit the right of a voter to vote in person during early voting period, if any, or on election day.", and by renumbering section 8-7 to section 8-8.

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, January 7, 2021*

*Upon the recommendation of the Charter Review Committee*

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

***Ordered, that***

WHEREAS, In accordance with Section 10-6 of the City Charter and Chapter 9 of the Code of Ordinances, in January 2019, the City appointed a Charter Review Committee; and

WHEREAS, On December 12, 2019, the Charter Review Committee filed its Final Report with the City Clerk; and

WHEREAS, the Charter Review Committee made recommendations for certain changes to the City Charter; and

WHEREAS, The City Council wishes to authorize the Mayor to seek special legislation to effectuate the recommended changes.

NOW, THEREFORE, BE IT ORDERED

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT AMENDING THE SPECIAL ACT CHARTER OF THE CITY OF NORTHAMPTON TO ALLOW RESIDENT NON-CITIZENS TO VOTE IN PRELIMINARY AND CITY ELECTIONS**

Whereas, The deferred operation of this act would tend to defeat its purposes, which is to improve the governance of the city of Northampton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Chapter 277 of the Acts of 2012, shall be amended as follows:

SECTION 1. Amend article 8-1 by inserting in the title after the words "PRELIMINARY ELECTION" the words "; QUALIFICATION FOR VOTING", and inserting as final sentence therein the following: "Every resident of the city or, in the case of a preliminary election for ward councilor or ward school committee member, whether a citizen or a noncitizen, who is not otherwise disqualified from voting under state law, shall be qualified to vote in all preliminary elections".

SECTION 2. Amend article 8-3 by inserting in the title after the words "REGULAR CITY ELECTION" the words "; QUALIFICATION FOR VOTING", and inserting as a second sentence therein the following: "Every resident of the city, whether a citizen or a noncitizen, who is not otherwise disqualified from voting under state law, shall be qualified to vote in all regular city elections".

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, January 7, 2021*

*Upon the recommendation of the Charter Review Committee*

**20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language**

***Ordered, that***

WHEREAS, In accordance with Section 10-6 of the City Charter and Chapter 9 of the Code of Ordinances, in January 2019, the City appointed a Charter Review Committee; and

WHEREAS, On December 12, 2019, the Charter Review Committee filed its Final Report with the City Clerk; and

WHEREAS, the Charter Review Committee made recommendations for certain changes to the City Charter; and

WHEREAS, The City Council wishes to authorize the Mayor to seek special legislation to effectuate the recommended changes.

**NOW, THEREFORE, BE IT ORDERED**

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT AMENDING THE SPECIAL ACT CHARTER OF THE CITY OF NORTHAMPTON.**

Whereas, The deferred operation of this act would tend to defeat its purposes, which is to improve the governance of the city of Northampton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

Chapter 277 of the Acts of 2012, shall be amended as follows:

SECTION 1. Amend section 2-2 (b) by deleting in the first sentence the words “in consultation with the mayor and the city clerk”.

SECTION 2. Amend section 2-6 (c) (1) by deleting the word “ordinance” and insert in its place the word “order”.

SECTION 3. Amend section 3-6 by deleting in the first sentence the word “, resolution”; by deleting in the first sentence the word “memorial” and inserting in its place the words “non-binding”; by deleting in the first sentence the word “selection” and inserting in its place the word “confirmation”, by deleting in the fourth sentence the word “resolution”.

SECTION 4. Amend section 3-7 by inserting in the title after the words “TEMPORARY ABSENCE” the words “OR INCAPACITATION”, amend subsection (a) by deleting the subsection in its entirety and inserting in its place the following: “The mayor shall, by a letter filed with the city council and a copy filed with the city clerk, delegate authority pursuant to Section 3-8 to a qualified city officer or employee to exercise the powers and perform the duties of the office during the temporary absence of the mayor for periods of 10 business days or less and to serve only when the needs of the city require and only to the extent necessary under the then circumstances. If the temporary absence of the mayor exceeds 10 business days, the president of the city council shall be the acting mayor. If at any time the city council determines that the mayor is incapacitated and unable to perform the duties of the office, it may appoint its president to serve as acting mayor by the affirmative vote of 7 members. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.”

