



Town of Amherst
Town Council Meeting
Monday, January 27, 2020 - 6:30 p.m.
Town Room, Town Hall
4 Boltwood Avenue
Minutes

Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-january-27-2020>

1. Call to Order

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, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz.

Councilors absent: None.

Councilors participating remotely: None

Others present: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Economic Development Director Geoff Kravitz, Executive Director of the Downtown Amherst Business Improvement District Gabrielle Gould, and Clerk of the Council Athena O’Keeffe.

President Griesemer announced audio and video recording by Amherst Media.

2. Announcements

President Griesemer announced Councilors and staff attended the Massachusetts Municipal Association Conference over the weekend. The Four Towns meeting will be Saturday, February 1 at the Amherst Regional Middle School Library at 9:00 am. On February 1 at 1:00 p.m., there will be a Black History Month Flag Raising ceremony on the steps of Town Hall. On February 10, the Council will hold two public hearings: to consider a Verizon petition to install conduit location on Spring Street and on the installation of a ramp at the Visitor Information Center in the public way.

Valley Community Development Corporation has submitted their eligibility letter for the Chapter 40B Comprehensive Permit to the Department of Housing and Community Development. The state has not sent an acknowledgment and 30-day comment period has not begun, but the comment period will be announced when it begins.

3. Hearings - None

4. General Public Comment

Vince O'Connor, an Amherst resident of Summer Street, commented about policing policies in Amherst, and proposed screening public safety candidates who exhibit racial bias.

Amy Zuckerman, an Amherst resident of Brittany Manor Drive, spoke about fire safety at The Boulders.

5. Proclamations and Commemorations

- a. Resolution in support of H.2810: An Act to Promote Green Infrastructure and Reduce Carbon Emissions

Councilor Ryan reported that the Governance, Organization and Legislation Committee voted the resolution clear, consistent, and actionable.

Councilor De Angelis, who was the sponsor, spoke in favor of the resolution.

MOTION: Councilor De Angelis moved, second by Councilor DuMont, to adopt the Resolution in Support of H.2810: An Act to Promote Green Infrastructure and Reduce Carbon Emissions, as presented.

VOTED unanimously to adopt the Resolution in Support of H.2810: An Act to Promote Green Infrastructure and Reduce Carbon Emissions, as presented.

- b. Black History Month Proclamation

Councilor Ryan reported that the Governance, Organization, and Legislation Committee voted the Proclamation clear, consistent, and actionable.

MOTION: Councilor De Angelis moved, second by Councilor Pam, to proclaim February 2020 Black History Month and adopt the Black History Month Proclamation, as amended by replacing the word “noon” with the words “one o’clock p.m.”

VOTED unanimously to proclaim February 2020 Black History Month and adopt the Black History Month Proclamation, as amended by replacing the word “noon” with the words “one o’clock p.m.”

6. Presentations and Discussion

- b. Proposed Downtown Investments

Town Manager Paul Bockelman spoke about the need for investment in the downtown, and outlined the projects that the Town will bring to the Council in the future.

Assistant Town Manager David Ziomek spoke about the status and timeline of the Kendrick Park project.

Economic Development Director Geoff Kravitz and Executive Director of the Downtown Amherst Business Improvement District Gabrielle Gould spoke about installation of a Performing Arts Shell on the common.

D. Ziomek spoke about improvements to the North Common, which were presented to the Select Board in the fall of 2018. The Historical Commission and the Leisure Services and Supplemental Education commissions lead the effort. A partial funding package was approved by Town Meeting. The preferred plan seeks to celebrate the Town Hall and resolve the many issues the common currently faces.

G. Kravitz spoke about parking in the downtown, and the potential for a public-private partnership to fund a parking garage.

P. Bockelman spoke about other improvements in the downtown such as the roundabout on Triangle Street, walkway on Amity Street, and sidewalks. Future improvements will replace walkways and crosswalks. The Town is looking outside public funds to improve downtown spaces.

