



**Town Council Standing Committee  
Town Services and Outreach (TSO) Committee  
Monday, May 4, 2020, 9:30 AM**

**Meeting took place via Zoom:** <https://amherstma.zoom.us/j/97973835605>

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A §18, this meeting of the Town Services and Outreach Committee is being conducted via remote participation.*

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

By consensus, a quorum was declared and M. Hanneke, Vice President of the Town Council called the joint meeting of Amherst Town Council to order at 9:30 a.m.

Chair of TSO, Darcy DuMont called TSO meeting to order at 9:34 a.m.

Committee Members Present: A. Brewer, D. DuMont, D. Pam, E. Ross, and G. Ryan

Committee Members Absent: None

Other Town Council Members Present: P. DeAngelis, M. Hanneke, C. Schoen, and S. Swartz (joined meeting at 9:38 a.m. and left meeting early – 10:59 a.m. - due to technical difficulties)

Staff present: Athena O'Keeffe (Clerk of the Council), Angela Mills (Minute Taker)

Others: Meg Gage, Rick Last, Max Page, Lisa Clauson, Rose Bookbinder, Margaret Sawyer, Jasmine Kerrissey

**2. General Public Comment**

DuMont explained the procedure to the public for comment during this zoom meeting.

**Rick Last (Resident of Amherst)** – Twenty-five year resident and former teacher at the Amherst Public Schools. Spoke to the wage theft bylaw issues. Last asked that the Amherst Town Council put structures in place to protect low waged workers. Last asked that the Town Government hold businesses accountable and insist on wage fairness.

**Max Page (Resident of Amherst)** – UMass professor and Vice President of MA Teachers Association. Spoke to the wage theft bylaw proposal. Bylaw proposed matches Town values. Surrounding Towns and Boston have all adopted a wage justice bylaws. Suggested that the bylaw would be good for business. Covid 19 crisis highlighted the importance of hourly wage workers and this bylaw honored these hard working people. Realign the Town Bylaws with the values that we hold. Asked the Council to pass wage bylaw.

**Jasmine Kerrissey (Resident of Amherst)** – Professor in Labor Dept at UMass. Reported on research during COVID 19 crisis of low wageworkers. The data was the result of a survey with 1600 respondents. Highlighted the dire needs of low wageworkers (below \$20/hr). Advocated for the Councilors to support the wage justice bylaws.

DuMont asked the people who commented during public comment to submit their written comments to the Clerk for inclusion in the packet of minutes.

### **3. Action Items**

#### **a. Consideration of Town Manager Appointments**

Town Manager recommendation to appoint Sarah Swartz to Energy and Climate Action Committee (ECAC). DuMont read the charge for ECAC. Vacancy was due to resignation of Ross from ECAC.

**DuMont recommended that Swartz be appointed for a term expiring January 3, 2022. Seconded by Ross.**

Further Discussion

Ross recounted that Nikki Robb was replaced recently on ECAC. Ross recommended that Swartz be included on ECAC due to her experiences as a farmer in the Town of Amherst. Ross expressed support for Swartz.

DuMont supported Swartz nomination to ECAC. DuMont also serves on ECAC.

**Roll Call vote: Brewer – yes, DuMont – yes, Pam – yes, Ross – yes, Ryan – yes. Unanimous vote (5-0). Swartz voted as member of ECAC for a term set to expire on January 3, 2022.**

### **4. Presentation and Discussion Items**

#### **a. Wage Theft Presentation and Discussion**

Second TSO review of the Wage Theft bylaw presentation. Bylaw co-sponsors: Schoen, DeAngelis, Hanneke, and bylaw advocates Margaret Sawyer, and Lisa Clauson presented.

Brewer noted April 21, 2020 was the first presentation to TSO on the Wage Theft Bylaw request. TSO members' questions were answered on Saturday night (5/2/2020). Presentations by experts will be informative.

Schoen agreed that the timeliness of the presentations could have been better. Schoen took this opportunity to respond to questions from two weeks ago.

“Comparison of Current Responsible Employer for Construction Projects Bylaw” – the intent of the bylaws would cover the hiring of peoples where public funds are involved. The new bylaw gives the Town the ability to penalize contractors who do not follow the law. Schoen shared the four documents and opened the meeting up for questions. Changes to the bylaws were highlighted.

Schoen reviewed all the changes to the bylaw.

