



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 Suport of Plastic Reduction and Sustainability Ordinance.pdf](#)

9. Presentations

A. Northampton Policing Review Commission Preliminary Report

Presentation by Northampton Policing Review Commission Chair Daniel Cannity

Documents:

[Northampton Policing Review Commission Preliminary Report 01072021.pdf](#)

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:

[20.179 An Order to Authorize Borrowing 1.5 Million for Paving Projects.pdf](#)

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](#)

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

Documents:

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:

[20.182 An Ordinance Relative to Demolition Review for Historically-Significant Buildings.pdf](#)

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:

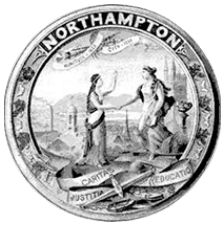
[20.155 An Ordinance Relative to Parking on Middle Street.pdf](#)

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.

Northampton Policing Review Commission

Preliminary Report - January 7, 2020

Members: Lois Ahrens, Elizabeth Barajas-Roman, Dr. Booker Bush, Daniel Cannity, Nick Fleisher, David Hoos, Alex Jarrett, Javier Luengo-Garrido, Carol Owen, Nnamdi Pole, Michael Quinlan, Josey Rosales, Cynthia Suopis

Table of Contents

Table of Contents	2
Background	3
Alternatives to Policing Subcommittee	3
Context	3
Why is this Policing Review Commission Here ?	4
Overview of Alternatives Sub-Committee	6
Houselessness and Policing	7
Substance Use & Policing	9
Mental Health Calls and Policing:	9
Data to support our recommendations for new responses to mental health crises	12
Domestic Violence and Sexual Assault	14
Further work to discern alternatives to policing domestic violence	16
References & resources	17
Policies and Spending Subcommittee	17
Activities To Date:	18
Traffic Enforcement Findings	19
Mental Health and Addictions Findings	20
School Resource Officer Findings	21
Domestic Violence Findings	21
Rape and Sexual Assault Findings	22
Drone and Surveillance Findings	23
Housing Findings	24
Future Directions.	24
Spending and Contracts Subcommittee	25
Reallocation recommendations for the recent 10% funding	25
Opportunities for reallocation	26
Salaries, detail pay, and expenditures	27
Costs of Police Activities	29

Background

In response to both national and local outcries, the City Council and Mayor of Northampton created a joint commission as part of a process to rethink the city's approach to policing, rethink whether and what police services could be delivered by others, and rethink how we structure and fund community safety moving forward.

The Northampton Policing Review Commission began meeting in September of 2020 and continues to work to understand the complicated histories and current issues facing Northampton, its residents, and its visitors. To handle this task, the commission created 3 subcommittees, each tasked with an avenue of inquiry related to the Northampton Police Department and/or community health and safety. These subcommittees are the 1) Alternatives to Policing, 2) Policies and Services, and 3) Spending and Contracts.

This preliminary report represents much of the work of the commission up to this point. It is not a finalized report, but a statement of progress and intent. The report itself is divided into 3 sections generated by the subcommittees. Within and across the subcommittees are areas of convergence and tension as we work to unravel what we know, continue to ask questions and find answers, and reach towards consensus as a body.

Alternatives to Policing Subcommittee

Members: Booker Bush, Javier Luengo-Garrido, Alex Jarrett, Carol Owen

Context

After the brutal murder of George Floyd by the Minneapolis Police Department and the abuses and killings in the United States of other Black and Brown people, including Breonna Taylor, people across the country mobilized in their own communities, demanding that police departments and their budgets be reformulated. On June 3, 2020, more than 500 people attended the Northampton City Council Budget hearing on Zoom. The hearing lasted seven hours (1).

In that hearing, an overwhelming number of speakers, residents of Northampton, called for a cut to the Police Department budget and to diminish the NPD footprint. City Councilors also pointed out that they had gotten hundreds of emails urging them to take these same actions and not approve the Mayor's budget. At the end of the process, the police budget would be reduced by ten percent(2). Because of the mobilization of hundreds of people including a massive protest in front of the Police Station (3)(4), the City Council and Mayor decided to create a Policing Review Commission to write a report and bring recommendations about changes to the Northampton Police Department, based on careful discussion and research.

- (1) <https://www.gazettenet.com/Hundreds-attend-city-council-budget-hearing-speak-about-cutting-police-budget-34612436>
- (2) <https://www.masslive.com/news/2020/06/northampton-votes-to-cut-police-department-budget-by-10.html>
- (3) <https://www.gazettenet.com/Protests-outside-Northampton-City-Councilors-homes-ask-for-significant-cuts-to-police-department-budget-34830767>
- (4) <https://www.gazettenet.com/Northampton-marches-against-police-brutality-34560085>

Why is this Policing Review Commission Here ?

We are here because of a recently understood story of black people not being protected by our police, but instead being made to feel less safe by the police.

We are here because a larger community recognizes that if some feel unsafe, all feel unsafe.

We are here because none of us wish to have mental health problems treated by police.

We are here because addictions treatment is not a problem to be diagnosed and managed by police.

We are here because we see homelessness treated as a crime, and the solutions run through the police.

We were brought here by the experience of black and people of color who have poverty, neglect, discrimination, trauma and systemic racism managed by policing, prisons and contempt by others.

We wish to change these experiences. We seek safety for all and access to treatment for poverty, homelessness, violence (domestic and in the larger community) mental health and addiction services without the involvement of the police who serve as a failsafe rather than its current primary care role.

The work begins because of our appreciation that Black lives have not mattered so far as safety has been concerned. Black lives that have been troubled by the lack of treatment for addiction or mental health services have instead been treated with incarceration or violence.

Although the Black population for Northampton is only 2.2 percent, the number of arrests in Northampton for blacks ranges from 14 to 16% over the last 5 years.

We do not know the number of people of color in Northampton who are homeless.

We do not know the number of people of color called for Domestic Violence related calls.

What we may know is how each of us would wish to be treated if our own safety was called into question-

How would we want our child who is experiencing a profound bout of depression to be treated; by police, or by a supportive team of providers?

How would we want our sibling who has been evicted from their apartment to be assisted; by a police officer, or by a case worker who can assist with obtaining alternate housing.

How would we want our child who has been awakened from a drug overdose with naloxone treated, by a forcible ride with the police or with people who can assist in drug treatment?

Black people have a long history of feeling unsafe, unprotected and subject to acts of random violence. So, it is for people who are houseless in Northampton; as well as people who live with mental health disorders or post-traumatic stress disorder; people who experience poverty or interpersonal violence or community violence; people caught in the throes of addiction.

Should police response to all of these vulnerabilities be the answer ? The default? If a community has nothing else to offer - the police become the answer.

The Alternatives for Policing Sub-Committee of the Northampton Policing Commission wishes to offer alternatives to policing as the default solution. We wish to recommend services that would make us all feel more safe, more comfortable. We want to view policing for our public safety rather than as the primary treatment for all of the issues that trouble us.

Overview of Alternatives Sub-Committee

The Alternatives to Policing Subcommittee has met during the last three months to examine the experiences of residents within the specific context of Northampton and its various forms of policing. Early on, testimonies from community members and advocates made it clear that negative interactions with police officers in Northampton have a clear impact on the homeless population and those without stable living arrangements.

Testimony highlighted the lack of access to bathrooms and warm water during winter, along with the issue of police officers attending mental health related incidents and other non-criminal incidents on the streets of the city. Based on these public testimonies and additional research on model programs in the United States and Canada, the Alternatives to Policing Subcommittee is concluding that a respondent with no gun would be more appropriate than is dispatch of an armed officer. The Sub-committee will continue its investigation, focusing on incidents of domestic violence, sexual assault, and drug overdoses to document residents' experiences with police responses.

