

MEETING MINUTES

Date: January 4, 2021, Time: 5:30 p.m.

Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 5:30 p.m., Councilor Thorpe called the meeting to order. On a roll call, the following members were present: Councilor John Thorpe, Councilor James Nash, Councilor Marianne LaBarge, Member Jeff Napolitano and Member Megan Paik. Also present were City Solicitor Alan Seewald, Councilor Karen Foster and Administrative Assistant Laura Krutzler.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**
Councilor Thorpe announced that the meeting was being audio/video recorded.
3. **PUBLIC COMMENT**
Councilor Thorpe opened the floor to public comment and explained the procedure he would use in conducting public comment.

Mary Jones of Ward 2 said she saw that later on the agenda one of the councilors has recommended looking at the towing of vehicles for impending snow removal operations. She shared her recent experience as a renter in the community. She has lived all over the country in places where it snows a lot, i.e. - Indiana, Michigan – and in no community is there a blanket towing ordinance for a snow emergency. She lives in a large house divided up into multiple apartments with limited parking available. She works in Northampton in retail while a lot of her housemates work from home. Parking spaces are at a premium right now. For the first snow storm this year, she came home after her shift and parked on Forbes Avenue thinking she would be fine. Much to her surprise, the next morning her car was missing. She's lived all over and that's never been a policy; they've been in places where they would get a warning before the car was towed but it was never just taken. She figured out the city took the car and found out Ernie's towing was the contractor. Long story short, it cost her \$200 to get her car. \$200 is quite a lot for someone like her who is renting; it's a third of her monthly rent and two weeks of groceries. It seemed like a really tall order and really punitive way to deal with cars in a snow emergency. She would like the council to look critically at this ordinance. She knows there other ways communities have dealt with snow that is less punitive; she suggested perhaps giving people a warning. At Ernie's, there was a wall of keys and the whole wall was full so she knows she wasn't the only person who got towed. She wanted them to think about how this ordinance affects renters in particular as they don't necessarily have parking.

4. **APPROVAL OF MINUTES OF DECEMBER 7, 2020**
Councilor LaBarge moved to approve the minutes of December 7, 2020. Member Nash seconded. The motion passed 5:0 by roll call vote.
5. **REQUEST TO CONSIDER ORDINANCE 312-51**
Discussion with Councilor Karen Foster.

Mrs. Krutzler shared her screen with the text of the ordinance.

Councilor Foster said she appreciated the opportunity to be here and to think about it and appreciated Mary Jones's comment. Mary is her constituent and the one who brought this to her attention. As they are

reviewing ordinances with potentially disproportionate impacts, it seemed like an opportunity to take a look at one that would have a disproportionate impact on people who rent apartments. They know people are going to pay a premium to rent apartments with driveways and garages, so it is more likely that lower-rent apartments or housing will not include off-street parking. She spent quite a lot of time thinking about it and has done some poking around to see what other Massachusetts communities are doing. She is not sure what they are doing in other communities is a grand step up. Some only tow on major roadways or on the even or odd side of the street, but that can get confusing as well.

When landlords are renting to new tenants, there is already a lot of paperwork being exchanged. This got her wondering if there was an opportunity within that process for exchange of information pertinent to people new to the city. While it is true that the city does a tremendous amount of work to get that information out there, people newer to town are just not hooked into those channels of information. She doesn't necessarily come with the answer tonight but was wondering if maybe in coordination with the Northampton Housing Partnership they could make sure this is one of the pieces of information changing hands when tenants sign leases.

She mostly wanted to bring it to their attention as an ordinance that is going to have a disproportionate impact on people who are potentially transient, newer to the community and people of lower income.

Councilor Nash asked what portion of the \$200 was the city fine and what portion was the storage fee and towing. He moved to recognize Mary Jones. Member Napolitano seconded.

Ms. Jones said she paid Ernie's towing \$171, including a \$25 administrative fee for the Northampton police. The breakdown of other charges was \$108 for towing, \$35 for storage and \$3.60 for police mileage. On top of that, she paid \$25 for the ticket. So the city is charging at least \$50 of that.

Councilor LaBarge said she had a funny feeling towing was going to be the big expense. They've had this problem going on for quite a long time with people complaining about their vehicles being towed and them not knowing the procedures. She pointed out that **§312-42 Removal of Improperly Parked Vehicles, item c** quotes charges as follows:

Liability for removal. The liability imposed for removal of vehicles under Subsection **A** shall be \$25 and the liability for storage shall be \$2 for any twenty-four-hour period, and \$1.50 for any lesser period.

