



**Town Council Standing Committee and Joint Meeting of
Town Services and Outreach (TSO) Committee and Special Meeting of the Town Council
Monday, May 18, 2020, 9:30 AM**

Meeting took place via Zoom: <https://amherstma.zoom.us/j/97662308332>

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 Griesemer, President of the Town Council called the joint meeting of Amherst Town Council to order at 9:32 a.m.

Chair of TSO, DuMont called TSO meeting to order at 9:32 a.m.

Committee Members Present: A. Brewer, D. DuMont (arrived at 9:37 a.m.), D. Pam, E. Ross, and G. Ryan

Committee Members Absent: None but D. Pam entered the meeting late (9:37 a.m.)

Other Town Council Members Present: A. Brewer, P. DeAngelis, M. Hanneke, L. Griesemer, C. Schoen, A. Steinberg, C. Schoen, S. Swartz

Staff present: P. Bockelman, Town Manager; A. O'Keeffe (Clerk of the Council); A. Mills (Minute Taker)

Others: John Spinetti, Amherst Farmers' Market Representative; David Machowski, Amherst Farmers' Market General Manager; L. Clauson

2. General Public Comment

DuMont explained the procedure to the public for comment during this zoom meeting. No public comments were made.

3. Action Items

- a. Delaying consideration of Town Manager appointments until June 1, 2020.

4.a. Farmers Market public way request

Farmers' Market Public Way application. Change of venue from Spring Street Parking lot to the South Common in the center of Amherst. DuMont referred to the meeting packet and brought attention to the enclosed maps (*please see electronic packet*).

Bockelman presented the proposal to the group. Bockelman reviewed the proposed amendments and the answers to Councilors' questions. Bockelman reviewed the timeline and the modifications to the proposal after the previous Town Council meeting. Town staff developed the map and plan for social distancing for the Amherst Farmers' Market. Bockelman mentioned that the Farmers' Market would like to open this coming Saturday. Bockelman turned the response to Council members' questions to Spinetti and Machowski.

Spinetti spoke to the benefits of the new plan. He reviewed the sanitation measures. Machowski spoke to the monitoring of the activated space during the market's hours. Inn on Boltwood agreed to allow vendors to use their indoor restrooms on the first floor during the summer months. Port-a-potty delivered on Friday and then removed on Saturdays. That removable port-a-potty would be for the exclusive use of the vendors and market staff. Volunteer staffers will attend to monitor and encourage proper spacing. Machowski commented on his experiences this spring at surrounding Towns' markets and how patrons respect the spacing.

DuMont asked for questions from the Councilors and Bockelman.

Bockelman noted that Rob Morra, Town of Amherst Building Commissioner, had entered the meeting and was willing to answer questions as needed (9:47 a.m.).

Steinberg asked if other Town Common events had been cancelled during the summer. Also questioned rain and the damage to the turf on the common.

Bockelman responded that all events on the common have been cancelled. Rain is a part of what we deal with on the common. The Farmers Market is an event that takes place only one day a week.

Griesemer asked about the number of vendors. Will it be 32 vendors the first week? Machowski replied no – closer to twenty vendors the first week.

Specifics about the spacing of patrons were asked and answered. Specific questions referenced the handling of produce by staff only and the requirement that staff wear gloves and masks. Questions were asked regarding the use of reusable bags to carry items at the Farmers' market. Machowski stated that reusable bags could be used as long as they are not touched by vendors. Councilors asked that the Town be very specific about not allowing vehicles on the common grass. Councilors asked that the distancing information get out to the public as soon as possible so that the community knows what to expect. Suggestion was to use the Town website and the Market's email distribution list. Machowski mentioned that they would use the Market's website, Facebook page, and Instagram to update the public. Councilors asked that the "no cars on common" be stated explicitly in the new guidelines. Further questions included plans for over-congestion of the market. Morra noted that it was half an acre of space for 32 people to attend the market and interact with the vendors. Councilors asked who would inspect and enforce the regulations. Bockelman responded that the Health Inspector would continue to inspect the space (as has been done over the years). Additional help would come from the Health Director, Julie Federman.

