

CITY COUNCIL MEETING – May 4, 2022

Meeting held in-person at 50 Payson Avenue and remotely by Google Meet

6:00 p.m.

Members Present: President Homar Gomez, Vice-President Salem Derby, Owen Zaret, Thomas Peake, Lindsey Rothschild, Brad Riley and Koni Denham. James Kwiecinski was in attendance remotely. Councilor Daniel Rist was absent.

Pledge of Allegiance.

Approval of Minutes: On motion made by Councilor and seconded by Councilor it was **VOTED** (by roll call) to approve the minutes of the April 6 and 20th meetings. Councilors Derby and Rothschild abstained as they were absent on April 20th.

We the People Presentations: President Gomez and Vice-President Derby presented certificates to the “We the People” EHS Constitutional History Team (and also to student mentors & teachers). The team won the state championship and placed 11th out of 47 teams at the national competition in Washington DC. Also in attendance to give commendations were State Representative Dan Carey and State Senator John Velis:

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|-------------------------|--------------------|------------------|
| Jack Belcher-Timme | Zoe O’Neill-Garvey | Jessica Cloutier |
| Emma Ginter | Ethan Marowitz | Maria Belfakih |
| Gabe Rapoza | Jonathan Gallagher | Abby Dean |
| Amelia Fiordalice | Mateo Navarro | Zachary Cloutier |
| Jeffrie Surgen | Thupten Sherpa | Braden Lynn |
| Michael Jaramillo-Massa | | |

Mentors: James Aquino, in attendance (Shane Cudworth, Gwyneth Hiller, Ellie Chappuis, Cylie Kirejczyk and Alice Wanamaker were not present).

Teachers: Kelley Brown and Molly Coates

Public Speak Time Summary (some in person/some remotely):

- *Deb Friedman, 9 Chapman Ave.* – She read a letter from several residents about the Mayor’s comments to the “We the People” high school team. They urged the use of funds to learn how to address racism because “sometimes an apology is not enough”.
- *Fran Root, Hendrick Street:* He spoke of the visioning process done many years ago. He also said there is no time that using “vulgar language” to get a message across is acceptable.
- *Marie Paige (remotely):* She is treasurer of the Friends of the Dog Park group and she asked for the council’s support of a dog park.
- *Joan Kurtz (remotely):* Read a letter from Kimela Webb in favor of a dog park.
- *Lilly Lombard (remotely):* She is chair of the Tree Committee in Northampton and participated in the recent tree survey done in Easthampton. She spoke of the free tree seedling give-away scheduled for May 7th at 50 Payson Avenue.

- *Wally Rapalus, South Hampshire St.:* He spoke about a fall he had taken. He had contacted the city's insurance company but they claim the city didn't know of the hazard. President Gomez told Mr. Rapalus he could call him to talk more about it.

On motion made by Councilor Peake and seconded by Councilor Zaret it was unanimously voted (by roll call) to open the public hearings.

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| PUBLIC HEARINGS – STARTING AT 6:15 p.m. |
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1. **Supplemental Appropriation – Five Poll Pads & Printers:** Second reading by Councilor Peake on the request to appropriate \$6,935.21 for five additional poll pads for use at the election polling places. City Clerk Barbara LaBombard said this purchase would provide two poll pads per precinct which will mean two check-in locations at each precinct. This would provide a backup in case of a malfunction and would ease check-in pressure on the poll workers. Recommended 3 to 0 by the Finance Committee.

On motion made by Councilor Peake and seconded by Councilor Kwiecinski it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the sum of \$6,935.21 from Free Cash to Election & Registration (#001.1620.5812.2022) for the purchase of five additional Poll Pads and printers to supplement the existing equipment which is used for voter check-in at the polling places. The purchase will provide for a total of 10 poll pads and printers (two for each of the five voting precincts). Total cost = \$7,625.00; balance of purchase price to be paid from remaining FY '21 Extended Polling Hours funding (\$689.79)

2. **Supplemental Appropriation – Treasurer Personnel Services:** Second reading by Councilor Peake on the request to appropriate \$25,000.00 to cover personnel costs in the Treasurer's Department. This appropriation will cover office personnel costs incurred by hiring of a new treasurer and retirement of the Asst. Treasurer. Recommended 3 to 0 by the Finance Committee.

On motion made by Councilor Peake and seconded by Councilor Derby it was **UNANIMOUSLY VOTED** (by roll call) to appropriate the sum of \$25,000.00 from Free Cash (001.0001.3590) to the following:

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| Treasurer Assistant Salary (#001.1450.5113): | \$10,000.00 |
| Treasurer Prof. Services (#001.1450.5319): | \$15,000.00 |

to cover the salary costs for the buyout of the previous Assistant Treasurer and professional services for onboarding the new Treasurer.

