



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

Roll Call

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra. At 7:38 p.m. on a roll call the following City Councilors were present:

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

Announcement of Audio/Video Recording

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

**Public Hearings
Announcement of Public Hearing on Package of National Grid/ Verizon Pole Petitions for jointly-owned poles (2) and National Grid Pole Petitions for single-owned poles (2) on Damon Road and Bridge Road**

**Public Hearings
Announcement of Public Hearing on Package of National Grid/Verizon Pole Petitions for jointly-owned poles (2) and National Grid Pole Petitions for single-owned poles (2) on Damon Road and Bridge Road**

Councilor Sciarra made the following announcement:
Per M.G.L. Ch. 166, Section 22, a public hearing will be held on Thursday, February 4, 2021 @ 7:05 p.m. on the following petitions of National Grid and Verizon New England, jointly, and of National Grid, severally, to erect poles and wires upon, along, under or across one or more public ways:

- 20.174 National Grid Pole Petition for Bridge Road (Petition #23303524)
- 20.175 National Grid Pole Petition for Damon Road (Petition #23303524)
- 20.176 National Grid/Verizon Pole Petition for Damon Road (Petition #23303524)
- 20.177 National Grid/Verizon Pole Petition for Bridge Road (Petition #23303524)

**I
Updates from Council President/ Committee Chairs**

Updates from Council President and Committee Chairs

Next Wednesday, January 27, 2021 at 5 p.m., the City Services and Community Resources Committees will hold a joint meeting on the topic of housing security, Councilor Nash announced. The four featured speakers are: Jay Levy of Eliot CHS Homeless Services, Jay Sachetti of Servicenet, who will be speaking about the community shelter at First Churches, Danna Boughton of Community Action Pioneer Valley (CAPV), who will be speaking about support for people around renting and eviction and Pamela Schwartz representing the Western Massachusetts Network to End Homelessness. They are expecting some informed discussion, and he invited people interested in the issue to attend.

Councilor Dwight announced that there will be a continuation of a joint meeting of the Planning Board and Legislative Matters to discuss the proposed two-family home zoning to be allowed by right across the city on February 8th at 7 p.m.

Recognitions and One-Minute Announcements by Councilors

Recognitions and One-Minute Announcements by Councilors

Councilor Quinlan made a brief announcement to commemorate the passing of Norm Roy. Mr. Roy moved to Northampton with his wife Kay and daughters Debbie and Becky over 50 years ago, settling on Blackberry Lane in the heart of Ward 1. Kay passed away a few years ago and Mr. Roy passed away this morning. He was a long-time member of the board of directors of the Three County Fair and a member of Northampton Country Club, where he played golf almost daily until 2020. Parishioners of Blessed Sacrament Church will remember his voice from the choir and the local Irish community will miss his singing of 'Oh, Danny Boy.' He was a great friend to the Quinlan family and a father figure to his wife during her formative years. He expressed condolences to his two daughters, his son-in-law and his four grandchildren.

Communications and Proclamations from the Mayor

Communications and Proclamations from the Mayor

Mayor Narkewicz announced to the council and public that Finance Director Susan Wright has announced that she will be retiring in June after a 36-year municipal career, 17 of those years with the City of Northampton. Ms. Wright has dedicated her life to public service and local government. She began her professional career working as a development specialist with Rural Housing Incorporated in Winchendon, MA, initiating Community Development Block Grant (CDBG) funded projects in Worcester County. Soon after, in 1985, she simultaneously worked with the towns of Buckland, Colrain, Heath and Shelburne as part of an elite corps of circuit riders who provided municipal administrative services to rural communities in the late 1970's and 1980's. From there she worked as town administrator exclusively for Colrain for several years and then from 1981 to 2004 served as town administrator in Whately and Longmeadow, 10 years in Whately and three in Longmeadow. Susan joined the City of Northampton in 2004 as the business manager for Northampton Public Schools where she oversaw the finances of the city's largest department. In April of 2011, then outgoing Mayor Mary Clare Higgins appointed Ms. Wright as the city's finance director following the retirement of Chris Pile. As finance director, she manages the day-to-day financial operations of the city, including overseeing the three main financial departments – the assessor's office, auditor's office and Treasurer/Collector office. Her responsibilities include working with him on an annual basis to create the operating budget and capital improvement process. Most recently, she has taken on the enormous task of organizing the city's access to state and federal COVID-19 programs which have been so critical to the city's response to the deadly pandemic. These are very complex and at times confounding programs and, as usual, she has managed to navigate them expertly on behalf of the city. He extended his heartfelt thanks and gratitude for her incredible service to the city. The unparalleled financial stability Northampton has achieved over the last few years simply would not have been possible without her steady and trusted financial stewardship. She has been active in numerous professional organizations, including the Massachusetts Government Finance Officers Association (GFOA), the Massachusetts Municipal Management Association (MMMA), the Franklin Regional Council of Governments and Franklin County Planning Board.