Tax Relief Bylaw reviewed by Schoen (slides were shared with the group on Zoom).

Wage and Tip Theft proposed bylaw reviewed by Schoen (slides were shared with the group on Zoom). If enacted, the Town becomes the enforcer of this Bylaw along with the Attorney General's office.

Hanneke explained that the Councilors are not quite ready to pass a bylaw for wage theft. Clarification was needed for wage theft advisory committee.

Hanneke recommended bringing the bylaws together into one bylaw. All employers in Town would have to post the requirements for new wage fairness bylaws.

DuMont thanked the group of advocates and the Councilors for their work on this topic.

#### Discussion Questions

Ross asked questions about wage and tip theft bylaw. Ross asked about the re-statement of State laws in the Town bylaws. Intentional re-statement of the Commonwealth laws? Schoen explained – yes.

Lisa Clauson, panelist, offered that there is not an existing State law for diversity hiring. Diversity hiring was a recommendation from the Governor's office. Ross asked about mandating participation from certain groups in Town (Chamber of Commerce, etc.). Ross also asked about the role of the Councilors in all of these bylaws.

Rose Bookbinder, a panelist, responded that low waged workers do not always have access to advisory boards. Workers need to find a community member or organization to support the asking of questions. Committee to oversee wage theft would be an active committee to support workers' rights. Bookbinder supports the idea of a Committee to oversee the enforcement of the bylaw for wage theft and wage protection.

Pam asked questions: Would the workers would be protected? Question was saved for the next meeting. Pam asked if fair wages referred to union wages or not? She referenced a dual standard. Pam asked how enforcement is done in other municipalities. Pam asked for clarity on the tax incentive.

Ross asked a few more questions: What does it mean for the Committee to take the complaint? Ross asked a question about D.2.d – change due to employees' availability. E.2. – Ross cautioned that the wording sounded punitive. Ross would appreciate someone walking him through the steps from an employee complaint all the way through to revocation of a license. Ross asked to receive more clarity. Ross asked about G.2. Ross asked if the new committee could establish regulations. It would surprise Ross if the new wage equity oversight committee could make changes for the entire Town.

Brewer asked questions about the TIFF bylaw. Brewer suggested there was no need for the statement of purpose at the beginning of the bylaw. Brewer recommended getting the wage theft bylaw ready for the Town Council without the TIFF part and without mention of the inclusion of the Wage Theft Committee. Brewer suggested deleting the Wage Theft Committee from the bylaw revision. Committees are subject to open meeting law, so keeping the anonymity of the employee would be difficult to manage throughout the process if the Wage Theft Committee was a Town Appointed Committee. A Town Committee would open the committee up to Open Meeting Laws and therefore preclude any type of anonymity for the supplicant worker.

Ross asked about G.1 and G.5.c. – revocation of licenses. Ross asked for there to be clarity in the wording of how enforcement matches the provisions of the bylaw. Ross noted that bylaw revisions have to do with the posting of the State bylaw.

DuMont asked for further questions. There were none. DuMont suggested that for the next TSO meeting there might be a flow chart and answers to all of these questions.

#### **b. TSO Review Process**

Prioritization of agenda items. DuMont stated she would work with Town Manager to figure out which items are time sensitive.

How to review large issues: speed limits, downtown parking working group report. New items: South East Street public way request, Farmer’s market request and dates associated with those reviews of applications.

Review process and guidance for TSO to deal with agenda items.

Meg Gage, one of the authors of the Town Charter, spoke to the original proposal.

Gage made a statement in support of a procedure for the legislative body to create a pathway for the consequences of decisions that had not been considered earlier.

DuMont thanked the Community Resource Committee (CRC) for taking the topic into consideration and passing it to TSO. TSO review process document was shared on the screen with all participants - “Draft Process for Review of measures and Advising the Council.”

DuMont noted that “CRC” was replaced in the document with “TSO.” DuMont reviewed the document with TSO members.

Conversation occurred between TSO members regarding the document. DuMont explained that once the item was on the agenda, this process detailed how the item would be reviewed.

Pam recommended a time-frame for items. Pam reads things differently depending on the actions that would be taken.

Ross suggested that it relate back to the TSO charge. Ross recommended that the charge for TSO be the starting document.

DuMont asked if there was TSO consensus on number 1. On the document. Pam would prefer the statements to be bullet points instead of full sentences. Pam recommended that the document help TSO members to focus on the task at hand.

