



**Town of Amherst  
Town Council Meeting  
August 19, 2019 – 5:00 p.m.  
Town Room, Town Hall  
4 Boltwood Avenue**

**Minutes**

*Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-august-19-2019>*

**1. Call to order and declaration of a quorum**

President Griesemer declared the presence of a quorum and called the meeting to order at 5:00 p.m.

Councilors present: Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, Swartz.

Councilors absent: Councilors Ross and Ryan.

Councilors participating remotely: None

Others present: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Clerk of the Council Athena O’Keeffe

President Griesemer announced audio and video recording by Amherst Media.

**2. Announcements**

President Griesemer announced that the Town Council will read Town Manager evaluation materials until 6:30 p.m., at which time the Council will hear general public comment unrelated to the Town Manager evaluation, and take up action items. The Council will then enter into executive session, and reconvene in open session afterwards. The Council will then hear the remaining agenda items.

**3. Hearings**

**4. General Public Comment - None**

**5. Proclamations and Commemorations - None**

**6. Presentations and Discussion**

a. **Town Manager Performance Evaluation**

All evaluation documents were distributed to Councilors at 5:00 p.m.; copies were available to the public and published online.

President Griesemer explained what the Town Manager evaluation documents contain a composite of Councilors' individual evaluations and ratings, as well as a memo drafted by President Griesemer that summarizes the evaluation.

Councilor Brewer asked how to determine which Councilors' comments are which. President Griesemer explained that the date and time will correspond to each Councilors' response.

7. **Action Items**

a. **Rules of Procedure Proposed Amendments 2<sup>nd</sup> Reading and Adoption [Rule 1.6]**

Councilor Hanneke described the changes to the rules of procedure made by the GOL committee, which were read and discussed at the previous Town Council meeting.

Councilor Steinberg asked about rule 3.5.b.4: approval of executive session minutes. Councilor Hanneke stated that the language mirrors MGL, which requires an executive session to be held at reasonable intervals to determine if minutes can be released, but clarifies that to mean every 3 months. Executive session minutes would be released prior to the end of a Council term. Councilor Pam asked if this would be an election-eve surprise, and suggested October 1st rather than 31st. Councilor Steinberg added that the frequency may be more than what is warranted if there is no executive session minutes to review. Councilor Hanneke stated that MGL requires approval at "reasonable intervals" and asked for Councilors' input in determining who should approve executive session minutes for release. Councilors Brewer, Griesemer, and Steinberg stated they prefer the minutes be approved for release by vote of the Council.

Councilors discussed the intervals at which executive session minutes ought to be approved and released.

Councilor Brewer stated that in addition to table of contents, the document should have adopted and revised dates, and the document title in the footer.

Councilor Brewer asked that the Rules consistently name clerk of council and town clerk.

**MOTION:** Councilor Hanneke moved, second by Councilor De Angelis, to amend the Town Council Rules of Procedure that were adopted on May 20, 2019 with the revisions indicated in the document titled "Rules of Procedure-adopted-2019-05-20 – proposed GOL amendments - 2019-07-10 GOL Vote - Marked Up Version" to add a Table of Contents and footer throughout the document, add the language and hyperlinks, which are indicated as pink, underlined language, delete the lined out language, and change the language in section 3.5.b.4 from three months to six months and delete "and not later than October 31 of every calendar year." I further move that the Clerk shall update the pagination of the Table of Contents as necessary, once these revisions are adopted.

**VOTED** 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilors Ross and Ryan were absent) to amend the Town Council Rules of Procedure that were adopted on May 20, 2019 with the revisions indicated in the

document titled "Rules of Procedure-adopted-2019-05-20 – proposed GOL amendments - 2019-07-10 GOL Vote - Marked Up Version" to add a Table of Contents and footer throughout the document, add the language and hyperlinks, which are indicated as pink, underlined language, delete the lined out language, and change the language in section 3.5.b.4 from three months to six months and delete “and not later than October 31 of every calendar year.” I further move that the Clerk shall update the pagination of the Table of Contents as necessary, once these revisions are adopted.

**b. Energy and Climate Action Committee – Amendment to Town Council Order #01282019-6b2**

Councilor DuMont introduced Laura Draucker and Stephanie Ciccarello, read the motion and explained that the committee would like to extend the deadline to allow for outreach efforts, including students who may not have moved in yet.

