



**Town of Amherst
Town Council Meeting
Monday, May 20, 2019 6:30 p.m.
Town Room, Town Hall
4 Boltwood Avenue**

Minutes

Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-52019>

1. Call to order and declaration of a quorum

President Griesemer declared the presence of a quorum and called the meeting to order at 6:30 p.m.

Councilors present: Councilors Bahl-Milne, Brewer, DeAngelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz.

Councilors absent: None

Councilors participating remotely: None

Others present: Clerk of the Council Margaret Z. Nartowicz, Town Manager Paul Bockelman

President Griesemer announced audio and video recording by Amherst Media.

2. Announcements

- **Finance Committee, May 21, 2019, 6:30 p.m., Town Room - Public Hearing on FY20 Town Budget [Charter Sec. 5.5(a)]**
- **Finance Committee, May 23, 2019, 2:00 p.m., Town Room - FY20 Budget: Discussion on Capital Improvement Program and CPAC**
- **Finance Committee, May 28, 2019, 2:00 p.m., Town Room – Finance Committee vote on FY20 Budget Recommendation to Town Council**
- **Town Council, June 10, 2019, 6:30 p.m., Town Room – Public Forum on Capital Improvement Program [Charter Sec. 5.7(d)]**

3. **Hearings** – None
4. **General Public Comments** - None
5. **Proclamations and Commemorations** - None
6. **Presentations and Discussion**
 - a. **Presentation on Drinking Water Week Proclamation – Amy Rusiecki, Assistant Superintendent of Public Works and President of the Massachusetts Water Works Association**

Ms. Rusiecki spoke about Drinking Water Week, which was May 6-10, 2019. As president of MA Water Works Association, she accepted Governor’s proclamation on drinking water week. This week is public works week; by speaking today hopes to shine a light on people who have a hand on public infrastructure in town. Ms. Rusiecki read the proclamation.

Agenda item 7.b. Action Items: Local Option Community Impact

Councilor Steinberg summarized the Finance Committee’s report and recommendation; after research, the Finance Committee concluded that Amherst is impacted by short-term rentals, therefore the Finance Committee is recommending all three motions.

Councilor Schreiber stated that the Community Resources Committee supported the recommendation of the Finance Committee.

Councilor DuMont asked about expanding the motion to include short-term rentals that are owner occupied. Mr. Bockelman stated that the language in the motion is that which is permitted by law. Once adopted, the fee will remain unless it is repealed. Councilor De Angelis stated that she would like a larger percentage of the fee, 50%, dedicated to affordable housing. Councilor Brewer asked about clarification of the third motion, that the law compels the Town to dedicate 35% to affordable housing. Mr. Bockelman stated that the motion gives clarity to the Accounting Department.

Councilor Ross stated that the amount of revenue this will generate is unknown, and asked if there is any recommendation to expand the percentage. Councilor Steinberg responded that Finance Committee has not quantified the additional costs of short-term rentals to inspections, public safety; this topic should be revisited when there is more information available in the future.

MOTION: Councilor Pam moved, second by Councilor Schoen, to accept the provisions of MGL Chapter 64G, Section 3D to impose a local option community impact fee at the rate of 3%, effective July 1, 2019 and applying to transfers of occupancy of: a. “Professionally-managed units” (one of two or more short-term rental units in the same city/town operated by the same operator (owner) and not located within a single- or two- or three-family dwelling that includes the operator’s primary residence.

VOTED unanimously to accept the provisions of MGL Chapter 64G, Section 3D to impose a local option community impact fee at the rate of 3%, effective July 1, 2019 and applying to transfers of occupancy of: a. “Professionally-managed units” (one of two or more short-term rental units in the same city/town

operated by the same operator (owner) and not located within a single- or two- or three-family dwelling that includes the operator's primary residence.

MOTION: Councilor Pam moved, second by Councilor Hanneke, to accept the provisions of MGL Chapter 64G, Section 3D to impose a local option community impact fee at the rate of 3%, effective July 1, 2019 and applying to transfers of occupancy of: b. Short-term rental units located in a two- or three-family dwelling that includes the operator's primary residence.