In addition to her skill and experience in municipal government, she is also an accomplished weaver and long-time member of the Weaver's Guild of Springfield. She attained certification from the Hill Institute in 2010 as a master weaver, and her family, friends and colleagues have been the beneficiaries of her beautiful hand-crafted gifts.

It is an incredible loss to the city and to him personally. She has been one of his closest advisors in his time as Mayor, but, obviously, he congratulates her on an incredible career and her retirement. He will be advertising the finance director position immediately and plans to convene a small screening committee. Her retirement date is June 29, 2021. He hopes to be able to recommend an appointment to council later this spring and to hopefully have her successor in place at the beginning of June so there can be some overlap.

Fortunately, she is leaving after the FY2022 budget and Capital Improvement Program (CIP) will have been completed. He wanted to acknowledge her incredible contributions to the city over these 17 years.

Councilor Sciarra said she couldn't possibly begin to express the depth of her sadness or her gratitude to her for her service. "You are truly one of the most brilliant and capable people I have ever known and it will be an immeasurable loss to Northampton."

Finance Director Wright said she has enjoyed all her time in Northampton. Just working with their incredible department heads and with the Mayor and City Council has been an honor. 36 years is enough, and she is ready to do new things and have time at home with her family, including her elderly parents and children.

Councilor Dwight, Councilor LaBarge, Councilor Nash and Councilor Jarrett in turn offered elaborate thanks and praise and personal reflections on Ms. Wright's enormous contribution to their understanding of financial operations and to the fiscal stability of the community.

Resolutions
20.113 Resolution in Support of

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

Plastic Reduction and Sustainability Ordinance - 1st reading

Councilor Sciarra announced that, at the sponsors' request, this would be taken up after 20.114 Plastic Reduction and Sustainability Ordinance.

Additionally, since staff are present to answer questions on the charter orders and some members of the public are present for the plastic reduction ordinance, she will take these items out of order, she indicated.

Orders
20.183 Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters - 2nd reading

Orders - Charter Review Committee Recommendations
20.183 An Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters - 2nd reading

This order does not have any revised language, Councilor Sciarra advised. This is the second reading and there have been no changes from the first reading.

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

The following order passed two readings:

**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.

Passed two readings and enrolled.

20.184 Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections - 2nd reading

20.184 An Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections - 2nd reading

Councilor Dwight moved to put the order on the floor for discussion. Councilor Thorpe seconded.

In reviewing the orders, the council president properly pointed out that while the section on preliminary elections had some language with regard to ward residents it was not carried forward to special elections and regular elections, Attorney Seewald explained. To address this, he drafted language that incorporated noncitizen voting in all types of elections (regular, special and preliminary) into one section and added it as Article 8-6.

Councilor Foster asked about the clause "who is not otherwise disqualified from voting under state law." Given that state law does not make a provision for noncitizens to vote, she asked if this had the effect of disqualifying noncitizens.

There are other bases for not being qualified to vote, and the word 'otherwise' excludes non-citizenship from the basis for disqualification, Attorney Seewald clarified.