The Alternatives to Policing Subcommittee has explored several non-policing response models. These have included:

- Co-respondent models
- Peer-led models
- Use of existing non-police human services in Northampton

To make concrete and sustainable change, we must address the issues underlying the targeting of minorities. Policing should never be used to control others who are powerless in our community, and who may not be in positions of privilege that would allow them to address negative interactions with the police. The successes or failures of any changes made to the current structure of the Northampton Police Department must be measured by the negative or positive impacts in this area.

One of the challenges in this work is the lack of awareness among community members related to their own privilege and position in the community. When the current policing policies and practices have benefitted some groups of people while being harmful to minoritized people, it is critical that those with privilege recognize this dynamic, work proactively to understand it, and partner to change what is historically not working for those without privilege.

This subcommittee has examined these dynamics and is attempting to create options for alternative forms of public safety and public health that ensure that those community residents most affected by policing are not left voiceless. Our investigations have yielded much data on alternative response models that involve the replacement of police presence in street situations that do not require an armed officer with crisis professionals and peers with lived experience of the types of distress that leads to a 911 call. Alternative models of response are the primary focus of this sub-committee's work and its recommendations to the full commission.

Change in our public safety system will take time. We envision a phased process whereby we put increasing resources into programs that will research, design and implement proactive, data-driven practices that will reduce the scope of policing, focusing on supporting people rather than policing them.

Houselessness and Policing

People who live without housing are a great concern for the people in our community. Their lives are unsettled and frequently endangered. They are at risk of starvation, disease, exposure to the elements and worst of all, live at the whim of their larger community.

There are multiple comorbidities that accompany houselessness.

- Poverty
- Mental health conditions
- Domestic violence
- Substance use
- Past incarceration
- Lack of employment or employability

When these comorbidities persist, it becomes more and more difficult for people to exit the cycle of on-going houselessness.

There are additional, structural barriers that actually promote houselessness:

- Lack of affordable housing
- Income inequality
- Ongoing effects of structural racism

The Police are frequently called on to deal with issues that result from houselessness. The police are called for:

- Agitated behavior
- Concerns about property trespass
- Domestic violence within the homelessness community
- Offensive behavior
- Concerns about safety within the homelessness community

The Policing Commission has heard from several community witnesses to the houseless residents of Northampton. Witnesses inform us that houseless individuals do not feel protected by the police. Instead, they feel endangered by police involvement in their lives while living on the streets.

We are aware that some support services offered to those living on the streets are delivered by the police in partnership with other agencies. We urge development of alternatives to police involvement in providing services to the homeless. What follows are some services & resources that we consider urgently needed in Northampton:

The Resilience Hub

The city needs a *Community Center* where people can gather, learn about services, and access water, showers and storage. (See more detailed description in the “Resilience Hub Report for the City of Northampton”)

Housing First

Getting people into supportive housing situations reduces their police interactions, time in the correctional system, reduces health care costs and has better outcomes for them as individuals. Recognizing collective accountability for outcomes instead of fixed institutional role.

https://www.csh.org/wp-content/uploads/2011/12/Report_FUFBooklet.pdf

Creation of a structure that facilitates access to housing: An Employed, financially supported staff to coordinate housing options for individuals

There are currently many organizations that assist with housing related issues. However, the process is complex and exists in many silos (e.g., Tapestry, Recovery Center, ServiceNet, CHD, Hampshire HOPE, Eliot Services). Pamela Schwartz of Western Mass Housing First has spoken with us and has offered recommendations for improvement of coordination among such agencies so that vulnerable individuals in need of housing do not fall between the cracks of the various agencies.

Ongoing community education and engagement about houselessness: Attitudinal change

The Mayor's Workgroup on Panhandling produced a report with many recommendations for community consideration and engagement, all aimed at supporting people rather than policing them. <https://www.northamptonma.gov/DocumentCenter/View/13414/Mayors-Work-Group-on-Panhandling-Study-Report---October-2019-PDF?bidId>

Understanding the plight of houseless people in our community may decrease the number of calls for policing, create energy to assist houseless people, and promote a community that supports each other.

Additionally we urge examination of peer organizations that may assist with the housing issue. We advocate that data on houselessness provide statistics on race, ethnicity, and gender.

Substance Use & Policing

We believe that any forward direction in policy and funding should include an expansion of "Harm Reduction" programs. This framework should apply not only to resources for houseless individuals but also those who struggle with substance issues. The range of harm reduction

approaches to providing needed resources shift the focus from punitive interventions to life-preserving interventions that provide individuals a better platform for their recovery efforts. Failure to attend to the desperation of community residents whose lives are dominated by their daily experience of having to “use” creates cascades of other problems related to housing, health care, mental health care, and food insufficiency. It is also well established in sociology and law enforcement literature that failure to attend to growth in addiction across a community often triggers an upward trend in crime statistics and in populations of houseless community residents.

Already established within the City are programs that follow harm reduction philosophies and practices to respond to risks associated with street drug use. We urge expansion of such programs.

Mental Health Calls and Policing:

Despite the evidence of de-escalation training completed by officers of the NPD we believe that police often do not have a useful role in responding to members of the community who are experiencing mental health symptoms. People re-experiencing symptoms of earlier trauma or having heightened mental states are often not comforted by the arrival of an armed police officer in uniform. Based on previous personal experience with police an emotionally dysregulated person with a mental health history may conclude that the arrival of an armed police officer signals the introduction of a total control strategy by an authority figure. When interviewed, people living with severe mental illness (both locally and nationwide) speak of the need for a non-criminalized approach whose goal is to help a person in distress to develop and implement a self-determined crisis management strategy.

Nationwide, one in five (20.6%) of all adults live with a mental health condition (<https://www.samhsa.gov/grants/grant-announcements/fg-19-003>). According to the same NIMH data, 5.2% of all U.S. adults suffer from severe mental health conditions, typically involving some psychosis. A 2015 report by the Treatment Advocacy Center states that “by all accounts – official and unofficial – a minimum of 1 in 4 fatal police encounters ends the life of an individual with severe mental illness. At this rate, the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers”.

Treatment Advocacy Center (2015). *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*. Office of Research and Public Affairs.

Historically, people with severe mental health symptoms were sent to live in state hospitals such as the Northampton State Hospital. They were joined by other inmates who were deemed

difficult for other community members to accept or tolerate. Along with people exhibiting symptoms of mental illness, individuals considered “vagrants” and members of new immigrant populations who appeared non-compliant with dominant cultural norms were not infrequently referred to the state hospitals as well.

Well documented but sometimes forgotten is the history of Northampton as an epicenter of the de-institutionalization movement of the 1960s and 1970s. During the years that Northampton State Hospital and parallel institutions were being emptied in response to vigorous petitions by local human rights advocates, combined with disinvestment in mental health services by the Federal government, Northampton became one of the cities that former inmates of the state hospital adopted as their new home. Though the City has long been home to both disability law advocates and social services advocates, funding and supportive programming to assist ex-patients transitioning to community living has often fallen short. Numbers of community members who previously may have received more regular supportive services are now visible in the community, though distinctly “under the radar” of service organizations. These same individuals who are not connected with housing options, treatment for substance abuse/dependency, or access to primary and specialty health care often have the most frequent exposure to law enforcement.

The continued Federal and state disinvestment from earlier forms of secure funding to meet the needs of many vulnerable populations has created situations in which “under the radar” folks lacking basic resources have become more visible in the community. With this visibility comes discomfort for some who live in more economically privileged conditions. Police have been increasingly called upon to respond to a variety of situations whose resolution could be more sustainably achieved by engagement with housing advocates, peer-led recovery programs, and supportive services for drug and alcohol addiction/dependency, interpersonal violence, child abuse, or mental health conditions.

