



Town Services and Outreach Committee

Tuesday, April 21, 2020, 4:30 p.m., Regular Meeting and Meeting of the Whole Town Council

Virtual Meeting

Minutes

Committee Members Participating Remotely: Alisa Brewer, Darcy DuMont, Dorothy Pam, Evan Ross, George Ryan

Committee Members Absent:

Others Participating Remotely: Minute-taker Donna Roy, Town Manager Paul Bockelman, Lynn Griesemer, Mandi Jo Hanneke, Athena O’Keeffe, Margaret Sawyer, Rose Bookbinder, Cathy Schoen, Pat De Angelis, Lisa Clauson

1. Call to order

- a. Lynn called the Counsel Meeting to order at 4:30 p.m.
- b. Darcy called the Town Services and Outreach Committee to order at 4:30 p.m.

2. Public Comment - None

3. Action Items

a. Consideration of Town Manager Appointments

1. Finance Director

The Town Manager presented regarding his recommendation to appoint Sean Mangano as Finance Director. Sean worked for Amherst Regional Public Schools for 10 years, working as Finance Director when he left in the fall for a position in the private sector.

Bockelman stated that this is an important position for the Town and it is felt Sean is the best fit for the Town. Collector and Treasurer feel he is a good match in this transition time.

Motion: To recommend that the Town Council approve/reject the Town Manager’s recommendation to appoint Sean Mangano as Finance Director. The roll call vote was unanimous, 5-0-0.

Motion: To recommend that the Town Council confirm the following Town Manager's recommendations for appointment to the Board of License Commissioners:
For a two year term to expire on June 30, 2022, Dillon Maxfield.
For a three year term to expire on June 30, 2023, Hallie Hughes (reappointment).
The roll call vote was unanimous, 5-0-0.

Motion: To recommend that the Town Council approve the following Town Manager's recommendation for appointment to the Conservation Commission:
For a two year term to expire on June 30, 2022, LeRoy Gaynor. The roll call vote was unanimous, 5-0-0.

Deliberation

Deliberation around these appointments was brief. The Town Manager was present and responded to questions. With regard to the Finance Director appointment, Ryan asked whether the Town Manager had taken economic development qualifications into consideration. The Town Manager replied regarding Sean Mangano's many other positive finance related qualifications and that we are still searching for an economic development director.

Discussion

Darcy asked since we are going to appoint a third of the members by June 30, how do you see the flow? Bockelman responded that Angela Mills is going through the members who are expiring to make a list, and zoom will make it easier, not to exclude anyone. Reappointments will be done one committee at a time. Darcy asked how many appointments. Bockelman responded there are 50 committees.

~~Paul Bockelman, Town Manager, appointed Sean Mangano for Finance Director. Sean worked for Amherst Regional Public Schools for 10 years, working as Finance Director when he left in the fall for a position in the private sector. This is an important position for the Town and it is felt Sean is the best fit for the Town. Collector and Treasurer feel he is a good match in this transition time. He will take on the public role.~~

~~Dorothy asked if Sonia wanted to continue as Interim Finance Director. George asked if Economic Development will be part of the Finance Director position, Sean does not seem to have the capacity for Economic Development. Paul responded the Economic Development Director will answer directly to the Town Manager and the Information Technology Director will answer to the Finance Director.~~

~~2) Board of License Commissioners~~ Paul Bockelman, Town Manager, reappointed Hallie Hughes, 30 Orchard St., for a three-year term, expires June 30, 2023.

~~Paul Bockelman, appointed Dillion Maxfield, 308 North Pleasant St., for a two-year term, expires June 30, 2022.~~

~~Darcy moved to appoint the Board of License Commissioners.~~

~~Evan stated the Charter mandates the Counsel must confirm. Expressed concern that there needs to be additional scrutiny because this is the only commission that requires counsel confirmation.~~

~~Alisa did not look at it that way.~~

~~3) Conservation Commission~~ Paul Bockelman, appointed LeRoy Gaynor, a trained arborist, perfect opportunity for someone without experience on a commission.