SECTION 5. Amend section 3-9 by deleting in its entirety and inserting in its place the following: “a) If a vacancy in the office of mayor occurs, the city council president shall serve as mayor until a mayor is elected and qualified under this section. In the event that the city council president is unable to serve as mayor under this subsection, the city council shall elect, from among its membership, a person to serve as mayor. The city council president or other councilor elected by the city council hereunder shall take office immediately upon such vacancy. b) Upon a vacancy in the office of mayor, the city council shall, under section 2-6 (c)(ii), call a special meeting of the city council, and the city council shall, under section 8-1, order a special election to be held within 90 days following the date the vacancy is created to fill that vacancy until the next regular city election. The person elected at a special city election shall be sworn to office immediately. c) Upon the adoption of an order for a special election under subsection b, the city clerk shall set the special election calendar as follows: nomination papers shall be made available within 7 days of the vacancy; nomination papers shall be filed with the board of registrars of voters within 28 days of the vacancy; the board of registrars shall certify such nomination papers within 30 days of the vacancy and the candidate shall file such certified nomination papers with the city clerk within 35 days of the vacancy; a preliminary election shall be held within 65 days of the vacancy, if required; a special election shall be held within 90 days of the vacancy. d) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month sixteen, seventeen, eighteen, forty, forty-one, or forty-two of the term for which the mayor was elected. In such case, the city council president or other councilor elected by the city council shall serve as mayor until the next regular city election. The person elected at such regular city election shall be sworn to office immediately and shall serve a four-year term in accordance with section 3-1 (b). e) Notwithstanding the provisions of subsection b), no special election shall be ordered if the vacancy occurs in month forty-seven or forty-eight of the term for which the mayor was elected and the mayor will not be serving

another term. In such case, the mayor-elect shall be sworn to office immediately and shall serve the remainder of the mayoral term and the four-year term for which such person was elected. f) Any person serving as mayor under this section shall receive the compensation then in effect for the office of mayor.”

SECTION 6. Amend section 4-6, by deleting in the second sentence the word “choose” and inserting in its place the words “appoint, by majority vote of those present,”; by deleting in the third sentence the word “elected” and insert its place the word “appointed”; by deleting the final sentence in its entirety.

SECTION 7. Delete section 5-1 in its entirety.

SECTION 8. Amend section 5-2 by renumbering the section to 5-1 and by deleting the second sentence in its entirety and inserting in its place the following: “Whenever a vacancy occurs on the board of trustees under the will of Charles E. Forbes, the president of the board shall declare a vacancy and, within 30 days following the date of the vacancy, call a meeting of the trustees to fill the vacancy. The board of trustees shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons appointed by the trustees to fill a vacancy shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled prior to the election shall be sworn to the office immediately and shall serve for the unexpired term of the seat to which such candidate was elected. If the seat to which the candidate was elected would have been on the ballot for the next regular city election notwithstanding the vacancy, such candidate shall be elected for a full four-year term. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist.”

SECTION 9. Amend section 5-3 by renumbering the section to 5-2, by deleting the second sentence in its entirety and inserting in its place the following: “Whenever a vacancy occurs in the office of Elector under the Oliver Smith Will, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy.”, and by adding a final sentence as follows: “The process and procedure by which the City Council shall fill vacancies shall be established by ordinance.”

SECTION 10. Amend section 5-4 by renumbering the section to 5-3, by deleting the title in its entirety and inserting in its place the words “TRUSTEES OF SMITH VOCATIONAL AND AGRICULTURAL HIGH SCHOOL”, and by deleting the words “city clerk” and inserting in their place the words “school committee”.