Councilor Dwight expressed his understanding that the amendment is basically a catchall to correct an oversight in this and the other order (20.186). His greatest concern is that he doesn't want to run the risk of confusing legislators.

If they approve one but not the other it would not matter, Attorney Seewald confirmed. House counsel knows that if the legislature passes both, the two sentences in 20.184 and 20.186 would be combined. He originally had them combined but separated the two at the request of house counsel.

Councilor Dwight moved to accept the order as amended. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

**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 by inserting as article 8-6 the following: "QUALIFICATION FOR VOTING. Every resident of the city or, in the case of an election for ward councilor or ward school committee member, every resident of the ward, whether a citizen or noncitizen, who is not otherwise disqualified from voting under state law, shall be qualified to vote in all preliminary elections, special elections and regular city elections.", and by renumbering article 8-6 to 8-7 and article 8-7 to 8-8.

Passed two readings and enrolled.

20.185 Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language - 2nd reading

20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language - 2nd reading

The city clerk brought to his attention that he had left in a reference to the city clerk so he has amended Section 14 to delete that reference, Attorney Seewald explained.

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

The following order passed two readings:

**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 inserting the word "or" between the phrases "councilor-at-large" and "school committee member-at-large", by deleting the phrase "or city clerk", by deleting the words "superintendents of Smith's Agricultural School" and by 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".

Passed two readings and enrolled.

20.186 Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections - 2nd reading

20.186 An Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections - 2nd reading

Same as the non-citizen voting amendment, this is the companion order that would be merged into one article if passed, Attorney Seewald advised.

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

The following order passed two readings:

**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 of 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 by inserting as article 8-6 the following: "QUALIFICATION FOR VOTING. Every resident of the city or, in the case of an election for ward councilor or ward school committee member, every resident of the ward, 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, special elections and regular city elections.", and by renumbering article 8-6 to 8-7 and article 8-7 to 8-8. ", and by renumbering article 8-6 to 8-7 and article 8-7 to 8-8.

Passed two readings and enrolled.

Councilor Sciarra thanked the city solicitor and the Charter Review Committee. They send it to the statehouse with Godspeed and great hopes.

Ordinances
20.114 Plastic Reduction & Sustainability Ordinance - 2nd

Ordinances
20.114 Plastic Reduction & Sustainability Ordinance - 2nd reading

Councilor Jarrett said the city solicitor has advised him to recuse himself from this and the associated resolution due to a possible conflict of interest with his business Pedal People.

reading

Councilor Dwight moved to approve the ordinance in second reading. Councilor Nash seconded.

Councilor Maire moved to remove the bag fee amendment that was adopted at the previous reading. She said she is very grateful to councilors for their votes at the last meeting. It is really not about the vote. On further reflection, they see this bag fee as a solid amendment and an important part of promoting reusability but if they take it out they can consider it separately and potentially as its own ordinance. It will afford them more time to hear from businesses as well as the community on this and to make sure they have considered all factors at stake. It will also allow them to have a more precise idea of what businesses would fall under the 5,000 square feet and therefore be effected and what impact it would have on them and their customers.

Councilor Dwight seconded.

Councilor Dwight said he hopes this demonstrates once again how responsive sponsors have been as they have crafted and worked on this. The idea was not to ram anything by anybody or hamstring people but to move forward as aggressively as possible with an ordinance that will actually have an impact on their contribution to the climate crisis they have heard described in the course of public comment and the inaugural. He would like to even expand the opportunity for discussion and find sponsors for an ordinance that more comprehensively addresses the waste stream and the city's contribution to it. This has been a critical issue facing this town since it closed the landfill with associated secondary and tertiary costs that have long gone unrecognized.

Councilor Nash thanked Councilor Maire for the discussions around this and said he really looked forward to working with her further. This is a good piece of legislation. He thinks with further outreach they could actually possibly expand the number of businesses that could be included under this. He thanked the youth commission, sponsors and advocates as well with a shout out to Noah for his keen negotiating skills earlier today. "Let's put this through a separate track," he agreed.