**MOTION:** Councilor DuMont moved, second by Councilor Steinberg, to amend Order #: 01282019-6b2 passed on January 28, 2019 ordering the Amherst Energy and Climate Action Committee to submit initial goals to the Town Council by striking the phrase “within 90 days of its first meeting” and replacing it with “within 180 days of its first meeting.”

**VOTED** 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilors Ross and Ryan were absent) to amend Order #: 01282019-6b2 passed on January 28, 2019 ordering the Amherst Energy and Climate Action Committee to submit initial goals to the Town Council by striking the phrase “within 90 days of its first meeting” and replacing it with “within 180 days of its first meeting.”

**c. Dog Park Public Way Request**

Assistant Town Manager David Ziomek spoke about the project, stating that the road would not be narrowed, but the parking spaces would occupy part of the public way, which is wide at the site. The request was reviewed by Superintendent of Public Works Guilford Mooring.

Councilor Schreiber stated that the Community Resources Committee discussed the project and members had questions about the bus stop nearby.

Councilor Hanneke commented that Robert Frost trail users should be allowed to use the parking spots, and asked about visibility pulling in and out of the spaces.

Mr. Ziomek stated that visibility when pulling in and out of the spaces should not be an issue, and that the signage could state a time limit rather than to limit the spaces to dog park users.

Councilor Brewer noted a problem with missing language on the motion sheet.

**MOTION:** Councilor Steinberg moved, second by Councilor Hanneke, to authorize the Town to make landscaping, parking and related improvements to the portion of Old Belchertown Road that lies adjacent to the proposed Town dog park, which improvements are shown more particularly on a plan entitled “Amherst Dog Park Layout Plan,” prepared by The Berkshire Design Group, and to approve and dedicate the parking spaces to be created for the exclusive use of visitors of the dog park and other recreational purposes.

Councilor Bahl-Milne asked about impact to nearby bodies of water. Mr. Ziomek stated that drainage flows away from nearby bodies of water; water coming from the landfill will be treated.

**VOTED** 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilors Ross and Ryan were absent) to authorize the Town to make landscaping, parking and related improvements to the portion of Old Belchertown Road that lies adjacent to the proposed Town dog park, which improvements are shown more particularly on a plan entitled “Amherst Dog Park Layout Plan,” prepared by The Berkshire Design Group, and to approve and dedicate the parking spaces to be created for the exclusive use of visitors of the dog park and other recreational purposes.

**d. Percent for Art Workgroup Charge**

Councilor Schoen presented a draft charge to create a work group, whose goal would be to gather informally to discuss the percent for art bylaw, and would include members of the public.

Councilor Pam spoke in favor, and expressed concerns about moving too quickly.

Councilor Schoen suggested that committees designate representatives for the work group.

Councilor Schreiber asked if membership should include only members of CRC and Finance Committee. Councilor DuMont commented in favor of adding any Councilor to the workgroup rather than one from CRC and one from the Finance Committee because doing so would set a precedent for future CRC workgroup composition..

Councilor Hanneke commented that the Council has not adopted work group rules; currently the President appoints all committees of the Council; the charge has not been reviewed by GOL. The Percent for Art bylaw itself was referred to CRC, GOL, and Finance Committee. If the work group comes to the Council with a recommendation, it would not have been vetted or recommended by any other committee; recommendations should be reviewed before the Council votes. It is not efficient to proceed in this way and goes against established rules.

Councilor De Angelis commented that a work group would be flexible and fast, the work group would present a new revised draft, and CRC and Finance Committee would review any final decisions before potential review by GOL.

Councilor Pam agreed with Councilor De Angelis, adding that one person from GOL could be added to the workgroup.

Councilor Steinberg commented that there is no rush, that the Council should be more deliberative.

Councilor Schreiber commented that Town Meeting passed the bylaw, and the Council should make it a priority.

Councilor Schoen commented that the Council is not rushing, the bylaw may need several reviews by the Council and legal, and expressed concerns that the bylaw would be stymied by bureaucracy.

Councilor Hanneke spoke in opposition to adding a member of GOL to the workgroup; and commented that the proposed charge indicates that the work group would report directly to the Council and requires no further review.

Councilor Steinberg agreed that the September deadline is problematic.

Councilor Brewer commented that the need for special legislation should be taken into account.

Councilor Schreiber commented that members of the community could invite Councilors to gather and discuss the bylaw. Councilor Brewer responded that the Open Meeting Law will not allow Councilors to deliberate outside of a posted meeting.

Councilors Swartz and Pam spoke in favor of referral to GOL.