VOTED unanimously to accept the provisions of MGL Chapter 64G, Section 3D to impose a local option community impact fee at the rate of 3%, effective July 1, 2019 and applying to transfers of occupancy of: b. Short-term rental units located in a two- or three-family dwelling that includes the operator's primary residence.

MOTION: Councilor Schoen moved, second by Councilor Pam, that 35% of the community impact fee collected under MGL Chapter 64G, Section 3D be dedicated to affordable housing or local infrastructure projects and the balance of the funds be a general fund revenue of the Town of Amherst that may be appropriated for any municipal purpose.

VOTED 11-1-1 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor De Angelis voted No; Councilor DuMont abstained) that 35% of the community impact fee collected under MGL Chapter 64G, Section 3D be dedicated to affordable housing or local infrastructure projects and the balance of the funds be a general fund revenue of the Town of Amherst that may be appropriated for any municipal purpose.

Agenda item 8.a. Appointments: Town Council Appointments to Zoning Board of Appeals; Town Council Appointments to Planning Board

Councilor Ross outlined the process that OCA adopted 3/18/2019 and used to bring forward recommendations for appointments to the Zoning Board and Planning Board.

President Griesemer pointed out that all Councilors have received CAFs for all applicants to these two committees.

Councilor Pam commented that the whole committee would be able to interview in executive session if they recommend twice the number of candidates as there are positions. Councilor Pam recommended that the process be reconsidered, create a policy on term limits, and to designate CAFs as public documents; commented that there may be more applicants if the process were public. Councilor Ross responded that OCA spoke with the Town attorney at length about the process, a subcommittee could go into executive session and would have to bring forward more applicants than there are openings, and would have to publicly reject applicants. The committee does plan to review their process going forward. Councilor Pam commented that offices could be elected, and the process should be more public.

Councilor Schoen asked how OCA decided not to ask interviewees to bring a resume or CV or seek additional information; there is very little information provided in the CAF. Councilor Ross responded that the decision was made to protect the privacy of applicants, as any documents shared with the committee would become public. Councilor Swartz commented that OCA has discussed this issue, CAFs have been considered personnel documents from the beginning, they do not have a disclaimer, some were

submitted a long time ago, and if the CAF form was updated to include a disclaimer, applicants who had applied earlier would have to fill out a new CAF. Councilor Hanneke commented that it has been a struggle to empower OCA to make recommendations, but that there is also a lack of information provided to the full Council; asked if the conversation that took place in committee was adequate.

Councilor Brewer commented that this has been the process used by the Town for the past 20 years; when the Select Board made appointments they did not have more information than was provided on the CAFs; one Select Board member did interviews and made a recommendation; the information provided to the Council is the same amount of information that had been provided to the Select Board and that the only person with additional information is the person conducting interviews. Councilor Brewer stated that OCA plans to consider a new and more open process.

President Griesemer stated that the CAFs that were considered have been received as long as two years ago.

Councilor Schreiber commented that the appointment process is far removed from voter input, however leaving it completely up to voters to elect those positions would be too political, the compromise seemed to be for voters to elect the Town Council, who would appoint those positions. The current process is getting far removed and convoluted, either relying on personal knowledge or incomplete information. It is also not clear why some members were recommended for reappointment and others were not.

Councilor Swartz commented that she has provided an incredible amount of information; there were discussions during OCA meetings about the qualities sought that would strengthen the group, with input of the chairs of the two bodies. She also considered the health of the board or committee, provided the applicant with a packet with information about the board or committee; interviews were conducted with the staff liaison and Town Manager. She took notes, created diagrams, and thought extensively about how to provide the council with adequate information without disclosing personal information. OCA discussed not bringing the names that were not recommended, given the inquisitiveness of the public and the council.

