



**Town of Amherst
Town Council Meeting
Monday, February 24, 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-february-24-2020>

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, and Clerk of the Council Athena O’Keeffe.

President Griesemer announced audio and video recording by Amherst Media.

2. Announcements

President Griesemer made the following announcements:

A joint meeting of the Town Council and Finance Committee will be held tomorrow, February 25, at 2:30 p.m. to hear the annual audit report.

A Council public hearing on proposed changes to parking regulations on Lincoln Ave. is scheduled for March 9 at 6:30 p.m.

Eric Nakajima submitted a letter of resignation from the Amherst School Committee effective March 1. The Council will discuss the process to fill the vacancy this evening, the School Committee will discuss the process to fill the vacancy at their next meeting, and notice of the vacancy will be posted in accordance with the Charter.

Currently the Council is seeking candidates to fill vacancies on the Zoning Board of Appeals, to apply, residents can fill out a Community Activity Form at the Town Manager’s office or online.

The Council will vote to suspend rule 8.4 and all items listed in the consent agenda, unless a Councilor moves an item from the consent agenda. Removing an item from the consent agenda does not require a second.

The Council will briefly go into executive session and will reconvene in open session.

President Griesemer declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

MOTION: Councilor Hanneke moved, second by Councilor Ryan, to enter in executive session to consider the purchase, lease, or value of real property, as an open meeting may have a detrimental effect on the negotiating position of the public body. The Council will reconvene in open session.

VOTED unanimously by roll call to enter in executive session to consider the purchase, lease, or value of real property, as an open meeting may have a detrimental effect on the negotiating position of the public body. The Council will reconvene in open session.

The Town Council entered into executive session at 6:35 p.m.

The Town Council reconvened in open session at 6:41 p.m.

3. Hearings - none

4. General Public Comment - none

5. Proclamations and Commemorations

a. Resolution in Support of Right to Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility

Councilor Steinberg briefly spoke about the legal issues that the legislation is aimed to address and his experience with providing legal aid to those who face these issues. Local legislators have been supportive of the legislation.

Councilor Ryan reported that Governance, Organization, and Legislation Committee voted it clear, consistent, and actionable by a vote of 4-0 with one absent.

Steinberg spoke about the addition of the two whereas clauses, which incorporate statistics regarding Amherst residents.

MOTION: Councilor Hanneke moved, second by Councilor De Angelis, to adopt the Resolution in Support of Right to Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility, as presented in the document titled “Amherst Eviction Counsel and HOMES Act resolution [- AMENDED DRAFT]”.

VOTED unanimously to adopt the Resolution in Support of Right to Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility, as presented in the document titled “Amherst Eviction Counsel and HOMES Act resolution [- AMENDED DRAFT]”.

President Griesemer announced that the Tibet Day resolution will be on the agenda on March 9. Tibet Day is March 10. The Governance, Organization, and Legislation Committee will review the proclamation prior to the Council meeting.

6. Presentations and Discussion - none

7. Action Items

a. Consent Agenda

(1) Town Manager Appointments

a. Public Shade Tree Committee

b. Energy and Climate Action Committee

(2) Minutes

a. February 10, 2020 Public Forum

b. February 10, 2020 Regular Meeting

President Griesemer listed items in the Consent Agenda, and explained that the items were selected because they were considered to be routine and it was reasonable to expect they would pass with no controversy.

MOTION: Councilor Hanneke moved, second by Councilor De Angelis, to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 8.a.(1) Approval of the Town Manager Appointment to the Public Shade Tree Committee
- 8.a.(2) Approval of the Town Manager Appointment to the Energy and Climate Action Committee
- 10.a. Approval of February 10, 2020 Town Council public hearing minutes
- 10.b. Approval of February 10, 2020 Town Council meeting minutes

Councilor Ross reported that the Outreach, Communications, and Appointments Committee recommended approval of both Town Manager appointments.

VOTED unanimously to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 8.a.(1) Approval of the Town Manager Appointment to the Public Shade Tree Committee
- 8.a.(2) Approval of the Town Manager Appointment to the Energy and Climate Action Committee
- 10.a. Approval of February 10, 2020 Town Council public hearing minutes
- 10.b. Approval of February 10, 2020 Town Council meeting minutes

b. Open Containers Bylaw Amendment – First Discussion Rule 8.4, first reading under charter sec.