She expressed concern about the inconsistency of the prices quoted by Mary Jones with those listed in the ordinance.

Member Napolitano said he assumed the city's procurement process awards the bid for towing services to the lowest bidder. Maybe they could address this by recommending that the ordinance list a maximum charge. The way it's listed now is, "The owner of any vehicle so removed shall be responsible for the cost of such removal and of the storage charges, if any." A way to address this might be to limit it in the ordinance, he suggested.

Member Paik commented that Mary's comment had a couple of pieces, the first being the fact that there is towing of vehicles during snow removal and that fines are imposed by the city. Attorney Seewald has informed them that they can't really affect the fact that there *are* parking fines and towing, the city can only set the fees.

The other piece is that there is not enough information or transparency about the fees and fines. This issue also came up when talking about the housing notification act which requires landlords to offer legal and financial resources. As Councilor Foster suggested, this is really important information to convey to new tenants. It is worth thinking more about whether they should incorporate that into some sort of ordinance, she proposed.

In a previous meeting, Nancy Forestall said the city has data about which wards and streets have disproportionately high numbers of parking tickets. She thinks that may be useful as they're thinking about how they can create more off-street parking or alleviate the financial impact to residents in those areas.

Councilor LaBarge repeated her concern about the inconsistency of §312-42 with actual charges.

Attorney Seewald said, not to complicate things further, but the controlling ordinance is §312.31. Section 312-51 references §312-31, he noted. Section 31 has the \$25 fine.

He reminded councilors that the city has adopted Chapter 40, Section 22F which allows departments to set their own fees. The \$25 is a fine set by the council, but departments set their own fees for administrative work.

Councilor Nash said both he and Member Paik are seeing similarities in some of their conversations. There needs to be better information getting out to renters as to their rights as tenants, better information when zoning changes affect their rental properties and better information when parking bans go into effect. He can see a pattern around there needing to be a better way to get information. He suggested the point at which somebody is signing rental documents as a possible opportunity. He could see an on-line file somewhere that people could download.

He is of the mind that they need parking bans because many of the streets are so narrow that if the city allows parking during a snow emergency the DPW can't plow.

This very much relates to zoning in terms of parking standards, Councilor Nash continued. In the downtown area, property owners are not required to provide parking. In urban residential areas around the village centers and downtown, there are parking requirements but they do not always reflect what is actually needed by residents. The owner may say zoning only requires two parking spaces but all the bedrooms are being rented out and there's not enough off-street parking. [City officials] have created this parking pressure and the outcome is people like Mary coming to them and saying they got towed. He thinks this discussion should also get kicked over to the Planning Board for them to re-explore the way the city is creating this parking pressure because it's falling on renters.

Councilor LaBarge stated emphatically that informing tenants of parking requirements should be the responsibility of the landlord.

The housing stability notification act includes a provision to fine landlords who do not provide required information, Member Paik pointed out. It is difficult to impose that kind of cost on landlords in Northampton because they are mostly homeowners rather than big corporate owners as in larger cities. The Planning Department found a way around this by having an advocacy organization offer this information in a flyer. If they could make sure the information is broadly available on a city webpage or disseminated by a nonprofit

it would lower the transaction cost for landlords since they wouldn't have to compile it themselves but could download it from the city website. It is good community information and education in general. As they know, half the town are renters.

Actual enforcement of parking regulations is discretionary, she added. DPW Director Donna LaScaleia said that when the trees came down in the storm in November, every car was in violation of the parking ordinance but not towed. Maybe there's a way to make allowances for certain areas that are not throughways where they really don't have many other options for parking during snow emergencies.

Not only is this related to the landlord/tenant issues they have been discussing but there are also links to 'as of right' two families and not requiring parking for these additional units, Attorney Seewald commented. He also has some concern about forcing landlords to speak against what they perceive to be their own interests such as providing legal information that could be used against them. He can understand why landlords might not like to do that and might see this as forced speech. He likes Member Paik's idea of having a separate non-profit handle this.

Members briefly discussed the difficulty in identifying landlords since, unlike Amherst, there is no rental registration in Northampton.

Councilor Nash moved to refer this to the Planning Board for review and comment. Councilor LaBarge seconded.

Councilor Nash clarified that they are asking the Planning Board to look at parking regulations and how this plays into creating parking pressures on people who rent around towing and snow emergencies. Member Paik expanded this to include all weather-related conditions. Mrs. Krutzler said she would copy Councilor Nash, Councilor Thorpe and Member Paik so that if the Planning Board needed further clarification they could contact them.