President Griesemer announced that due to technical difficulties, the Amherst Media is not currently broadcasting the meeting, but it is still being recorded.

Councilor Steinberg stated that he is not comfortable taking a vote tonight, Councilor Schreiber mentioned the health of a body—for a body like these or others, a question of a year is not the only qualification that makes a strong body. Institutional knowledge and history, and knowledge of the legal basis of actions are all essential to the health of a body. Only one member from before 2015 would be on the committee if the recommendations were accepted. During a CRC meeting with Planning Board Zoning Subcommittee, one member provided a lot of information and history during the presentation.

Councilor Ross commented that there was a discussion about re-evaluating the OCA process after this round of appointments.

Councilor Bahl-Milne asked about recommendations for associates for the Planning Board. Councilor Brewer responded that we have not had associates on Planning Board for 20 years. As far as we know, there is not a clear picture of what they would be legally allowed to do. Councilor Bahl-Milne commented that we could strengthen the current board by bringing on two more individuals as associates to serve for

a year before becoming full members. Councilor Schreiber commented that associates are defined in MGL, and the Zoning Bylaw; MGL states that associates can act on special permits if a full member is absent. Cambridge allows associates full voting rights.

Councilor Schoen commented that only one person will be new; there is a value to institutional knowledge but people are capable of learning quickly; the balance of bringing one new person with six reappointments would allow for a skilled, experienced group.

Councilor DuMont commented that associate members are not mentioned in the charter. President Griesemer clarified that associates are allowed per Zoning Bylaw and the committee charge. Councilor DuMont spoke in favor of the recommended appointments.

Robert Greeney of 76 McClellan Street commented that he appreciates the Council's work; he favors as open a process as possible. What is most important is that people feel included in their government; participation and inclusion are essential. Privacy implies some negative things; he would like to know how many people would be deterred due to the privacy issue and commented that he expected more new appointees, as the Planning Board needs fresh perspectives and creative ideas.

Art Keene of 25 Dennis Drive spoke in favor of term limits and diversity, urging the Town Council to officially adopt term limits with equity and consistency. Without term limits, those sitting on a committee will inevitably appear more qualified. Transparency has handcuffed OCA deliberations; without a public process, leaves only hearsay and innuendo. The new recommended member has experience in working with others to get things done, as a professional mediator any board will benefit from her presence.

Maura Keene of 25 Dennis Drive commented that she has witnessed the Council's struggle with the appointment process, and she does not see any transparency in this process. Relying on one person no matter how conscientious is wrong for the council and wrong for the town. She hopes for a more open process in the future.

Current Planning Board member Jack Jemsek commented that while Janet McGowan is certainly qualified, losing Greg Stutsman means losing a lot of experience on the Planning Board. New members require a lot of work to get up to speed, it takes time to understand bylaws. Thankfully the Town has knowledgeable staff. He does not consider political affiliation as a factor for the board. The Planning Board's workload is about to increase considerably due to upcoming master plan and zoning issues that had been on hold while the Council was becoming oriented.

Current Planning Board member Christine Gray-Mullen concurred with Mr. Jemsek, stating that it is essential to have senior, experienced members; she urged the Council to reappoint the senior member and loosen the idea of a two-term limit.

Councilor Ross asked if the Council feels it has sufficient information to make a decision.

Councilor Schoen asked about the possibility of expanding the board to more than seven members. President Griesemer stated that Charter calls for seven members, but the charge allows for two associates in addition to the seven members.

Councilor Hanneke commented that the Charter Commission worked to reset the size based on board and public input. The Town Council could increase or decrease the size. She urged the Council to try seven members before modifying that number. The Council should not change the size of the board due to a difficult vote; the size of the board could be revisited in the future. Councilor Schreiber agreed that it is not the time to change the size of the board, but that it is a good time to consider the role of associate members.

Councilor Bahl-Milne spoke in favor of appointing associate members.

Councilor Brewer spoke against appointing associates on the fly, would be willing to consider the option soon but not without a legal definition.

