

**CITY COUNCIL MEETING – April 20, 2022**  
**Meeting held in-person at 50 Payson Avenue and remotely by Google Meet**  
**6:00 p.m.**

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

**Pledge of Allegiance.**

President Gomez presented plaques in appreciation of their years of service to former City Councilors Margaret “Peg” Conniff and Erica Flood.

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

- *Judy Greene of 34 Treehouse Circle* – She spoke about a dog park location in Nonotuck Park. She said there should be a full assessment done of potential locations in the park.
- *Mary Lou Splain of Treehouse Circle* – She also spoke about a dog park and the plans that had been done in 2019. She didn’t think the Button Road site was the best choice.
- *Grace Morena* – She lives in Dorchester and is President of the LGBT Chamber of Commerce. She said she “doesn’t have a white voice” and that any investigations should be done on the whole system not individual cases.
- *Steve Linsky, River Valley Way* – He spoke in favor of the resolution being introduced under New Business regarding a Proposition 22 Clone Ballot initiative. He said that wages for “gig drivers” would decrease if the proposed bill was to pass.
- *Erica Flood, Parsons St.* – She encouraged promotion of “Wellness Wednesdays” and walking and bike riding with neighbors and colleagues.
- *Donovan Lee (remotely)* – Spoke about the city’s databases and records.
- *Joan Kurtz, president of the Friends of the Easthampton Dog Park (remotely)* – She read a letter from Sharon Aubin of Dupre Drive in favor of an Easthampton dog park.
- *Melissa Incampo, 41 South St. (remotely)* – She said she supports the mission and efforts of the dog park group.
- *Shelby Lee (remotely)* – She said the city’s budget and spending documents are not understandable or transparent.
- *Liz Perry (remotely)* – She thinks the budget documents should be updated so they are easier to understand.
- *Marin Goldstein, John St. and member of the School Committee (remotely)* – He spoke about the school budget and the effects of inflation. He said this year is critical and he hopes the council will approve the school budget as submitted.
- *Dr. Lomax Campbell, Rochester, NY* – He has worked with the city (on the subject of racism) and offered his assistance going forward as well.

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

<b>PUBLIC HEARINGS – STARTING AT 6:15 p.m.</b>
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1. **Interdepartmental Transfer – Police Academy expenses, public safety expenses & ammunition:** Second reading by Councilor Rist on the request to transfer \$15,250.00 from funding that was budgeted for county lockup payments to be used for other department expenses.

Police Chief Robert Alberti said lockup funding is no longer needed since the regional lockup fee has ended. The amount budgeted for that purpose can now be used to cover unanticipated Police Academy expenses and other department uses.

On motion made by Councilor Rist and seconded by Councilor Kwiecinski it was **UNANIMOUSLY VOTED** (by roll call) to transfer the sum of \$15,250.00 from #01.2150.5317 to the following:

#01.2100.5191 - \$4,500.00  
#01.2100.5314 - \$3,000.00  
#01.2100.5591 - \$7,750.00

to provide the funding for Police Academy tuition, uniforms, supplies and gear for Officer Abigail Lukasik who will attend in June, 2022 and also for funds to cover the cost of public safety supplies and ammunition.

2. **Amend Chapter 7 (Classification and Pay Plan), Sec. 7-17(a) – add position of Executive Assistant to the Mayor:** Councilor Peake reported the Ordinance Committee had reviewed the Mayor’s request to add this new position and had gone over the proposed job description.

Mayor LaChapelle said the job description reflects the skill sets needed to manage the Mayor’s office and attract potential candidates. This is a new position that doesn’t replace the current staff position. She said it will give more latitude and flexibility to future mayors.

Councilor Rist emphasized this position doesn’t supplant the Mayor’s authority in any way.

President Gomez asked about the process for hiring? Mayor LaChapelle said the job will be posted publically, with applications screened and a team interview conducted; following the usual search process, she said.

There was no public input.

A motion was made by Councilor Peake and seconded by Councilor Zaret to amend the City Ordinances, Chapter 4, Art. II (Classification & Pay Plan), Sec. 7-17(a), Classification of Employees, Exhibit A, by adding the position of Executive Assistant at a Grade F.