Councilor Schoen commented about the cost of the proposed projects, and asked that the projects be brought to the Council as a package rather than individually. Councilor Bahl-Milne commented that the proposal is energizing, and expressed the need to look at the projects through the lens of diversity and inclusion. Councilor Brewer commented about the need for a maintenance fund, and asked that materials be made available to Councilors in advance of the Council meetings. Councilor Schreiber spoke in favor of eliminating the parking on the north common and that the parking garage would be a good way to balance eliminating parking in front of Town Hall. Councilor Swartz commented that parking around the north common is frustrating and asked for more information about how the flow of traffic will work around the proposed north common. Councilor Pam commented that she would prefer to see the band shell on Kendrick Park rather than the north common, that she would prefer to maintain a quiet historic common, and spoke about a letter from Grace Church regarding traffic in front of the church. Councilor De Angelis spoke in favor of the performing arts structure, and that it would be good to retain handicap accessible parking in the north common. Councilor Hanneke asked about how a structure that is owned by an outside entity and located on Town property would be managed. Councilor Ross asked about how we move forward with the parking structure in terms of zoning, and commented that he would like to see parking on the north common eliminated. Councilor Ryan commented that it would be nice to hold events on the north common without the need for police to block traffic. Councilor DuMont commented that it would be nice to see a spreadsheet of these costs along with other capital requests in order to prioritize them, and asked about how sustainability and climate action will be incorporated into these plans, including composting by downtown businesses. Councilor Bahl-Milne commented that the Town could work with the Business Improvement District in making reservations for the performing arts space. President Griesemer thanked the presenters, and spoke in praise of the Town working with outside partners in developing the projects.

Public comment

David Mazor, an Amherst resident of Woodlot Road and property owner on South Pleasant Street, spoke about businesses' reliance on the Main Street parking lot, and expressed concern about removal of that parking.

Sharon Povinelli, an Amherst resident of 493 Montague Road, spoke in favor of removing parking from the north common.

Carol Johnson, Executive Director of the Amherst Cinema, spoke about the need for parking in Town.

Leslie Arak, an Amherst resident whose parents own a business in the downtown, commented that the parking garage needs to be built before parking is removed on the common, and expressed concerns about the removal of trees from the common.

Jeremy Austin, an Amherst resident of North East Street and business owner on South Pleasant Street, spoke in support of the parking garage in order to have a more beautiful town center.

Vince O'Connor, an Amherst resident of Summer Street, spoke about the shell on the common, the need to end parking enforcement at 6:00 p.m., and concerns that parking permits outnumber the available parking.

Claudia Pazmany, an Amherst resident of Emily Lane and President of the Amherst area Chamber of Commerce, spoke in favor of the proposed projects.

Tony Maroulis, a member of the Business Improvement District (BID) Board of Directors commented that the busiest night of the year for restaurants is the Merry Maple tree lighting event, during which

parking is closed on the north common. There is precedent for other structures on the common that were owned by other entities, such as the electricity on the common that was previously owned by the BID.

Bob Lowry, an Amherst resident of South East Street and business owner near the north end of the common, commented in favor of activating the space on the north common, which would bring additional business to his restaurant. The parking is difficult at peak times only and perceived parking issues are as much of an issue as actual parking.

Councilor Brewer comment about usage of the common, and asked that the Council reevaluate the enforcement hours when parking is discussed. Councilor Pam suggested an immediate zoning change that excludes new residential buildings without parking. Councilor Bahl-Milne asked about next steps. Councilor Ross commented about the timeline for fundraising for a project that has not been approved. Councilor Schreiber commented that building a garage behind CVS would allow building housing without parking, and about concentration of a municipal resource.

Agenda item 7.b. Action Items: General Bylaws Second Reading

MOVED: Councilor Ross moved, second by Councilor Hanneke, to repeal and replace the General Bylaws with the document “Recommended General Bylaws of the Town of Amherst” dated 12-06-19.

Councilors discussed the process the Council would adopt the new bylaws and handle the revisions that Councilors are seeking.

VOTED 11-0-2 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, Swartz; Councilors DuMont and Schoen Abstained) to repeal and replace the General Bylaws with the document “Recommended General Bylaws of the Town of Amherst” dated 12-06-19.