Our research in the area of policing of people with mental health issues whose presentation in the community precipitates 911 calls has included interviews with local leadership in both mental health and housing alternatives that serve this population. We have also studied model programs existing around the nation. Some have begun recently and some have experience extended back several decades. We call for city planning initiatives in the following areas:

- 1) ***Development of a peer responder model.*** As Sean Donovan of Western MA Recovery Learning Center (WMRLC) noted in his public comments to this Commission, “police are more equipped to deal with violence but are also often the cause of it.” When armed and uniformed police approach a distraught person in mental health crisis, an internalized trauma response may escalate in both the community resident and the police officer. Instead of the desired de-escalation, the community resident may become more emotionally dysregulated, even to the extent that at the police officer

may consider taking control of the situation by taking the resident into custody for transport to a medical facility, or worse arrest for non-criminal behavior.

There are innovative models of response and de-escalation involving the use of peers, who are individuals having lived experience whose wisdom and experience can be effective in helping and connecting with individuals in crisis. Peers can work independently or can work in collaboration with professionals. The Recovery Learning Community is a nationally recognized program of peer services.

- 2) ***Expansion of existing peer respite programming.*** Currently, Afiya in Northampton (affiliated with WMRLC) strives to provide a safe space in which each person can find the balance and support needed to turn what is so often referred to as a ‘crisis’ into a learning and growth opportunity. The Afiya house is located in a residential neighborhood and is central to a variety of community resources. It is available to anyone ages 18 and older who is experiencing distress and feels they would benefit from being in a short-term, 24-hour peer-supported environment with others who have ‘been there.’ Typical stays at Afiya range from one to seven days. The majority of staff and guests at Afiya identify as having lived experience that may include: extreme emotional or altered states, psychiatric diagnoses, trauma histories, living without a home, challenges in navigating the mental health and other public systems, or living with an addiction.

Another peer led and inspired resource is a program model called “The Living Room”. Similar to a peer respite, The Living Room programs offer daytime support to people needing emotional support and particularly those with housing challenges. The qualities of each program are specific to their own communities. There are Living Room Programs in Greenfield, Springfield and Framingham supported by the Department of Mental Health. We urge expansion of funding for peer respite programming as well as development of daytime supportive and non-stigmatizing indoor environments for people who are unhoused or feeling vulnerable on the streets.

- 3) ***Education for the public on the value of non-violent and de-escalating approaches such as emotional CPR.*** A number of community members who have commented verbally before this Commission or have submitted written comments emphasize the need to engage the wider community in the provision of public safety. Such comments have been made by individuals critical of armed policing responses to non-criminal calls and also from individuals who are unequivocally supportive of the NPD. WMRLC and National Empowerment Center are peer-led organizations that are equipped to offer training for anyone interested in increasing their skills in

assisting others through emotional crises. These trainings should be contracted for and offered to interested individuals in the Northampton community.

<https://emotional-cpr.org/downloads/eCPR-FactSheet-2.pdf>

4) *Harm reduction and housing programs to address the problem of people on the streets with active substance use issues and co-occurring mental health issues*

As elaborated above, harm reduction programming is founded on human rights principles. Specifically any housing, food, or addiction treatment is organized around the belief that all community residents should have access to housing, food, and treatment regardless of the current relationship with substances. Such programs do not require full abstinence or full sobriety. To reiterate here, we urge expansion of such programming in Northampton.

Data to support our recommendations for new responses to mental health crises

Members of the Commission have investigated model programs around the United States in which community volunteers, in tandem with nursing, social work, and emergency medical resources have developed non-police-guided responses to situations involving mental health crises, substance abuse, and housing needs.

Crisis Assistance Helping Out on the Streets (CAHOOTS) program founded in Eugene, Oregon thirty years ago is a mobile crisis intervention program staffed by White Bird Clinic personnel that uses City of Eugene vehicles. The budget is through the Eugene Police Department and the program is well embedded in the community. CAHOOTS is dispatched on EPD's service channel and calls are triaged through the Central Lane Communication Center. Each van is staffed with a medic (nurse or EMT) and an experienced crisis worker. Last year CAHOOTS responded to nearly 24,000 calls. Only 300 of these calls necessitated a call for police back-up. CAHOOTS diverts 5 – 8 % of calls from the Eugene Police Department.

<https://www.eugene-or.gov/4508/CAHOOTS>

Correct Crisis Intervention Today (CCIT-NYC) has established a community-based model adapted from the Cahoots model in Eugene, Oregon. CCIT is a broad-based coalition of civil rights and human service organizations, people with lived experience with mental health crises, family members, and other advocates, all of whom work together with a mission to reform the City's response to mental health crises using a trauma-informed lens.

<http://www.ccitnyc.org/>

Mental Health First-Sacramento (MH First – Sacramento, CA) founded in January 2020 by a psychiatric nurse who continues to work in emergency medicine is a response that functions out of an equipped van donated by the city’s Harm Reduction Program. According to the program’s website, MHF-Sacramento’s “purpose is to interrupt and eliminate the need for law enforcement in mental health crisis first response by providing mobile peer support, de-escalation assistance, and non-punitive and life-affirming interventions, therefore decriminalizing emotional and psychological crises and decreasing the stigma around mental health, substance use, and domestic violence, while also addressing their root causes: white supremacy, capitalism, and colonialism”. <https://www.antipoliceterrorproject.org/mh-first-sac>

Mental Health First - Oakland (MH First - Oakland), formed during August, 2020 and modelled after the MH-Sacramento program, this new non-police dispatch uses cutting edge interventions to de-escalate non-criminal community situations and to connect program recipients with appropriate follow-up services. The core team of approximately 12 volunteers is staffed with impacted community members, and medical and mental health professionals. In addition to the core team, there are ~ 20 additional back-up volunteers. The response teams work overnight every Friday and Saturday night, when most mental health crisis services are not immediately available. The goal of MH First is to respond to mental health crises including, but not limited to, psychiatric emergencies, substance use support, and domestic violence situations that require victim extraction. Though the program is relatively new, its staffing and its advisory board includes some luminaries, such as Patrisse Cullors, who have long and tirelessly been involved in “promoting law enforcement accountability across the world while focusing on addressing trauma and building on the resilience and health of the communities most affected” .

<https://www.antipoliceterrorproject.org/blog-entire/aupt-launches-mh-first-oakland>

Domestic Violence and Sexual Assault

The movement to take domestic violence and sexual assault seriously, to not dismiss it as a personal and private matter, has made important steps forward in the rights of women and all people subjected to this violence.

The work of the many local organizations that provide counseling, support and shelter for those subject to abuse is essential. The Northampton Police Department’s work with these organizations through the [Domestic Violence Intervention Project](#) and its on-site civilian advocates provide an important resource that is helpful to some of those subjected to abuse. Removing the person who is using violence from a person’s life stops that violence while they are detained.

However, police involvement can also add to the trauma, and many do not feel safe reporting the violence at all. A national [survey from the ACLU in 2015](#) indicated that 88% of people

working in the field reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence, and that 55% said that police bias in this area against particular groups of people was a problem in their community. More than half reported anti-Black, anti-immigrant, anti-Muslim, and anti-LGBTQ attitudes among responding officers.

This past June, 45 sexual assault and domestic violence state coalitions, including [Jane Doe Inc.](#) (the Massachusetts Coalition Against Sexual Assault and Domestic Violence), [issued a statement](#) recognizing the ways in which the movement has repeatedly failed Black, Indigenous, and people of color (BIPOC) survivors, leaders, organizations, and movements, by choosing an increasing reliance on the criminal legal system as the primary approach to domestic violence rather than community-based solutions that support healing and liberation. State and federal policy has in many cases required these organizations to work with the criminal legal system in order to obtain funding.

There is little to no evidence that the criminalization deters intimate partner violence. Prison sentences subject those who use violence to more violence. The criminal system holds people accountable by shaming them. Shame and punishment does not deter violence, but instead can be a powerful stimulus of violence ([James Gilligan, Preventing Violence](#), 2001).

