



ORDINANCE REVIEW COMMITTEE

Members

Councilor Jeremy Dubs, Chair
Councilor Garrick Perry, Vice-Chair
Dane Kuttler, Citizen
Molly Moses, Citizen
Councilor Stanley Moulton, III

MEETING MINUTES

Date: March 31, 2025, Time: 6 p.m.

Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 6:31 p.m., Acting Chair Councilor Perry called the meeting to order. On a roll call, the following members were present: Councilor Jeremy Dubs, Councilor Garrick Perry, Councilor Stanley W. Moulton, III, Member Dane Kuttler and Member Molly Moses. Also present were City Solicitor Alan Seewald (6:04 p.m.) and Administrative Assistant Laura Krutzler.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**
Councilor Perry announced that the meeting was being audio/video recorded.
3. **PUBLIC COMMENT**
There being no members of the public present, Councilor Perry moved to the next item on the agenda.
4. **ELECTION OF CHAIR**
Members introduced themselves and gave brief background information.

Attorney Seewald joined at 6:04 p.m.

Councilor Perry opened the floor to nominations. **Councilor Moulton nominated Councilor Dubs to serve as chair. Councilor Perry seconded.**

Councilor Dubs said he would be happy to serve if elected.

There being no further nominations, **the motion passed unanimously 5:0 by roll call vote.**

Councilor Dubs assumed the position of chair.

Member Moses tried to put the agenda into the chat but the chat function was disabled.

5. ELECTION OF VICE-CHAIR

Councilor Dubs opened the floor to nominations. **Member Kuttler nominated Councilor Perry. Member Moses seconded.**

Councilor Perry said he would accept.

Attorney Seewald asked to be recognized. He introduced himself as the city solicitor and inquired as to whether there had been a roll call vote for chair.

Ms. Krutzler assured him there was.

Attorney Seewald explained that his style of supervision would be to go dark until they needed supervising. He turned off his camera.

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

6. REVIEW OF BASICS OF OPEN MEETING LAW (OML), CONFLICT OF INTEREST AND PUBLIC RECORDS

At Councilor Perry's request, Attorney Seewald gave a thumbnail sketch of the three major laws that apply to members of governmental bodies.

Under the Open Meeting Law (OML), as a governmental body, all business transacted by a quorum of the committee must be done in a public meeting with an agenda and prior publication of notice, Attorney Seewald advised. Since there are five members of the committee, three is a quorum. Two can speak with each other. Once two speak to each other about a subject before the committee, those two cannot speak to a third member, since even serial communications among three members is a violation of the Open Meeting Law (OML).

When members receive documents or emails from the administrative assistant (she typically serves as a clearing house for information), he cautioned them not to 'reply all' since as soon as they do they will have violated the OML.

Any documents associated with their work are public records and must be preserved. Documents made or received as a member of this committee are subject to the public records law and must be preserved and become part of the record. For questions on any legal matter, that's what he's here for. He asked the administrative assistant to provide his contact information.

Regarding conflicts of interest, if they have a financial interest in anything discussed by this committee; i.e., if any ordinances could affect their personal interests or the interests of their immediate family (parents, siblings, spouse, spouse's parents and siblings), please let him know ahead of time so he can issue an opinion on whether they are free to proceed or need to recuse themselves, he advised.

7. SCOPE OF REVIEW

Councilor Perry noted from past reviews that former ordinance review committees tried to focus in on specific areas. The most recent review process in 2020 looked at systemic racism and ordinances with disproportionate impacts on marginalized communities. He thought they could discuss what they would like to focus on. A couple of needed changes were also flagged by Councilor Jarrett and Nathan Chung (deleting references to fence viewers and weighers of coal and amending references to buses and bus stops), he pointed out.