~~Evan asked why for the License Commission both new and reappointments were done at the same time, but other commissions just new appointments.~~

~~Darcy asked since we are going to appoint a third of the members by June 30, how do you see the flow?~~

~~Paul responded, Angela is going through the members who are expiring to make a list, and zoom will make it easier, not to exclude anyone. Reappointments will be done one committee at a time.~~

~~Darcy asked how many appointments.~~

~~Paul responded there are 50 committees~~

~~Alisa confirmed with Paul that unlike OCA the process has not changed for appointments.~~

~~Darcy opened the floor for discussion about the Finance Director appointment.~~

~~Darcy moved to approve the appointment of Sean Mangano as Finance Director.~~

~~Dorothy seconds the motion to approve the appointment of Sean Mangano as Finance Director.~~

~~There is no discussion.~~

~~Roll Call unanimously~~

~~Darcy moved to approve the appointments for the Board of License Commission, 2 years for Dillion Maxfield, expiring June 30, 2022 and 3 years for Hallie Hughes, expiring June 30, 2023.~~

~~Evan seconds the motion to confirm, instead of approve, per the Charter, the appointments for the Board of License Commission, 2 years for Dillion Maxfield, expiring June 30, 2022 and 3 years for Hallie Hughes, 30 Orchard St., expiring June 30, 2023.~~

~~Roll Call – unanimously~~

~~Darcy moved to confirm the appointment of the Conservation Commission, 2-year term for LeRoy Gaynor, expiring June 30, 2022.~~

~~George second the motion to confirm the appointment of the Conservation Commission, 2-year term for LeRoy Gaynor, expiring June 30, 2022.~~

~~Roll Call – unanimously~~

4. Presentation and Discussion Items

a. Wage theft bylaw presentation and discussion

TSO heard an initial presentation regarding the Wage Theft Bylaws proposal from the Pioneer Valley Workers Center and Councilor Pat DeAngelis, followed by discussion and questions from the Councilors. All three Councilor sponsors, Pat DeAngelis, Mandi Jo Hanneke and Cathy Schoen, were present and answered questions. The discussion will continue at the 5-4-2020 meeting. A report on questions and answers will be forthcoming at the close of discussion.

Darcy explained that TSO was taking this up based on its connection to COVID 19 and protection of low wage workers, based on a request by Mandi Jo Hanneke, one of the Councilor Co-Sponsors.

~~Requested by Mandi Jo Hanneke to protect low wage earners. It was a 15-minute presentation. Presented by 3 advocates – Lisa Clauson, Rose Bookbinder and Pat De Angelis~~

Rose Bookbinder presentation:

Workers paid less than minimum wage

Workers paid under the table, still required to make minimum wage

Workers not paid time and half over 40 hours

Large amounts of illegal deductions

Workers not eligible for Workers Compensation

Wage theft bylaws have been passed in Easthampton, Northampton and Springfield

Partnered with businesses; combat competitive disadvantage, enforcement that ensure businesses are following the bylaws

Northampton requires a wage bond for businesses that have had previous violations

Private Right of Action- Attorney General, allows you to get a private lawyer to settle a violation of the bylaw. Allows for mediation instead of going to court

Construction Contracts with public entities, requires subcontractors to follow the bylaws and standards.

Pat DeAngelis explained the three bylaws; see attachment

1. Agreements for Tax Relief
2. Responsible Employer
3. Wage and Tip Theft

Discussion

Dorothy to Rose- When a license is applied for, and the business had previous violations, does the business have to take out a wage bond or decide not to operate in Town.

Rose responded that the violators have purchased wage bonds in other locations.

Darcy asked who are the other towns that are similar to us.

Lisa responded Northampton, Lynn and Boston tackled all three bylaws.

George inquired about who is responsible for the enforcement of the bylaws.

Pat responded that there is a Wage Theft Advisory Committee with 7 representatives including the Town Manager, Human Rights designee, Chamber designee

Mandi Jo responded that enforcement is in the contract and it would be a breach of contract

Evan inquired about the sensitive nature of these issues, given the fact that this is a public body.

Margaret Sawyer added to the enforcement questions, that on the construction side these steps are preventative and used as a deterrent.

