



**Town of Amherst  
Town Council Meeting  
Monday, October 19, 2020  
6:30 p.m.  
Virtual Meeting  
Minutes**

Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-october-19-2020>

**1. Call to Order**

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

Councilors Absent: Councilor Schoen

Others Participating Remotely: Town Manager Paul Bockelman, Planning Director Christine Brestrup, Building Commissioner Rob Morra, Acting Health Director Jennifer Brown, and Clerk of the Council Athena O’Keeffe

After confirming all participants could hear and be heard, President Griesemer declared the presence of a quorum, called the meeting to order at 6:33 p.m. and announced audio and video recording by Amherst Media.

Note: 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 Council was conducted via remote participation.

**2. Announcements**

Upcoming Town Council Meetings:

- Special Joint Town Council, School Committee, and Library Trustees Meeting - Financial Indicators: November 9, 2020, 5:30 p.m.
- Regular Town Council Meeting: November 9, 2020, 6:30 p.m.
- Regular Town Council Meeting: November 16, 2020, 6:30 p.m.
- Budget Forum: November 19, 2020, 6:30 p.m.
- State of the Town: December 7, 2020, 6:30 p.m.

Upcoming Council Committee Meetings:

- Community Resources Committee: October 27, 2020 2:00 p.m.
- Governance, Organization, and Legislation Committee: October 21, 2020 10:30 a.m.
- Town Services and Outreach Committee: October 29, 2020 4:30 p.m.
- Joint Community Resources Committee and Planning Board Hearing on Zoning Bylaw Article 14: November 4, 2020, 8:00 p.m.

All meeting agendas and details are posted at [www.AmherstMA.gov/Calendar](http://www.AmherstMA.gov/Calendar)

**COVID-19 Call-in Number and Email:**

The COVID-19 Concern Line (413) 259-2425 and email address [covidconcerns@amherstma.gov](mailto:covidconcerns@amherstma.gov) are now available for residents to communicate their concerns about masks, social distancing, gatherings, etc.

Town Opens 2nd Round of COVID-19 **Emergency Rental Assistance Funding**. The Town of Amherst and the Amherst Municipal Affordable Housing Trust Fund announce the availability of Round Two for short-term emergency rental assistance available for Amherst renters experiencing a loss or reduction of income due to COVID-19. Rental assistance is available for up to 3 months.

**3. Hearings**

**a. Public Hearing on the Master Plan - Charter Sec. 9.8(b)**

Town Manager Paul Bockelman and Planning Director Christine Brestrup spoke about the following:

- Planning Board request to update the Master Plan by the Town Council
- Current Master Plan strategies, objectives, and goals still make sense
- Planning Board agreed not to make changes to the Master Plan
- Better to wait until after 2020 Census to update demographic changes and land use changes
- Briefly, what the Master Plan is
- Goals, policies, and key directives
- History of the development of the Master Plan and Comprehensive Planning Committee
- Recommendation of adoption of the Master Plan as written
- 2030 target date for a future Master Plan

Planning Board Chair Jack Jemsek spoke about the Planning Board rationale for recommending the Council adopt the Master Plan in order for the Planning Board and staff to focus on zoning issues.

Councilor Hanneke reported on the Community Resources Committee’s discussion and recommendation on the Planning Board’s recommendation to adopt the Master Plan as-is.

No members of the public spoke in favor, against, or posed questions regarding the master plan.

**4. General Public Comment**

Rev. Rachael Hayes, minister of the Unitarian Universalist Society of Amherst, spoke about labor justice issues and spoke in favor of the Wage and Tip Theft and Responsible Employer Bylaws.

Margaret Sawyer, Pioneer Valley Worker’s Center, spoke in support of the proposed Wage and Tip Theft and Responsible Employer Bylaws, stating that the bylaws are a sign of honoring Amherst’s commitment to workers.

Jonathan Alvarez, who works in Amherst, spoke about his negative experiences working in Amherst, and in support of the Wage and Tip Theft and Responsible Employer Bylaws.

Max Page, Amherst resident and Vice President of the Massachusetts Teachers’ Association, spoke about the estimated \$700M estimated stolen from workers each year, and expressed hope that the Wage and Tip Theft and Responsible Employer Bylaws work as a preventative measure in Amherst.

Jasmine Kerrissey, Amherst resident and faculty member at UMass at Sociology and Labor Center, spoke in support of the Wage and Tip Theft and Responsible Employer Bylaws, and spoke about research that underscores strong workplace regulations, workers of color and low wage workers that have been

disproportionally harmed by COVID-19 and that 1 in 3 workers worry they would be disciplined or fired if they voiced safety concerns.

Frank Gomez, from the North Atlantic Region of Carpenters, spoke in support of the Wage and Tip Theft and Responsible Employer Bylaws, and spoke about workers at a local project that were not being paid and when they complained they were fired. Many contractors hire a third party labor broker to avoid liability. Ultimately, workers only received a portion of what they were owed despite successful litigation.

Danial Wallack, Amherst resident and retired carpenter, spoke in support of the Wage and Tip Theft and Responsible Employer Bylaws, stating that workers should be compensated fairly for a day's work.