A motion was then made by Councilor Rist and seconded by Councilor Zaret to amend the main motion by adding the words “to the Mayor” to the job title. 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 **UNANIMOUSLY VOTED** (by roll call) to add the position of “Executive Assistant to the Mayor” to the Classification and Pay Plan Exhibit A at a Grade F. The following is the job description as presented to councilors:

**Executive Assistant to the Mayor**  
**Job Description**

**Position Purpose:**

Executive Assistant to Mayor serves as office manager for the Mayor's Office and is responsible for providing a wide array of complex, diverse and confidential, administrative and support services to the Mayor, in a highly sensitive, demanding, political and rapidly changing environment. The incumbent's work is characterized by involvement with broad City-wide issues and interactions with other elected officials, constituents, representatives of a wide variety of community, civil and business groups, City management staff and others on complex and sensitive matters.

**Essential Duties and Responsibilities:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position).*

- Serves as office manager for the Mayor's Office; maintains and updates calendars for the Mayor; receives and screens requests, coordinates, arranges and confirms meetings, appointments, social engagements and community/intergovernmental events.
- Oversee the communications and constituent services for the Mayor's Office, including receiving and screening visitors and telephone calls, providing information and handling issues that require sensitivity and sound independent judgment; conducting research, responds to requests for information and resolves complaints from constituents; refers certain issues to appropriate staff members or City departments for resolution; reviews, determines the priority of and routes assigned incoming correspondence. Utilizes the Mayor's blog, the City's website, and other approved social media platforms to disseminate information to constituents.
- Plans, organizes, and schedules administrative support to the Mayor and Mayor's staff; oversees the preparation and typing of correspondence, memoranda, agenda items, reports, resolutions, proclamations, agreements, presentations, forms and other documents; ensures that documents are accurate, complete and conform to Mayor's Office standards, policies and procedures; ensures materials, reports and documents for signature are accurate and complete; responds independently to mail and email inquiries regarding a variety of City matters.
- Provides day-to-day leadership and works with staff to ensure a high performance, customer service oriented work environment that supports achieving the Mayor's objectives and service expectations; provides leadership and participates in programs and activities that promote a positive staff working environment.
- Supervises and manages the maintenance of Office records and databases; researches and assembles information from a variety of sources for the preparation of records, correspondence and reports for the Mayor and staff;
- Coordinates all Board and Commission appointments and re-appointments;
- Prepares and processes requisitions, purchase orders and accounts payable requests; monitors budget balances; prepares and maintains staff attendance and time off records.

- Plans, organizes, makes and supervises logistical arrangements and serves as host for a variety of Mayor's events, such as the annual State-of-the-City address.
- May perform other special projects and duties as required by the Mayor.

**Minimum Qualifications:**

Requires a Bachelor's Degree in Public or Business Administration, Political Science or a closely related field plus a minimum of at least three (3) years of increasing responsible administrative and support experience in a public agency; or a combination of education, training and experience.

**Required Knowledge, Skills and Abilities:**

**Knowledge:** office and administrative management practices and procedures, including document and file management; principles and practices of sound business communication; City organization, ordinances, rules, policies, procedures and operating practices related to areas of responsibility; functions of public agencies including the role of an elected Council and appointed committees and boards; methods practices of public administration including budgeting, purchasing and maintenance of public records.

**Skills:** proficient in computer, word processing and spreadsheet software and other standard office equipment; writing skills for composing and preparing correspondence; effective management of accurate and concise records, reports and documents; clear, effective and persuasive communication skills, both orally and in writing; tact, diplomacy and discretion for dealing with sensitive and confidential situations that concern internal and external parties; and experience with social media posting and management.

**Abilities:** Able to manage multiple and rapidly changing priorities to meet the needs and expectations of the Mayor in interactions with other elected and appointed officials and various constituencies; able to represent the Mayor effectively in meetings and interactions in person, by telephone, email and social media with a wide range of constituencies; able to establish and maintain highly effective working relationships with the Mayor, City Council members, other elected and appointed officials, committee members, department heads and managers, staff, residents, representatives of civic and community groups, the media, the public and others encountered in the course of performing job duties.