Councilor De Angelis commented that Mr. Stutsman could serve as an advisor to the board.

MOTION: Councilor Ross moved, second by Councilor Hanneke to appoint to the Zoning Board of Appeals under the Amherst Home Rule Charter section 2.9(c) for terms commencing July 1, 2019: Mark Parent whose term shall expire on June 30, 2020, Thomas Simpson and Matthew Wilk whose terms shall expire on June 30, 2021, Steve Judge and Joan O'Meara whose terms shall expire on June 30, 2022, and associate members Aaron Arcello, Sharon Waldman, and Tammy Parks, whose terms shall expire on June 30, 2020, as recommended by the Outreach, Communications and Appointments Committee.

VOTED unanimously to appoint to the Zoning Board of Appeals under the Amherst Home Rule Charter section 2.9(c) for terms commencing July 1, 2019: Mark Parent whose term shall expire on June 30, 2020, Thomas Simpson and Matthew Wilk whose terms shall expire on June 30, 2021, Steve Judge and Joan O'Meara whose terms shall expire on June 30, 2022, and associate members Aaron Arcello, Sharon Waldman, and Tammy Parks, whose terms shall expire on June 30, 2020, as recommended by the Outreach, Communications and Appointments Committee.

MOTION: Councilor Steinberg moved, second by Councilor Hanneke, to refer the Planning Board appointments back to the OCA Committee.

Councilor Steinberg stated that there have been very important questions raised today, those questions merit additional consideration.

Councilor Schreiber sought to amend the motion to refer the second appointment back to OCA and approve the others, and that sending back to OCA with no instruction is too vague, consider sending back to OCA to explore issue of associates and come back with recommended names for associates appointments.

Councilor Ryan commented that there are two strong desires; one is a plea to keep one member of the planning board, the other is the desire for new fresh voices on the body. Councilor Ryan stated that he feels he is forced into a corner, so he will vote against the motion, and suggested trying to see if there is a way to use associates to broaden the base of the body and retain institutional memory.

Councilor Schoen commented that she googled recommended appointees, and the proposed slate is very strong.

Councilor Schreiber commented that the nightmare solution is googling candidates, the Council needs better information. There is no indication in the CAF about diversity of opinions or ideology, and the Council cannot make a reasonable appointment without more information, not comfortable referring back to OCA. Proposed waiting until next year to come up with a better process to make appointments.

Councilor Swartz commented that associates would have no vote and little contact with Planning Board, how many, and what would they do is unclear.

Councilor De Angelis commented that the Council needs to move forward.

Councilor Pam commented that the Council will need to clarify a policy regarding term limits before the Council makes more appointments.

Councilor Steinberg spoke about his experience with Finance Committee and similar concerns about chairing after the transition. Commented about institutional memory being provided by staff or committee members.

Councilor Ross stated that he is amenable to the motion but that OCA would need guidance about what do with the referral. Noted that it is important to bring new members into committees, but in the pool of applicants, there were not new voices, just new to the board; the applicant pool was insufficient.

President Griesemer commented that she has leaned on previous board and committee members when there is a need for strong knowledge and history. The purpose of the referral would be to consider history and seriously consider the possibility of appointing associates.

Councilor De Angelis stated that topic of associate positions should not stop vote on recommendations.

Councilor Hanneke stated that the nature of the appointments is political; some councilors ran on planning views. Associate option may be a way of retaining some experience on the board, but that discussion should not be used to avoid a vote on names. If the Council would like to appoint associates, OCA should be instructed to recommend names.

Councilor Brewer commented that the appointing authority or OCA cannot decide the role of associates.

Councilor Schreiber stated that all the recommended appointees are extraordinary candidates, unfortunately the person who holds so much institutional knowledge and history is not on the list.

VOTED 5-7-1 (Councilors Bahl-Milne, Griesemer, Ross, Ryan, and Steinberg voted Yes; Councilors Brewer, De Angelis, DuMont, Hanneke, Pam, Schoen and Swartz voted No; Councilor Schreiber Abstained) to refer the Planning Board appointments back to the OCA Committee. The motion failed.