**MOTION:** Councilor Pam moved, second by Councilor Bahl-Milne, to refer the Percent for Art Working group charge to the Governance, Organization and Legislation Committee, for report back to the Town Council on August 26, 2019.

**VOTED 9-0-2** (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Schreiber, Steinberg, and Swartz voted Yes; Councilors DuMont and Schoen abstained; Councilors Ross and Ryan were absent) to refer the Percent for Art Working group charge to the Governance, Organization and Legislation Committee for report back to the Town Council on August 26, 2019.

**Agenda item 14. Executive Session -** *To consider the purchase, exchange, lease or value of real property if the Council President declares that an open meeting may have a detrimental effect on the negotiating position of the public body [MGL c.30A, s.21(a)6]*

**MOTION:** President Griesemer moved, second by Councilor Hanneke, that the Town Council meet in executive session pursuant to the provisions of MGL c. 30A, sec. 21(a)(6) to discuss the purchase, exchange, lease or value of real property. The chair declares that an open meeting will have a detrimental effect on the negotiating position of the public body. The Council will reconvene in open session.

**ROLL CALL VOTED 11-0-0** (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilors Ross and Ryan were absent) to meet in executive session pursuant to the provisions of MGL c. 30A, sec. 21(a)(6) to discuss the purchase, exchange, lease or value of real property. The chair declares that an open meeting will have a detrimental effect on the negotiating position of the public body. The Council will reconvene in open session.

The Town Council entered executive session at 7:56 p.m.

The Town Council reconvened in open session at 8:31 p.m.

**Agenda item 6. Presentations and Discussion a. Town Manager Performance Evaluation (2)  
Council Discussion**

President Griesemer asked for feedback regarding the evaluation memo.

Councilor Pam the report is very useful, don't want to spend more time laboring the style points.

Councilors discussed edits to the evaluation memo to be more reflective of their comments and relevant to the Town Manager's evaluation. Councilors discussed the Town Manager's goals as reflected in the memo, and how well the summaries reflected the opinions of the Council.

Councilor DuMont asked about disagreements in comments. President Griesemer stated that the Councilors' individual comments and feedback will remain, no comments will be deleted, but that the memo is meant to capture the overall feeling about each of the questions.

President Griesemer stated that there was deliberate avoidance to references of future goals, as the Council has not set their goals for the coming year.

President Griesemer stated that all the Councilors' comments and feedback will be compiled into a final memo document that will be presented to the Council on August 26, 2019. The Council will enter into executive session to discuss the Town Manager's compensation package on August 26, 2019.

**8. Appointments - None**

**9. Committee Reports**

- a. **Audit Committee:** Councilor De Angelis stated that the Audit Committee has an upcoming meeting with Interim Finance Director Sonia Aldrich regarding the procurement process.
- b. **Bylaw Review Committee:** Councilor De Angelis stated there is no report.
- c. **Community Resource Committee:** Councilor Schreiber stated that the committee is working on the master plan, and reviewing which parts need to be updated.
- d. **Council Goals Ad Hoc Committee:** President Griesemer stated that the committee has not met since the last Town Council meeting.
- e. **Finance Committee:** Councilor Steinberg stated that a special joint meeting of the Finance Committee and JCPC is scheduled on September 5, 2019; the goal is to talk about the major building process and begin to formulate a recommendation on the process and how to make decisions going forward. Looking to inform and involve the public in planning for capital projects. The real discussion will involve the whole Council, as the Council will make final decisions. Finance Committee has had one meeting with new non-voting members that worked very well. A request for funds to reconstruct the Centennial Water Treatment facility will be coming to the Council on September 9, 2019.
- f. **Governance, Organization and Legislation Committee:** Councilor Hanneke stated that GOL voted to move forward with recommendations regarding workgroups to the Council, but GOL is waiting to complete recommendations regarding ad hoc committees so both can be presented together. Close to finished with policy regarding proclamations, commemorations, and citations; revisions to the public way policy regarding commemorative flags; waiting on Town Attorney advice on candidates' statements.
- g. **Outreach, Communications and Appointments Committee:** Councilor Brewer stated that OCA would like to have a conversation about what Council's expectations are regarding appointments. OCA may have a verbal report regarding Town Manager appointments to be confirmed on August 26, or a written report on September 9.

**10. Approval of Minutes**

a. **July 22, 2019**

**MOTION:** Councilor De Angelis moved, second by Councilor Schreiber, to approve the July 22, 2019 Town Council meeting minutes as presented.

