



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: October 29, 2025, Time: 6 p.m.
Virtual Meeting

1. **MEETING CALLED TO ORDER/ROLL CALL:** At 6 p.m., Councilor Jeremy Dubs called the meeting to order. On a roll call, the following members were present: Councilor Dubs; Chair, Councilor Garrick Perry, Vice Chair; Councilor Stanley W. Moulton, III and Member Dane Kuttler. Member Molly Moses was absent on roll call but joined at 6:17 p.m. Also present were City Solicitor Alan Seewald, Police Chief John Cartledge, DPW Director Donna LaScaleia, Administrative Assistant Laura Krutzler and members of the Disability Commission.
2. **ANNOUNCEMENT OF AUDIO/VIDEO RECORDING**
Councilor Dubs announced that the meeting was being audio/video recorded.
3. **PUBLIC COMMENT**
There was no general public comment.
4. **APPROVAL OF MINUTES**
Councilor Moulton moved to approve the October 8, 2025 meeting minutes. Councilor Perry seconded. The motion passed unanimously 4:0 by roll call vote with Member Moses absent.
5. **DISCUSSION WITH DPW DIRECTOR DONNA LASCALEIA, POLICE CHIEF JOHN CARTLEDGE AND NANCI FORRESTALL ABOUT ENFORCEMENT OF §285-17 REMOVAL OF SNOW AND ICE FROM SIDEWALKS**
Councilor Dubs welcomed and recognized the presence of Police Chief Cartledge, DPW Director LaScaleia and members of the Disability Commission, including Chair Amy Sugihara, Vice-Chair Emma Cornwell, Jenna Perna-Elias, Asher Henrichs and Emma Marlin-Curiel, an intern helping make a PSA for the snow removal ordinance.

Councilor Dubs opened by reading statements from Ward 4 constituents unable to attend, reflecting the challenge property owners face in fulfilling their responsibilities under the ordinance:

The first unidentified constituent wrote that she lives in Ward 4 on a downtown hill and has a long sidewalk in front of her house on the city side of the street. The sidewalk angles towards the road at one point and towards her house at another, and, when slippery, it is very very slippery. During last year's big storm, their snow blower had a piece of rubber stuck in it and she could not get a callback from any companies to come out and clear the sidewalk on a one-time basis. That week, adults in their house had the flu. They did their best to hand shovel, but it was awful, and she ended up with pneumonia, in part due to overexertion as an asthmatic, she thought. They try so hard to clear their sidewalk because it is an access and safety issue but it is so hard with young kids at home and the unpredictability of life. Some areas simply can't be shoveled or plowed without a commercial device and the sidewalk corner of their property isn't possible to clear when ice mountains are pushed there by the plows.

She does not want calls for safety to be new opportunities for police involvement or stratifying income for a city struggling with affordability and over-policing.

Jeanne Henry Hoose, a member of the **Northampton Council on Aging**, wrote that she is totally in favor of passable, level, wide, flat sidewalks. As a volunteer for Northampton Neighbors, along with two other women, she monitors emails and voice messages and uses software to write and manage service requests. This is relevant because they get frantic calls from people who can't move their cars or shovel their sidewalks. Of course, the population of older residents is more fragile and apt to have mobility issues. The narrow, asphalt sidewalk in front of her house on South Park Terrace has dips that fill with water after a thaw and is impossible to rid of ice once it freezes.

Jessica, 52 Laurel Street, said they do not have sidewalks on their end of Laurel Street so they walk in the road, but the nearby bike path is often not shoveled when it snows. There is a multi-family apartment building on that side of the street, so her understanding is that the landlord should be responsible for clearing the sidewalk. She has called the hotline about this more than once. The bike path becomes treacherous with ice, so they have to walk around it.

She appreciates that some homeowners are not physically capable of shoveling sidewalks and do not have the means to pay others to do this work. An alternative would be for the DPW to take responsibility and clear them; this will cost money, though, and the budget is already stretched. Another option would be to coordinate volunteers. She coordinates Valley Time Trade (VTT), an alternative economic program which pays volunteers in time credits for services they provide to other members. If the city became a member, it could call on help from VTT members when needed. She knows there are other volunteer-based organizations in Northampton that might be able to help such as Northampton Neighbors.

The statements show the difficulties people face in clearing their properties and the reason they are trying to figure out how to work together as a city and a team to address everyone's issues, Councilor Dubs reported. He acknowledged the myriad of challenges and elements/components to this discussion.