SECTION 11. Amend section 5-5 by renumbering the section to 5-4, by deleting the second sentence in its entirety and inserting in its place the following: “Whenever a vacancy occurs on the Community Preservation Committee, the city council shall, within 30 days following the date of that vacancy, act to fill the vacancy. A person appointed to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The person elected at such regular city election shall take office immediately. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date of the vacancy.”, and by adding a final sentence

as follows: “The process and procedure by which the City Council shall fill vacancies shall be established by ordinance.”

SECTION 11. Amend section 7-2 by deleting the words “, including the superintendent of schools“, and”; by inserting in their place the words “and trustees of the Smith Vocational and Agricultural High School and the superintendents of both districts”.

SECTION 12. Amend section 7-6 by inserting in the third sentence after the words “The award of a” the words “three-year”.

SECTION 13. Amend section 8-1 by deleting the words “superintendents of Smith's Agricultural School” and inserting in their place the words “trustees of Smith Vocational and Agricultural High School”.

SECTION 14. Amend section 8-2 (a) by deleting the words “superintendents of Smith's Agricultural School” and inserting in their place the words “trustees of Smith Vocational and Agricultural High School”.

SECTION 15. Amend article 8 by renumbering section 8-7 to 8-8, and by adding prior thereto a new section 8-7 as follows: “No candidate shall have the words “candidate for re-election” printed next to that person’s name on the election ballot”.

SECTION 16. Amend section 10-7 (a) by deleting the word “chairman” and inserting in its place the word “chair”.

# CITY OF NORTHAMPTON

## MASSACHUSETTS

*In the Year Two Thousand Twenty-One*

**Upon the Recommendation of Mayor David J. Narkewicz and Planning and Sustainability**

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

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, Chapter 161, 'Demolition,' be amended to remove Committee appointment language, which is located in the Administrative Code, and eliminate inconsistencies regarding Ordinance applicability.

### **ORDINANCE**

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:

Amend the text with the additions, modifications, and deletions shown below. Modify existing Ordinance subsection numbering to accommodate amendments.

§ 161-6 Administration.

~~A.~~

~~With the adoption of this chapter, § 22-30 of the City's Code of Ordinances specifying how appointments are made to the Northampton Historical Commission has been amended. The amendment states that as terms of current members expire, the Mayor will appoint a representative from the Chamber of Commerce, followed by an architect, followed by a representative from the real estate or construction industry. (See § 22-30 adopted April 19, 1973 for more detail.)~~

B.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this chapter. The Office of Planning and Development Sustainability is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter.

C.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

~~D.~~

~~The Commission shall create an inventory of significant buildings and structures built during the period of 1901 to 1939 that will be subject to this chapter within a two-year period from the date of the ordinance adoption. The Commission may also proactively develop other lists of significant buildings or structures that may be subject to this chapter. Buildings or structures proposed for the significant list of buildings and/or structures shall be added only following a public hearing.~~

**City of Northampton**  
**MASSACHUSETTS**

**In the Year Two Thousand Twenty-One**

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

**20.181 An Ordinance Relative to Affordable Housing (350-6.12)**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding Section 350-6.12 to encourage affordable housing and maximize local control without requiring a Massachusetts Department of Housing and Community Development Site Eligibility Letter and other non-relevant requirements.

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

Add

**350-6.12 Affordable Housing**

**Whereas, the “Massachusetts Comprehensive Permit Law” (Massachusetts General Law Chapter 40B, Sections 20 to 22) and the “Massachusetts Comprehensive Permit: Low and Moderate Income Housing” regulations (760 CMR 56.00), allow for a single local board to administer and to waive any and all local zoning ordinance and other local ordinances and regulations, as the single approving authority, to encourage affordable housing, upon obtaining a Site Eligibility Letter from the Massachusetts Department of Housing and Community Development (DHCD). Such Site Eligibility Letter creates a burden for some projects, especially small projects. It requires the paying of a fee, the calculation of a developer’s reasonable return, the provision of architectural elevations, among other requirements;**