**VOTED** 8-0-3 (Councilor Bahl-Milne, De Angelis, DuMont, Griesemer, Pam, Schoen, Schreiber and Steinberg voted Yes; Councilors Brewer, Hanneke, and Swartz Abstained; Councilors Ross and Ryan were absent) to approve the July 22, 2019 Town Council meeting minutes as presented.

## **11. Town Manager Report**

Town Attorney Lauren Goldberg will meet with the Ranked Choice Voting Commission Thursday, August 22 in the First Floor Meeting Room at 1:00 p.m.

Next Tuesday, August 27 from 5:00-6:30 p.m. is the First Day Celebration on the Town Common.

The Parking Forum will be held August 28 at 5:30 p.m. in the Town Room. The parking consultants will present, once they have feedback from the public they will give a final report to the Council.

August 30 move in begins for UMass students.

The resignations at Craig's Doors caught everyone off-guard. Craig's Doors is a non-profit organization, they receive no Town funds. Everyone is concerned about maintaining the shelter. They receive state funds, funds from United Way, and do their own fundraising. The state was informed immediately of the resignations, Craig's Doors has been provided with a corrective action plan. One option is for the Board to take the corrective action and hire new staff; another option would be to see if there is an agency to take the funding and run the shelter. The funding is secure but they would need to talk to the church about continuing to host the shelter. The state would like the shelter to open earlier, but the church has evening activities and needs their space. The church does receive rent for the space. The hope is that the organization will be strong enough to staff the operation and organize volunteers before November 1.

Councilor Pam asked for details regarding problems with the Board of Directors. Mr. Bockelman referred the Council to the resignation letter.

Councilor Bahl-Milne asked about the availability of the shelter's most recent audit. Mr. Bockelman stated that as a non-profit, most financial information is a public record and is likely online.

## **12. Town Council Comments**

President Griesemer reported automatic referral to GOL of a proclamation in celebration of the Jewish Community of Amherst's 50<sup>th</sup> Anniversary.

Councilor Brewer commented about Craig's Doors, stating that it feels out of the community's hands. Mr. Bockelman responded that we would like to continue to provide a low-threshold shelter. There is no real difference between a wet and dry shelter. Would like them to be open earlier, operational, co-ed; we may need to look at the building code to make sure it can continue to function as it has.

Councilor Hanneke suggested that OCA take charge of the Council table for the First Day Celebration.

## **13. Topics Not Reasonably Anticipated by the President 48 Hours in Advance - None**

## **14. Adjourn**

**MOVED:** Councilor Pam moved, second by Councilor Hanneke to adjourn.

**VOTED** 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Schoen, Schreiber, Steinberg, and Swarts voted Yes, Councilors Ross and Ryan were absent) to adjourn at 10:47 p.m. on August 19, 2019.

Respectfully submitted,



Athena O'Keeffe  
Clerk to the Council

**Record of Agenda Packet Materials and Documents Presented**

08-19-2019 Town Council Agenda revised 08-15-2019

10 07-22-2019 DRAFT Town Council Minutes

11 Town Manager Report 08-19-2019

5a JCA 50th Proclamation-JRL edits

7a 2019-07-16 GOL Report to Town Council

7a Proposed Revisions to Town Council Rules of Procedure - Slides for 2019-08-17 TC Meeting

7a Rules of Procedure-adopted-2019-05-20 - proposed GOL amendments - 2019-07-10 GOL Vote - Clean Version

7a Rules of Procedure-adopted-2019-05-20 - proposed GOL amendments - 2019-07-10 GOL Vote - Marked Up Version

7b Council Order 01282019-6b2

7b ECAC motion to Town Council requesting extension

7c CRC 8-7-19 Meeting-Dog Park

7d Percent For Art Work Group Charge 7.25.19 CS

9g 2019-08-19 OCA Report to Town Council

Draft Motions for Town Council 08-19-2019 rev. 8-19-19

Email Re 2 additional questions on Evaluation form

FY19 Town Manager Evaluation Memo - final draft

Letter from Comcast to Town Council re. Channels August 2019

Letter to MSBA from Comerford and Domb

Parking Forum Flyer 8-28-2019



Responses\_All Individual\_190809

Summary of responses Data\_All\_190809

TM Evaluation 2 questions not included in original form ALISA BREWER

TM Evaluation 2 questions not included in original form AS

Town Manager Evaluation - Matrix of Categories and questions

Town Manager FY19 Annual Performance Review