Councilor Ross spoke about the revised memo regarding the bylaw amendment, which includes comparisons to other communities' open containers bylaws.

Councilor Pam spoke in support of the bylaw amendment, and asked that if there should be a threat of observance and enforcement. Councilor Ross stated that the Board of License Commissioners will promulgate regulations. Councilor Brewer expressed concerns about the regulations, contested the statement that the bylaw will benefit local breweries and stated bylaw should be limited to downtown parks. Councilor Schoen commented that the bylaw is unclear that the permit is for an event rather than a person or activity. Councilors discussed the scope of the bylaw and the desire for oversight of regulations by the Board of License Commissioners. Councilor Steinberg spoke about his experience during his service on the Select Board, an incident regarding the unregulated consumption of alcohol in an Amherst public park, and spoke in favor of adopting the bylaw and trusting that the board of License Commissioners will promulgate appropriate regulations. Councilor Brewer spoke in opposition to the bylaw, and stated that she would vote in support if the bylaw were limited to downtown areas.

c. Szala Property Ch61A - Right of First Refusal

President Griesemer explained that the notice was received by the Council and discussed at the previous Council meeting; the Planning Board and Conservation Commission both recommended that the Council take no action. Town Manager Paul Bockelman reported that the Town is not seeking any action at this time.

d. Process for Filing Vacancies in Elected Bodies of the Town

President Griesemer referred to a memo in the Council packet with a proposed draft process of filling a vacancy on an elected body of the Town.

Councilors discussed potential dates for the joint meeting.

Councilor Brewer spoke in opposition to seeking or accepting resumes from candidates, Councilor Hanneke agreed.

e. Proposed Committees for Council Liaisons [Charter Sec. 2.9(d)]

Councilor Ross spoke about the original Outreach, Communications, and Appointments (OCA) Committee recommendation for Councilor liaisons to Town committees, and the discussion at the OCA meeting today. OCA voted 4-0-1 to rescind its recommendation of a liaison to Zoning Subcommittee of the Planning Board. The other feedback regarding LSSE, Disability Access Advisory Committee, and Council on Aging was discussed but the committee did not vote to change the recommendation regarding those committees.

Councilor Steinberg spoke in support of OCA's recommendation.

Councilor Ross added that OCA recommended that GOL review Town Council rule 10.8k to include an annual review of Council liaisons.

Councilor Hanneke spoke in opposition to the motion, as it is an added burden to Councilors, and suggested other ways of liaising with Town committees.

Councilor Schoen asked what would happen if the Council votes for a list of eight committees, and only four Councilors ask to serve as liaisons, if the other committees would not have liaisons.

Councilor Ryan spoke in favor of some contact between the Council and Town committees.

Councilor Brewer stated that it is fine if only four Councilors want to be liaisons, or if a Councilor wants to be liaison to multiple committees.

MOTION: Councilor Ross moved, second by Councilor Ryan, to designate the following Town committees for Town Council liaisons:

- Affordable Housing Trust
- Board of Health
- Board of License Commissioners
- Community Preservation Act Committee
- Council on Aging
- Disability Access Advisory Committee
- LSSE Commission
- Transportation Advisory Committee

VOTED 10-1-2 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilor Hanneke voted No; Councilor DuMont and Schoen abstained) to designate the following Town committees for Town Council liaisons:

- Affordable Housing Trust
- Board of Health
- Board of License Commissioners
- Community Preservation Act Committee
- Council on Aging
- Disability Access Advisory Committee
- LSSE Commission
- Transportation Advisory Committee

f. Reorganization of Standing Committees

Councilor Ross spoke about the Governance, Organization, and Legislation (GOL) proposal, the establishment of Town Services and Outreach (TSO) Committee, the redistribution of duties among Community Resources Committee (CRC), GOL, and the ultimate dissolution of Outreach, Communication, and Appointments (OCA) Committee.

Councilors discussed the proposed charges.