**Supervision:**

This position performs varied administrative and support duties following established policies, procedures and practices to conduct the normal functions of the Mayor's office. Employee works under minimal supervision and in combination with others on topics and issues of a complex, diverse and highly confidential nature. This position has no supervisory responsibilities.

**Work Environment:**

The employee works under typical office conditions requiring managing multiple tasks and handling frequent interruptions. Work is required to occasionally attend meetings and events on behalf of the Mayor outside of regular work hours, in evenings and weekends.

**Physical Demands:**

While performing job duties, the employee is regularly required to sit, bend, stand and walk; talk or hear, both in person and telephone; use hands to finger, handle and feel computers and standard business equipment; and reach with hands and arms. Specific vision abilities required by this job include close vision and ability to adjust focus.

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

**Correspondence & Announcements:**

The council was in receipt of the Planning Board's recommendation for the pending zoning amendments (Northampton St. 40R Smart Growth & Planned Unit Affordable Housing).

President Gomez introduced Council on Aging Director Cynthia Tarail who made a presentation to the council about "Year One" of the Senior Tax Work-Off Program. She said nine of the ten approved positions had been filled – four at the Council on Aging and the rest in other

departments. For the second year there will be 20 openings – some new and some duplicates from year one. Applications are being accepted through May 30<sup>th</sup> for this year. The program is for homeowners age 60+ of moderate/low income. The program will run from May 1<sup>st</sup> to Oct. 31<sup>st</sup> this year. Next year it will run from Jan. 1<sup>st</sup> to Oct. 31<sup>st</sup>. The pay rate is minimum wage up to \$1,500.00 to be applied towards the worker's tax bill – that is currently 105 hours.

Speaking on her experience during the program's first year was Theresa O'Connor. She has been a resident of Easthampton for 30 years. She worked at the Council on Aging as a receptionist. She said the interview process was "senior friendly". And while the \$1,500 was very helpful, the job was also a nice social experience and she said it felt "good to be part of the working world again!"

Councilor Kwiecinski (who served on the Ad-Hoc Committee that helped develop the program), said he thought it was remarkable this program was able to get off the ground during COVID and while bringing in a new COA director!

**Other Councilor Communications:** Councilor Zaret thanked the "hybrid tech crew" who has been working to set up the council meetings. He also urged councilors to take advantage of "ride-alongs" with the Police Department. He reminded everyone of the Drug Take Back Day on April 30<sup>th</sup> and Clean-Up Day on May 15<sup>th</sup> from 9 a.m. – 1 p.m. He spoke about visiting one of the cannabis dispensaries with the Healthy Youth Coalition, who was encouraging everyone to take the "storage pledge".

**Mayor Communications:** Mayor LaChapelle spoke about the recent "We the People" practice session where she admitted she had sworn - saying she'd had "a rough morning". She said she has reached out to the families, school superintendent and principal. She has also written a letter to the class members. She said it was her intent to strengthen the students and she apologized that her comments caused harm. She said she would do her best to not do it again.

**FY '23 Budget:** Mayor LaChapelle said she has asked the city attorney to review the School Committee's March 22<sup>nd</sup> meeting process, when they approved the FY '23 budget request. She is asking to re-do the public notice and vote to assure the validity of the vote. She said there is time to re-vote before the Finance Committee budget review process.

**President/Vice-President Communications:** President Gomez introduced the Open Meeting Law complaint that has been filed against the council. The complaint states that not all councilors have signed the "Certificate of Receipt of the Open Meeting Law materials". At this time all members have signed except for Councilor Rothschild, who will be contacted to do so as soon as possible.

President Gomez said the EHS We the People Team will be leaving on April 22<sup>nd</sup> for their trip to represent Massachusetts at the national competition in Washington, DC.