Even though they want the violence to stop, those subjected to it are very wary of involving the criminal legal system in their lives because of the negative impact that it has economically and the lack of control many feel once the criminal process starts. [Mandatory arrest policies and no-drop prosecutions can cause harm](#), as those subjected to violence can be forced to testify and are punished for not testifying or for inconsistent statements. More than half of victims of nonfatal abuse never report it to the police. People are less likely to seek assistance due to these policies, out of fear of losing their children, their job, or of conflicts with the immigration system, for example. What alternative crisis response services could be provided so that the half who do not report the violence they are subjected to can find a way to end that violence?

We envision an alternate path, where those subjected to violence can make decisions about how, and how much to involve the criminal legal system. We envision prioritizing economic support and employment resources, supporting restorative and community-based justice programs, and funding primary prevention to stop the harm before it occurs. For decades, policy has focused on heavy investment in the criminal legal system, and we can't know what is possible until we shift resources and funding to systems that are not part of that system.

The most effective examples of violence prevention have arisen in communities of color who have designed practices built on their cultural traditions, and developed a strong community process, rather than a professionalized or client model, with a clear separation from the carceral system. These are not one-size-fits-all approaches, and instead require engaging these many communities to develop their own approaches.

There are several proposed approaches to violence prevention.

An economic approach. At present, few policy dollars are allocated to programs and policy that reduce the risk of intimate partner violence.

Money and resources provided directly to those subjected to abuse will allow them to make decisions to remove themselves from abusive situations. Both conditional and unconditional payments have shown results. Massachusetts law provides employees who have been subjected to abuse up to 15 days of leave, but losing out on that income may mean people do not use this. Domestic abuse is one of the leading causes of homelessness for women. Securing stable housing can become difficult, due to an eviction history brought on by the abuse, or damage to one's credit by an abuser.

Male unemployment is strongly correlated with domestic abuse. Providing supportive training and employment resources could reduce violence. In addition to a preventative approach, minimizing intervening in such a way that the abuser is put at unnecessary risk of losing their job should be a policy in these cases. If a person is arrested and misses a shift at work when they are already in a shaky economic or work situation, this creates another experience of loss of responsible power over one's life. If financial penalties are then imposed in these situations the person is pushed further into economic instability.

Ultimately, we must provide resources to all who struggle economically, not just those subjected to abuse.

A public health approach. We suggest funding programs that reduce adverse childhood experiences (ACE), and work with people who have experienced them. Examine the reasons why people desire to have power & control over others. Those who use violence have often experienced trauma themselves, which undermines a person's sense of control. We need to understand the connection between intimate partner violence and the violence that is done to men and boys by the correctional system, racism, and by wealth inequality and poverty. See [Healing Together: Shifting Approaches to End Intimate Partner Violence](#).

Holding those who use violence accountable for their actions and creating supportive environments for them will do much more to stop violence than punishment. Some examples are [Circles of Support and Accountability \(CoSA\)](#), a successful program in Vermont. The [Strength at Home Men's Program \(SAH-M\)](#) works with current and ex-military members who have subjected a partner to intimate partner violence.

Support for community-based justice circles may look different than the traditional model of engaging non-profits to provide services to clients. Instead, providing spaces, food, childcare and transportation to create safe spaces for support may be the most effective.

Provide support for [Safe Passage's primary prevention education and training workshops](#) held in area schools.

A decriminalized approach. Serious, repeat offenders must be prevented from continuing to harm. A focused deterrence approach has been shown to be effective for these offenders,

along with non-police advocates working with people subjected to abuse to ensure that interventions would not jeopardize their safety and would serve their needs.

Restorative justice programs are often not allowed specifically for domestic violence, if state funded. A restorative justice program that is driven by and centered on those subjected to abuse, and where the person who used violence accepts responsibility for the harm as described by the victim, should be explored. In order for these programs to feel safe to those subjected to abuse, they must be able to decide the level of involvement by the criminal legal system. A clear separation must be made between these programs and the police. See [“Opportunities and Pitfalls: Facing the Restorative Justice Movement”](#).

Multiple levels of intervention are needed, starting with restorative dialogue and moving up to punitive approaches if necessary. If incarceration is needed, steps must be taken to reduce the trauma of incarceration.

Further work to discern alternatives to policing domestic violence

We have many more people to talk to in order to better understand the current system and the legal framework that the current organizations are working within. Organizations include [Safe Passage](#), the [Center for Women and Communities](#), [Womanshelter/Compañeras](#), the [New England Learning Center For Women In Transition \(NELCWIT\)](#) and the Northampton Police Department. The local [Men's Resource Center](#) (site not updated since 2006) was a partner in the Domestic Violence Intervention Project. We need to do more research on sexual assault, and on the factor that race play in this issue here in Northampton.

What alternative crisis response services would provide alternatives to a police response that more people would use? Domestic violence response is one of the most dangerous responses for the police. How do we reconcile that with alternative crisis responses? Is that because of the inherent escalation from a police response?

References & resources

- [“Preventing Violence”](#), by James Gilligan, 2001.
- [“Decriminalizing Domestic Violence: A Balanced Policy Approach to Intimate Partner Violence”](#), by Leigh Goodmark, 2018.
- [“A Reckoning Inside the Domestic-Violence Movement”](#), by Zoe Carpenter, The Nation, October 2020.
- [“There’s no one I can trust: The impact of mandatory reporting on the help-seeking and well-being of domestic violence survivors.”](#) A report of the National LGBTQ DV Capacity Building Learning Center. Seattle, WA, Lippy, C., Burk, C., & Hobart, M., 2016.
- [“Domestic Violence Law Enforcement Guidelines 2017”](#), The Commonwealth of Massachusetts Executive Office of Public Safety & Security, 2017.

- [“Massachusetts General Laws, Part 2, Title 3, Chapter 209A: Abuse Prevention”](#), retrieved 2020. Section 6 focuses on the powers and obligations of police.
- [“Northampton Police Department: Administration & Operations Manual, Policy: Domestic Violence”](#), amended 2018.
- [“Domestic Violence Intervention Project”](#), Northampton Police Department, retrieved 2020.
- [“Responses from the Field: Sexual Assault, Domestic Violence, and Policing”](#), ACLU, 2015.
- [“Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence”](#), Creative Interventions, 2012.
- [“Survived and Punished”](#), a national coalition that includes survivors, organizers, victim advocates, legal advocates and attorneys, policy experts, scholars, and currently and formerly incarcerated people. S&P organizes to de-criminalize efforts to survive domestic and sexual violence, support and free criminalized survivors, and abolish gender violence, policing, prisons, and deportations.
- [“TransformHarm.org”](#), a resource hub about ending violence. The site offers an introduction to transformative justice.
- [“Interrupting Criminalization Factsheet”](#) contains references and statistics around the effectiveness of a police response to domestic violence.

Policies and Spending Subcommittee

Members: Elizabeth Barajas-Roman, Nick Fleisher, Nnamdi Pole, Cynthia Suopis

The PS& Subcommittee reviewed the existing Northampton Police Department policies and services. Our work is focused on specific services that currently seem to have significant police involvement but might benefit from non-armed alternative models and a reduction or elimination of such involvement to better meet the needs of vulnerable community groups.