Councilor Dubs said he was happy to join the Ordinance Review Committee; for one reason, because ever since he joined local government in 2019 with the Disability Commission, he has been working on the issue of snow and ice removal in Northampton and how they can improve upon that. Over time, he has become fairly knowledgeable about the snow and ice ordinance currently in place. A recent City Services Committee meeting invited Police Chief John Cartledge and DPW Director Donna LaScaleia in to talk about ways to better enforce the ordinance. He is really interested in focusing on that, he shared; not just on how to better enforce it but on any amendments that could make it more of a service to people, especially people who aren't able to clear their own properties and what to do about people not clearing.

Councilor Moulton pointed out that, as Councilor Perry described, the last Ordinance Review Committee in 2020 was given the task by the council to look at ordinances that systemic racism could be applied to. This committee doesn't have a similar task given to it by this council so it is really wide open to them.

He has two: one is noise. Having been a councilor for more than three years, he gets frequent complaints about noise, particularly in residential areas. Former Councilor Nash and he worked on revising the noise ordinance as it applies to trash pickups two years ago but he thinks there is more work to be done around concerns about regulating noise, particularly enforcement of existing prohibitions like Jake brakes on trucks. The other big one which he, Councilor Jarrett and Attorney Seewald started work on late last year, is around cleaning up the city sign ordinance to comply with recent court rulings. There are a lot of provisions in the existing sign ordinance that are no longer constitutional, he observed. He would like to move that conversation to this committee.

Councilor Perry said noise ordinances are also on his list, especially as he believes their city is going to be reawakening as far as nightlife and general activity at night. As Ward 4 councilor, he got a lot of complaints from people near Tellus and other businesses. They have had a lull in nighttime business and some problems have been associated with its reawakening.

He would also like to look at ordinances around trash removal in front of businesses and some of the ordinances around food trucks. Food trucks have become sort of ubiquitous so he would like to open up the hood and look at that.

Not having been paying too much attention or privity to current ordinance issues, Member Kuttler said she looks forward to diving in and seeing what comes up as they start their review. For the moment, she is 'tabula rasa.'

Member Moses said that, similarly, she is not coming in with a specific category of ordinances but really enjoys reading and seeing what is going on. She would be happy to provide at least a cursory reading of everything that could be in need of an update.

She is also curious to learn about follow-up from the 2020 committee's recommendations; i.e., any shifts that might have happened since 2020 and whether the recommendations brought about the type of shifts they were looking for.

She also finds herself curious as to where they have no ordinances at all but where it might make sense to include ordinances, whether protective ordinances for citizens (residents, she corrected herself) of their city in their current moment in the world. It is a little easier to look at what is there and might need to change than at what might not be there that should be, she suggested. "What, if any, are the gaps?"

8. DISCUSS PROCESS FOR REVIEWING ORDINANCES

With regard to process, while they are good community representatives, Councilor Perry said he thinks they should talk about having some dialogue with other community members and reaching out to solicit input from residents and businesses as well as department heads.

Councilor Moulton agreed process is very important. They also need to think about how they're going to meet, whether virtually or in person. In the 2019 Charter Review Committee process, members took some of their meetings out into the community such as the Jackson Street School. In addition to reaching out to constituents and stakeholders, bringing meetings into the community would be something he'd recommend.

Member Kuttler asked if there's anything that stops or prohibits them from engaging on line; for example, using on-line polls to generate discussion or using official city social media accounts.

Attorney Seewald said there is not a problem with seeking input from the public through social media but when members of the body start adding their opinions outside of a posted meeting, it becomes tricky. There are ways that the mayor's office communicates with the city that can certainly be used but it can't be a place where members are expressing their opinions, he noted.

Last time, the committee invited presentations and ideas for ordinances to review from department heads, he noted.

In his experience serving on the Northampton Reparations Study Commission (NRSC) and Select Committee to Study Barriers to Serving on City Boards and Commissions, members reached out to the public by such means as surveys and handing out cards with QR codes linked to questions, Councilor Perry shared. They could look towards a quick survey for folks.