Councilor LaBarge thanked Councilor Maire for what she has brought forward. She thinks contacting businesses and working with them [on implementation] is extremely valuable. She thanked the youth commission and commission on disability. She is very happy about the extension of the time and is going to support this 100%.

Councilor LaBarge moved to recognize Noah Kassis or any of the sponsors. Councilor Nash seconded. The motion passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.

Noah said he is grateful to Councilor Nash for bringing it up. They worked so hard to do all the business outreach that it would be a bummer if this in any way undercut that. Although the youth commission and sponsors agree the bag fee is a good thing to do, there is no harm in talking about it a little more, thinking through the square footage number a little more carefully, etc.

The motion to approve the amendment to remove the bag fee passed 8:0 by roll call vote with Councilor Jarrett recused.

Councilor Dwight recognized the graceful and selfless letter written in the Gazette by State Street Fruit Store owner Rich Cooper. He has been part of this discussion and process as he was with the bag ordinance. His form of advocacy is the type that usually goes unrecognized and unhonored and he wanted to, in some small way, express his gratitude for how he conducts his advocacy and how effective it is. While acknowledging and recognizing that this presents a hardship for him, Mr. Cooper stated that they've faced other hardships, and the mission - the objective -required it of them and they've stepped up each time. He was the first store locally to stop selling cigarettes. He realized it was a significant revenue loss but he couldn't square it with his own sense of devotion to the community.

Councilor Nash also gave a shout out to Rich. That was the kindest letter anybody's ever written for his work and the general work of the council. He appreciated the 'can do' approach to moving forward. Throughout this process, he has remembered when he was a kid and there was no plastic lying all over the place. Growing up in St. Louis, Missouri, he remembers the milk man coming down the street on really hot, hot days. He would take out huge cubes of ice and smash them on the sidewalk. Neighborhood kids would grab chunks of the ice. That's what was on the

sidewalk, some leaves, maybe some broken glass but, by and large, there wasn't cans and plastic stuff flying around everywhere.

Growing up in the 70's, stuff began appearing. He would be driving down the highway and see stuff stuck in the trees or walking in the woods and see a Fanta can just tossed there. Their whole way of disposing of stuff is just really atrocious; it ends up all over the environment. He hopes he will see them getting back to products that are either completely recyclable or that simply decay and go away. People will go on a picnic and people 30 years from now won't have to see the remains of their picnic. "We don't see the remains of many of our ancestors," he pointed out. Archeologists sift through the dirt to find things, and it's gone. The last few years, it's in the soil and all over the place and archeologists can't get it to go away fast enough. He is very appreciative of this series of changes and thinks it is definitely moving in the right direction. He buys into the mission and really appreciates all the due diligence everyone has done around this.

Noah did a quick round of thank you's, offering thanks to Councilor Dwight and Councilor Maiore for being really steadfast sponsors and working with the youth commission, to Councilor Nash for doing so much work with Community Resources and spending so much of his own time talking to businesses, to Clint Richmond, to Eli, Ben, Jon and others from the youth commission and to their steadfast partners Marty Nathan, Renna Pye and the whole 2Degrees climate group. He concluded by thanking the council.

It's a good step, he pronounced.

Councilor Maiore said not only is she proud of the ordinance and really grateful to have this experience so early in her council career, but she's really proud of the process. Northampton is well-positioned for positive change with the youth commission as their fuel. She thanked Eli Marlin and other youth commissioners, Marty Nathan and Renna Pye, and also Jesse Adams for jump-starting this. She thanked the businesses who put a lot of thought into this and were open-minded. She sees this as the beginning of a conversation of what other climate-healing steps they can take right here in their community.