Alisa found the information valuable and felt it would be helpful to have a detailed chart of the current bylaws and the changes being requested. She also stated that Human Rights violations

cannot be discussed at a public meeting in Amherst. TIF was not written for this purpose and we need to prioritize bylaws that will help employees right now.

Mandi Jo stated that this would be a motion to rescind the two current bylaws and replace with the three new ones.

The bylaws will be brought up at the next meeting with the flow chart requested by Alisa.

b. Criteria for prioritization of referred agenda items

Darcy presented the list of agenda items referred by CRC and

~~Darcy submitted a document recommended by CRC to be used as a review process. for to review as a process. The first two items may be useful. Darcy asked for input.~~

After looking at the list of upcoming agenda items and Sections A and B of the CRC review process document, Darcy asked members to think about what agenda topic they might want to take responsibility for introducing to the committee.

Darcy will take responsibility for Town Manager appointments since she will be meeting regularly with the Town Manager.

George concerned that the process has never been tried, but can be used as a road map/guide, George is interested in working on Spring St and Lincoln St.

Dorothy would also like to work on Lincoln Ave and overall parking issue, would like to work with someone on the downtown parking.

Alisa stated she has concerns about the process.

Evan stated that he was confused and wanted to discuss prioritizing.

George's suggested this prioritization order:

Wage Staff, Lincoln Ave, Archipelago, MGL Chapter 90 17C, Downtown parking

~~Darcy was contacted by Dave Z. Spring St maybe moved up on priority list~~

Alisa has concerns about the CRC process and would like notification when documents are uploaded, need information ahead of time to optimize the time.

Evan agreed with Alisa, CRC process needs to be discussed, was unaware of the presentation today and it happened before we had a process in place

Darcy responded to Evan and Alisa, stating that we are moving forward on wage theft issue because of need to protect low wage workers during Covid 19 crisis, and had extra time on the agenda, in the future will have a chance to discuss in advance.

George would like to have a discussion about the procedure.

Dorothy would like to take a step back and look at what and how we are going to do.

c. TSO Process for review and recommendation of proposed measures

5. Calendar of zoom and regular meetings

The calendar was discussed. The next meeting is May 4 at 9:30 am

6. Next Meeting Agenda Preview

Upcoming agenda items:

- Wage Theft Bylaw continuation
- Lincoln Avenue parking
- Archipelago request for accessible parking space on Spring Street
- Downtown parking working group study
- Speed limit reduction

~~Farmer's Market coming up with a proposal, max capacity, if it doesn't come forward they may need a special meeting~~

7. Adjourn

Darcy adjourned the TSO meeting at 6:48 pm

Lynn adjourned the meeting of the whole Town Council at 6:48 pm

Record of Agenda Packet Materials and Documents Presented

04-06-2020 DRAFT TSO Minutes D3

2020-03-13 Memo to TSO re Transfers

5.b Town Services Analysis of Items as of 4-2-2020

5.b.5 Attachment B - Tax Relief Agreement Bylaw-DRAFT-Rev.4-2020-02-11

5.b.5 Attachment A - Responsible Employer Bylaw-DRAFT-Rev. 5-2020-02-11

5.b.5 Attachment C - Wage and Tip Theft Bylaw DRAFT - Rev.4 2020-02-11

5.b.5 Wage Justice Bylaw Cover Memo 2.19.2020. to Council

Agenda 04-21-2020 TSO regular meeting

Amherst Wage Theft Bylaws Summary

Community Impact summary powerpoint slide

Gaming-the-System-How-Employers-Short-Change-Workers-and-Get-Away-With-It

License Commissioners- Appointment - 04-16-2020

Megs remarks to Council April 1

Process for Advising Council - Community Impact Review - Adopted 2020-02-12

Proposal To The Amherst Town Council

Town Services and Outreach Committee Membership:

Alisa Brewer, Town Councilor At-Large

Darcy DuMont, Chair, Town Councilor District 5

Dorothy Pam, Town Councilor District 3

Evan Ross, Vice Chair, Town Councilor District 4

George Ryan, Town Councilor District 3