**Whereas, it is the City’s intention to provide some zoning relief, consistent with city needs, and while avoiding the need for a DHCD Site Eligibility Letter.**

- A. All projects approved under this section must meet the following criteria:**
- 1. At least 50% of the residential units being created shall be “Affordable Units.”**
  - 2. All permanent energy sources (thermal loads, hot water, and electric loads) shall be from grid-supplied electricity or otherwise not use fossil fuels (natural gas, propane, oil, wood). This shall not apply to emergency generators, outdoor grilling, or mobile energy uses.**
  - 3. Prior to obtaining a building permit, the applicant shall obtain DHCD approval as Local Initiative Program (LIP) units, so that all affordable units created under this section can be listed by DHCD on their Subsidized Housing Inventory.**
  - 4. Prior to obtaining a building permit, the applicant shall obtain Site Plan Approval (Section 350-11).**
- B. The Planning Board may approve Affordable Housing projects as part of a Site Plan Approval when:**

- 1. The allowable dwelling units per acre (density) of the entire project is 250% of that otherwise allowed by this zoning ordinance in the zoning district in which the property is located. There are no other minimum lot size requirements for any lots created under this section.**
- 2. The minimum frontage, lot depth, and lot width is at least 40% of that otherwise required by this zoning ordinance in the zoning district in which the property is located.**
- 3. When significant trees on the property are cut they shall be replaced on-site with new trees to the extent feasible without blocking solar photovoltaic or hot water systems, but no payment in-lieu is required when such planting is not feasible. Full mitigation is required for cutting public shade trees.**
- 4. All other zoning applies and is complied with.**

**C. The Planning Board may issue a Special Permit for additional zoning dimensional and density relief when:**

- 1. The application specifically details requested zoning relief to ensure that the project and project permit conditions are not uneconomic, as defined by MGL 40B and 760 CMR 56.00.**
- 2. The Planning Board finds that the project, with a Special Permit for the requested zoning relief, still meets Local Concerns (as defined in 760 CMR 56.00 and as evidenced by the City's master, comprehensive, and strategic plans).**
- 3. The Planning Board finds that the Special Permit conditions of Section 350-10 are met.**

# Planning & Sustainability • City of Northampton

resilience | regeneration | design | conservation | placemaking | mobility | accessibility | community development | historic | zoning | GIS | agriculture

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City Council Office  
City Hall, Room 16  
210 Main Street  
Northampton, MA 01060

December 8, 2020

Hello City Council Members,

The Disability Commission was asked by the City Council to review and make recommendations to the City's Draft "Plastic Reduction & Sustainability Ordinance" by December 10, 2020, which are outlined immediately below.

- Allow for an Exemption for any person to request a bendable plastic straw at food establishments as part of a reasonable accommodation under the Americans with Disabilities Act (ADA) without inquiry into whether they have a disability, the nature of it, or to show documentation
- Allow for an Exemption for any person to request a plastic bag at a retail or food establishment as part of a reasonable accommodation under the ADA without inquiry into whether they have a disability, the nature of it, or to show documentation

The Disability Commission is an advisory board for the City and is comprised of people with disabilities, family members of people with disabilities, an elected official, Office of Planning & Sustainability staff, and people who are concerned for the welfare of people with disabilities. Some of the Commission's members have firsthand knowledge why the banning of plastic straws and bags could be detrimental to the lives of people the disabilities.

First, the use of non-plastic straws are not as useable for many people with disabilities. It is very difficult for people without fine motor control or tremors to get the straw properly to their mouth without a bendable plastic straw. Secondly, the materials could cause harm. Glass, acrylic, bamboo, or metal could be very injurious to people with tremors or people lacking fine motor control. Additionally, these alternative materials could cause an allergic reaction or cause extreme discomfort for people with temperature sensitivities. Paper straws can dissolve during use and the materials could go down someone's throat, creating a choking hazard or cause skin irritation.