MOTION: Councilor Ryan moved, second by Councilor Schoen, to dissolve the Bylaw Review Committee.

VOTED unanimously to dissolve the Bylaw Review Committee.

President Griesemer thanked Geoff Kravitz and the Committee members for their work.

MOTION: Councilor Hanneke moved, second by Councilor Steinberg, to add:

- Condominium and Cooperative Conversion, a General Bylaw recommended for deletion, to the document Bylaws Identified for Future Consideration last edited 12-05-19
- Proposed General Bylaw 3.34 – Regulation of Signs

to the document “Bylaws Identified for Future Consideration last edited 12-05-19” and to refer the document to the Town Council Governance, Organization & Legislation Committee (GOL) to report a recommended timeline for developing a work plan to Town Council on March 9, 2020.

Councilors discussed the Governance, Organization, and Legislation Committee timeline.

VOTED unanimously to add:

- Condominium and Cooperative Conversion, a General Bylaw recommended for deletion, to the document Bylaws Identified for Future Consideration last edited 12-05-19
- Proposed General Bylaw 3.34 – Regulation of Signs

to the document “Bylaws Identified for Future Consideration last edited 12-05-19” and to refer the document to the Town Council Governance, Organization & Legislation Committee (GOL) to report a recommended timeline for developing a work plan to Town Council on March 9, 2020.

MOTION: Councilor Schoen moved, second by Councilor Hanneke, to refer Section 3.4 Responsible Employer for Public Construction Projects to the Government, Organization, and Legislation Committee to make a recommendation whether wording deleted from the bylaw in three instances should be added back to avoid the risk of weakening the bylaw.. Specifically, add back: 1) the requirement that bidders "agree in writing that they shall comply" to referenced labor laws; 2) Requirement that contractors/subcontractors shall "certify under oath and in writing on a weekly basis that they are in compliance with such obligations"; and 3. The penalty of "liquidated damages payable to the Town in the amount of 5% of the dollar value of the contract." that was deleted from possible actions in the event of noncompliance.

Councilor Schoen spoke to the motion, noting that other cities and towns have similar provisions. Councilor Ross commented that the revision came from the Town's legal counsel, and asked how the Governance, Organization, and Legislation Committee address the questions without legal input. G. Kravitz agreed that the revisions came from the Town's attorney, and recalled that legal counsel instructed that state law was sufficient.

VOTED unanimously to refer Section 3.4 Responsible Employer for Public Construction Projects to the Government, Organization, and Legislation Committee to make a recommendation whether wording deleted from the bylaw in three instances should be added back to avoid the risk of weakening the bylaw.. Specifically, add back: 1) the requirement that bidders "agree in writing that they shall comply" to referenced labor laws; 2) Requirement that contractors/subcontractors shall "certify under oath and in writing on a weekly basis that they are in compliance with such obligations"; and 3. The penalty of "liquidated damages payable to the Town in the amount of 5% of the dollar value of the contract." that was deleted from possible actions in the event of noncompliance.

MOTION: Councilor DuMont moved, second by Councilor Hanneke, to refer Section 3.28 of the General Bylaw, the Single Use Plastic Bag Prohibition, and the document titled "single use plastic bag bylaw D3 dd 01-23-2020" to the Governance, Organization, and Legislation Committee, to make a recommendation on changes to the bylaw.

Councilor DuMont spoke to the motion, explaining that the document referenced is an updated version of the document presented at the last Council meeting.

VOTED unanimously to refer Section 3.28 of the General Bylaw, the Single Use Plastic Bag Prohibition, and the document titled "single use plastic bag bylaw D3 dd 01-23-2020" to the Governance, Organization, and Legislation Committee, to make a recommendation on changes to the bylaw.

MOTION: Councilor Hanneke moved, second by Councilor Ross, to refer to the Governance, Organization, and Legislation Committee Section 3.24 - Unlawful Noise of the General Bylaws to make a recommendation on whether to remove lawn mowers, leaf blowers, snow blowers, and other similar mechanical devices to the items included as "Loud, disturbing, injurious, or unnecessary noise," with a report back to the Town Council on March 9, 2020.