The motion passed unanimously 5:0 by roll call vote.

6. DISCUSS MEETING SCHEDULE

Members agreed to meet February 1st, February 8th and February 22nd @ 5:30 p.m. and March 1st, March 15th, March 22nd and March 29th @ 5:30 p.m.

7. FORMAT/STRUCTURE OF FINAL REPORT

- Bucket #1 – Housekeeping Changes
- Bucket #2 – Solicited and Unsolicited Recommendations for Ordinance Changes
- Bucket #3 – Ordinances Reviewed for Impact on Marginalized Communities

Member Paik said she started an executive summary and could send a rough draft around before the next meeting. It describes their charge and how they have come to review specific ordinances. She wants the report to be user-friendly and hopefully accessible by a link on the website. She thinks the audience for it is more than just the city council and mayor's office; they have attracted interest from advocates and others who influence policy processes. In the interest of transparency, she wants to be very clear about how they have set parameters for review and why they decided to look at some ordinances and not others. Otherwise, there is a semblance of randomness or arbitrariness.

She thinks it would be helpful to review the relevant demographics that inform and guide them. The Planning Department says it has some demographics such as the racial breakdown of renters vs. homeowners and parking says it has data on what areas of town are most impacted by ticketing. This would be good background information.

She wants to be forthright about their limitations as an advisory group and the fact that they rely on the work of other voluntary boards and city agencies. She also wants to put thought into the structure and scope of the committee since it doesn't really have a precedent, and future committees may learn from their experience; i.e. – does it need more or fewer members of the council or public, should it start with a narrower mandate, be given more time, recruit for demographic representation and expertise, offer public hearings, etc.

They have discussed ordinances and ordinance-adjacent policies in a couple of the areas they deemed important like zoning, rental housing and parking. There may be a few more categories they want to broach in the next few months. The National League of Cities identified other areas as ones that disproportionately affect marginalized communities like recreation, purchasing and hiring. They haven't had anyone propose any of those specific ordinances but that could be part of what they investigate on their own initiative.

Councilor Thorpe raised the question of whether members thought it would be best to have the city solicitor at least start the report and then for them to add to it.

Councilor Nash said he would appreciate seeing Member Paik's draft. They could discuss it in more detail at the next meeting. It looks like Bucket #1 is taking shape. The work will be in fleshing out Bucket #2 and Bucket #3, he observed.

Member Napolitano said he doesn't think they necessarily need to pass along a draft ordinance for everything. In some instances they might just want to say that a particular issue is something that needs to be addressed in Northampton. The contents of the report might be more of a narrative or general recommendations than something in ordinance form.

Member Paik said that is exactly what she was trying to say. She feels like they are able to zoom out and talk about the rationale behind why they selected certain ordinances for review and what they're particularly concerned about rather than proposing specific ordinances.

Attorney Seewald seconded what Member Napolitano said. He does not think they should be drafting new ordinances. "These are very, very time-consuming exercises," he stressed. He has been spending hours and hours on ordinances that are going to be in the city council's inbox tomorrow. He would suggest that they not spend inordinate amounts of time drafting ordinances unless they know the council is going to want to adopt them.

Member Paik noted that they are essentially aiding in background research. They have the ability to invite those who implement policy and review a lot of current policies systematically. She feels like that's the strongest role they can play; identifying the current needs and challenges of the city and available resources. Most of the ideas that have percolated through this committee are still pretty nascent.

Councilor Nash endorsed the idea of getting some demographic information. The Planning Department has demographic information from the census and it would very be helpful to have director Feiden come in to present on that information. Councilor LaBarge agreed.

Councilor Thorpe asked if they should ask Attorney Seewald to get the ball rolling drafting the report. Attorney Seewald said his feeling is that it's a little premature. "I'd like to hear a little bit more before I start drafting." Whatever he would draft now would be so skeletal he's not sure it would really be helpful. Let's have another meeting or two and see where we are, he suggested.

8. REMAINING ORDINANCES TO REVIEW/FURTHER RESEARCH NEEDED - WORK PLAN FOR SECOND PHASE

Councilor Nash said he thinks they kind of covered this item, and other members agreed.

9. ADJOURN

Councilor LaBarge moved to adjourn. Member Paik seconded. The motion passed unanimously 5:0 by roll call vote. The meeting was adjourned at 6:54 p.m.