Councilors asked if people could shop as pairs. The answer was yes. The ability to loop back to a vendor was not approved. Once a shopper leaves the vendors area, they will have to queue up again and wait to enter the traffic pattern for the market. Councilors asked the Amherst Farmers' Market to include online ordering to meet the needs of the community. Machowski explained the new online platform the Market

will be using this spring. Some vendors have their own online vendor site but the Market has invested in an online presence. Machowski noted that the Market's website would get updated with all of the details for the upcoming opening. He only wanted to update it once.

DuMont asked members present to read the motion for opening the Farmers' Market. Machowski asked if Town of Amherst Parking Enforcement officers would bag the parking spots for vendors in advance, on Friday night. Bockelman responded yes, that would happen.

DuMont highlighted the parts of the memo that refer that the Farmers' Market sign a memo from the Town Manager's office. DuMont highlighted the ability to change and modify the plan as it evolves. DuMont read the motion aloud. ***(cut and paste the language from the packet and insert here as indent)***

Ross seconded.

Brewer highlighted that the Farmers' Market would use the Common at no charge. Brewer also highlighted the pick up spot in Spring Street lot and proper signage that would be needed.

Roll call vote of TSO members: D. Pam voted yes. A. Brewer voted yes. E. Ross voted yes. G. Ryan voted yes. D. DuMont voted yes. Unanimous vote of TSO members (5-0).

Machowski asked if this vote meant that the market could open this Saturday. Griesemer answered that it needed the full approval of the Town Council at the 6:30 p.m. meeting of the full Council on May 18, 2020 (that same evening). Griesemer requested that Spinetti and Machowski attend the upcoming Town Council meeting. Bockelman asked O'Keeffe to send Spinetti and Machowski a Zoom invitation for this evening's 6:30pm meeting.

4.b. Wage Theft Bylaw proposal

Hanneke spoke to the amendments made to the original wage theft bylaw proposal. Two revised bylaws comprise the information formerly presented in three bylaws. Hanneke shared document showing all track changes to the proposed bylaws. Hanneke asked Schoen to comment on changes. Human Rights Commission and Human Rights Director were both referenced as oversight for these new bylaws. Brewer noted that the Town currently does not have a Human Rights Director. De Angelis responded that Jennifer Moyston and Evelyn Rivera-Riffenburg are sharing the duties of Human Rights Director. There are two staff people doing this work. Ross asked for there to be a sample "run through" of bylaw in action. Ross would like to walk through the steps of putting the bylaw into action. Schoen asked Ross for input on the step-by-step walk through of enacting the bylaw. Ross asked how they could make it clear and accessible to workers and the public. Schoen answered it would be posted in the workplace and welcomed other spaces for public postings.

Rose Bookbinder (representative from public workers union) spoke to the bylaw as a tool for workers. Make something available for workers to lean on when needed.

DuMont stated there was a consensus to move forward with these new bylaws. Griesemer posted the amended motions. DuMont asked the Councilors who sponsored the bylaws to review the posted motion. DuMont put the two motions together. Moved to approve both bylaws in one motion.

DuMont read the motion to adopt the Tax Relief Bylaw-Rev.2-2020-05-15 and moved to recommend that the Town council adopt 3.XX wage and Tip Bylaw – Rev. 9-2020-5-14. Seconded by G. Ryan.

Further discussion: Brewer asked that the motions be separated. People can agree with one but not with the other bylaw. DuMont stated that if approved, these bylaws would be referred to GOL after it leaves TSO. Ross asked if A. Delaney (Procurement Officer) had been contacted for a comment or

opinion. Bockelman responded that he has not had an explicit conversation with A. Delaney. Schoen noted that enforcement bylaws have been on the books for some time. Councilors asked for input from Procurement Officer to get feedback on whether or not the bylaw would be reasonable and able to be enforced. Councilors would like assurances that bylaw will be reviewed by Procurement Officer. Schoen mentioned that GOL would ensure that the bylaw is actionable and run the bylaws by the Town Attorney. Pam asked that the TSO Chair ask the Procurement Officer for feedback on both bylaws. Pam sought expediency on the passing of bylaws. Bockelman responded that there would be a review by the Procurement Team and the response would reach TSO by the end of the week.