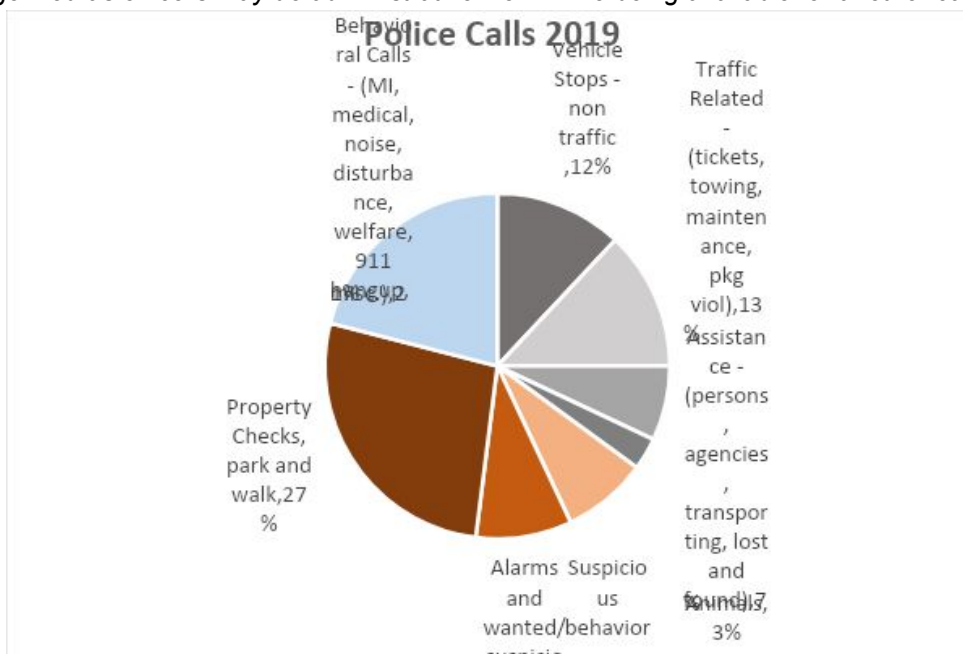
Activities To Date:

We reviewed the NPD website and Policy Manual and found both to provide a well written description of a relatively up to date police force with traditional policing characteristics emphasizing emergency preparedness, law enforcement, skills in addressing public disorder, and a proactive surveillance presence. Stated policies, however, do not always accurately define practice. Moreover, while aspiring to transparency, the website and the policies do not show a consciousness that an authoritarian model of public safety can be controversial and at times detrimental.

Our preliminary review has identified areas where the NPD's presence is perceived as counterproductive. So far, work has focused on: School Resource Officers (Nnamdi), Domestic Violence (Cynthia), Mental Health and Addictions (Nick), Interaction with Houseless Individuals (Nick), Rape and Assault (Elizabeth), Traffic Enforcement (David), and Drone Surveillance (Elizabeth). Historical efforts to improve police competence in these areas has not fully addressed concerns raised by marginalized groups.

Following is a breakdown of police calls from 2019 (taken from NPD report)

(numbers in this chart should take into account that a call may be categorized as one thing but become something else when officers arrive. Additionally, some activities may be different than categorized as officers may do administrative work while being available for another call.)



Traffic Enforcement Findings

Nationally, Traffic enforcement statistics that show that the number of persons of color being stopped is disproportionate to their numbers in the community. In addition, there is a disturbing number of fatalities that have resulted from these encounters, most of them involving people of color. Our subcommittee suggests that there are at least three ways to reduce armed police/citizen encounters in the traffic enforcement context and thereby reduce the footprint of the police.

The first one is by limiting when police may stop a motor vehicle. Stops after dark for equipment violations and/or minor traffic infractions may be often pretextual and fraught with increased unnecessary danger for both civilians and officers. They could be eliminated or at least greatly reduced. The second reduction could occur by enforcing minor traffic laws (e.g. speeding) by electronic detection of violations. The third way to reduce armed police/citizen contact in the realm of traffic, and the one that would require the most dramatic change is by establishing or expanding the use of civilian community safety officers (like those currently enforcing parking violations) to enforce minor traffic laws and to investigate minor accidents.

Mental Health and Addictions Findings

Calls for behaviorally based disturbances are in the 20% range. This includes mental health, addiction, medical crises, wellness checks, public disturbances, 911 hangups, and miscellaneous. Notable features of the current policy on Responding to Persons with Mental Illness include: (a) recognition that mental illness (MI) or MI behaviors alone do not permit or require a police response, (b) awareness that mentally ill persons are no more likely to be violent than other members of the public, (c) call for empathy and care when responding to mental health calls, and (d) asking police to make broad judgements about the presence of mental illness. Overall, the policies are informed and appropriate given the role and training of the police officer.

The NPD offers trainings in responding to persons with MI. In 2018 The NPD joined an initiative of the International Association of Chiefs of Police (IACP) committing to: establish a partnership with a mental health organization, develop a model policy to address officer interactions with those affected by mental illness, and ensure that all officers receive mental health awareness training with at least 20 percent of the department completing the more intensive 40 hour CIT training. The NPD has trained 50% of its officers in CIT.

The NPD has a Drug Addiction Recovery Team (DART). DART officers identify persons who overdosed on drugs, committed a crime due to drug addiction, or have been identified as having a drug addiction. DART officers provide these individuals information about resources and the availability of Naloxone. DART officers use Peer supports through the Hampshire Hope program.

The NPD policies show a basic understanding of mental illness as not dangerous and substance abuse as an illness. The model of intervention, however, does not address the inherent conflicts in having armed authority figures confronting individuals sensitized to police intervention by past trauma or by racial and ethnic experiences. By many accounts, police intervention in mental health matters is frequently inadequate and/or counterproductive. The current system makes minimal use of the professional and peer supports which exist widely in our community. Police officers are expected to have skills that are overly broad and position them to intervene in behavioral and social problems through projecting power and authority. Additionally, while the intent of the IACP One Mind Campaign is to partner with a mental health agency, the NPD remains largely on its own due to the “siloeing” of services. Consideration of alternative models of rapid non-armed response to behavioral problems is needed while also training officers and the Dispatch system on how to use other experts and specialists. Our subcommittee has begun discussions about the advantages of collaborative models (“ride along”) versus autonomous services with a separate organizational structure.

School Resource Officer Findings

State law currently requires the Chief of Police, in consultation with the school superintendent and subject to appropriation of necessary funds, to assign a SRO (unless the state grants an exception). The application for an exception requires consultation with the chief of police and provision of data showing why an SRO is neither necessary nor desirable. SROs are supposed to be selected for their appropriateness to work with children and adolescents. There should be a memorandum of understanding (MOU) with the superintendent outlining roles and responsibilities. The SRO should not be used to enforce general school policies.

Joshua Wallace was assigned as SRO to Northampton public schools in 2015. There is evidence that Wallace had appropriate training and took steps to be approachable and engaged with the children that he served. We did not find any specific complaints about his performance and we found some specific praise for his helpfulness with some students. However, we also found numerous concerns about the general presence of an armed police officer in schools especially from children of color and/or their parents. Generally speaking, armed police officers in the schools do not make these community members feel safer, and to the contrary, leave many of them feeling at greater risk of being accidentally or intentionally victimized. In June 2020 after the 10% budget cut the Northampton police chief reassigned Josh Wallace from full time SRO to a patrol unit and indicated that there would be no SRO unless more funding was made available. The Northampton School Committee voted in July 2020 passed a nonbinding resolution to go without SROs for the foreseeable future (this echoes a similar resolution from the Amherst school district). This decision was widely supported by some parents but apparently 1,300 people signed a petition to reinstate Wallace to the position. Furthermore, the current law would suggest that when funding is available that there may be an obligation to have an SRO or apply for an exception. There is current legislation being considered by the Massachusetts Governor that, if signed, would make SROs optional throughout Massachusetts.

Our review thus far suggests that the specific most frequent positive benefit of the SRO in the Northampton Schools is providing emotional support to troubled students. This work seems to be the more natural domain of a trained mental health provider (e.g., guidance counselor, school psychologist) rather than an armed police officer. The subcommittee is mindful that SROs may have a legitimate role in responding to urgent threats like school shootings. We note the close geographical proximity between the Northampton Police Dept headquarters and most schools in Northampton. We wonder whether similar school shooting deterrence and response can be achieved without an officer in the schools. We question the added benefit of having an officer in the school given the daily uncomfortable climate for students of color and the relatively rare occurrence of school shootings.

Domestic Violence Findings

The NPD website lists a variety of community resources for individuals experiencing Domestic Violence (DV). Two civilian advocates from the Center for Women and Community are listed on the website as contacts. These individuals work in partnership with NPD from a grant. The subcommittee is currently reviewing the particulars of the grant and this relationship. There is also a partnership formed between the Northwestern District Attorney's office, Safe Passage and other police departments that is being explored by the subcommittee.