MOTION: Councilor De Angelis moved, second by Councilor Pam, to appoint to the Planning Board under the Amherst Home Rule Charter section 2.9(c), for terms commencing July 1, 2019: Maria Chao and Jack Jemsek whose terms shall expire June 30, 2022, and Pari Riahi and Janet McGowan whose terms shall expire June 30, 2021, as recommended by the Outreach, Communications and Appointments Committee.

VOTED 8-2-3 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Hanneke, Pam, Schoen, and Swartz voted Yes; Councilors Ross and Ryan voted No; Councilors Griesemer, Schreiber and Steinberg Abstained) to appoint to the Planning Board under the Amherst Home Rule Charter section 2.9(c), for terms commencing July 1, 2019: Maria Chao and Jack Jemsek whose terms shall expire June 30, 2022, and Pari Riahi and Janet McGowan whose terms shall expire June 30, 2021, as recommended by the Outreach, Communications and Appointments Committee.

MOTION: Councilor Hanneke moved, second by Councilor Bahl-Milne, to refer the discussion regarding associate/alternate members as stated in the current Planning Board charge/bylaw to the OCA committee.

Councilor Hanneke stated that there are associate members listed in the Planning Board charge, and that she would like OCA to recommend appointments. Councilor Brewer responded that GOL is more appropriate because bylaws relate to MGL. Councilor Schreiber spoke in favor of referring to GOL. Councilor Pam and Councilor Schoen moved to amend the motion to refer to GOL. Councilor Hanneke stated that she would like OCA to recommend names for associate appointments.

The motion was withdrawn.

MOTION: Councilor Griesemer moved, second by Councilor De Angelis to refer to GOL to define associates to Planning Board to define roles, terms and purpose, and ultimately report back to the Town Council for referral to OCA for appointments.

Councilor Ross asked for clarification about interpretation of the Zoning Bylaw. Councilor Schreiber stated that the urgency has passed. Councilor Ryan stated that there is no need to take action unless Planning Board asks the Council to appoint associates. Councilor Bahl-Milne asked why not expand the board with associates if there is an option. Councilor Pam agreed that this is too rushed, and there should be more outreach to broaden the pool of applicants. Councilor Hanneke stated that without modifying the charge, GOL cannot define the role of associate. If we want to appoint alternates to the board, then OCA should make recommendations.

VOTED 0-9-4 (Councilors Brewer, DuMont, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg and Swartz voted No; Councilors Bahl-Milne, De Angelis, Griesemer and Schoen Abstained) to refer to GOL to define associates to Planning Board to define roles, terms and purpose, and ultimately report back to the Town Council for referral to OCA for appointments. The motion failed.

Councilor Brewer suggested reaching out to the Planning Board about associates.

Agenda item 6.b. Presentations and Discussion: Discussion of GOL Committee Charge

Councilor Hanneke outlined potential changes to the GOL charge regarding a place to refer proposed measures that do not have a logical committee to refer to. Option 1 is do nothing; Option 2 is to create a new committee; Option 3 is to modify the GOL charge.

Councilor Schoen spoke in favor of option 3, with a variation. Councilor Pam spoke in favor of option 1, stating that GOL works when it stays off content. Councilor DuMont agreed with Councilor Pam, the

Council needed a number of ad hoc committees initially, would like to review in a year or so. GOL is special in that it is neutral, and would like to maintain its neutrality.

Councilor Ross stated that he is not in favor of any of the options; there will be a need for a place to refer bylaw proposals that does not yet exist; ad hoc committees are not a good option because they are not good for public participation.

Councilor Brewer stated that GOL's natural evolution would be to become the committee that handled proposals that do not have another place and that they would give up being neutral.

President Griesemer reiterated that no committee makes policy for the Council, they would make recommendations regarding policy to the Council.

Councilor De Angelis spoke in favor of amending the GOL charge.