Councilor Dwight tooted the horn of the youth commission. Two major items on their agenda tonight (the 16-year old vote and plastic reduction ordinance) are products of the diligence of two cycles of the youth commission. They were invested in the process with the awareness that it might not be realized in the time that they served. There are probably 50 youth commissioners spread throughout the world who never got to see this realized. There is deep and abiding value to empowering this cohort and other cohorts as well as they expand agency to all the people who feel disenfranchised. The youth commission is not just a feel-good established committee, it is an integral part of the functioning of the community. The storm water run-off ordinance as well had major contributions from the youth commission. Very few of these things probably would have come to pass were it not for the commitment of their youth. He won't give quarter to anyone who gives him the argument that they're not qualified to participate in their governance.

Councilor Sciarra joined in on the well-deserved thanks to everyone. This ordinance is a perfect example of what they can do when they work together with genuine engagement. She knows the process is long. When they work together in this way things can really be made stronger and that's really what collaboration is. She praised the level of engagement from the community, the youth commission, residents, businesses and the council. When they work together in earnest, it's amazing how much they can improve on initial ideas, and the final product is stronger and the better for it, she observed. It has been a remarkable thing to watch and participate in.

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

The following ordinance passed two readings:

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.

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.

BPI CERTIFIED

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

CHECKOUT BAG

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

COMPOSTABLE

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

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.

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) in which any food vendor directly places or packages prepared foods; or
- (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.

DISPOSABLE FOOD SERVICE WARE ACCESSORY

All types of disposable food service ware provided alongside prepared food, including but not limited to utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment

cups or packets, straws, stirrers, splash sticks, and cocktail sticks. This does not include such items that are necessary for the containment of foods, such as plates, bowls and bags.

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.

ONLINE FOOD ORDERING PLATFORM

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

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.

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

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.

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".

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.

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.

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.

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.

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.

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.

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.

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

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 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 two (2) additional 6-month periods upon the showing of a continued undue hardship. 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.
- (2) Any food or retail establishment receiving an exemption shall file with the Mayor's designee monthly reports on inventory and remaining stocks.
- (3) 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.
- (4) The Mayor's designee may approve the exemption request, in whole or in part, with or without conditions.
- (5) The Mayor's designee, by regulation, may establish a fee for exemption requests.
- (6) 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 01/01/2022.

Passed two readings, ordained and enrolled.

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

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

Councilor Sciarra read the ordinance, noting that the date of introduction should be changed from 2020 to 2021.

Councilor Dwight moved to approve the resolution. Councilor LaBarge seconded.

Councilor Dwight proposed an amendment to the last 'Whereas' clause to include the City of Easthampton, which recently passed a ban on polystyrene food service ware. He so moved. Councilor Maire seconded.

Councilor Dwight spoke to the resolution. This was originally part of the ordinance but it was essentially a preamble, emphasizing the urgency and basis for action, he explained. He's going to presume approval is a foregone conclusion given the action just taken [passage of the ordinance].

Councilor Sciarra noted that the last paragraph is unusually worded for a resolution since it does not end with a 'Now Therefore Be it Resolved' clause and ends by stating a fact. Generally, a resolution is more of an expression as opposed to a statement.

Councilor Dwight said he took her point and thought it would be appropriate to modify the

language to emphasize support of the ordinance just passed.

After brief discussion, members agreed to the statement: "Now therefore the City of Northampton *affirms its support* for 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."

Councilor Dwight so moved. Councilor LaBarge seconded.

Councilor Quinlan said he appreciated the explanation of the resolution since he was confused as to why they would vote to support something they just enacted. One of the great community criticisms he's heard over the years is the amount of time the city council spends on resolutions, but he's really enjoyed explaining the value of resolutions.

As he knows, resolutions provide something that ordinances don't, which is the expressed will of the council, Councilor Dwight responded. It is perhaps gilding the lily in some respects, but, right now, their support for the spirit and sentiment embedded in the ordinance is not expressed; it is just a law. It does not express their earnest concerns about the impacts of continued use of these products.

Councilor Sciarra proposed bundling the two amendments for voting purposes. The combined motion to amend passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.

The motion to approve the resolution in first reading as amended passed unanimously 8:0 by roll call vote with Councilor Jarrett recused.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor LaBarge seconded. The motion passed 8:0 by roll call vote with Councilor Jarrett recused.