On top of the damaging effects, a plastic straw ban would have a deleterious effect on the quality of life for people with disabilities. If people chose to bring their own straws to food establishments because plastic was not offered, they would need to ensure that they always had their plastic straws on them. This is in addition to all of the medical considerations they must make each day and how they will navigate through the physical space that has yet to fully accommodate their mobility challenges. This can make planning the day exhausting and being spontaneous difficult. Buying reusable straws for some people with disabilities could make them cost-prohibitive. Additionally, cleaning reusable straws can be very challenging for people with disabilities or an additional consideration for their caretakers.



The proposed ban on plastic bags can be just as harmful to the quality of life. For instance, paper does not have the same strength to hold items, especially in wet conditions. It is also especially important to consider that people with disabilities travel times between their destinations are longer, maybe involving different transportation methods, so the paper bags will likely lose their structural integrity more often. Second, the loops on the plastic bags can be use to hook around items to keep the bag in place or kept tied down so that items to not get lost.

The request for bendable plastic straws at food establishments by people with disabilities should be granted without delay and without any inquiry by employees into the nature of their disability or a request for documentation. It would be illegal to do so and it can be humiliating for the person being asked to prove themselves.

The Disability Commission recognize the need for reducing the use of single-use plastics, but the needs of people with disabilities should be considered. They need not feel ashamed of their necessity for bendable plastic straws or plastic bags.

We welcome your comments back on our proposal and any questions you may have. We would be more than happy to speak in front of City Council, if you would like someone from the Disability Commission to speak.

Best Regards,

Jeremy Macomber-Dubs, Chair

Emma Cornwell, Vice-Chair

**City of Northampton**  
MASSACHUSETTS

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*In City Council*

September 3, 2020

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Upon recommendation of the Mayor's Youth Commission, Councilor William H. Dwight and Councilor Rachel Maiore

**20.114 Plastic Reduction & Sustainability Ordinance**

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 272-18, providing for Environmental protection and solid waste reduction.

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

Remove: Existing §272-18

Add:

**§Section 272-18: Environmental protection and solid waste reduction.**

A. General definitions. As used in this ordinance, the following terms shall have the meanings indicated:

**ASTM STANDARD**

Standards developed by the American Society for Testing and Materials (ASTM), including only International Standards D6400 or D6868 for biodegradable and compostable plastics. D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities and D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

**BIODEGRADABLE**

Entirely made of organic materials such as wood, paper, bagasse or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment or any other standard that may be developed by the American Society for Testing and Materials specifically for an aquatic environment.

## **BPI CERTIFIED**

Refers to compostable products and packaging certified as compostable according to the Biodegradable Products Institute.

## **COMPOSTABLE**

Disposable food service ware or packaging is compostable if it meets ASTM Standards for compostability, and is BPI-certified.

## **DISPOSABLE FOOD SERVICE WARE**

All containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, and other items designed for one-time or non-durable uses

- (1) ~~designed for one-time or non-durable uses~~; or
- (2) (1) \_\_\_\_\_ in which any food vendor directly places or packages prepared foods; or
- (3) (2) \_\_\_\_\_ which are used to consume foods.

Such food service ware includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

## **FOOD ESTABLISHMENT**

An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.001. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "food establishment" for purposes of this ordinance.

## ~~**MEDICAL CARE FACILITY**~~

~~An establishment in which people receive physical or medical treatment or care, as further defined in 521 CMR 13.01.~~

## **POLYSTYRENE**

The term polystyrene refers to a synthetic plastic polymer used to make food containers, cups, packaging materials, utensils, among other products. It is commonly known and referred to as plastic #6.

## **POLYETHYLENE**

The term polyethylene refers to the synthetic plastic polymer used to make grocery bags, shampoo bottles, and other containers, among other products. It is commonly known and referred to as plastics #2 and #4. For the purposes of this legislation, both plastics #2 and #4 should be considered polyethylene.