## **5. Consent Agenda**

- 6.a. Adoption of the Resolution Supporting the East-West Passenger Rail
- 9.a. Approval of Town Manager Appointments to the following boards/committees:
  - Community Development Block Grant Advisory Committee
  - Cultural Council
  - Design Review Board
- 9.b. Appointment of Councilor De Angelis as liaison to Affordable Housing Trust
- 11.a. Approval of Minutes:
  - October 6, 2020 Town Council Meeting minutes

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

- 6.a. Adoption of the Resolution Supporting the East-West Passenger Rail
- 9.a. Approval of Town Manager Appointments to the following boards/committees:
  - Community Development Block Grant Advisory Committee
  - Cultural Council
  - Design Review Board
- 9.b. Appointment of Councilor De Angelis as liaison to Affordable Housing Trust
- 11.a. Approval of Minutes:
  - October 6, 2020 Town Council Meeting minutes

**VOTED** 12-0 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilor Schoen was absent) to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 6.a. Adoption of the Resolution Supporting the East-West Passenger Rail
- 9.a. Approval of Town Manager Appointments to the following boards/committees:
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## **6. Resolutions and Proclamations – Consent Agenda**

### **a. Resolution Supporting the East-West Passenger Rail**

**VOTED** 12-0 via consent agenda to adopt the Resolution Supporting the East-West Passenger Rail, as presented.

## **7. Presentations and Discussion**

### **a. Report on Zoning Bylaw Article 14**

Town Manager Paul Bockelman, Building Commissioner Rob Morra, and Planning Director Christine Brestrup spoke about the following:

- Town began issuing permits on June 5 to allow restaurants to create outdoor dining areas
- Some potential for a permanent area for outdoor dining
- Governor's Order extends 60 days beyond the state of emergency
- Use of Article 14
- Proposed changes to allow uses anticipated in the future
- Public schools, medical facilities, non-profits, farm stands, schools, libraries, and the Town

Councilor Hanneke asked about the policy on public ways.

Councilor Brewer asked about the justification for the changes.

R. Morra spoke about the reasoning for the changes, which anticipate business needs in the coming months.

Chris Brestrup spoke about the application process to put up a tent.

Councilor Bahl-Milne asked about complaints and minority-owned businesses.

C. Brestrup responded that there have been no complaints, and that the Chamber and BID are working closely with businesses.

### **b. COVID-19 Update**

Town Manager Paul Bockelman and Acting Health Director Jennifer Brown spoke about the following:

- Case count over the past several weeks
- Still considered higher risk "red" category >8 cases per 100,000 people
- Data reflects previous two-week period
- Average number of cases is decreasing each day
- Institutional partners' status
- Operations status is solid
- DPW absences due to potential COVID-19 exposure
- Schools reopening for K-1 students
- Board of License Commissioners voted to reduce alcohol license fees by 40%
- Testing of first responders at UMass
- Mass DOT grant award
- Halloween safety tips
- Entering a period of heightened concern

Councilor Pam asked about the severity of the cases in Amherst.

Councilor Hanneke asked what metrics are that will be used determine when to reopen Town facilities.

P. Bockelman responded that the Town continues to rely on health experts' advice, spoke about differences in reopening schools and other Town buildings, and efforts to provide Town services without increasing risk to staff members.

Councilor Brewer spoke about the need for specific Town services such as computer access and recreational activities, disagreed that there is an urgent need to reopen Town buildings, and added that the Town needs to continue to keep employees safe.

Councilors discussed mask-wearing at political gatherings on the Town Common.

After a five-minute break President Griesemer confirmed Councilors can hear and be heard.

## **8. Action Items**

### **a. Adoption of the Master Plan – First Discussion**

Councilors briefly discussed adopting the Master Plan in its current form.

### **b. Wage and Tip Theft Bylaw – First Read, *Charter Sec. 2.10(a)***

### **c. Responsible Employer: Public Construction Contracts and Agreements for Tax Relief Bylaw – First Read, *Charter Sec. 2.10(a)***

Lisa Clauson of the North Atlantic States Regional Council of Carpenters, spoke about the following:

- What wage theft is
- Why local bylaws are needed
- Use of licensing authority and fines to enforce labor laws
- Mechanisms to prevent and enforce labor laws
- Other communities with ordinances in place
- Employee fears of retaliation for requesting fair wages
- What the bylaws would do
- Promotes equal playing field
- KP Law review

Councilor Pam asked about situations in which the bylaw would apply.

Councilor Steinberg asked about staff cost of enforcing the bylaw and how the bylaw is used in other municipalities.

L. Clauson responded that it is a budget challenge for the AG and communities; in some communities there are compliance officers that investigate wage theft. The bylaws are drafted so that Amherst would not be investigating but reacting to violations if there are reported cases of wage theft. The bylaws enable the Town to look at a contractor's track record before contracting with them. Contractors would have to submit affidavits stating if there are wage theft findings in the past 5 years.

Councilor Ryan spoke about the need to inform workers of their rights, and asked about communication with workers who do not speak English.