Councilor DuMont spoke in favor of ad hoc committees. President Griesemer responded that this would not prevent the creation of ad hoc committees. Councilor DuMont commented that this would give GOL too much power. Councilor Schoen suggesting an amendment to the language to refer to an ad hoc committee or GOL. Councilor Hanneke stated that the goal was to limit ad hoc committees, not prohibit them.

Councilor Ryan suggesting revisiting the topic in 4-6 months.

7. Action Items

a. Proposed Permanent Town Council Rules of Procedure [Charter Sec. 10.7(p)(i)]

Councilor Brewer outlined the changes and decisions that were made since May 6th when the last draft of the proposed rules were presented and discussed at the Town Council meeting. Spoke about next steps for adoption of rules and dissolution of the ad hoc committee.

Councilor Schoen emphasized positive comments about study/work groups, but a question remains of who would be appointed and how.

President Griesemer thanked Ms. Nartowicz and Mr. Bockelman for their review.

Councilor Ross asked about votes available the next business day.

Ms. Nartowicz pointed out that councilors' comments were distributed through the clerk.

Councilor Ross asked about the phrasing of committees' obligation to be "creative." Councilor Schoen stated that the wording could be changed, we liked that it was permissive and allowed for flexibility.

Councilor Steinberg commented about proposed amendments being read at two meetings; urge the committee to give some consideration to give presiding officers options to adhere to the 10:00 pm rule to achieve that goal. President Griesemer stated that the presiding officer always has the option of rearranging the agenda to move action items before 10. Councilor Steinberg stated that the committee could establish time limits for discussion for any item. Councilor Brewer stated that a rule to rearrange the agenda by the presiding officer would be redundant.

Councilor Ross commented that JCPC and BCG taken the appointments away from the president; is there an anticipation that those appointments would go through OCA. Councilor Hanneke, no there is no anticipation that it would go through OCA, and clarified that this would not strip authority from the president, as the Town attorney interpreted the Charter that these were Council appointments.

Councilor Ross asked about the Council establishing a time period for a committee to report back. Councilor Brewer stated that it does not need to be a standard time period for every referral. Councilor Hanneke added that it is a way for things not to be forgotten.

Councilor Ross expressed concern about audible approval or disapproval at meetings. Councilor Pam commented that she would not want to impede public response. Councilor De Angelis agreed with Councilor Ross. Councilor Steinberg commented that the rule at Town Meeting preserved an atmosphere of mutual respect.

MOTION: Councilor Schreiber moved, second by Councilor Hanneke, to adopt the proposed Town Council Rules of Procedure entitled “Amherst Town Council Rules of Procedure, Draft May 14, 2019”, as recommended by the Rules of Procedure Ad Hoc Committee.

MOTION: Councilor Ross moved, second by Councilor Hanneke, to amend the Town Council Rules of Procedure by adding item 6.2(d): “Those present shall not engage in audible demonstrations of approval or disapproval.”

VOTED 8-4 (Councilors Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; Councilors Bahl-Milne, DuMont, Pam, and Schoen voted No; Councilor Swartz was absent) to amend the Town Council Rules of Procedure by adding item 6.2(d): “Those present shall not engage in audible demonstrations of approval or disapproval.”

VOTED 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent) to adopt the proposed Town Council Rules of Procedure entitled “Amherst Town Council Rules of Procedure, Draft May 14, 2019”, as recommended by the Rules of Procedure Ad Hoc Committee, as amended to include “6.2d. Those present shall not engage in audible demonstrations of approval or disapproval.”

MOTION: Councilor Schoen moved, second by Councilor Ross, to refer the “Amherst Town Council Rules of Procedure, Draft May 14, 2019”, adopted by the Town Council on May 20, 2019, to the Governance, Organization and Legislation Committee for review of form, content and organization, with a report back to the Council.

The motion was withdrawn.