VOTED unanimously to refer to the Governance, Organization, and Legislation Committee Section 3.24 - Unlawful Noise of the General Bylaws to make a recommendation on whether to remove lawn mowers, leaf blowers, snow blowers, and other similar mechanical devices to the items included as "Loud, disturbing, injurious, or unnecessary noise," with a report back to the Town Council on March 9, 2020.

Agenda item 7.c. Authorization of Public Hearing regarding Changes to Public Ways Regulations on Lincoln Avenue

MOVED: President Griesemer moved, second by Councilor Pam, to schedule a public hearing regarding changes to the public way on Lincoln Avenue on a date to be determined by the Council President.

Councilor Brewer commented that we need a specific plan in order to publish the notice for the public hearing.

Councilor Ross spoke in opposition to the motion and the need for a proposed plan before voting to authorize the public hearing.

Town Manager Paul Bockelman explained that staff developed a plan and Lincoln Avenue residents suggested a plan, and we need to know which to move forward with the public hearing.

Councilor Hanneke commented that a committee could make a recommendation about which set of regulations to move forward to a public hearing.

Councilors discussed the need for a specific plan before moving forward with authorizing a public hearing.

President Griesemer asked that both set of recommendations be presented at the next Council meeting.

Councilor Brewer asked that the Town's proposal be sent to the Transportation Advisory Committee with report to the Council with recommendation.

Councilor Hanneke spoke in favor of scheduling the public hearing.

President Griesemer withdrew the motion.

MOTION: Councilor Pam moved, second by Councilor Schreiber, that the Town present its proposal and residents present their plan, and a report from the Transportation Advisory Committee at the next council meeting for Council discussion and to schedule a public hearing.

Councilors discussed the involvement of the Transportation Advisory Committee (TAC) in the process.

Councilor Brewer commented that TAC must work with the Town Council timeline.

VOTED 8-5 (Councilors Bahl-Milne, Brewer, DuMont, Griesmer, Pam, Ross, Schreiber, and Swartz voted Yes; Councilors De Angelis, Hanneke, Ryan, Schoen and Steinberg voted No) that the Town present its proposal and residents present their plan, and a report from the Transportation Advisory Committee at the next council meeting for Council discussion and to schedule a public hearing.

Agenda item 6.a. Board of License Commissioners Report

Chair of the Board of License Commissioner (BLC) Doug Slaughter spoke briefly about the work of the commission over the last year.

Councilor Hanneke spoke about the BLC regulations that have been adopted by the board but cannot be enforced without Council adoption.

Agenda item 7.a. Amendment to the Open Containers Bylaw

Councilor Ross introduced the bylaw amendment, spoke about events in Hadley, and suggested amendment of Amherst's open containers bylaw would provide the BLC the flexibility to issue permits for events and draft regulations regarding the sale of beverages in public spaces. The bylaw would not allow unregulated open containers bylaw on the common. The bylaw is modeled on Hadley and

Northampton's bylaw. The bylaw would help activate our public spaces and bring visitors to the downtown.

Councilor Pam spoke in favor of the bylaw amendment. Councilor Brewer spoke in opposition to the amendment, and stated that it lacks specificity about the types of events that would be permitted by the BLC.

Councilor Schoen asked how the BLC would determine how to issue permits.

D. Slaughter responded that the BLC would have authority to grant licenses, the BLC would create a set of regulations that would be in place prior to granting licenses.

Councilor Steinberg spoke in favor of the amendment, and noted that the BLC issues licenses for one-day events on a frequent basis.

Councilor Bahl-Milne spoke in favor of the amendment.

Councilor Hanneke pointed out the need for a Governance, Organization, and Legislation Committee review prior to a Council vote.

Agenda item 7.d. Town Manager Goals – Second Reading

President Griesemer explained the changes made to the Town Manager goals, which incorporate suggestions received by the Town Manager Goals Ad Hoc Committee.

