



**Town of Amherst  
Town Council Meeting  
Monday, May 4, 2020  
6:30 p.m.  
Virtual Meeting  
Minutes**

Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-special-meeting-may-4-2020>

**1. Call to Order**

President Griesemer declared the virtual presence of a quorum, called the meeting to order at 6:35 p.m., and announced audio and video recording by Amherst Media.

Councilors Participating Remotely: Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz

Councilors Absent: None

Others participating remotely: Town Manager Paul Bockelman, Health Director Julie Federman, Planning Director Chris Brestrup and Clerk of the Council Athena O’Keeffe

Note: Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, the meeting was conducted via remote participation.

President Griesemer confirmed that all Councilors could hear and be heard by all participants.

**2. Announcements**

President Griesemer made the following announcements:

Upcoming Town Council Meetings:

- Special Meeting of the Town Council, School Committee, and Library Trustees – Updated Financial Indicators: May 11, 2020 5:30 p.m.
- Regular Town Council Meeting: May 18, 2020 6:30 p.m.

Upcoming Council Committee Meetings

- Community Resources Committee: May 5, 2020 at 2:00 p.m.
- Governance, Organization, and Legislation Committee: May 6, 2020 at 10:30 a.m.
- Finance Committee: May 12, 2020 at 2:30 p.m.
- Outreach, Communications, and Appointments Ad Hoc Committee: May 11, 2020 at 9:30 a.m.
- Town Services and Outreach Committee: May 18, 2020 at 9:30 a.m.

**3. Hearings - None**

**4. General Public Comment**

Amherst Resident Peter Treyz of 101 Cherry Lane spoke about an idea to support local restaurants by allowing restaurants to offer drive-up service.

**5. Proclamations and Commemorations - None**

**6. Presentations and Discussion**

**a. Town of Amherst COVID-19 Status Update**

**(1) Amherst Business Improvement District and Chamber of Commerce Update – Amherst Downtown BID Executive Director Gabrielle Gould and Amherst Chamber of Commerce Executive Director Claudia Pazmany**

Amherst Downtown Business Improvement District (BID) Executive Director Gabrielle Gould and Amherst Area Chamber of Commerce Director Claudia Pazmany spoke about the following:

- Restoring, rebuilding, restructuring, rebranding, redefining, and reopening Amherst’s local economy
- Economic indicators and industries before COVID-19
- Economic impact of COVID-19
- Unemployment claims in Massachusetts
- Chamber/BID response including sharing information, a list of open businesses, and a virtual tip jar for local business employees who have lost wages
- Requested immediate action including physical improvements: sidewalk repair and power wash, beautification, and place making signage; leverage funding sources: emergency CDBG funding, housing trust and CPA funds, AG small business relied partnership grant, FEMA and MEMA funds; produce reopening guidance and standard operating procedures in advance; leveraging outdoor and public spaces, adopt temporary parking policy that encourages visitation, consistent “open for business” messaging
- Facilitate economic recovery strategies: hire an economic development director, investing in public infrastructure, moving forward with destination Amherst plan that includes Kendrick park improvements, parking garage, performance shell, and north common improvements
- Removing barriers to economic development
- Planning and zoning strategies including: aligning zoning to Master Plan goals of creating density and mixed-use development, utilize overlay districts, grant funding
- Cooperation and collaboration between business community, cultural institutions, educational institutions, climate action advocates, housing advocates, social service agencies, government, banks and financial institutions, property and land owners, and individual residents/taxpayers
- Next steps include working with the Community Resources Committee, meeting with Town Manager and Council President, and working with State and local delegation on ways they can support the local economy

Councilor Steinberg commented about the focus on parking and asked about bus service and if the business community has prioritized any of the capital projects.

G. Gould responded that there is a feeling that there will be a migration away from cities and more densely populated areas after the pandemic, with a shift to remote work and more telecommuting. The school and library capital projects will be important to build quality of life and act as an incentive to draw people to move to Amherst. C. Pazmany added that transportation options were not addressed in the survey but could be added to future surveys.

Councilor De Angelis asked what the BID and Chamber doing to reach educational institutions.

G. Gould responded that they speak to the university and college on a regular basis.

Councilor Ross asked about the Attorney General's small business relief partnership handing off to funding to the BID, noted that minority owned businesses were disproportionately turned away from small business loans, and asked about regulating the public way to allow outdoor dining and businesses use of the public way.

Town Manager Paul Bockelman spoke about preliminary conversations regarding outdoor dining and that conversations regarding Attorney General funds have not been held yet.

President Griesemer noted that any request to use the public way on a long-term basis would come to the Council for approval.