Councilor Dwight moved to approve the resolution in second reading. Councilor Foster seconded. The motion passed 8:0 by roll call vote with Councilor Jarrett recused.

The following resolution passed two readings:



City of Northampton
MASSACHUSETTS

In the Year Two Thousand and Twenty-One

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, Easthampton, 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 affirms its support for 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.

Rules suspended, passed two readings and enrolled.

<p><u>Consent Agenda</u></p>	<p><u>Consent Agenda</u> Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate discussion upon request. Councilor Jarrett asked that the appointment of Sara Howard be removed for separate discussion. Councilor Dwight moved to approve the consent agenda with the removal. 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. <u>Minutes of December 17, 2020 City Council Meeting</u> B. <u>20.162 Appointments to Various Committees, all positive recommendations, City Services Committee – 1/14/2021</u> <u>Arts Council</u> Jesse Hassinger, 184 Main Street, Apt. 4, Northampton Term: January 2021-June 2024 <i>To fill a vacancy</i> <u>Human Rights Commission</u> Kathy Wicks, 102 Black Birch Trail, Florence Term: January 2021-June 2024 <i>To fill a vacancy</i> <u>Northampton Housing Authority- Board of Commissioners</u> Jo Ella Tarbutton, 81 Conz Street, Apt. 626, Northampton Term: January 2021-June 2022 <i>To fill a newly-created position on the NHA Board of Commissioners through the Special Act</i> C. <u>21.187 Appointments to Various Committees - for referral to City Services Committee</u> <u>Arts Council</u> Dana Osterling, 58 Paradise Road, Apt. 1, Northampton Term: February 2021-June 2024 <i>To fill a vacancy</i> Thulani Davis, 112 Franklin Street, Northampton Term: February 2021-June 2024 <i>To fill a vacancy</i> <u>Historical Commission</u> Dr. Jonathan Daube, 15 Carolyn Street, Florence Term: February 2021- June 2024 <i>To fill a vacancy</i> Rev. Harvey Hill, 19 Ward Avenue, Northampton Term: February 2021-June 2024 <i>To fill a vacancy</i> Councilor Jarrett said he needed to recuse himself since Sara Howard is his life partner. Councilor Dwight moved to approve the appointment of Sara Howard to the Northampton Housing Partnership. Councilor LaBarge seconded. The motion passed 8:0 by roll call vote with Councilor Jarrett recused. The following appointment was approved: <u>Housing Partnership</u> Sara Howard, 8 High Street, Florence Term: January 2021- June 2024 <i>To fill a vacancy</i></p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p>At 8:54 p.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 8:55 p.m. The City Council reconvened at 8:55 p.m.</p>

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.

Passed two readings and enrolled.

20.180 Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds – 2nd reading

20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds – 2nd reading

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

The following order passed two readings:

City of Northampton
MASSACHUSETTS

In City Council

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

Passed two readings and enrolled.

<u>Ordinances (Not Yet Referred)</u>	<u>Ordinances (Not Yet Referred)</u> None.
<u>Ordinances</u>	<u>Ordinances</u> None.
<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 Quinlan and seconded by Councilor Dwight, the meeting was adjourned at 8:59 p.m. The motion carried unanimously 9:0 by roll call vote. Attest: _____ Administrative Assistant to the City Council

NORTHAMPTON CITY COUNCIL

PUBLIC COMMENT RECORD SHEET

January 21, 2021

The Northampton City Council opened the floor to public comment at 7 p.m.

NAME ADDRESS SUBJECT

Aimee Francaes, here to talk about defunding police and creating safer community. Need to defund police and move into community services. We don't need people who are armed responding to domestic violence or crime scenes of any kind.

Eli Marlin, 33 Ward Ave. have all heard speak on polystyrene reduction ordinance. Youth commission has done extensive outreach to business and tried to compromise. People have forgotten that the climate crisis is a crisis and time-sensitive.