## **POLYETHYLENE TEREPHTHALATE**

The term polyethylene terephthalate, also known as PET, is a common plastic polymer widely used to make packaging for foods and beverages, such as soft drinks, juices and water, among other products. It is commonly known and referred to as plastic #1.

## **POLYVINYL CHLORIDE**

The term polyvinyl chloride, also known as PVC, refers to a synthetic plastic polymer used to make plastic straws and utensils, among other products. It is commonly known and referred to as plastic #3.

## **POLYPROPYLENE**

**The term polypropylene, also known as PP, refers to a synthetic plastic polymer used to make food containers, disposable diapers, disposable cutlery and plastic straws, among other products. It is commonly known and referred to as plastic #5.**

## **POLYSTYRENE LOOSE FILL PACKAGING**

A void-filling packaging product made of expanded polystyrene that is used as a packaging fill, commonly known as "packing peanuts".

## **PREPARED FOOD**

Prepared food means any food or beverage prepared by the food establishment at any location owned or controlled by the food establishment using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten either on or off the premises.

## **RECYCLABLE**

Material that can be sorted, cleansed, and reconstituted by Northampton's year-round municipal recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include thermally destroying or converting solid waste.

## **RETAIL ESTABLISHMENT**

Any commercial facility that sells goods directly to the consumer, including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry-cleaning services.

## **REUSABLE**

Products that are designed to be used more than once in the same form by a food or retail establishment.

## **BIODEGRADABLE BAGS**

Bags that:

- (1) contain no polymers derived from fossil fuels; and
- (2) are intended for single use and will decompose in a natural setting to an environmentally beneficial material at a rate comparable to other biodegradable materials such as leaves, and food waste.

## **REUSABLE BAGS**

Bags that are not made of plastic, are for multiple use and are made of cloth, fabric or other durable materials that do not decompose into harmful chemical components. A reusable bag is recyclable, biodegradable or compostable and is specifically designed and manufactured for multiple reuse.

## **COMPOSTABLE BAGS**

Bags that:

- (1) conform to the current ASTM D6400 standard for compostability; and
- (2) are certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity.

## **RECYCLABLE PAPER BAG**

Paper bags that:

- (1) are 100 percent recyclable including the handles; and
- (2) contain at least 40% post-consumer recycled paper content; and
- (3) display the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

## **PRODUCT BAG**

Bags without handles in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are usually placed by the consumer to deliver such items to the point of sale or checkout area of the store. These are also sometimes used by cashier or checkout personnel to contain items at point of sale.

## **CHECKOUT BAG**

Carryout bags provided by a store to a customer at the point of sale. Checkout bags are distinct from product bags.

## B. General prohibition and regulation.

- (1) Food establishments are prohibited from providing prepared food to customers using polystyrene, polyvinyl chloride, polyethylene, polyethylene terephthalate, or other nonrecyclable disposable food service ware.
- (2) Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All compostable food service ware used by food establishments must be clearly labeled with the applicable standard on the product or its packaging.
- (3) Retail establishments are prohibited from selling or distributing polystyrene food service ware to customers. This includes sale of polystyrene ware for home food use.
- (4) Retail establishments are prohibited from selling or distributing polystyrene loose fill packaging to customers.
- (5) Retail and food establishments may only sell or distribute product bags which are either (i) biodegradable, (ii) compostable, or (iii) reusable. All compostable product bags used by retail and food establishments must be clearly labeled with the applicable standard on the bag.
- ~~(6)~~ If any retail establishment provides a checkout bag to customers, the bag shall be either a recyclable paper bag, or a reusable bag.

~~(6)~~(7) No retail or food establishment shall sell or distribute straws made of polystyrene, polyvinyl chloride, polyethylene or polyethylene terephthalate. Retail and food establishments may sell or distribute compostable, biodegradable, and reusable straws upon request by the consumer. Upon request of a plastic straw, retail and food establishments may sell or distribute polypropylene straws. Retail and food establishments are encouraged to offer compostable or reusable straws.