G. Gould agreed that there is disproportionate decline of small business support for minority owned businesses.

Councilor Schoen commented that the budget will be tight unless residents are willing to increase taxes; in terms of priorities for capital projects, schools were identified as high and library as low priority in a resident survey; complete streets would be important for businesses to weigh in on narrow sidewalks or bike path, walkable, bike-able spaces.

G. Gould responded that the issue comes back to zoning reform; economic development will be imperative for the Town's success; the Town needs an economic development director.

Councilor Bahl-Milne commented that it is comforting that business want to open gradually; asked to see more specifics in terms of permitting outdoor dining and reopening; and asked if they have spoken with property owners about rent.

G. Gould responded that they will bring specifics regarding reopening to the Council; the BID and Chamber work with property owners in different ways, some will and some will not provide rent relief.

Councilor Pam commented that older residents need to pass safely and keep social distance on sidewalks, and that must be taken into consideration when planning expanding businesses onto sidewalks.

Councilor Schreiber, speaking about the need of vulnerable people to use the Library, commented about the need for shelter and Wi-Fi access.

Councilor Brewer commented that the decision to repair the Jones library may not be a savings, that it may not be smart to only repair the Jones, and expressed excitement that the Chamber and Bid are working with Mayor LaChapelle on the reopening process.

## **(2) Town Update – Town Manager Paul Bockelman**

Town Manager Paul Bockelman spoke about:

- Cases, hospitalizations, and deaths in the State, County and Amherst
- Protocol for testing staff
- Upcoming challenges regarding reopening businesses and educational institutions
- Upcoming events: call-in Tuesday May 5 at noon and Cuppa Joe with Paul on May 8 at 8am
- Virtual UMass commencement on Friday May 8
- Continued outreach, weekly meetings to address local business impact, financial implications, and strategies for handling challenges
- Governor Baker orders extending closure of nonessential businesses and gatherings of 10+ people, establishing reopening committee, and order requiring face coverings in public where social distancing is not possible
- Principles in reopening and recovery grounded in science, coordinated and regional, equitable, and prioritize health and welfare

Councilor Brewer asked for clarification on the Governor's order to wear face coverings.

Health Director Julie Federman clarified that masks should be worn inside and outdoors if social distancing is not possible.

Councilor Hanneke commented about the increased use of the rail trail, that few masks are worn on the trail, and asked for guidance on the Governor's policy when social distancing is not possible in outdoor areas.

J. Federman responded that the Town is working on guidance for specific areas where distancing is not possible.

P. Bockelman added that a jogger alone would not need a mask when streets are empty, but if there are people on the street passing one another, they need to wear a mask.

Councilor Bahl-Milne asked about testing capabilities and summer camps.

J. Federman responded that we have not seen a large testing increase, and that the Town expects guidance regarding summer camps around May 18.

P. Bockelman added that reopening and availability needs to have regional component.

Councilor Pam commented that people should be wearing masks all the time, and spoke in favor of camps moving to an online platform.

Councilor Schreiber noted that it is the beginning of free couch season, and asked about plans for dealing with items left at curbs.

J. Federman responded that that is a good reminder to coordinate with schools.

The Council took a five-minute break and reconvened at 8:05 p.m. President Griesemer confirmed all Councilors could hear and be heard.

## **7. Action Items**

### **a. Consent Agenda**

The following items were selected because they were considered to be routine and it was reasonable to expect they would pass with no controversy.

To remove an item from the consent agenda for discussion later in the meeting, ask that it be removed when the President lists the consent agenda items. The request to remove an item from the consent agenda does not require a second.

Councilor De Angelis removed Item 7.b. Intermunicipal Agreements from the Consent Agenda.

Councilor Brewer removed Item 7.c Referral of Reservation of Public Ways – Parking and Street Closure: Long Term Request – Amherst Farmer's Market from the Consent Agenda.

Councilor Schoen removed Item 7.d. Referral of Permanent Use of Public Ways – 133 & 143 South East Street from the Consent Agenda.

President Griesemer removed Waiver of Town Council Rule 8.6 for agenda item 8.a. Town Manager Appointment of Town Councilor to Energy and Climate Action Committee from the Consent Agenda.