The snow removal ordinance was enacted over 20 years ago, he noted. Before that, there was a time when the city plowed more of its sidewalks. Around the late '90's, the snow ordinance was put in place making property owners responsible for shoveling their properties.

In his ideal vision, he would like to see them progressively go back over time to a time when the city was able to plow more of its sidewalks. He acknowledged the challenges to realizing this; currently, the DPW is very understaffed. The department has two sidewalk tractors but one is not fully functional and they don't have the staff to operate it.

He'd like to work on that over time but, for now, they have to think about the immediate future. He wants to see what they can do to work together so they can see visible improvement this year and in the coming years.

He invited the police chief to give his thoughts on enforcement of §285-17.

The police department has four patrol areas and one cruiser that patrols each area, Chief Cartledge explained. Officers typically issue verbal warnings and leave ordinance cards for property owners they can't reach. They don't usually fine because they typically gain compliance with verbal warnings. However, limited staffing and rotating schedules make it difficult to consistently follow up on compliance efforts.

Asher Henrichs said it sounds like the prioritization of duties has not included active snow enforcement.

When he pulled stats, they showed that officers respond to a significant number of unplowed sidewalks, Chief Cartledge responded. However, he confirmed that while some unshoveled sidewalks are cleared after officer visits, the department lacks the resources to systematically monitor compliance.

Amy Sugihara said it is clearly a complex problem without an easy answer because otherwise they would have collectively figured out a solution. It sounds like the system could use some tweaking if they want to prioritize having sidewalks be accessible.

It sounds like police are doing more than they have the people power to do, so she wondered where else in the city-wide system there could there be additional support for follow through with sidewalks.

One idea that comes to mind is some kind of tracking system. She has questions as to whether there are repeat offenders or the same homeowner not shoveling year after year and winter to winter. They would then know if it was a first offense or a repeat offense.

Member Moses joined at 6:17 p.m.

Chief Cartledge pointed out that while a lot of people think enforcement is fining people, giving a verbal warning and leaving a copy of the ordinance is also enforcement.

With regard to repeat offenders, his question is when it would become a repeat offense, every snow storm or every year? He doesn't know who would keep track of it.

Police are dispatched out of a different building so he doesn't know if tracking is feasible/practical.

Councilor Dubs requested that Chief Cartledge speak to Dispatch Director Kelly Schuetze and get back to them.

Councilor Perry suggested screen-sharing the ordinance to clarify the various departments involved in enforcement efforts.

Jenna Perna-Elias questioned how the term 'compliance' is being defined since officers sometimes do not have the ability to follow up for several days. She pointed out that it's not necessarily compliance if it takes 24 to 72 hours to clear the sidewalk.

If the city and property owners are not following the ordinance, technically, the city is not in compliance with federal ADA law, Councilor Dubs observed.

Fining people will not change the time they clear their sidewalks, Chief Cartledge noted.

Councilor Dubs quoted from the ordinance as follows: “If a person is found to be violating the provisions of this section, *it shall be the duty of* (emphasis added) the Chief of Police, or his/her designee, the Director of Public Works, or his/her designee, or Parking Enforcement Officers, to assess a fine to any such person in accordance with the fine schedule set forth in Chapter [40](#), Enforcement. . . .”

If people aren't being fined, it sounds to him like the ordinance is just words on paper and not actions.

PUBLIC COMMENT

Deborah Levin, State Street, said she has lived in town for almost 40 years and walks all over and so is really aware of people who don't shovel their sidewalks. Before it gets to the point of an officer going to someone's house, the city needs to do education now before the winter season. She referred to the “million ways” to achieve this: the newsletter, social media, putting something into people's tax bills. Before last year's terrible storm, they had a lot of mild winters and she thinks people forget they have a responsibility to clear sidewalks.

Councilor Dubs shared that the Disability Commission is working on a PSA for the snow removal ordinance.

Jeanne Hoose, wondered if there are areas that could be prioritized either because someone uses a mobility device on that street or because it is a place where the general population has greater mobility issues. If they were to decide to expand the city's sidewalk clearing efforts, it doesn't seem like the whole city needs to be the focus.

Amy Sugihara noted that while the general requirement is that sidewalks be cleared within 24 hours, in the downtown area, the ordinance requires that sidewalks be cleared by 9 a.m., so it could be much shorter than 24 hours for that area. If warnings are given, she wondered if that should be written into the enforcement section, §40-5.