There is a 24 page document on Domestic Violence in the Policy and Procedures Manual of the NPD that outlines officer roles and procedures during a DV related event. Processes and procedures for obtaining a Restraining Order are clearly outlined on the website.

In 2019 the Department logged 18,311 hours of training of officers, recruits and administration. Domestic Violence training made up 159.50 of these hours. The subcommittee is requesting the content and curriculum of this training

The NPD website lists 'Calls for Service on Domestic Violence', 'Arrests' and 'Criminal Complaints' on this issue. Of the 34,455 police calls logged in 2019, the number Domestic Violence calls were 341, resulting in 139 arrests and 32 criminal complaints.

Key next steps for the subcommittee include those mentioned above as well as a better understanding of the community partnerships that are often referred to on the website, the scope of the issue in the community as well as community organization suggestions for additional resources that are needed to protect victims of Domestic Violence.

Rape and Sexual Assault Findings

The evidence is clear, rape is the easiest violent crime to get away with in the United States – and Northampton is no exception.

According to the Justice Department, it is estimated less than 23 percent of rape is reported to police. Only 20 percent of reported rape leads to an arrest, and less than 1 percent of those arrested are ultimately convicted. Further, minorities and immigrants are disproportionately represented as victims of adult rape and sexual assault, but research shows they are least likely to report to police. Yet, protection from, and response to, rape and sexual assault are often listed at the top of community safety lists and often used as justification for militarized police presence.

For the purposes of the report, we examined Northampton Police Department's policy and procedure to rape and sexual assault to contextualize their priorities, expertise, and value-add to this issue. The preliminary result is that minimal training, vague and confusing procedures listed on public websites, as well as the lack of transparency and guaranteed service and response indicate that NPD is not well suited to provide services related to rape and sexual assault.

Specifically, rape is treated in the criminal justice system as a crime of property. As such, it is often investigated with as much sensitivity as a stolen car. According to the NPD website, victims are told to ask for a specific officer who has training on sexual assault (because they do not all receive training) to discuss the incident. While this alone is an unacceptable barrier to reporting – the NPD website instructs victims who have been recently assaulted to visit a local hospital for a rape collection kit – collected by certified SANE (Sexual Assault Nurse Examiner). However, SANE-certified nurses are not available 24/7 locally. SANE certification costs about \$400, and nurses who want it, pay out of pocket and attend classes on their time off.

The burden of proof is on the victim. Police policy requires officers determine the validity of reports – subsequent interrogation of victims often leads to traumatization and complaint attrition. A private area to conduct an interview is not even guaranteed by NPD. According to the NPD website, “interviews are normally conducted in a private interview room at the police station.” Further, research reviewed revealed that deep bias against victims' claims. When surveyed, police said they believed the frequency of false complaints was about eight out of ten.

Rape crisis centers, law enforcement agencies, prosecutors' offices, and hospitals are the four organizations primarily involved with rape victims.

Alternatively, anti-rape education and awareness, peer outreach, restorative justice programs with trained support teams, and funding for hospital staff on rape kit collection and sensitivity should be examined as recommendations of better value for community safety regarding rape and sexual assault.

Drone and Surveillance Findings

Northampton currently has four drones: DJI Phantom 4 and a DJI Inspire 1 v.2 with a FLIR Zenmus XT camera (used for thermal imaging). The FLIR camera was paid for by Northampton Fire Rescue.

These drones were most recently used for “monitoring” Black Lives Matter protests.

Each drone costs upwards of \$1,200 - not including officer certification and training. There are currently more officers trained to operate drones than are trained to investigate rape.

According to the NPD website: All deployments of the sUAS must specifically be authorized by the OIC or sUAS Supervisor. The Northampton Police has adopted the use of sUAS to provide an aerial visual perspective in responding to emergency situation and exigent circumstances, and for the following objectives:

- ***Situational Awareness:*** *To assist Incident Command in understanding the nature, scale, and scope of an incident and/or for planning and coordinating an effective response.*
- ***Search and Rescue:*** *To assist missing person investigations, Amber alerts, and other search and rescue missions.*
- ***Tactical Deployment:*** *To support the tactical deployment of officers and equipment in emergency situations (e.g., Incident involving hostages and barricades, support for large tactical operations, and temporary perimeter security situations).*
- ***Visual Perspective:*** *To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, and temporary perimeter security.*
- ***Scene Documentation:*** *To document a crime scene, accident scene, or other major scene (e.g., disaster managing, incident response, large scale forensic investigation).*
- ***Assist Northampton Fire Rescue*** *with active fire suppression efforts through thermal imaging and aerial vantage points.*

While the City has banned face-recognition technology, the NPD policy and procedures on drone technology allows for broad use with little transparency. Further investigation into this NPD policies and recommendation for the final report to follow.

Housing Findings

There are no policies specific to houseless individuals. The NPD does have a designated Homeless Liaison Officer. The Alternatives committee is looking into this area more extensively.

Future Directions.

1. Continue to examine policies: We plan to continue to explore relevant services and policies. For example, we would like to know more about: property checks, animal calls, responses to disturbances, wellness checks, the 911 service, dispatch procedures, use of force, and proactive vs. reactive policing. We will also continue our research the Complaint Procedure (including potential for citizen oversight), qualified immunity, and the NPD Strategic Plan.
2. Meeting with the Chief of Police: We plan to invite the Chief of Police to answer questions that we will prepare and share in advance. For example, we are hoping that the Chief can help us to understand the complaint procedure and the department's strategic plan.
3. Propose areas and mechanisms for reduced "footprint" of police services: We hope that our close examination of existing NPD policies and services will clarify specific domains where duties can be shifted to non-police personnel. There is some controversy over whether alternate services should be shifted entirely away from the police department or whether services should be integrated with the police department. In our current thinking, there is strong agreement that most models would require a highly competent dispatch system capable of determining whether and when to assign services to police, other entities, or both.

Spending and Contracts Subcommittee

Members: Lois Ahrens, Daniel Cannity, Michael Quinlan, Josey Rosales

One of the ways in which a city expresses its values is through its budget. Where funding goes and how it is used is a statement about what the city thinks and believes to be central and important. The Spending and Contracts subcommittee of the Northampton Policing Review Commission is tasked with looking into, developing and understanding the financial obligations and expenditures of the Northampton Police Department. This includes how the NPD acts as a revenue source for the city and its costs in regard to operations, staffing and equipment. The function of this subcommittee is to support any recommendations for transferring NPD responsibilities and reallocating funding from the NPD to other departments, and knowing and finding avenues of community reinvestment to provide equity and safety to all of Northampton's residents.

Our current avenues of inquiry involve several areas. As we learn more we are developing a deeper understanding of new areas to pursue

Reallocation recommendations for the recent 10% funding

\$300,000 of the \$669,957 cut in June 2020 from the NPD budget has been allocated by the Mayor to the City's general fund. After more than seven months, the remaining funds remain unspent. We believe that this and future reallocations from the NPD budget must go toward investing in community resources, projects and services that serve residents who are most vulnerable, the most heavily policed, and those seeking safety from domestic and sexual violence. In the short term, we believe the remaining \$369,357 as well as the \$300,000 should be allocated to addressing the needs of people who are unhoused in Northampton. Additionally, \$212,645 for a total of \$882,602 reduced from the NPD should now go toward warming shelters, temporary shelters and lockers and meeting public sanitation needs for people who are unhoused and living in Northampton.

This kind of investment is what was called for by hundreds of people who testified this summer during City Council meetings and is what was intended by the Council when they voted to reduce the NPD budget by 10%. Further, we believe that these kinds of investments will lead to less criminalizing of people who are unhoused which will save the City and taxpayers money in policing, arrests, charges, plea bargains and possible incarceration. This kind of policing results in criminalization of people facing a mental health crisis, substance use and people who are unhoused making them less likely to find housing and employment and drives costly and harmful incarceration. For example the current budget of the Hampshire County House of Correction and jail is \$14 million and as of 10-28-20 there were 107 people incarcerated, 70 who were pretrial. Even if this number were to double, the cost of incarcerating a person at the Hampshire County jail would be approximately \$5,800 a month.