MOTION: Councilor Schoen moved, second by Councilor Ryan, to refer to the Governance, Organization and Legislation Committee, the eleven items, as amended, by addressing the word “creative” in the sentence in item 10.6j., listed in the May 20, 2019 Town Council agenda packet document entitled “Rules Recommendations for GOL Hanneke em 05-08-19 revised avb 05-16-19” for consideration and a report back to the Council within 45 days.

VOTED: 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent) to refer to the Governance, Organization and Legislation Committee, the eleven items, as amended, by addressing the word “creative” in the sentence in item 10.6j., listed in the May 20, 2019 Town Council agenda packet

document entitled “Rules Recommendations for GOL Hanneke em 05-08-19 revised avb 05-16-19” for consideration and a report back to the Council within 45 days.

MOTION: Councilor De Angelis moved, second by Councilor Bahl-Milne, to dissolve the Rules of Procedure Ad Hoc Committee, with deep gratitude, after their meeting of May 21, 2019.

VOTED 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent) to dissolve the Rules of Procedure Ad Hoc Committee, with deep gratitude, after their meeting of May 21, 2019.

- b. **Local Option Community Impact Fee – Short-Term Rentals**
- c. **Introduction of proposed Limitations on Campaign Contributions Bylaw [Charter Sec.2.10(a)]**

Councilor Ross spoke briefly about the rationale for the proposed bylaw. Councilor Hanneke spoke about what the bylaw would do.

Councilor Pam commented that the language is dense and that goods and services should be included. Councilor Ross commented that an FAQ would be provided to clarify for the public. Advice from OCPF was that this would cover monetary and in-kind contributions.

Councilor Brewer asked why the maximum was set at \$250 rather than \$500 like Northampton. Councilor Hanneke stated that Northampton has a mayoral election, so perhaps need a higher limit than Amherst. Councilor Ross added that Northampton is the only other municipality that has a bylaw like this and \$500 seemed high for Amherst.

Councilor Brewer stated that the limit is not a magic bullet, so she is a little cautious. Councilor Schreiber asked if this is trying to solve a problem that doesn’t exist. It is counter intuitive who is getting big donations. Councilor Bahl-Milne responded that \$250 feels like leveling the playing field.

Councilor Pam asked if this would limit the amount a candidate can give to their own campaign. Councilor Ross responded that it does not, Councilor Hanneke added that due to a Supreme Court decision, the town could not limit candidate contributions made by the candidate.

Councilor Hanneke stated that bylaw review for clarity, consistency and actionability automatically comes to GOL, but pros and cons would not be addressed by GOL.

MOTION: Councilor Schoen moved, second by Councilor Ryan, to refer the Limitations on Campaign Contributions Bylaw introduced by Councilors Hanneke and Ross on May 20, 2019, to the GOL Committee, with a report back to the Town Council on June 3, 2019. (*automatic referral to GOL pursuant to Council Rule 8.2.e.*)

Councilor Hanneke stated that proposed bylaws must be read at two meetings, and that after passage the bylaw would not become effective for 14 days. GOL will not make a recommendation. If the first reading takes place June 3, and the second on the 17th, the effective date would be July 1 to coincide with the availability of nomination papers.

Councilor Pam spoke in opposition to the motion, and offered alternative options like distribution of voter email addresses or workshops for candidates. Councilor Ross stated that he has no expectation that this

bylaw will be a magic bullet; there is a need to make elections stronger in the future, this would be one part of the equation.

Councilor DuMont agreed with Councilor Pam about goods and services; there is a bigger problem that the proposed bylaw would not address. Councilor Brewer stated that OCPF decides what things are worth, not the Town and that the Town cannot redefine a PAC to suit Amherst.

VOTED 10-0-2 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber and Steinberg voted Yes; Councilors DuMont and Pam abstained; Councilor Swartz was absent) to refer the Limitations on Campaign Contributions Bylaw introduced by Councilors Hanneke and Ross on May 20, 2019, to the GOL Committee, with a report back to the Town Council on June 3, 2019. *(automatic referral to GOL pursuant to Council Rule 8.2.e.)*

8. Appointments

c. President Appointment to Community Resources Committee

President Griesemer stated that she will not make appointments to CRC tonight; there is one vacancy due to a resignation.