She would love to hear and feel that the city would really like to come together and prioritize this access and figure this out. She wondered if other entities in the city should be the frontline rather than the police.

Councilor Dubs drew attention to specific questions they plan to ask department heads to respond to: Would it be possible to have a special detail following snow/ice storms for Parking Enforcement Officer's (PEO's) to observe, document and report on the presence of snow and ice on sidewalks? (See Disability Commission letter in support of sidewalk monitoring by PEO's.) Would it be possible for Division of Community Care (DCC) Community Responders to respond to reports of violations in addition to or instead of police to educate property owners about the snow removal ordinance? (This possibly would require an ordinance amendment to add the Division of Community Care to the list of enforcing agencies.)

Nobody is here tonight to respond on behalf of Parking or the Department of Health and Human Services (DHHS), Councilor Moulton noted. He asked to hear Director LaScaleia's thoughts.

DPW Director LaScaleia described the DPW's current sidewalk clearing operations, which include using one of two sidewalk tractors to clear approximately seven to eight miles of sidewalk adjacent to city facilities, an operation which takes a full day and requires a dedicated tractor operator and a truck to chase the tractor to refill its sand hopper. (The second tractor is a back-up.) At the same time, they are trying to maintain 160 miles of roadway with 17 vacancies out of 41 full-time positions. They are particularly struggling to recruit and retain staff with commercial driver's licenses (CDL's). Some of the bridges they are required to maintain are too narrow to accommodate a tractor so employees have to use a shovel and also have to clear stairs by hand. When

running employees like that, they have to be concerned about injuries. If she loses an employee to injury, she is then up to 18 vacancies.

In response to a question, Director LaScaleia confirmed that strict ADA compliance calls for 60 inches of clearance, but many of the city's sidewalks are not that wide. The tractor can clear sidewalks as narrow as 36 inches.

Member Moses related that, last winter, she saw someone without mobility impairments fall and slam her head on the pavement on her street (North Elm). Fortunately, she was uninjured. From a legal perspective, she asked if the city has legal liability if someone is seriously injured from a fall on ice on a city sidewalk.

Attorney Seewald said the short answer is 'no.' A statute specifically exempts cities and towns from liability for snow and ice. The limitation of liability for cities and towns for any defect in the public way (such as a pothole) is \$5,000. It is a safety issue, but it is not a liability issue.

Northampton resident Nathan Chung, a city employee but speaking as a member of the public, pointed out that, in the past, with stronger neighborhood cohesion, this was often something neighbors worked out personally. He has a friend who has a snowplowing group with his neighbors. One person owns a snow plow, and they coordinate clearing the sidewalks round robin style. Part of what they're seeing is the weakening of neighborhood bonds and neighborhood associations. Of course, negligent landlords may have the resources and choose not to use them and others may not have the necessary physical and financial means to do the work. Snowblowers are heavy and expensive pieces of equipment. He briefly rented from an older lady who was not in a condition to maintain her driveway so he did it himself.

Enforcement/fining is reactive, he noted. Before they get to the enforcement stage, ideally, they will be preventative by determining the causes. Sidewalk clearing is an awkward personal matter that affects everybody. If they can make things easier for everyone by identifying the causes and figuring out how to bring back neighborhood cohesion, that might save some headaches and prevent rising costs for government.

Councilor Perry reminded those listening that the Ordinance Review Committee's task is to look at the ordinance. Based on comments heard, he thought they could add a provision for sidewalks to be cleared to a minimum width. He also suggested considering adjusting the 9 a.m. deadline for the Central Business districts since he thought it was unlikely that business owners could make it into a business to shovel by that hour when their business might not even open until later.

As far as tracking violations, his feeling is that someone else might need to be involved. "The Disability Commission could be a place that could look at how to organize this information," he suggested.

Councilor Moulton expressed the opinion that enforcement of the ordinance is too siloed. While police are the primary enforcement agency, three different departments are identified as enforcement agents and they are talking about possibly adding the DCC. A city-wide commitment and a better and more comprehensive tracking system is needed to track compliance efforts so questions about timing and repeat offenders can be answered.

With respect to the ordinance, it does say enforcement agents 'shall' assess fines while he believes the practice is 'may,' so that is a language change they may want to look at.

Emma Marlin-Curiel screen-shared §285-17. She asked for clarification of what it means for owners to "remove the same or cause the same to be removed from such sidewalk."

It means you're either going to do it yourself or hire someone to do it for you, Attorney Seewald explained.