Councilors discussed adding, “if referred by the Council” to the GOL charge in regard to recommending appointments of liaisons, Joint Capital Planning Committee (JCPC), Budget Coordinating Group (BCG), and non-voting members of Finance Committee.

Councilors discussed the proposed GOL charge sections regarding recommending appointments for the Town Manager, interim Town Manager, Clerk of the Council, and other staff.

Councilors discussed the last bullet point in the proposed GOL charge, which allows the committee to do the work that has already been referred by the Council.

Councilor Swartz spoke in opposition to the creation of the TSO committee. Councilor Hanneke responded that the Council could propose legislation that would affect Town departments and services, and there should be a place for discussion. Councilor DuMont commented that the redistribution of OCA tasks on the other committees is too much of a burden, and spoke in opposition to dissolving OCA. Councilor Steinberg spoke in favor of creating the TSO committee, commented that it does make sense to divide CRC’s responsibilities, noted that Finance Committee deals with Town services as well, and stated that he would prefer that the Council not vote on the charges today.

Councilor Ross spoke about the rationale of assigning public ways to TSO, and not explicitly stating “parking.”

Councilors discussed the limitations of GOL review of bylaws, the TSO charge would allow the committee to review a bylaw at greater depth.

Councilors discussed edits to the GOL charge, to make recommendations to the Council regarding non-voting Finance Committee members a separate bullet, adding “if referred by the Council,” and to add “process for” regarding recommendations for appointments for Clerk of the Council, additional Council staff, Town Manager, and interim Town Manager. Councilor Ross spoke in favor of leaving the charges broad and the referrals to committees specific. Councilors discussed the change in regard to Council Rules of Procedure rule 10.6 regarding liaisons.

MOTION: Councilor Hanneke moved, second by Councilor Ross, to rescind the current Community Resources Committee and Governance, Organization, and Legislation Committee charges, effective immediately, adopt the proposed Town Services and Outreach committee charge, as amended at the 2-24-2020 Town Council meeting, and Community Resources Committee charge as amended at the 2-12-2020 Governance, Organization and Legislation Committee meeting, effective immediately except for the appointment responsibility for Planning Board and Zoning Board of Appeals in the Community Resources Committee charge, adopt the Governance, Organization and Legislation Committee charge as amended at the 2-24-2020 Town Council meeting effective immediately, and rescind all duties in the Outreach, Communications, and Appointments Committee Charge except for making recommendations regarding appointments to Planning Board and Zoning Board of Appeals. Appointment responsibility for Planning Board and Zoning Board of Appeals shall remain in Outreach, Communications and Appointments until July 1, 2020, at which time the appointments responsibility for those bodies shall shift

to Community Resources Committee, as provided in the charge and Outreach, Communications and Appointments shall be dissolved.

Councilor Ryan spoke in favor of moving forward with the changes.

MOTION: Councilor Brewer moved, second by Councilor Swartz, to remove from the Town Services and Outreach charge the second bullet “Advise the Town Council on matters related to the operation of Town government.”

VOTED 7-6 (Councilors Brewer, DuMont, Griesemer, Pam, Schoen, Steinberg, and Swartz voted Yes; Councilors Bahl-Milne, De Angelis, Hanneke, Ross, Ryan, and Schreiber voted No) to remove from the Town Services and Outreach charge the second bullet “Advise the Town Council on matters related to the operation of Town government.”

MOTION: Councilor Schoen moved, second by Councilor Brewer, to add “and parking” to the third bullet of the Town Services and Outreach charge, to read, “Review and make recommendations to the Town Council on measures related to public ways (including transportation and parking), public lands, and Town facilities.

VOTED 7-6 (Councilors Brewer, DuMont, Griesemer, Pam, Schoen, Steinberg, and Swartz voted Yes; Councilors Bahl-Milne, De Angelis, Hanneke, Ross, Ryan, and Schreiber voted No) to add “and parking” to the third bullet of the Town Services and Outreach charge, to read, “Review and make recommendations to the Town Council on measures related to public ways (including transportation and parking), public lands, and Town facilities.

MOTION: Councilor Steinberg moved, second by Councilor Pam, to add “in consultation with the Council members of the Finance Committee” to the GOL charge.