**MOTION:** President Griesemer moved, second by Councilor Schoen, to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 7.e. Referral of Surveillance Technology Bylaw - Town Services and Outreach Committee and Automatic Referral to Governance, Organization, and Legislation Committee
- 8.a. Approval of Town Manager Appointment of Town Councilor to Energy and Climate Action Committee
- 10.a. Approval of Minutes: April 27, 2020 Regular Town Council Meeting minutes

**VOTED** Unanimously by roll call to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 7.e. Referral of Surveillance Technology Bylaw - Town Services and Outreach Committee and Automatic Referral to Governance, Organization, and Legislation Committee
- 8.a. Approval of Town Manager Appointment of Town Councilor to Energy and Climate Action Committee
- 10.a. Approval of Minutes: April 27, 2020 Regular Town Council Meeting minutes

**b. Intermunicipal Agreements**

**(1) Council Discussion**

**(2) Motion and Vote**

Councilor De Angelis asked about missing information regarding fees in the Hadley water agreement.

P. Bockelman responded that they have not set fees yet, the details of the agreement will be worked out.

**MOTION:** President Griesemer moved, second by Councilor Hanneke, to authorize the Town Manager to enter into certain Intermunicipal agreements under MGL Chapter 40 Section 4A, as outlined in the Town Manager memorandum to Town Council dated 4-24-2020, for the following purposes:

- South Deerfield Water Supply District, Water Agreement through December 31, 2022
- Town of Hadley, Water Agreement through December 31, 2022
- Town of Hadley, Wastewater Agreement through December 31, 2022

Councilor Steinberg asked about the incomplete agreement prior to the final vote.

P. Bockelman responded that the Council authorizes the agreement, and the executive negotiates the agreement.

Councilor Brewer spoke in opposition to approval of an agreement that has question marks.

Councilor Hanneke spoke in favor of the motion, and commented that the Council authorizes the Town Manager to enter into agreements, and the Town Manager negotiates the details of the agreement.

**VOTED** 12-1 by roll call (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilor Brewer voted No) to authorize the Town Manager to enter into certain Intermunicipal agreements under MGL Chapter 40 Section 4A, as outlined in the Town Manager memorandum to Town Council dated 4-24-2020, for the following purposes:

- South Deerfield Water Supply District, Water Agreement through December 31, 2022
- Town of Hadley, Water Agreement through December 31, 2022
- Town of Hadley, Wastewater Agreement through December 31, 2022

**c. Reservation of Public Ways – Parking and Street Closure: Long-Term Request – Consent Agenda**

**(1) Amherst Farmers' Market**

Present Griesemer explained the provisions in the proposal, and that the goal is to collect questions for the Town Services and Outreach (TSO) Committee to address. If TSO can complete its review by May 18, the request will be on the Council agenda on May 18.

P. Bockelman stated that farmer's markets are considered essential by the state. The Town assisted the market by creating a plan and coming up with standards that would allow them to open at their current location. The market is not a social gathering but a way to purchase food in an outdoor space. The Memo from the Town Manager was based on conversations with the Farmer's Market, and outlined the plan and social distancing and safety provisions.

Amherst Farmer's Market Manager David Machowski spoke about the market, and how the market will implement guidelines to provide distancing and spacing similar to grocery stores. The market provides a supplement to EBT and SNAP, HIP and WIC users. The Amherst market is an agricultural market rather than a crafts market.

Amherst Head of Market John Spinetti spoke about grant to supplement SNAP users. Almost all foods sold at the market are organic.

D. Machowski added that COVID-19 opens an opportunity for a virtual market online, and use of the market tent as a pick-up point. This would allow for a presence but discourage congregation of people in the center of Town.

Councilor Steinberg spoke in favor of the referral motion, and raised asked that the following issues be addressed by TSO: using a Town resource not favoring local taxpaying farmers to the point where local growers and producers were excluded in favor of outside vendors; the proposal suggests masks for customers and not for vendors.

President Griesemer noted that the proposal was submitted before the state required masks, and that that requirement would be updated in the final plan.

Councilor DuMont asked how protocols would be monitored and how the market will make sure of distancing at popular vendors.

Councilor Brewer commented about the timeline of Council approval, asked that masks be required for customers and vendors, consideration of restrooms for vendors, clarification on crafters participating in the market, space needed for a pick-up area, marking 6-foot distances for lines, no touching produce, and that guidelines be clear.

Councilor Swartz thanked Councilor Steinberg for advocating for Amherst farmers, and asked about clear answers about fencing, staffing, handwashing, hand sanitizers, and who will pay for these. Councilor Swartz commented that the use of a premium space in the center of Town is highly desirable, hope for a discussion about how to support Amherst farmers.

Councilor Hanneke asked that the plan include clear requirements for vendors and customers; if additional set up time will be needed; if fencing, hand wash stations and bathrooms would be removed each week; that gloves be worn by everyone handling product; and a mask requirement. Councilor Hanneke noted that the cost of reserving parking spaces is not paid by the market, including a police presence if needed, and that additional guidelines are needed if the plan includes curbside pick-up.