Councilor Peake summarized the next four appropriations as they are all related. Two of the requests are "old bills" from FY '21. The bills will be paid back by insurance, but that funding is deposited into the General Fund, not back to the departments from which the bills were paid. These votes will make the accounts "whole again, accounting-wise", Councilor Peake said. All four were recommended 3 to 0 by the Finance Committee. President Gomez said

he would abstain from these four votes because he had signed the appropriations as acting Mayor (during Mayor LaChapelle's absence).

3. **Supplemental Appropriation – Fire Injured on Duty Medical Expenses – FY '21 Old Bill:** Second reading by Councilor Peake on the request to appropriate \$679.00 for fire injured on duty expenses from FY '21.

On motion made by Councilor Peake and seconded by Councilor Derby it was **VOTED** (by roll call with President Gomez abstaining) to appropriate the sum of \$679.00 from Free Cash to IOD Fire Medical Expense (#001.2200.5173.2021) to cover remaining Fire Injured on Duty medical expenses from FY '21. Billing incurred after fiscal year closing.

4. **Supplemental Appropriation – Police Injured on Duty Medical Expenses – FY '21 Old Bill:** Second reading by Councilor Peake on the request to appropriate \$2,212.00 for police injured on duty expenses from FY '21.

On motion made by Councilor Peake and seconded by Councilor Zaret it was **VOTED** (by roll call with President Gomez abstaining) to appropriate the sum of \$2,212.00 from Free Cash to IOD Police Medical Expense (#001.2100.5173.2021) to cover remaining Police Injured on Duty medical expenses from FY '21. Billing incurred after fiscal year closing.

5. **Supplemental Appropriation – Fire Injured on Duty Medical Expenses for FY '22:** Second reading by Councilor Peake on the request to appropriate \$12,720.00 for fire injured on duty expenses for remainder of FY '22.

On motion made by Councilor Peake and seconded by Councilor Riley it was **VOTED** (by roll call with President Gomez abstaining) to appropriate the sum of \$12,720.00 from Free Cash to IOD Fire Medical Expense (#001.2200.5173) to cover Fire Injured on Duty medical expenses for remainder of FY '22.

6. **Supplemental Appropriation – Police Injured on Duty Medical Expenses for FY '22:** Second reading by Councilor Peake on the request to appropriate \$8,685.00 for police injured on duty expenses for remainder of FY '22.

On motion made by Councilor Peake and seconded by Councilor Riley it was **VOTED** (by roll call with President Gomez abstaining) to appropriate the sum of \$8,685.00 from Free Cash to IOD Police Medical Expense (#001.2100.5173) to cover Police Injured on Duty medical expenses for remainder of FY '22.

7. **Zoning Ordinance Amendments – 40R Smart Growth:** Councilor Derby reported that several affordable housing related zoning amendments had been proposed which came out of the city's 2021 Housing Production Plan. They would create a new "Smart Growth" sub-district on Northampton Street, expand that overlay to include the Pepin Elementary School and make changes to the Planning Unit for Affordable Housing section. The 40R Smart Growth

overlay allows for increased density in certain areas to reduce barriers for construction of affordable housing.

Councilor Peake said the overlay changes started with the desire to include the Pepin School in the Smart Growth area, but had been expanded to include adding a new sub-district along Northampton Street. It was noted that this area had been included in the original 40R Smart Growth overlay proposal, but had been removed.

City Planner Jeff Bagg said the Northampton Street Highway Corridor sub-district would include 21 properties. It overlays the zoning map and would be optional for a property owner to use. He said discussion has been ongoing since July, 2021 and involved 4 joint public hearings and multiple phase review by the Dept. of Housing & Community Development (DHCD).

Information presented by Mr. Bagg gave the following main elements of the new Highway Corridor Mixed Use Expansion:

- Optional (opt in) overlay district which allows greater residential density if 25% of new residential units are permanently Affordable.
- Allows the creation of ground floor units with a compatibility finding
- Applies the requirement for 25% affordable to projects with 5 or more units
- Updates (from 2009) a range of marketing and eligibility requirements to current DHCD standards
- Buffer standards under Table 7-5 were added after the Planning Board vote but are clarifications of items discussed.
- A reduction of parking from one (1) space per bedroom to one (1) space per unit in line with current DHCD expectations.
- Design standards (not part of the Zoning Ordinance) updated to calibrate with current environmental and sustainability measures.

Mr. Bagg said that one amendment was needed – in Table 7-3 the maximum height should be 45 feet with a maximum of 3.5 stories.