MOTION: Councilor Schoen moved, second by Councilor Bahl-Milne, to adopt the document titled “TM Goals DRAFT as of 1-22-20 clean” as the FY20 Town Manager performance goals as amended.

Councilor Ross thanked the committee for their work and inclusion of Councilors' feedback in the revised document.

MOTION: Councilor Pam moved, second by Councilor Steinberg, to amend by adding to section 1.b.3 “...and the needs of the workers.” The motion was withdrawn.

MOTION: Councilor Ross moved, second by Councilor Hanneke to amend 6f. to add the words “and village centers.”

VOTED 10-1-2 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, and Schreiber voted Yes; Councilor Swartz voted No; Councilors Schoen and Steinberg Abstained) to amend 6f. to add the words “and village centers.”

VOTED unanimously to adopt the document titled “TM Goals DRAFT as of 1-22-20 clean” as the FY20 Town Manager performance goals as amended.

MOTION: Councilor Schoen moved, second by Councilor Hanneke, to dissolve the Town Manager Goals Ad Hoc Committee.

VOTED unanimously to dissolve the Town Manager Goals Ad Hoc Committee.

MOTION: Councilor Schoen moved, second by Councilor Hanneke, to dissolve the Town Council Goals Ad Hoc Committee.

VOTED unanimously to dissolve the Town Council Goals Ad Hoc Committee.

Agenda item 7.e. Reorganization of Standing Committees, Governance, Organization, and Legislation Committee – Action on Audit Committee Dissolution and Finance Committee Charge

MOVED: Councilor De Angelis moved, second by Councilor Hanneke, to dissolve the Audit Committee and assign all duties listed under the section “Charge” in the Audit Committee Charge adopted by the Council on March 18, 2019 to the Finance Committee.

VOTED unanimously to dissolve the Audit Committee and assign all duties listed under the section “Charge” in the Audit Committee Charge adopted by the Council on March 18, 2019 to the Finance Committee.

Agenda item 7.f. Proposed Committee Liaisons, Outreach, Communications, and Appointments Committee - First Discussion – Rule 8.4

Councilor Ross stated that the Outreach, Communications, and Appointments Committee began the process of appointing liaisons, the first step is to determine which Town committees have liaisons.

8. Appointments

a. Planning Board

Councilor Ross stated OCA spent months developing a process to make appointments to Council appointed committees, then went through the process and now has a recommendation for the Council to appoint a new member to the Planning Board. Ask that the Council limit its comments to the appointment and not the process, as the committee is still reviewing its process and is open to feedback from the Council. Councilor Ross spoke about Douglas Marshall’s qualifications.

MOVED: Councilor Ross moved, second by Councilor De Angelis, to appoint Douglas Marshall to the Planning Board, effective immediately, for a term expiring June 30, 2021 as recommended by the Outreach, Communications, and Appointments committee.

Councilor Hanneke spoke in favor of the recommendation, and that the process was an improvement.

Councilor DuMont commented that she abstained due to inadequate information, and was not able to ask follow up questions during the interviews.

VOTED 11-0-2 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors DuMont and Schoen Abstained) to appoint Douglas Marshall to the Planning Board, effective immediately, for a term expiring June 30, 2021 as recommended by the Outreach, Communications, and Appointments committee.

9. Committee Reports

- a. Audit Committee - no report.
- b. Bylaw Review Committee – no further report.
- c. Community Resources Committee – Councilor Hanneke reported that the committee recommended that the Council incorporate the priority recommendations into the Town Manager’s performance goals, which they did.
- d. Town Manager and Council Goals Ad Hoc Committee – no further report.
- e. Finance Committee – Councilor Steinberg reported that the Committee will have a more substantial report at the next Council meeting, the Committee will hopefully conclude discussion on the housing policy and percent for art bylaw recommendation. The committee will begin work on the Audit committee’s work and review of the budget and financial orders.

- f. Governance, Organization and Legislation Committee – Councilor Ryan reported that the committee will continue to look at reorganization of Council committees. Councilor feedback is welcome.
- g. Outreach, Communications, and Appointments Committee – Councilor Ross reported about the committee’s work on Zoning Board of Appeals appointments.
- h. Percent for Art Bylaw Ad Hoc Committee – Councilor Schoen reported that the committee is almost done with its review.