### **Reports of Standing Committees:**

**FINANCE:** Councilor Rist said the Finance Committee would meet next on April 27<sup>th</sup>. The FY '23 budget will be given to the council at the May 4<sup>th</sup> meeting. Finance Committee meetings scheduled for the budget review are as follows:

May 9<sup>th</sup>: Public Works, Enterprise, Cultural and Recreation

May 11<sup>th</sup>: General Government, Human Services

May 16<sup>th</sup>: Public Safety, CPA

May 23<sup>rd</sup>: Education, Debt & Interest, Unclassified

May 25<sup>th</sup>: Revenue and final votes

Councilor Rist made the following statement in regards to the Finance Committee budget hearings:

"The role of the City Council is to examine the budget as supplied by the Mayor for ALL departments as it has been for my 26 years on this council. The only authority we have as established by state law, is to approve or reduce the budget for any department. We cannot add to the budget in any way. We do this only thru subsequent supplemental appropriations submitted by the mayor during the fiscal year the budget has been approved for by this Council.

It has come to my attention that there are some residents and government officials who feel the Council has the authority to approve the school committee's budget as it has been requested by that committee bypassing the Mayor. This is not the case and never has been. However, to confirm this, the president has received an opinion by the city attorney that does indeed confirm our role is ONLY to approve the Mayor's budget and not to independently approve the school budget. He cites state law as well as our charter. This opinion will be made available to all by the president.

I bring this up to hopefully avoid such debate during the Finance Committee budget hearings."

**PUBLIC SAFETY:** Councilor Zaret reported the Public Safety Committee had not met since the last council meeting. They will meet next on April 27<sup>th</sup> (remotely) and May 3<sup>rd</sup> (in person).

**APPOINTMENTS:** No report

**ORDINANCE:** Councilor Peake said the Ordinance Committee had not met since the last council meeting.

Councilor Peake said that City Planner Jeff Bagg has suggested that the pending zoning amendments be considered as three separate public hearings. The public hearing had previously been scheduled for May 4<sup>th</sup>.

On motion made by Councilor Peake and seconded by Councilor Zaret it was unanimously voted (by roll call) that the May 4<sup>th</sup> zoning public hearing be restructured as three public hearings as recommended in the City Planner's memo date April 14, 2022.

**PROPERTY:** No report

**RULES & GOVERNMENT RELATIONS:** Councilor Rist turned the report over to Councilor Denham as he was not present at the committee meeting (President Gomez attended in his absence).

Councilor Denham said the Rules Committee had met and discussed the two resolutions on their agenda. She said both the Gender Neutral Designation and Municipal Aggregation resolutions were unanimously approved by the Rules Committee.

- a. **Gender Neutral Designation Resolution:** This bill (H3126) would allow for a gender nonbinary “X” in addition to male and female on state documents and identification. Councilor Denham said it would have a significant impact for nonbinary individuals, especially youths. Councilor Zaret thanked Councilor Riley and Professory Genny Beemyn for their efforts in bringing this resolution forward. He said it is important that nonbinary individuals have appropriate representation on forms.

On motion made by Councilor Riley and seconded by Councilor Zaret it was **UNANIMOUSLY VOTED** (by roll call) to approve a Resolution in Support of H3126, “An Act Providing for a Gender Neutral Nonbinary Designation on State Documents and Identification), as follows:

**“A Resolution in Support of H3126,  
“An Act Providing For a Gender Nonbinary Designation on State Documents and Identifications”**

Sponsor: Owen Zaret, City Councilor At-Large  
Co-sponsor: Brad Riley, City Councilor At-Large

**Whereas**, H3126 “an act providing for a gender nonbinary designation on state documents and identifications” will create a list of all forms and documents requiring individuals to indicate their gender; and,

**Whereas**, H3126 will require all such forms to provide for a gender nonbinary identification shown as “X”; and,

**Whereas**, The Massachusetts RMV has allowed for an “X” gender marker on driver’s licenses and ID cards since 2019 via administrative change; and,

**Whereas**, 22 states and the District of Columbia allow nonbinary gender identification on at least state IDs; and,

**Whereas**, in 2021 federal government allows for a gender “X” marker for gender nonbinary persons on their passport; and,

**Whereas**, currently in Massachusetts, a person who is neither male nor female has no appropriate gender option on a majority of non ID state forms; and,

**Whereas**, the Massachusetts Transgender Political Coalition, the Massachusetts GLBTQ Political Caucus, GLAD, ACLU of Massachusetts, Mass Equality, Massachusetts Commission on LGBTQ Youth, Greater Boston PFLAG, and OUT MetroWest are all organizations that fully support H3126; and,