Councilor Pam asked about costs, noting that the Greenfield market is run by volunteers, and asked if volunteers are an option to help with traffic flow. Councilor Pam suggested vendors face outside so

pathways are not so narrow and allow for additional distancing, asked about baked goods and extra funds for SNAP users.

Councilor DuMont asked about the timing of the TSO meeting, Council meeting, and market opening.

President Griesemer spoke in praise of the Farmer's Market, and suggested starting with a smaller number of vendors to work through any issues, adding a suggestion to use the common for the market.

Councilor Swartz commented that having a place at the market is a privileged position for farmers and that the Farmer's Market is not a non-profit, the Town needs to talk about how to handle the market in more detail.

J. Spinetti stated that the market can be ready to open as early as May 23, the rules are written so any farmer in Town is first accepted to the market, and that the market has never turned away an Amherst vendor or producer.

D. Machowski added that they would like to open by Memorial Day, and spoke about benefit of drawing traffic to the Town center.

**MOTION:** President Griesemer moved, second by Councilor Hanneke, to refer the Amherst Farmer's Market long term reservation of public ways request dated 03-09-20 and Town Manager's Memo dated 04-30-20 to the Town Services and Outreach Committee, for a report and recommendation to the Council by Monday, May18, 2020.

Councilor Brewer commented that if TSO does not meet until the 18, that does not allow for enough time for changes before the Council meeting and vote later that day.

Councilor Pam spoke in favor of the market opening on Memorial Day weekend.

Councilor Swartz left the meeting at 9:01 p.m.

**VOTED** 11-1 by roll call (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Brewer voted No; Councilor Swartz was absent) to refer the Amherst Farmer's Market long term reservation of public ways request dated 03-09-20 and Town Manager's Memo dated 04-30-20 to the Town Services and Outreach Committee, for a report and recommendation to the Council by Monday, May18, 2020.

**d. Permanent Use of Public Ways**  
**(1) 133 & 143 South East Street**

Planning Director Chris Brestrup spoke about the application and property.

Councilor Schoen asked about the maintenance cost of decorative brick, benches, and trashcans, and about parking spaces.

C. Brestrup responded that the owner would maintain the brick, benches and trashcans. Setback of 3 feet required a special permit and was granted; Florence Bank raised concerns about parking spaces.

P. Bockelman stated the Council should address public way, the request is not related to parking.

Councilor Pam commented about the slope of the grassy area, and the setback.

Councilor Ross stated that it is not for the Council to render judgement on project or building itself, only the public way request, asked that the referral be specific, and commented that he is not sure if a referral is appropriate at this time as all information is provided now.

Councilor Hanneke echoed Councilor Ross' comments, the Council should limit review to use of public way, there would be no cost to the Town other than streetlights, the Design Review Board (DRB) voted unanimously on the plan but it was not included as the DRB could not mandate public way recommendations.

Councilor Schoen clarified her earlier questions, asking that the developer be required to agree to maintenance in writing.

Councilor Pam asked about the purpose of a TSO referral.

Councilor Schreiber commented that any part of the project is subject to scrutiny, and expressed concern about the lack of information from the Master Plan for this site. Originally, the site was part of the east common, with a wider right of way than elsewhere.

Councilors discussed the need for a referral, consideration of the DRB vote, and timing.

**MOTION:** President Griesemer moved, second by Councilor Ryan, to refer the 133& 143 South East Street permanent use of public ways request dated 03-05-20 and Town Manager's Memo dated 04-30-20 to the Town Services and Outreach Committee, for a report and recommendation to the Council in 90 days.

**MOTION:** Councilor Ross moved, second by Councilor Steinberg, to amend the motion to 30 days.

Councilor Brewer spoke in support of the amendment.

Councilor Hanneke spoke in support of the amendment.

Councilor DuMont commented that it will be extremely difficult to complete a review in 30 days.

**VOTED 11-1** by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor DuMont voted No; Councilor Swartz was absent) to amend the motion to 30 days.

**VOTED 12-0** by roll call (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent) to refer the 133& 143 South East Street permanent use of public ways request dated 03-05-20 and Town Manager's Memo dated 04-30-20 to the Town Services and Outreach Committee, for a report and recommendation to the Council in 30 days.

#### **e. Surveillance Technology Bylaw**

**VOTED** unanimously via consent agenda to refer the Surveillance Technology Bylaw draft dated 04-16-20 to the Town Services and Outreach Committee, for a report and recommendation to the Council in 90 days, and automatic referral to the Governance, Organization, and Legislation Committee.