10. Approval of Minutes

- a. January 6, 2020 – Special Council Meeting - Swearing-in Ceremony
- b. January 6, 2020 – Regular Council Meeting

MOTION: Councilor Hanneke moved, second by Councilor Ryan to approve the minutes of the January 6, 2020 Special Council Meeting – Swearing-in Ceremony, and the January 6, 2020 Town Council Meeting, as presented.

Councilors discussed residents who wish to remain anonymous when making public comment.

VOTED 10-0-3 (Councilors De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg voted Yes; Councilors Bahl-Milne, Brewer, and Swartz Abstained) to approve the minutes of the January 6, 2020 Special Council Meeting – Swearing-in Ceremony, and January 6, 2020 Town Council Meeting, as presented.

11. Town Manager Report

Town Manager Paul Bockelman highlighted the upcoming Winterfest events, an upcoming Census press conference, a Wellness Award received by Town Staff at the MMA Conference, and gave a brief update on the East Street School.

12. Town Council Comments

- a. President report
 - (1) Appointment of Councilors to Standing Committees and other Committees
 - a. Present Committee Assignments and Process
 - b. Process for future Committee Assignments
- b. Future agenda items

Councilor Brewer spoke in opposition to dissolving the Outreach, Communications, and Appointments Committee at the next Council meeting.

Councilor Bahl-Milne spoke about civility and suggested a code of conduct.

- c. Councilor comments

13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting – None

14. Executive Session – None

15. Adjourn

MOTION: Councilor De Angelis moved, second by Councilor Schoen, to adjourn the January 27, 2020 meeting of the Town Council.

VOTED unanimously to adjourn the January 27, 2020 meeting of the Town Council.

The meeting adjourned at 11:25 p.m.

Respectfully submitted,



Athena O'Keeffe

Clerk of the Council

Record of Agenda Packet Materials and Documents Presented

- 0. Draft Motions for Town Council 1-27-20
- 0. Draft Motions for Town Council 1-27-20 revised 1-27-20
- 1. 01-27-2020 FINAL Town Council Agenda
- 5.a. H2810 Resolution GOL Clean
- 5.a. H2810 Resolution GOL DRAFT - redline as amended at meeting
- 5.b. 2020 Black History Month Proclamation - as amended at meeting
- 6.a. Amherst BLC BYOB Regulation
- 6.a. Amherst BLC Food Service Regulations
- 6.a. BLC Annual Report 2019 Final
- 6.a. BLC Regulations Memo to TC-2019-12-17
- 6.b. Proposed Downtown Investments - First Look
- 7.a. Amendment to Amherst Open Containers Bylaw
- 7.b. single use plastic bag bylaw D3 dd 01-23-2020
- 7.c. 6-15-2015 Select Board Minutes
- 7.c. 7-27-2015 Select Board Minutes
- 7.c. Brewer email on Lincoln Ave
- 7.c. Documents related to agenda item 7.c.
- 7.c. FW The TAC and Lincoln Ave a note for Monday Council meeting
- 7.c. Lincoln Ave Public Comment 12-16-19
- 7.c. Public Comment Lincoln Ave
- 7.d. Ad Hoc TM Goals Committee Report to Council 1.22.20 - Final
- 7.d. TM Goals DRAFT as of 1-22-20 clean
- 7.d. TM Goals DRAFT as of 1-22-20 with extensive notes
- 7.e. 2020-01-27 GOL Report to Town Council
- 8. OCA Report to Town Council 1-27-2020
- 9.c. Memo to TC re-DPWG Priority Recommendations Report- 2020-01-08
- 10.a. 01-06-2020 DRAFT Special Town Council Minutes
- 10.b. 01-06-2020 DRAFT Town Council Minutes
- 11. Town Manager Report 01-27-2020
- 12.a.1. Council Committee 12-2018 to 1-2020(2)
- 12.a.1. Memo regarding Town Council Appointment Process - 1-26-2020(2)