Councilor Steinberg spoke to the motion. Councilor Swartz spoke about the process of appointments of non-voting members to the Finance Committee. Councilor Hanneke spoke about non-voting members of Finance Committee potentially recommending themselves when applying for reappointment.

Councilors discussed the process that was used to appoint the non-voting members of Finance Committee in the past. Councilor Ross spoke about the processes that OCA has adopted to make recommendations to committees, which include reaching out to the Chair in order to collect feedback.

VOTED 6-7 (Councilors Bahl-Milne, Griesemer, Pam, Schoen, Schreiber, and Steinberg voted Yes; Councilors Brewer, De Angelis, DuMont, Hanneke, Ross, Ryan, and Swartz voted No) to add “in consultation with the Council members of the Finance Committee” to the GOL charge; the motion failed.

Councilor Bahl-Milne spoke in favor of the motion to reorganize the Council committees. Councilor Swartz spoke in opposition to the dissolution of OCA, and commented that OCA worked very hard to develop a process that is being disregarded by the Council. Councilor De Angelis spoke about concerns that the TSO committee will end up spending a lot of time listening to complaints.

VOTED 9-4-0 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, and Schreiber voted Yes; Councilors DuMont, Schoen, Steinberg, and Swartz voted No) to rescind the current Community Resources Committee and Governance, Organization, and Legislation Committee charges, effective immediately, adopt the proposed Town Services and Outreach committee charge, as amended at the 2-24-2020 Town Council meeting, and Community Resources Committee charge as amended at the 2-12-2020 Governance, Organization and Legislation Committee meeting, effective immediately except for the appointment responsibility for Planning Board and Zoning Board of Appeals in the Community Resources Committee charge, adopt the Governance, Organization and Legislation

Committee charge as amended at the 2-24-2020 Town Council meeting effective immediately, and rescind all duties in the Outreach, Communications, and Appointments Committee Charge except for making recommendations regarding appointments to Planning Board and Zoning Board of Appeals. Appointment responsibility for Planning Board and Zoning Board of Appeals shall remain in Outreach, Communications and Appointments until July 1, 2020, at which time the appointments responsibility for those bodies shall shift to Community Resources Committee, as provided in the charge and Outreach, Communications and Appointments shall be dissolved.

President Griesemer announced that she will poll for Councilors' interest in serving on Council committees and will bring appointments to the next Council meeting.

g. Council Statement on Project Eligibility - Proposed Studio Apartment Supportive Housing at 132 Northampton Road

Councilor Ryan proposed changes to the letter that make it clear that the Council is in strong support of the project.

MOTION: Councilor Steinberg moved, second by Councilor Ryan, to suspend rule 8.4 for the current item.

VOTED unanimously to suspend rule 8.4 for the current item.

MOTION: Councilor De Angelis moved, second by Councilor Bahl-Milne, to approve the project eligibility statement, as amended.

Councilor Hanneke commented that she will abstain from the vote, as the Council has told constituents that the Council will not have a further role in the project. Councilor Brewer stated that approval of the letter it is not the same thing as a Council action. Councilor Schoen commented that not supporting the application to the state would be like withdrawing Community Preservation Act funds.

VOTED 12-0-1 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Hanneke Abstained) to approve the project eligibility statement, as amended.

h. Proposed Wage Theft Bylaw

Councilor Schoen explained the purpose of the proposed bylaws. Councilor Hanneke spoke about the Responsible Employer Bylaw. Councilor De Angelis spoke about the Wage and Tip Theft Bylaw.

MOTION: Councilor Hanneke moved, second by Councilor De Angelis, to refer the Wage Theft Bylaw to the Town Services and Outreach Committee, with a report back to the Town Council on April 30.

VOTED 12-1 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz voted No) to refer the Wage Theft Bylaw to the Town Services and Outreach Committee, with a report back to the Town Council on April 30.

8. Appointments - Consent Agenda

9. Committee Reports

- a. Community Resources Committee** – Councilor Hanneke reported that the committee is working on a process to update the Zoning Bylaw.
- b. Finance Committee** – Councilor Steinberg reported that the committee will meet tomorrow and will hear the annual audit report by Melanson Heath.
- c. Governance, Organization and Legislation Committee** – no further report.