#### **f. Community Activity Forms – First Discussion Rule 8.4**

Councilor Ross reported that Outreach, Communications, and Appointments (OCA) committee voted to recommend the Council amend the current Community Activity Form (CAF) for Town Council-appointed bodies to reflect the amendments shown in the document "Community Activity Form Proposed Revision 4-27," and noted that it needs read again at a future meeting.

Councilor Hanneke asked if OCA would consider a second motion to adopt a 3-year retention in place of the current 2-year retention of CAFs, noting that now that appointments are spread among three committees the Council could standardize how long CAFs are valid.



Councilor Ross noted that line edits of the CAF include replacing 2 years with 3 years, agreed that it would be a Council decision and could be a separate motion.

Councilor DuMont asked for a first discussion of the agenda item at the next Council meeting.

Councilor Brewer asked if Councilors have questions about the OCA report, and stated that an email sent by Councilor DuMont to the Council is an Open Meeting Law violation and should not be discussed.

Councilor DuMont spoke in opposition to the proposed changes to the CAF, and spoke about concerns regarding Councilors not receiving all applicant CAFs, and concerns regarding bias.

Councilor Pam spoke in favor of all Councilors receiving statements of interest.

Councilor Ross outlined and clarified current process.

Councilor Hanneke spoke about the ability to distribute previous CAFs to new Councilors. CAF amendment is not the OCA process.

President Griesemer this will be on the May 18 agenda.

## **8. Appointments**

### **a. Town Manager Appointments**

#### **(1) Energy and Climate Action Committee – *Charter Sec. 2.11(b)***

**VOTED** unanimously via consent agenda to approve the Town Manager’s appointment under Charter Section 2.11(b) of Councilor Sarah Swartz to the Energy and Climate Action Committee, effective immediately for a term to expire January 3, 2022.

### **b. Town Council Appointments - *None***

## **9. Committee Reports**

### **a. Community Resources Committee – No further report**

### **b. Finance Committee - No further report**

### **c. Governance, Organization and Legislation Committee - No further report**

### **d. Joint Capital Planning Committee - No further report**

### **e. Outreach, Communications, and Appointments Ad Hoc Committee – Councilor Ross reported that the committee will meet next week to continue work on selection guidance for Planning Board appointments.**

### **f. Town Services and Outreach Committee – Councilor DuMont reported that the committee will hear a second presentation on wage theft bylaws and take up the Farmer’s Market referral at the next meeting.**

## **10. Approval of Minutes**

### **a. April 27, 2020 Regular Council Meeting minutes**

**VOTED** unanimously via consent agenda to approve the minutes of the April 27, 2020 regular Town Council Meeting, as presented.

### **11. Town Manager Report – No further report**

## **12. Town Council Comments**

### **a. President report – President Griesemer noted that district meetings will be scheduled soon.**

### **b. Future agenda items**

### **c. Councilor comments – Councilor DuMont commented that a District 5 meeting is scheduled for May 28 at 6 pm. Councilor De Angelis wished a happy birthday to Councilor Steinberg.**

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

**14. Executive Session –** *None*

**15. Adjourn**

President Griesemer declared the meeting adjourned at 10:11 p.m.

Respectfully submitted,



Athena O'Keeffe

Clerk of the Council

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

- 00. 05-04-2020 Draft Motions for Town Council
- 05-04-2020 FINAL Town Council Agenda
- 10.a. 04-27-2020 DRAFT Town Council Minutes
- 11. Town Manager Report 05-04-2020
- 7.b. Town Manager Memo on Intermunicipal Agreements - 04-24-2020
- 7.c. Farmers Market Memo with Attachments - 04-30-2020 FINAL
- 7.d. SE Commons - CD Set 2020.03.05
- 7.d. SE Commons - Town Council Submission
- 7.d. South East Commons - Proposed Site Plan
- 7.d. South East Commons Project
- 7.d. South East Street Request to Town Council - 04-30-2020
- 7.d. SPP2019-04 133-143 So East St SIGNED DECISION
- 7.d. SPR 2019-07 133-143 So East St SIGNED DECISION
- 7.e. Surveillance Technology Bylaw - DRAFT - PD MJH Proposed 2020-04-28
- 7.e. Surveillance Technology Bylaw Supporting Memo - 2020-04-16
- 7.f. 2020-05-04 OCA Report to Town Council
- 8.a. ECAC- Appointment - 04-29-2020
- 8.a. Report 2020-05-04 TSO
- COVID-19 Town Council Presentation 05-04-2020 FINAL
- Creating A Resilient Amherst - Presentation to the Council 5-4
- Economic Impact Survey Summary[1]