Roll call vote: A. Brewer voted yes. D. Dumont voted yes. D. Pam voted yes. E. Ross voted yes. G. Ryan voted yes. Unanimous vote (5-0) A. Brewer asked when the bylaws might appear on the Town Council agenda. DuMont responded that the bylaws would now go to GOL. Brewer asked which agenda would finalize the bylaws. Griesemer responded it could be as soon as June 1 or June 15, 2020 (after legal reviews).

4.c. South East Street public way request

DuMont ceded the Chair for the meeting to Ross for this discussion.

Ross did the presentation for TSO. Ross asked TSO to brainstorm questions for the Owner/Developer Amir Mikhchi and to Senior Planner, Christine Brestrup. Ross noted the presentation on the project that happened recently. Ross explained that the work on the public way would happen in the fall of 2021. Bockelman noted that the engineer can appear before TSO on June 1, 2020 but Bockelman has not heard from Owner yet.

Ross noted that C. Brestrup had joined the Zoom meeting and Ross asked Griesemer to add Brestrup as a panelist.

Pam asked about the consideration of COVID 19 requirements for social distancing requirements. Schoen asked for language to be added to address the maintenance of the space requested by the Owner/developer. Schoen asked for complete streets planning to be considered. Ross replied that the Owner/developer was made aware of the need for maintenance. C. Brestrup responded to questions. Brestrup suggested that these changes would make the area more useful to the public. Owner/developer has agreed to maintain these spaces. Brewer asked for more information from the Design Review Board (DRB) as to why they made certain recommendations for this site. Brestrup addressed the benches, the light fixtures, as well as the recycling receptacles.

Councilors commented on the plan. Ross asked for DRB recommendation be projected for all members to see at this time. DRB recommendations included addition of recycling receptacle, bench with arms, bench without arms and acorn light fixtures. Ross noted that TSO has been specifically asked to comment on the DRB recommendations. Ross commented that he did not see anything in the DRB recommendations that had to be included in the plan. Brestrup clarified that the Owner/Developer would like to install lights similar to the streetlights used in Downtown Amherst.

Ross moved that the Town Council approve the public way request for South East Commons as presented in the Town Manager memo as presented by Town Manager April 30, 2020. Seconded by Ryan. Pam asked for clarification. She would like to include the DRB memo as recommendations. There was consensus around the idea that it would be sufficient for the developer to receive the recommendations from DRB.

Ryan called the question to roll call vote: Brewer voted yes. DuMont voted yes. Pam voted yes. Ross voted yes. Ryan voted yes. Unanimous vote (5-0)

This now moves to the June 1, 2020 Town Council agenda.

DuMont took over as Chair of the meeting. Postponed adoption of meeting minutes until next meeting.

Announcements: DuMont mentioned that agendas have been packed recently. Hoped to discuss the process of the review process at a meeting or perhaps a retreat. Proposal for 1 University Drive is upcoming. Reappointment requests in bulk are also part of early June meeting. Griesemer also noted that the re-opening of businesses would come back to TSO at an upcoming meeting. DuMont asked Councilors to opine as to whether or not they would like to make time to review the process of TSO review.

DuMont adjourned TSO at 11:50 a.m.

Packet of materials available in the website packet for this TSO meeting:

2020 AFM Market By-Laws – Draft

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

AFM. Common Layout 05-07-2020

Agenda 2020-05-18 TSO dd

DRAFT TSO minutes 5.4.2020 dd

Farmers Market Cover Memo – 04-30-2020 UPDATED 05-14-2020

Greenfield Farmers Market notice – COVID 19 rules 2020-05

Responsible Employer and Tax Relief Agreement Bylaw – DRAFT Rev. 1-2020-05-07 Combined

Responsible Employer and Tax Relief Agreement Bylaw-DRAFT-Rev.1.2020-05-07- Combined – clean

Town Human Rights Director Requirements and Responsibilities

Wage and Tip Theft Bylaw Draft – Rev. 7 2020-05-07

Wage and Tip Theft Bylaw Draft – Rev. 7 2020-05-07 – clean

Wage and Tip Theft Bylaw Draft – Rev.8 2020-05-12

Wage and Tip Theft Bylaw Draft – Rev. 8 2020-05-12 – clean

Wage Theft Draft FAQ 5.13.20