Mr. Bagg also spoke about the third part of the amendments; the change in Planning Board permitting from a Special Permit to Plan Approval in the Planned Unit Residential Development for Affordable Housing.

Councilor Kwiecinski asked about buffers. Mr. Bagg said there are screening requirements. He said that green standards are encouraged, but not required. He did say that DHCD is also raising their green standards statewide.

Public Speak:

Jessica Allan of the Valley CDC spoke in favor of the amendments. She said it is highly beneficial to have permitting paths for developers with clear 40R language. She also said it is

very helpful to allow first floor residential development. She did note that one definition needed to be amended since HAP isn't in existence anymore.

Francis Root, Hendrick Street wondered if this would be considered spot zoning. Mr. Bagg said it is not spot zoning when considering the size and scale of the district; it is not a single property. The addition of Pepin School is expansion of an existing Smart Growth zone.

Kiam Jamrog-McQuaid, a member of the Affordable & Fair Housing Committee spoke in favor of the amendments. He spoke of the shortage of affordable housing and that the Housing Production Plan clearly outlines the need for more of this housing.

A motion was made by Councilor Derby and seconded by Councilor Zaret to amend the existing Zoning Ordinance Table 5-1 and Section 7.4 Smart Growth Overlay District (including parking and design standards), and the creation of a new Highway Corridor Mixed Use 40R Sub-district over 21 properties on Northampton Street. Those parcels include (128-113, 128-114, 128-112, 128-111, 128-110, 128-107.1, 128-109, 128-108, 128-107, 128-105, 128-96, 128-95, 128-94, 128-93.1, 128-92, 128-91, 128-90, 128-89, 128-45, 128-44, 128-43).

A motion to amend was made by Councilor Derby and seconded by Councilor Peake so that in Table 7-3, the maximum height is 45 feet and maximum stories are 3.5. A vote was called on the motion to amend and it was declared to be unanimously voted (by roll call).

A motion to amend was made by Councilor Peake and seconded by Councilor Rothschild to amend the definition of "Monitoring Agent" to strike out "the regional Housing Partnership (HAP, Inc.) so that it reads: "any qualified house entity designated by PAA to review and implement the Affordability requirements affecting Projects under section 7.46." A vote was called on the motion to amend and it was declared to be unanimously voted (by roll call).

The main motion, as amended, was then brought back before the council and it was declared to be **UNANIMOUSLY VOTED** (by roll call).

8. **Zoning Map Smart Growth Overlay Amendments**

On motion made by Councilor Derby and seconded by Councilor Denham it was **UNANIMOUSLY VOTED** (by roll call) to amend the official Zoning Map by extending the Downtown Mixed-Use Sub-district over Pepin Elementary School at 4 Park St. (parcel 52-82) and, to create a new Highway Corridor 40R Sub-district over 21 listed properties* on Northampton Street. *Those parcels include 128-113, 128-114, 128-112, 128-111, 128-110, 128-107.1, 128-109, 128-108, 128-107, 128-105, 128-96, 128-95, 128-94, 128-93.1, 128-92, 128-91, 128-90, 128-89, 128-45, 128-44 and 128-43.

9. **Zoning Ordinance Amendment – Affordable Housing:**

On motion made by Councilor Derby and seconded by Councilor Zaret it was **UNANIMOUSLY VOTED** (by roll call) to amend the existing Zoning Ordinance, Section 8.6 Planned Unit for

Residential Development for Affordable Housing by Plan Approval (PA) rather than Special Permit (SPB) in the R-5, R-10, R-15, and to allow it by Plan Approval (PA) in the DB, HB, NB, and MI districts.

On motion made by Councilor Derby and seconded by Councilor Zaret it was unanimously voted (by roll call) to close the public hearings.

Communications from elected officials, boards & committees:

Councilor Peake announced the Housing Authority properties were in the process of establishing a Local Tenants Association. An election of officers would be held in mid-June at four locations. He said they will be looking for volunteers to oversee the elections and invited the councilors to participate.

Councilor Zaret spoke about: cleanup day on May 15th, a Ukraine fundraiser at the Marigold Theater on Cottage Street and “No Mow May”.

CPA Rent Relief Program Changes: Councilor Derby introduced a request to modify the existing CPA emergency rental relief program. Assistant Planner Jamie Webb spoke about the request which makes small changes to the current program (which ends on June 30th). She said it would help residents who would have been eligible for assistance from the state, but there is no longer state money available. The maximum amount of assistance would be increased to \$6,000.00. Due to the program’s timeline, action was requested at this meeting. There were no objections to voting tonight.