Shanna Fishel, Ward 7, Leeds, re: food insecurity. Mentioned support for defunding the police. Looking for community support for community fridge. Learned today MA has the highest rate of food insecurity in the last year of any other state.

Marty Nathan, thanked youth commission for leadership on plastics reduction ordinance and council for unanimous passage in 1st reading. Thanked all for new administration which will be finally acting on climate change. Urged approval.

Lilly P., Ward 6A, earlier this year during mental health crisis and domestic dispute with her mom, cops called. People's only experience with cops and authority have been negative. Asked to go beyond unaccountable social service agencies.

Bix Von Goeler, youth commission – as younger person, thinks climate crisis super important. Ban would reduce amount of plastic created, leading to less carbon emissions and plastic trash that harms the environment in other ways.

Kit Sang Boos, Northampton, grateful to Councilors Dwight and Maiore, youth commission and Renna Pye for ordinance. Is opportunity for all to use products and alternatives that don't increase carbon emissions and exacerbate climate crisis.

Jose Adastra, Ward1A, noted how violating and insulting it is that priorities all over the place instead of on providing help to people on the streets. Noticed more homeless in need of mental health services. Appalling to be talking about plastics.

Hildegarde Freedman, 35 Fruit Street, apologized for complaining that NHA doing nothing about Dr.'s letter stating that due to peripheral neuropathy she needed to get out of apartment building. NHA has now begun to assist her with move.

Ben Breslow, Northampton, in support of plastic reduction ordinance. Thinks important step to take and something Northampton can actually do.

Ashwin Ravikumar, energy and climate action committee and professor, in support of plastics ban. Climate justice is fundamentally and must be about racial justice. While wait for federal gov't, is also important for municipalities to take action.

Rye Buckley, Ward 3, expressed support for peer-led alternative policing. Re: accountability, not talking about citizen oversight boards. COB's are entirely ineffectual and don't change fact that police take away lives and liberty of residents.

Emily Coffin, Ward 1, frustrated by mayor's comment that cut to police not freeing up recurring revenue. Original budget went down \$900,000 so thinks playing a little bit of a shell game with \$. CSO only provides crisis evaluations in ER at night.

Ezekiel Baskin, Northampton, hears really strongly that people need help right now and sees that there is \$, even if it is in the stabilization fund. Asked council to try to get more \$ and resources to people in need, even if it is not their strict purview.

Robert Eastman, Ward 3, asked what public can do to help council respond to people in need. Reading plan for resiliency hub learned that 67 homeless people in Northampton, 21 of them living without shelter. Puts things in perspective.

Ya-ping, Turners Falls, recommended reading summary and findings of Brattleboro policing report. Interviewed over 200 community members and orgs. Residents who experienced police response to mental health reported negative impacts

EXHIBIT A

List of Documents Reviewed at January 21, 2021 Northampton City Council Meeting:

1. January 21, 2021 Agenda
2. City Council Meeting Minutes of December 17, 2020
3. Memo from Dawn Nims, Staff Civil Engineer to Donna LaScaleia, DPW Director dated January 14, 2021 re: Council Orders 20.174 & 20.177 – Petition for Joint or Identical and Single Ownership Pole Relocations No. 23303524 – Damon Road Construction Project MassDOT No. 608236 – Bridge Road
4. 20.174 National Grid Pole Petition for Bridge Road
5. 20.177 National Grid-Verizon Pole Petition for Bridge Road
6. Memo from Dawn Nims, Staff Civil Engineer to Donna LaScaleia, DPW Director dated January 14, 2021 re: Council Orders 20.175 & 20.176 – Petition for Joint or Identical and Single Ownership Pole Installs, removals, and Relocations No. 23303524 – Damon Road Reconstruction Project MassDOT No. 608236 – Damon Road
7. 20.175 National Grid Pole Petition for Damon Road
8. 20.176 National Grid-Verizon Pole Petition for Damon Road
9. 20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance
10. 20.162 Appointments to Various Committees – Memo from Mayor David J. Narkewicz to City Council dated January 7, 2020 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Jesse Hassinger to the Arts Council, Sara Howard to the Housing Partnership, Kathy Wicks to the Human Rights Commission, and Jo Ella Tarbutton to the Northampton Housing Authority – Board of Commissioners
11. 21.187 Appointments to Various Committees – Memo from Mayor David J. Narkewicz to City Council dated January 14, 2020 re: Appointments to Boards, Committees, and Commissions proposing the appointment of Dana Osterling and Thulani Davis to the Arts Council, and Dr. Jonathan Daube and Rev. Harvey Hill to the Historical Commission
12. 20.178 An Order to Increase Personal Property Tax Exemption Threshold to \$2,500
13. 20.179 An Order to Authorize Borrowing \$1.5 Million for Paving Projects
14. 20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds
15. 20.183 An Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters
16. 20.184 An Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections
17. 20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language
18. 20.186 An Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections
19. 20.114 Plastic Reduction & Sustainability Ordinance