Opportunities for reallocation

In recognition that this initial reduction to the NPD budget is not enough to support funding long-term community-based solutions, we are exploring ways to allocate monies generated from policing toward the support of a new initiatives including a new city department whose purpose might include 1) the coordination of City and community-based programs/service providers such as Tapestry/Needle Exchange, Recovery Center, ServiceNet, CHD, Hampshire HOPE, Housing First, Safe Passage; 2) initiation, creation and oversight of alternatives to police functions such as "wellness checks", mental health responses, intimate partner/domestic violence and policing of people who are unhoused; 3) discerning where service and programs gaps exist and how best to fill those gaps. We are looking at multiple models of how such a department could be formed, including being composed of at least one staff person and having an oversight board composed primarily of people most impacted by policing.

Funds to support the staffing and programs of the department could come from yearly reductions in the NPD budget as policing moves to services and programs staffed by unarmed people working with community-based programs and projects. Additional funds could be generated from a percentage of revenues from policing details and from civil asset forfeitures. This department could also apply for grant funding using the Arts Council as a model.

In support of this, we have identified several revenue sources from within current policing practices, including, but not limited to:

- A percentage of the roughly \$1,000,000 of monies generated by the city from Detail Work in the city.
- Funds generated from civil asset forfeiture.
- Standardized yearly reductions to the NPD as safety responsibilities move to services and programs staffed by non-armed community-based service providers and responders. Examples include but are not limited to: reductions to traffic control and wellness checks responsibilities moved to non-armed staffing. Additional NPD staffing reductions could include fewer private property checks and fewer police initiated “suspicious persons” stops.
- Budget reduction as the position of School Resource Officer ends per the July 2020 resolution of Northampton School Committee.
- Evaluation and changes to the routine purchase new police cruisers every year.

Salaries, detail pay, and expenditures

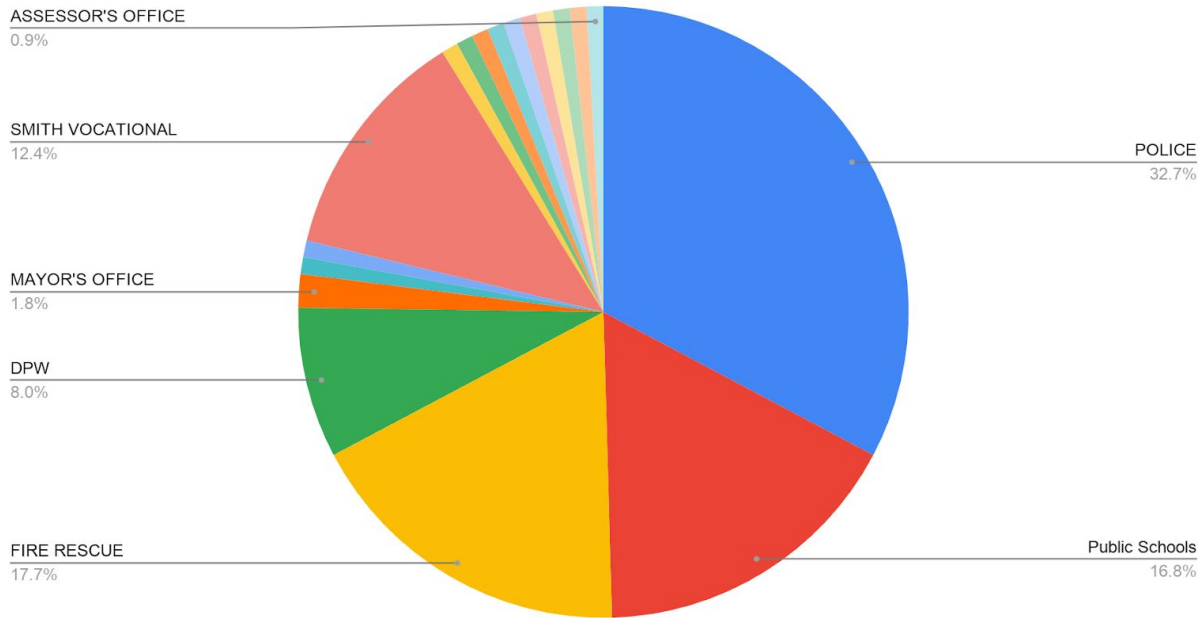
Police officers [represent the majority of the highest paid city employees](#), including many making more than the mayor. In addition to base salaries, the city has routinely paid approximately \$250,000 or more in overtime pay per year, and officers have received thousands of dollars, sometimes upwards of tens of thousands of dollars in pay per year from police detail work. This represents, in the most extreme, an individual working 5,277 hours a year, or over 100 hours per week. Put another way: The average salary is \$59,000 and ranged from \$49,317 to 151,278. The range of overtime is from about \$50 to almost \$13,000 a year. Police details from a low of about \$50 to as much as almost \$75,000.

The police department accounts for 33% (\$4, 200,468) of city employees with gross income over \$85,000, and account for 39% (\$1,280,935) of the top 20 highest paid employees within the city. Police department employees are 4 of the 5 highest paid employees, with the highest paid person in the city a police officer with a gross income of \$184,372. This is of concern when we look at trends across years, and consider the investments the city makes as a representation of its values and guiding principles.

For context, from [OpenPayrolls](#), records show the employment of an officer that worked for the city of Northampton, Massachusetts in 2019 had a reported pay of \$160,744.57 according to public records. This is 136.1 percent higher than the average pay for city employees and 160.8 percent higher than the national average for government employees.

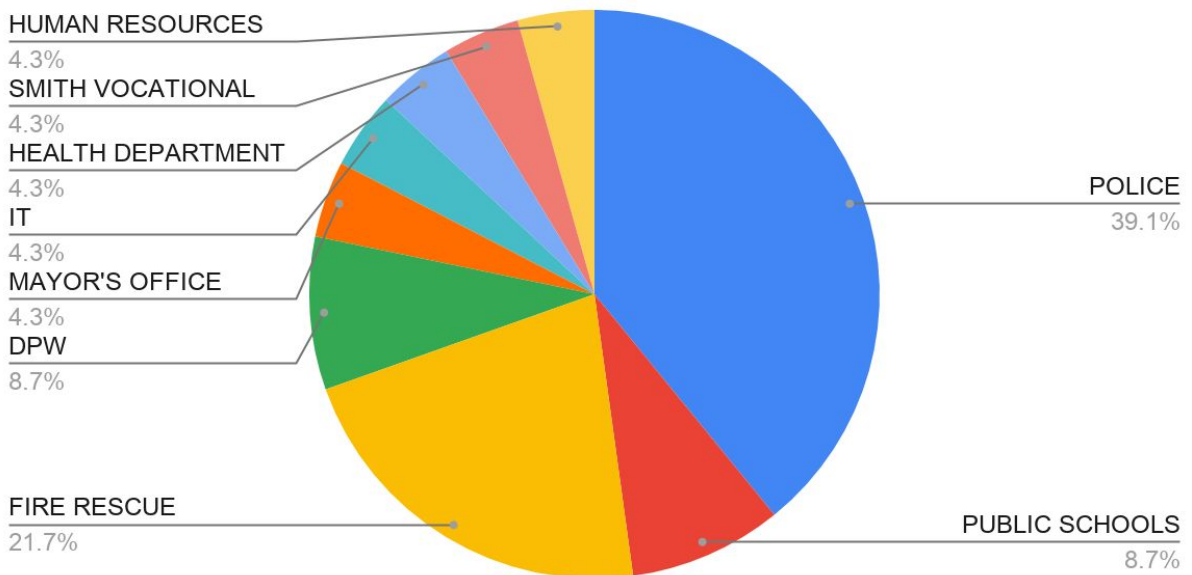
Northampton City Employees with Gross Income Over \$85,000 By Department

FY 20



20 Highest Paid City Employees (Gross Income) by Department

Based on FY20 Budget



We are concerned about officers overworking, which represents potential danger to the community in that they are driving at high speeds and carrying weapons. While we believe in a person's right to earn a decent living, we see trends which seem to show a significant difference between base salary and actual pay.