**Whereas**, the coeditors of the SAGE Encyclopedia of Trans Studies affirm that a gender “X” marker on all governmental forms is critical to appropriate inclusion and representation of nonbinary persons; and,

**Whereas**, Easthampton has demonstrated overwhelming support for LGBTQ persons via a nondiscrimination resolution, a 2018 resolution in support of ballot question 3, observation of Pride month, and recently a dedicated LGBTQ chamber of commerce; now,

**Therefore be it resolved** on this 20<sup>th</sup> day of April, 2022 that the City Council of Easthampton, Massachusetts affirms their support for H3126, allowing for a gender “X” designation on state forms, and in doing so affirms their support for gender nonbinary persons; and,

**Be it further resolved**, that a copy of this resolution shall be sent to State Representative Dan Carey, sponsors Mindy Domb and Marjorie Decker, and Chair of Ways and Means Committee Representative Aaron Michlewitz.”

- b. Municipal Aggregation Resolution:** This resolution would authorize the Mayor to contract for community electricity aggregation, also known as municipal aggregation, along with supplementary material. Councilor Denham said it would give the city the opportunity to offer competitive rates.

On motion made by Councilor Peake and seconded by Councilor Zaret it was **UNANIMOUSLY VOTED** (by roll call) to approve a “Resolution in Support of Municipal Aggregation for the City of Easthampton”, as follows:

**“A Resolution in Support of Municipal Aggregation for the City of Easthampton**

Sponsors:       Koni Denham, City Councilor At-Large  
                      Thomas Peake, City Councilor Precinct Three  
                      Owen Zaret, City Councilor At-Large

**Whereas**, MGL chapter 164 section 134 allows a municipality to “aggregate the electrical load of interested electricity consumers within its boundaries”; and

**Whereas**, Municipal Electric Aggregation, also known as Community Choice Aggregation (CCA), allows private residents and businesses to access the benefits of electricity deregulation, and obtain electricity options and rates that would otherwise not be available to those consumers as individual customers, and;

**Whereas**, Municipal aggregation allows a municipality to contract for competitive rates and, in doing so, offer better rate protection to consumers of energy, while recognizing that savings and rates cannot be guaranteed; and,

**Whereas**, Municipal aggregation allows for broader choices of purchasing energy that is derived from renewable sources, higher than the Massachusetts Renewable Portfolio Standard, and.

**Whereas**, a municipal aggregation program is entirely voluntary for energy consumers, and there is no penalty for individual opt out; and,

**Whereas**, 164 municipalities in the Commonwealth have approved municipal aggregation programs;

**Now therefore be it resolved**, that on this 20<sup>th</sup> day of April, 2022 the Easthampton City Council authorizes the Mayor and the appropriate departments to research, develop, and participate in a contract or contracts to aggregate the electricity load of the residents and businesses in the City and for other related services independently, or in joint action with other municipalities, and authorize the Mayor or their designee to execute all documents necessary to accomplish the same.”



**Ad Hoc Committees:** On motion made by Councilor Kwiecinski and seconded by Councilor Riley it was unanimously voted (by roll call) to close out the *Senior Tax Work-Off Ad Hoc Committee*.

**New Business:**

1. **MVP Action Grant Application Support Request:** A request was received from the Mayor asking the council to support the MVP Action Grant for Emerald Place Slope Design. There were no objections to voting on this request at this meeting.

On motion made by Councilor Rist and seconded by Councilor Zaret it was **UNANIMOUSLY VOTED** (by roll call) to sign a letter of support of an MVP Action Grant application by the City of Easthampton that will fund the design and permitting of Emerald Place Drainage and Slope Improvement Design and Permitting.

2. **Proposition 22 Clone Ballot Initiative Resolution:** Councilor Rist asked that this resolution be voted upon at this meeting. There were no objections.

This resolution would oppose a “Proposition 22 Clone in Massachusetts”. Proposition 22 was a California ballot initiative that created several exclusions for app-based workers (Uber, Lyft, Doordash, etc.) that would strip them of salary and benefits that they are entitled to as employees.