Record of City Council Votes for January 21, 2021		Dwight	Foster	Jarrett	LaBarge	Maio	Nash	Quinlan	Sciarra	Thorpe	Total
Roll Call by Laura Krutzler, Administrative Assistant to the City Council @ 7:38 p.m.		Present	Present	Present	Present	Present	Present	Present	Present	Present	9 present
20.183 Order Amending the Charter to Mail Ballots for Municipal Elections to All Registered Voters - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0;
20.184 Order Amending the Charter to Allow Resident Non-Citizens to Vote in Municipal Elections - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0;
20.185 An Order Amending the Charter to Make Clarifications and Correct Deficiencies in the Prior Language - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.186 An Order Amending the Charter to Allow Residents 16 Years of Age or Older to Vote in Municipal Elections - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.114 Plastic Reduction & Sustainability Ordinance - 2nd reading	2nd reading	Motion to approve Yes	Yes	Recused	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
Removing the Bag Fee Amendment from 20.114		Second Yes	Yes	Recused	Yes	Motion to amend yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
Motion to recognize Noah Kassis or any sponsors		Yes	Yes	Recused	Motion to recognize Yes	Yes	Second Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance - 1st reading	1st reading	Motion to approve Yes	Yes	Recused	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
Amendment to Include Easthampton in the Final Clause and Amendment to Change Language of Final Clause to be a "Now Therefore Be it Resolved" Clause Instead of a Statement		Motion to amend Yes	Yes	Recused	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett recused; roll call
20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance	Motion to suspend	Motion to suspend Yes	Yes	Recused	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
20.113 A Resolution in Support of Plastic Reduction and Sustainability Ordinance - 2nd reading	2nd reading	Motion to approve Yes	Second Yes	Recused	Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
Approval of Consent Agenda		Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
Sara Howard Appointment		Motion to approve Yes	Yes	Recused	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 8:0 with Jarrett
RECESS FOR FINANCE COMMITTEE											
Approval of Minutes of December 17, 2020					Motion to approve Yes			Yes	Yes	Second Yes	Motion carried 4:0; roll call

ADJOURN FINANCE					Motion to adjourn Yes			Second Yes	Yes	Yes	Motion carried 4:0; roll call
RESUME CITY COUNCIL MEETING											
20.178 An Order to Increase Personal Property Tax Exemption Threshold to \$2,500 - 2nd reading	2nd reading	Second Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.179 An Order to Authorize Borrowing \$1.5 Million for Paving Projects - 2nd reading	2nd reading	Motion to approve Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion carried 9:0; roll call
20.180 An Order to Appropriate Free Cash \$1.5 Million to Stabilization, Capital Stabilization and Fiscal Stability Stabilization Funds - 2nd reading	2nd reading	Yes	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Second Yes	Motion carried 9:0; roll call
Motion to Adjourn		Second Yes	Yes	Yes	Yes	Yes	Yes	Motion to adjourn Yes	Yes	Yes	Motion carried 9:0; roll call

At 8:59 p.m., Councilor Quinlan moved to adjourn the meeting; Councilor Dwight seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No