On motion made by Councilor Derby and seconded by Councilor Rothschild, it was **UNANIMOUSLY VOTED** (by roll call) to approve new program guidelines to the rent relief program as recommended by the Community Preservation Act Committee and the Planning Department.

Summary of changes:

- Extend the program to June 30, 2022.
- No change to guidelines for the first \$3000 for new clients
- An additional \$3,000 would be allowed only to those clients that previously received their first \$3,000 and who owe rent in arrears and have documented temporary inability to pay rent going forward.
- Community action will not ask for additional administrative funds and will continue the work until June 30th once the administrative fee already appropriated runs out.

Mayor Communications: None.

Announcements & President/Vice-President Communications: Councilor Gomez announced there would be a tree seedling give-away on May 7th in the parking lot at 50 Payson Avenue. An Arbor Day resolution was read by Councilor Derby.

Reports of Standing Committees:

FINANCE: Councilor Peake said the Finance Committee had met last week and would meet next on May 11th at 5 p.m.

PUBLIC SAFETY: Councilor Zaret reported the Public Safety Committee met last night. DPW Director Greg Nuttleman was in attendance. Councilor Zaret said he gave the committee a department overview, including the roles of the different divisions. Mr. Nuttleman also spoke about project updates, street lights, vehicle replacements, electronic speed signs, needed bridge repairs (Glendale Street bridge) and the status of Chapter 90 monies.

Councilor Zaret spoke about Narcan boxes recently installed at the municipal building, the library, Easthampton High School and Mountainview School. He said there is also a discussion of expanding the number of boxes to include other locations.

He said that the traffic counts are too low at South & Main Streets for a traffic light, but they will seek a review in the fall.

The Fire Department will give a report at the next Public Safety Committee meeting on June 7th at 6 p.m.

On motion made by Councilor Zaret and seconded by Councilor Derby it was unanimously voted (by roll call) to remove the Narcan Box discussion from the Public Safety Agenda, without prejudice.

On motion made by Councilor Zaret and seconded by Councilor Peake it was unanimously voted (by roll call) to extend the following agenda items by 90 days:

- Review of South/Main St. 4-way traffic light
- Review use of electric speed monitoring signs.

APPOINTMENTS: Councilor Rothschild said the Appointment Committee would meet next on May 11th at 4 p.m.

ORDINANCE: On motion made by Councilor Derby and seconded by Councilor Peake it was unanimously voted (by roll call) to extend the following agenda items by 90 days:

- Vacant Storefront Ordinance

Councilor Derby said the last Ordinance meeting had been cancelled. They will meet next on May 9th at 6 p.m.

PROPERTY: No report

RULES & GOVERNMENT RELATIONS: No report.

New Business:

1. **City Ordinance Amendment:** On motion made by Councilor Derby and seconded by Councilor Denham it was unanimously voted (by roll call) to refer to the Ordinance Committee the following:
 - Amend Chapter 6, by adding a new Section 6-23 entitled “Deceptive Advertising Practices of Limited Pregnancy Centers”

2. **Mayoral appointments:** On motion made by Councilor Derby and seconded by Councilor Rothschild it was unanimously voted (by roll call) to refer five Mayoral appointments to the Appointments Committee.

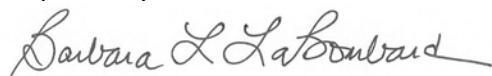
3. **Interdepartmental Transfer and Supplemental Appropriations:** First reading by Councilor Peake on the following financial requests:
 - \$1,500 for FY '22 City Council legal advertising
 - \$156,130 from CPA funds for Housing Sustainability & Financial Literacy program
 - \$27,467.23 for FY '22 IT Department payroll
 - \$89,864 for purchase of 1 Tesla cruiser, equipment & 2 EV charging stations
 - \$148,000 for Fire & Ambulance expenses, personnel costs & equipment
 - \$49,800 to fund design services for upgrades to the Liberty St. pump station
 - \$15,000 for tree work (removal of 7 trees/trimming of 8 trees)
 - \$93,500 for FY '22 Snow & Ice deficit
 - \$40,000 to cover fuel costs for remainder of FY '22
 - \$4,000 to cover trash removal & pickup for remainder of FY '22

On motion made by Councilor Peake and seconded by Councilor Zaret it was unanimously voted (by roll call) to refer all of the above requests to the Finance Committee and to schedule public hearings for the May 18th City Council meeting.

On motion made by Councilor Derby and seconded by Councilor Peake it was unanimously voted (by roll call) that this meeting **ADJOURN**.

TIME: 7:55 p.m.

Respectfully Submitted,



Barbara L. LaBombard, Clerk to the City Council