## C. Exemptions.

- (1) The Mayor's designee may exempt a food or retail establishment from the requirements of this ordinance for a period of up to ~~six (6) months~~ one (1) year, upon a finding by the Mayor's designee that the requirements of this ordinance would cause undue hardship to the establishment. The Mayor's designee may approve ~~one (1) two (2)~~ additional 6-month periods upon the showing of a continued undue hardship. ~~For medical care facilities seeking a temporary exemption due to undue hardship, the Mayor's designee shall grant an exemption for one (1) year, with an opportunity to extend the exemption for an additional one (1) year period.~~ An "undue hardship" shall only be found in:
  - (a) Circumstances or situations unique to the particular food or retail establishment such that there are no reasonable alternatives to plastic products or materials banned in this ordinance that are necessary to the establishment's operations; or
  - (b) Circumstances or situations unique to the food or retail establishment such that compliance with the requirements of this ordinance would deprive a person of a legally protected right; or
  - (c) Circumstances where a food or retail establishment requires additional time in order to draw down an existing inventory of plastic products or materials banned in this ordinance.

Any food or retail establishment receiving an exemption shall file with the Mayor's designee monthly reports on inventory and remaining stocks.

- (2) Any food or retail establishment seeking an exemption shall apply to the Mayor's designee using forms provided by the Health Department, and shall allow the Mayor's designee, or his or her designee, to access all information supporting its application.
- (3) The Mayor's designee may approve the exemption request, in whole or in part, with or without conditions.
- (4) The Mayor's designee, by regulation, may establish a fee for exemption requests.
- (5) Certain products are exempt from this ordinance's prohibitions; these include:
  - (a) Flexible transparent covering (commonly referred to as plastic wrap).
  - (b) Thin-film plastic bags used to contain dry cleaning or newspapers, typically without handles.
    - (i) Product bags are not exempt from this ordinance's prohibitions.
  - (c) Packaging utilized for prescription drugs.

#### D. Penalties and enforcement.

- (1) The Mayor's designee shall provide to food and retail establishments succinct materials explaining the requirements of this ordinance and recommendations for proper waste stream procedure.
- (2) If it is determined that a violation of this ordinance has occurred, the Mayor's designee shall issue a warning notice for the initial violation.
- (3) If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Mayor's designee shall issue a notice of violation and shall impose a penalty against the food or retail establishment.
- (4) Each penalty of this ordinance's clauses shall be no less than: 1) \$50 for the first offense; 2) \$100 for the second offense and all subsequent offenses. Payment shall be made within twenty-one (21) days to the City Clerk. Non-payment of such fines may be enforced through civil action in the Northampton District Court. No more than one (1) penalty shall be imposed upon a food or retail establishment within a seven (7) calendar day period.

#### E. Severability.

If any provision or section of this ordinance shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

#### F. Effective date.

This ordinance will take effect on ~~08/01/2024~~08/1/2024.

**CITY OF NORTHAMPTON  
MASSACHUSETTS**

*In the Year Two Thousand and Twenty*

Upon the Recommendation of the Transportation and Parking Commission

**20.154  
AN ORDINANCE**

**RELATIVE TO A STOP SIGN ON  
EDWARDS SQUARE**

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:

SECTION 1

*That the § 312-113 of the Code of Ordinances be amended as follows:*

§ 312-113 Schedule XII: Stop and Yield Intersections.

| Location       | Direction of Travel          | At the Intersection of                     |
|----------------|------------------------------|--|
| Edwards Square | <del>West</del> <u>North</u> | <del>King Street</del> <u>North Street</u> |

**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:

SECTION 1

*That the § 312-102 of the Code of Ordinances be amended as follows:*

§ 312-102 Schedule I: Parking Prohibited All Times.

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