Member Moses noted that there are required policy-related classes at their local social work school so there may be an opportunity for students to engage in a project supporting figuring out how to get more public involvement in the review of ordinances.

Ms. Krutzler mentioned the 'news flash' feature of the website as being a way to get news out to the public.

Member Kuttler mentioned that Smith College's Jandon Center for Community Engagement has engaged under-grad students to do community surveys and polling for a variety of community initiatives over the last few years.

Member Moses said she didn't know if it was typical for people to take on individual projects and report back to the group or to work as a group each time.

This committee can form subcommittees but they can only be of two people since three is a quorum, Attorney Seewald advised. It leads to the interesting problem that subcommittee members can never speak outside of a public meeting because subcommittees, too, are subject to the OML.

Member Kuttler asked if they are obligated by the bylaws to go about this in a certain way.

Nothing in the charter tells them exactly how to do this; it's up to them to decide, Attorney Seewald said. There is no way in the time allotted to review every single ordinance. "You will be down the rabbit hole really quickly."

He thinks it's important to pick a few things that are important to this committee. He referred to an archaic ordinance on the books that prohibits pushing fruits and vegetables up and down Main Street without a permit and says a permit can only be issued to people 'of good repute.' It was clearly aimed at Italians who were living on Market Street.

He would recommend that they have an actual focus and not bite off too big a chunk.

Member Kuttler said she is intrigued by the prospect of cleaning up historical ordinances. That's exactly what she thought this committee was all about.

Attorney Seewald confirmed it's part that and part adding what they're lacking and clearing up problematic ordinances such as the sign ordinance.

Councilor Dubs suggested the possibility of creating subcommittees, but Member Moses and the Council Clerk raised the point that this would create the necessity of posting additional public meetings and keeping meeting minutes for these committees.

Member Kuttler expressed her understanding that, since they've established that two people talking together is not a violation of the OML, an individual researching a subject independently could speak to one other member of the committee.

Attorney Seewald confirmed that an individual researching can speak to one other member of the committee but not if the two of them are assigned to a committee. A subcommittee has to be created by the body, he clarified.

Member Kuttler proposed taking on individual assignments and, if they so choose, identifying committee 'study buddies.'

Councilor Perry said he thinks that sounds reasonable but warned against putting the cart before the horse. He thought for the next meeting it might be good to compile a list of ordinances to review and identify people in the city they might want to talk to. He gets nervous about forming committees and study groups when they haven't reached out to a lot of people yet, he elaborated.

Councilor Moulton said he agreed with Councilor Perry about the importance of hearing from other people before deciding which ordinances to focus on and how they want to spend their limited time over the next nine months.

Member Moses said she would be willing to familiarize herself with the ordinances.

Ms. Krutzler offered to email department heads as was done last time. Councilor Perry said he's all for that, especially since they have some new departments such as Climate Action and Project Administration (CAPA).

Member Kuttler suggested asking people what ordinances they are running up against.

Councilor Perry suggested he and Councilor Dubs talk about what they would like to send out to department heads and let Laura know. Before sending out anything to anyone, he proposed having a discussion about other groups they would like to connect with.

9. DISCUSS MEETING SCHEDULE

Members discussed potential meeting dates and times and how frequently to meet. Member Moses suggested waiting a full month before meeting again would be too long and Councilor Dubs agreed. Councilor Moulton suggested establishing a regular meeting day.

Member Moses said she is almost never free before 6 p.m. sharp.

After discussion, members tentatively agreed to establish Wednesdays after 6 p.m. as their regular meeting time and decided to meet next Wednesday, April 23rd @ 6 p.m.

As chair and vice chair, Councilor Perry and Councilor Dubs said they would meet to come up with the agenda items.

10. ADJOURN

Councilor Perry moved to adjourn. Councilor Moulton seconded. The motion passed unanimously 5:0 by roll call vote. The meeting was adjourned at 7:02 p.m.