- d. **Outreach, Communications, and Appointments Committee** – Councilor Ross reported that the committee is working on changes to the Community Activity Form and will proceed with work on appointments to the Zoning Board of Appeals.
- e. **Percent for Art Bylaw Ad Hoc Committee** – Councilor Schoen reported that the proposed bylaw is with Governance, Organization, and Legislation (GOL) Committee, GOL is waiting on legal review.

10. Approval of Minutes – Consent Agenda

11. Town Manager Report

Town Manager Paul Bockelman reported that early voting began this morning at Town Hall, early voting will be held on campus at UMass in Bartlett Hall on Tuesday, Wednesday, and Thursday from 4-7:30 p.m. Efforts to ensure an accurate 2020 Census count are under way. Corona Virus update from Cooley Dickinson hospital; the seasonal flu is also an ongoing issue. Town staff are working on the capital and operating budgets, which will be sent to the Council by May 1.

12. Town Council Comments

- a. **President report** – President Griesemer stated that she will poll Councilors for interest in serving on Council committees and as liaisons, and will present proposed appointments at the next Council meeting.
- b. **Future agenda items**
- c. **Councilor comments**

13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting

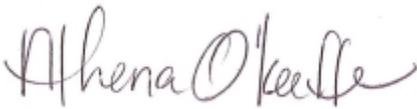
15. Adjourn

MOTION: Councilor Schreiber moved, second by Councilor Hanneke, to adjourn the February 24, 2020 meeting of the Town Council.

VOTED unanimously to adjourn the February 24, 2020 meeting of the Town Council.

The meeting adjourned at 10:19 p.m. on February 24, 2020.

Respectfully submitted,



Athena O'Keefe

Clerk of the Council

Record of Agenda Packet Materials and Documents Presented

- 00. 02-24-2020 Draft Motions for Town Council
- 00. 02-24-2020 Draft Motions for Town Council rev 2-24-20
- 02-24-2020 FINAL Town Council Agenda
- 5.a. Amherst Eviction Counsel and HOMES Act resolution
- 5.a. Amherst Eviction Counsel and HOMES Act resolution - AMENDED DRAFT
- 5.a. and 7.f. 2020-02-24 GOL Report to Town Council_FINAL
- 5.a. Right to Counsel-HOMES act resolution explanation Final

- 7.b. Amendment to Amherst Open Containers Bylaw
- 7.b. Bulletin Board Notice of Proposed Amendment to Open Containers Bylaw
- 7.c. Chapter 61A Notice re Szala Property 2A-7
- 7.c. Conservation Commission Notice of Intent to Convert to Other Use 61A Szala MEMO 2.19.2020
- 7.c. Planning Board Memo re Szala Property 61A release 02-12-2020
- 7.d. Memo re Vacancy and attached documents 2-23-2020
- 7.d. Nakajima Resignation Amherst School Committee
- 7.e. 2020-01-06 OCA Report to Town Council
- 7.f. CRC Draft Charge - 2-9-20
- 7.f. GOL Draft Charge -2-24-20
- 7.f. GOL Draft Charge -2-9-20
- 7.f. TSO Draft Charge -2-9-20
- 7.g. DRAFT Letter re 132 Northampton Road as of 2-23-2020
- 7.h. Attachement B - Tax Relief Agreement Bylaw-DRAFT-Rev.4-2020-02-11
- 7.h. Attachment A - Responsible Employer Bylaw-DRAFT-Rev. 5-2020-02-11
- 7.h. Attachment C - Wage and Tip Theft Bylaw DRAFT - Rev.4 2020-02-11
- 7.h. Wage Justice Bylaw Cover Memo 2.19.2020. to Council
- 8.a. 2020-02-24 OCA Report to Town Council
- 8.a.1. Public Shade Tree Committee Appointment - 02-06-2020
- 8.a.2. ECAC- Appointment - 02-06-2020
- 10.a. 02-10-2020 DRAFT Town Council Minutes - Public Forum
- 10.b. 02-10-2020 DRAFT Town Council Minutes - Regular Meeting
- 11. Town Manager Report 02-24-2020