DuMont moved on to #2.

Pam responded that there is not a research arm to the Town Council.

Ross commented that #2 could be broken into two separate sections. Ross recommended one section for people impacted and a separate section for actions. Keep the focus on the work that needed to be done by TSO.

Council does not have staff but that the information would have to come from Town Staff members.

Pam explained that background information would still come from staff but the review document would not be written by Council members.

Ross explained the pathway for wage theft issue. Ross would like to hear from the procurement officer about how wage theft would impact hiring and future contracts since it is unclear that he has been included in the process. Ross suggested that the stakeholder conversation would be held with the members instead of doing the research as a Councilor and presenting to the TSO members. Inviting the right people to the table makes this possible.

*As per text from Athena O'Keefe to minute taker – S. Swartz left the meeting at 10:59am due to WiFi issues.*

Ryan realized that so many of the things that come before TSO have 'time stamps' on them. The public ways requests, the appointments, the bylaws will all take time and raise questions. Ryan expressed that the sheet addresses bylaws directly. Much of the research will come directly from the presenters and supporters of new or changed bylaws.

Brewer suggested a checklist instead of a document with long sentences.

DuMont decided not to go any further with the document and save #3 for another time. DuMont ended the discussion and take it up again at the next meetings. DuMont agreed to continue this discussion at another meeting and open the debate as to whether or not to have a guidance document for TSO.

Ross asked if revisions to the document could be made before the next meeting. Brewer would be willing to revise the document for the group before the next TSO meeting. Consensus towards Brewer condensing #1 and #2 of the document before the next meeting.

## **5. Minutes**

DuMont made track changes to the minutes.

DuMont asked if the group was ready to review minutes.

Pam asked why the minutes are crossed out extensively.

DuMont explained the formatting changes and why she started using track changes.

Brewer explained that OCA chose a different process for minutes. Brewer explained that raw minutes are subject to Public Records Requests. The Council Committees can decide to use their own version of the minutes for their use. Brewer explained that raw minutes are never changed.

**Ross moved to approve the minutes from April 6, 2020 and April 21, 2020. Seconded by Pam.**

**Roll call vote: Brewer- yes, DuMont – yes, Pam – yes, Ross – yes, Ryan – yes.**

**Unanimous vote (5-0).**

## **6. Announcements**

Possibility of having a TSO meeting on May 11, 2020. Questions for the Farmer's Market proposal may be brought up this evening (5/4/2020) at the full Town Council meeting.

## **7. Next Meeting Agenda Preview**

Ryan asked if meeting on 5/11/2020 would be to deal with proposal to open the Farmer's Market. DuMont responded, yes, specifically about the opening of the Farmer's Market proposal.

Brewer and Pam suggested that a meeting on 5/11/2020 may allow the Farmer's Market to open on 5/23/2020. Gave the Farmer's Market a better chance to open on-time. Pam believed that TSO should make the proposal happen. TSO would meet at 11:30am on 5/11/2020 after OCA. TSO was set to meet on 5/18/2020 as scheduled.

TSO on 5/18/2020 would be at 9:30am. The agenda for this meeting would be appointments and wage theft bylaw review.

**8. Items Not Anticipated by the Chair 48 Hours in Advance – None**

Comments – Pam thanked Brewer for the clarification on raw minutes.

**9. TSO Adjourned by DuMont at 11:38 a.m. Hanneke adjourned the Council meeting at 11:39 a.m.**

**Documents made available in the online packet at the time of the meeting:**

04-06-2020 DRAFT TSO Minutes D3

04-21-2020 DRAFT TSO Minutes

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

5.b.5 Attachment B – Tax Relief Agreement Bylaw- DRAFT-Rev.4-202002-11

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 2.18.2020. to Council

Agenda 2020-05-04 TSO and Council

Amherst Wage Theft Bylaws Summary

Community Impact summary powerpoint slide

Current Responsible Employer and Licensure

ECAC-Appointment-04-29-2020

ECAC-Appointment-04-29-2020

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

Meg Gage remarks to Council April 1

Proposal To The Amherst Town Council

Responsible Employer Current and Proposed Side by Side 5.2.2020

Tax Rellief (*sic*) Explained 4.27.20

TSO Review Process 2020-05-01 dd-1

Wage and Tip Bylaw explained 5.2.20