On motion made by Councilor Zaret and seconded by Councilor Rist it was **UNANIMOUSLY VOTED** (by roll call) to approve an “Easthampton City Council Resolution on Proposition 22 Clone Ballot Initiative”, as follows:

**“Easthampton City Council Resolution on Proposition 22 Clone Ballot Initiative**

**Sponsors:** Thomas Peake, City Councilor, Precinct Three  
Brad Riley, City Councilor At-Large  
Owen Zaret, City Councilor At-Large

**Whereas,** for society to work fairly for everyone, large tech companies, like Uber, Lyft, and DoorDash, should follow the same rules as every other business; and

**Whereas,** Uber and several of these giant tech companies do not pay into Social Security, do not pay important business taxes, and do not pay their workers fairly or consistently by the same rules that apply to all businesses in Massachusetts; and

**Whereas,** Attorney General Healey is currently suing Uber and Lyft for failing to follow our law. In an attempt to escape these violations, the companies have filed House Bill 1234 and a 2022 state ballot referendum question, asking Massachusetts legislators and voters to grant them special exemptions from our labor, civil rights, and consumer protection laws; and

**Whereas,** the Big Tech sponsored bill exempts these "gig economy" companies from paying into Social Security and unemployment, which would cost Massachusetts taxpayers hundreds of millions of dollars, and weakening these programs for everyone; and attempts to shield these companies from liability and financial responsibility if customers or members of the public are injured; and

**Whereas**, the bill, if passed, would create a permanent underclass of low-wage, mostly Black, Brown, and immigrant workers by allowing these companies to pay their workers less than minimum wage and provide few, if any, benefits; and

**Whereas**, at a moment of racial reckoning in our country, the bill would exclude app-based workers from the robust protections against racial discrimination and sexual harassment under the Massachusetts Civil Rights Act, MGL c. 151B; and according to many leading voices, passing this bill would be among the biggest steps backwards in the fight for equity and opportunity at work since the passage of the 1964 Civil Right Act; and

**Whereas**, last year, in California, the same companies pushing House Bill 1234 spent more than \$200 million to win a ballot initiative campaign; and now these companies believe they can buy a law to avoid paying into Social Security, avoid paying taxes, and harm workers and consumers; and

**Whereas**, Big Tech executives seek to present a false choice, suggesting that if low-wage workers are given any control over their schedules, they must sacrifice the rights and benefits our laws provide; yet there is nothing that prevents these companies from offering flexible scheduling while also following our civil rights and labor laws today.

**Therefore**, the Easthampton City Council joins many workers, community, faith, environmental justice, racial justice, labor, civil rights, and consumer advocates to urge the Massachusetts Legislature and the residents of Easthampton to oppose House Bill 1234 and the proposed 2022 state ballot initiative.

**Be It Further Resolved**, that a signed copy of this resolution be sent to the offices of State Representative Dan Carey, State Senator John Velis, Attorney General Maura Healey, the Western Mass Area Labor Federation, and Massachusetts Is Not For Sale.”

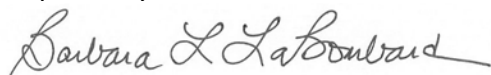
3. **Supplemental Appropriations:** First reading by Councilor Rist on the following supplemental appropriation requests:
- \$6,935.21 for 5 additional poll pads & printers for use at the election polling places
  - \$25,000.00 for Treasurer Personnel services – outgoing & incoming salary costs
  - \$679.00 for FY '21 Fire Injured on Duty medical expenses
  - \$2,212.00 for FY '21 Police Injured on Duty medical expenses
  - \$12,720.00 for FY '22 Fire Injured on Duty medical expenses
  - \$8,685.00 for FY '22 Police Injured on Duty medical expenses

On motion made by Councilor Rist and seconded by Councilor Kwiecinski it was unanimously voted (by roll call) to refer these requests to the Finance Committee and to schedule public hearings for the May 4<sup>th</sup> City Council meeting.

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

**TIME: 7:37 p.m.**

Respectfully Submitted,



Barbara L. LaBombard, Clerk to the City Council