9. Committee Reports

- a. **Bylaw Review Committee**
- b. **Community Resources Committee**
- c. **Council Goals Ad Hoc Committee**
- d. **Finance Committee**
- e. **Governance, Organization and Legislation Committee**
- f. **Outreach, Communications and Appointments Committee**
- g. **Rules of Procedure Ad Hoc Committee**

10. Approval of Minutes

- a. **May 6, 2019**
- b. **May 8, 2019 Special Town Council Meeting**

MOTION: Councilor Griesemer moved, second by Councilor Steinberg, to approve the May 6, 2019 Town Council meeting minutes and May 8, 2019 Special Town Council meeting minutes as presented.

VOTED: 11-0-1 (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg voted Yes; Councilor Brewer Abstained; Councilor Swartz was absent) to approve the May 6, 2019 Town Council meeting minutes and May 8, 2019 Special Town Council meeting minutes as presented.

11. Town Manager Report

Mr. Bockelman provided brief highlights from his report.

12. Town Council Comments

a. President reports

President Griesemer stated that she is looking at a schedule for the Town Manager's evaluation, and she plans to distribute a list of future agenda items to Councilors soon.

b. Future agenda items

Councilor Bahl-Milne would like to discuss changing the CRC charge to six members. Councilor Brewer spoke briefly about pending recreational marijuana legislation. Councilor Pam commented that there seems to be no clear way to determine driver impairment by police. Councilor Brewer responded that nothing measures impairment for marijuana yet. Councilor Ross stated that he and Councilor Schreiber had their first district meeting, and thanked staff for their help. Councilor DuMont pointed out that the first meeting of the ECAC is Wednesday at 6:30 p.m. Councilor Schoen stated that TAC is meeting to review the North Amherst intersection Wednesday at 5:00 p.m. in the police community room.

c. Councilor comments

13. Topics Not Reasonably Anticipated by the President 48 Hours in Advance – None

14. Executive Session – None

15. Adjourn

MOTION: Councilor Pam moved, second by Councilor Bahl-Milne, to adjourn.

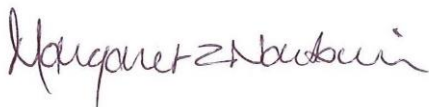
VOTED 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent) to adjourn at 10:50 p.m. on May 20, 2019.

Respectfully submitted,



Athena O'Keeffe

Approved June 3, 2019



Margaret Z. Nartowicz
Town Clerk & Clerk to the Council

Record of Agenda Packet Materials and Documents Presented

05-06-2019 DRAFT Town Council Minutes 05-20-19
05-08-2019 DRAFT Special Town Council Minutes - CRC 5-20-19
05-20-2019 FINAL Agenda 5-16-19
05-20-2019 FINAL Agenda rev. 5-17-19
11 Town Manager Report 05-20-2019
6a Drinking Water Week Proclamation
6-b 2019-05-14 GOL Report to Town Council - FINAL - with attachments
7a Full Draft ROP V8 revised 5.16.19 clean
7a Full Draft ROP V8 revised 5.16.19 track changes post meeting and councilors PB MN
7a Rules Future GOL dropped Appendix Current Policies in effect avb 05-16-19 clean
7a Rules Recommendations for GOL Hanneke em 05-08-19 revised avb 05-16-19
7a Rules ROP Report to Town Council 05-20-19
7b Finance Committee Report 5.16.19
7b Short Term Rental Slide Deck - 05-14-2019
7b Short-term Rental Article
7c Limitations on Campaign Contributions - FINAL 5-14-2019
8 OCA Report to Town Council 5-20-2019
8 OCA Report to Town Council 5-20-2019
Draft Motions for Town Council 05-20-2019 - rev. 5-17-19