The cost for equipment is also important to understand. Vehicle costs, replacing vehicles every 5 years, as well as maintenance and gasoline expenditures result in hundreds of thousands of dollars each year. We believe as the police department is reduced, the number of police vehicles would also be reduced and some of these vehicles could be transferred for use by the proposed new department.

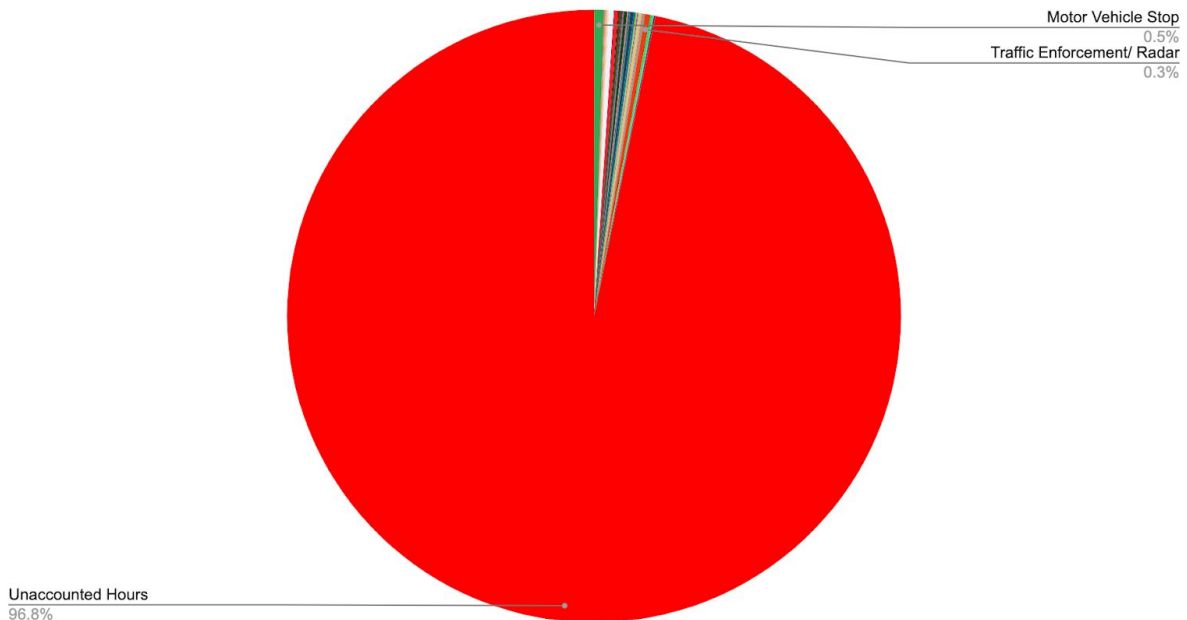
The Northampton Police Department budget has increased by 24% over the past 5 years, and 41% over the past 10 years. This, in dollar amounts, is an increase of \$1,847,123 in a decade which has actually seen crime rates decrease by more than 25%. We also note significant research shows that increased police budgets have not demonstrated a decrease in crime. While it is not certain what causes increases or decreases in crime, other factors such as employment availability, increased social wellness programs, investments in quality education and housing have been shown to decrease crime.

Costs of Police Activities

In order to make responsible recommendations as responsibilities are transitioned away from the NPD, we need to understand the associated cost breakdown of police activities, and their use of resources. We have requested both call logs and logged hours from the Northampton Police Department. With the data we have received back, we have been able to account for roughly 3% of the total personnel time of the 47 full-time officers in 2019 (see chart below). We have requested further information from the NPD and await that response. The missing information is, at least in part, due to the system used to log officer time which does not account for the full shifts of NPD offices. The chart below is reflective of this lack of data. We look forward to receiving more information in the coming months to be able to make recommendations that support community safety and the management of resources towards a more just community.

Total Hours of Patrol Office Time

97760 Hours From 47 Full Time Patrol Officers in 2019



The above chart is a rough estimate of the total hours available to the NPD for patrol officers in 2019. The 97,760 total hours available are based on having 47 full time (40 hour per week) patrol officers for the calendar year. This does not include the time of the clerks, sergeants, the chief and support personnel. This chart also does not account for time off, including vacation, personal, and sick time.

Our work will include producing insights as to how the NPD budget has increased and what the context of those increases are. Understanding the budgets and their contexts will allow us to make recommendations about increased budgetary transparency and accountability of the NPD, specific funding opportunities that the city can establish for alternatives that foster community inclusion and growth, and create equitable safety for residents and visitors to the city.

Our work, understanding the budget, largely only makes sense when it is taken into account holistically as part of understanding the current policies and practices, and the values and visions our community has for its ongoing safety and inclusion. Our work will continue to remain collaborative with the other subcommittees whose work gives context and meaning to the numbers. We also welcome any feedback from the community.



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

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:

Roll Call

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 1st 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 15th of December or so to have vaccinations available for the 1st 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 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 1st, 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.

<p><u>Resolutions</u></p>	<p><u>Resolutions</u> 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> 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. Councilor Dwight moved to approve reducing the waiting period by half to 60 days. Councilor LaBarge seconded. 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. 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.

	<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> <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> <u>20.156 An Order to Appropriate Free Cash \$60,000 to Health Department for Temporary COVID-19 Staffing - 1st reading</u> 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 2nd reading)</u></p>	<p><u>Financial Orders (in 2nd reading)</u> None.</p>
<p><u>Ordinances (Not Yet Referred)</u> <u>20.154 Ordinance Relative to a Stop Sign on Edwards Square</u> <u>20.155 Ordinance Relative to Parking on Middle St.</u></p>	<p><u>Ordinances (Not Yet Referred)</u> <u>20.154 An Ordinance Relative to a Stop Sign on Edwards Square</u> <u>20.155 An Ordinance Relative to Parking on Middle Street</u> 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> <u>20.139 Ordinance to Add Section 285-31 Newspaper Boxes – 2nd reading</u></p>	<p><u>Ordinances</u> <u>20.139 An Ordinance to Add Section 285-31 Newspaper Boxes – 2nd reading</u> 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 31st. 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.

<u>New Business</u>	<u>New Business</u> None
<u>Information (Charter Provision 2-7) & Study Requests</u>	<u>Information (Charter Provision 2-7) and Information Study Requests</u> 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. 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

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 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	themadmonk@gmail.com
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 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, 230 Maple St., Holyoke, MA 01040
Email	sparrowmae33@gmail.com
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 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	102 Black Birch Trail
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 Auxiliary Enterprises
Email	m.kathy.wicks@gmail.com
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 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	81 Conz Street
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	joellatarbutton@gmail.com
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

In City Council

January 7, 2021

Upon recommendation of the Mayor

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

In City Council

January 7, 2021

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 City Council, January 7, 2021

Upon the recommendation of the Charter Review Committee

**20.186 An Order Amending the Charter to Allow Residents 16 Years or Age or Older 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 RESIDENTS SIXTEEN YEARS OR AGE OR OLDER 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, sixteen years of age or older, 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, sixteen years of age or older, 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 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

Keith Benoit, Community Development Planner • KBenoit@NorthamptonMA.gov • 413-587-1288

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

In City Council

September 3, 2020

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:

1
2
3
4
5
6
7
8

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	West <u>North</u>	King Street <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
<u>Middle Street</u>	<u>Southerly</u>	<u>Maple Street</u>	<u>A point 40 feet easterly of Maple Street</u>