Ace Tayloe, they/them, said they appreciate the consideration for both making sure residents can meet the ordinance and holding people accountable to it. That is very much a balance to be struck which they think is erring too far on the unenforcement side at the moment. They strongly agree that the police should not be enforcing this; they don't think enforcement requires 2,000 hours of gun training. Several suggestions have been made of other departments that would be suitable.

Gwen Nabad, pointed out that circumstances for some people are never going to change; i.e., if they're elderly, they're not suddenly going to become young. She appreciated the letter's suggestion of connecting with others in the community in a mutual-aid type of way. In terms of enforcement, she thinks it would be great to get the DCC involved. The DCC is for nonemergency care. In her opinion, this is almost like a public health concern in that it affects wheelchair users and others with mobility issues.

Councilor Dubs said he appreciates that she brought up the portion of the population that can't clear their own property as he is one of those people.

Emma Cornwell asked about next steps.

The committee will write a final report with recommendations in the next couple of months, Councilor Dubs said.

The group brainstormed additional ways to remind the public of its collective snow clearing responsibility. Gwen Nabad wondered if the city had considered using robo calls, and Councilor Moulton said that is already done. At its last meeting, Disability Commission members discussed making public service announcements on the radio, Emma Marlin-Curiel shared. Member Moses suggested robo calls include information about support services that exist and direct people unable to shovel themselves to contact them.

The city can certainly offer the option for people who can't shovel their sidewalks to let the city know, Attorney Seewald confirmed. However, people are going to accept it and then they have to be prepared to deal with it. There is no way the city can hire residents to just shovel snow. It is a very formal process to hire someone and a lot of liabilities go along with it. This is dangerous work, he pointed out.

The city could create a repository for calls from those who cannot shovel, he allowed.

He asked everybody to keep in mind that these are all executive functions. Every ordinance has some discretion because the Mayor has to make decisions about priorities. Regardless of whether the ordinance says 'shall' or 'may,' there is always an element of discretion the Mayor retains. Under the charter, the City Council cannot direct how city departments perform their duties, so how enforcement is carried out is ultimately up to the Mayor.

Asher Henrichs highlighted the impact of decisions to not prioritize certain functions, such as people not being able to leave their homes for work or food. "Those choices have consequences," she stressed. The impact is disproportionately felt by people already facing extra challenges around mobility. As they think about solutions, she would love to keep as a priority remembering the disproportionate impact to some residents over others.

Councilor Dubs related his personal lived experience. He joined the Disability Commission in 2019 because of the impact this has had on his life and that of other disabled people and became a city councilor because of this issue. Months go by each year that he doesn't have much of a life because he is stuck inside. So many disabled people are not employed in because they can't get to work. It's an issue that really does impact people's lives.

“What is the city’s priority? What is our community’s priority?” Amy Sugihara asked. Access to sidewalks is vital. She compared sidewalks not being cleared to streets being impassable; “that is the equivalent in people’s experience.” As they move forward, the reality of how impactful it is not to have sidewalks cleared promptly so people can use them needs to be held in the forefront.

There being no further comments, Councilor Dubs wrapped up the topic.

6. PLANNING FOR 11/12/2025 LIGHTING/MOBILE FOOD TRUCK PUBLIC FORUM

Members discussed logistical arrangements for the upcoming public forum. Ms. Krutzler confirmed the intention to invite Northampton City Lights for discussion of the lighting ordinance. Councilor Perry identified Isaac Mizrahi from Familiars as the person to notify on behalf of the Downtown Northampton Association (DNA).

Ms. Krutzler reminded members that, at the end of the October 8th meeting, there was some interest in getting input from the business community on sandwich board signs. She wondered if they wanted to add that topic to the agenda.

If they are going to incorporate the Building Department’s suggestions on sandwich board signs in their report, his feeling was that they should have input from the business community, Councilor Moulton confirmed. If representatives of the Building Community will be here November 12th, he thought it would be appropriate to add that as an additional topic.

He suggested adding the Chamber of Commerce in addition to the DNA, and Councilor Perry suggested adding POP. Members decided to meet on Zoom.

As a rule of thumb, the committee should be done with its review process by the end of November since they will need December to draft the report, Attorney Seewald advised.

7. ADJOURN

Councilor Perry moved to adjourn. Councilor Moulton seconded. The motion passed unanimously 5:0 by roll call vote. The meeting was adjourned at 7:34 p.m.

Respectfully submitted, Laura Krutzler.