Councilors De Angelis and Hanneke responded that posters in English, Spanish, and any other language that 1/3 of the employees speak would be required to be posted in businesses, and that meeting with business owners about bylaws would be a good idea. The Business Improvement District are able to help with communications to businesses as well.

Councilor Ross asked about the Procurement Officer's position on the bylaws.

P. Bockelman responded that Town staff met with the sponsors, staff input can be prepared for the Council at the next meeting.

Councilor DuMont reported on the Town Services and Outreach review of the bylaws.

Councilor Ryan reported on the Governance, Organization, and Legislation review of the bylaws.

## **9. Appointments**

### **a. Town Manager Appointments – Consent Agenda**

#### **(1) Community Development Block Grant Advisory Committee**

**VOTED** 12-0 via consent agenda to approve the following Town Manager appointments to the Community Development Block Grant Advisory Committee, effective immediately, as filed with the Town Clerk on September 30, 2020, and recommended by the Town Services and Outreach Committee report of October 16, 2020:

- For terms to expire June 30, 2023:
  - Paul Goulston
  - Nathaniel Larson
  - Becky Michaels
- For a term to expire June 30, 2022:
  - Lucas Hanscon

#### **(2) Cultural Council**

**VOTED** 12-0 via consent agenda to approve the following Town Manager appointments to the Cultural Council, effective immediately, as filed with the Town Clerk on October 6, 2020, and recommended by the Town Services and Outreach Committee report of October 16, 2020:

- As voting member for a term to expire June 30, 2023:
  - Matt Halloway
- As non-voting associate members for terms to expire June 30, 2021:
  - Nandi Chivende
  - Sydney Mager
  - Leah Neuburger

#### **(3) Design Review Board**

**VOTED** 12-0 via consent agenda to approve the following Town Manager appointments to the Design Review Board, effective immediately, as filed with the Town Clerk on September 24, 2020, and recommended by the Town Services and Outreach Committee report of October 16, 2020:

For a term to expire June 30, 2021:

- Thom Long, representative of the Planning Board

### **b. Town Council Appointments – Consent Agenda**

#### **(1) Liaison to Affordable Housing Trust**

**VOTED** via consent agenda to appoint Councilor De Angelis as liaison to the Affordable Housing Trust, under Town Council Rules of Procedure rule 10.8, effective immediately, and for a term to expire January 6, 2021.

## **10. Committee and Liaison Reports**

- a. **Community Resources Committee** – Councilor Hanneke reported that the committee will hold a joint hearing on the zoning Article 14 amendments on November 4, and the committee will continue to work on zoning priorities. Councilor DuMont disagreed that the appointment process should be referred to Governance, Organization, and Legislation Committee, and that the appointment process could be a new Rule of Procedure. Councilor Brewer agreed.
- b. **Finance Committee** – Councilor Steinberg spoke briefly about the report.

- c. **Governance, Organization, and Legislation Committee** – Councilor Ryan reported that the committee will meet on Wednesday to discuss the Town Manager performance and evaluation goals.
- d. **Joint Capital Planning Committee** – No report
- e. **Town Services and Outreach Committee** – Councilor DuMont reported the committee votes unanimously to recommend Council approval of the surveillance technology bylaws, and that the committee will review Town Manager appointments at the next meeting on October 29.
- f. **Liaison Reports: Affordable Housing Trust, Board of Health, Board of License Commissioners, Community Preservation Act Committee, Council on Aging, Disabilities Access Advisory Committee, LSSE Commission, Transportation Advisory Committee** - None

**11. Approval of Minutes – Consent Agenda**

- a. **October 5, 2020 Town Council Meeting minutes**

**VOTED** via consent agenda to approve the following Town Council minutes as presented:

- October 5, 2020 Town Council Meeting minutes

**12. Town Manager Report** – Town Manager Paul Bockelman spoke about elections under way, with early voting at the Bangs Community Center on Saturday; there is a ballot drop box outside Town Hall. The first meeting of the Community Safety Working Group interview team is planned; determining interview times is the next step for the group. Councilor Pam asked about absentee and mail-in voters voting in person. Councilor Hanneke asked about strategic partnership negotiations, emergency rental assistance, West Pomeroy Lane repairs, and returned ballots. Councilor De Angelis asked about demographics of ambassadors.

**13. Town Council Comments**

- a. **President Report**
- b. **Future Agenda Items**
- c. **Councilor Comments** – Councilor Pam commented about the speed sign on Amity Street. Councilor DuMont spoke about potential future changes to the Charter. Councilor De Angelis stated that Council and Town committees should be on a retreat agenda.

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

**15. Executive Session**

- a. [MGL c.30A,s.21(a)6] To consider the purchase, exchange, lease or value of real property; the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. **The Town Council will not reconvene in open session following the executive session.**

**MOTION:** President Griesemer moved, second by Councilor De Angelis, to convene in executive session under MGL c.30A, s.21(a)6: to consider the purchase, exchange, lease, or value of real property; the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; the Town Council will not reconvene in open session following executive session.

**VOTED** 12-0 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilor Schoen was absent) to convene in executive session under MGL c.30A, s.21(a)6: to consider the purchase, exchange, lease, or value of real property; the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; the Town Council will not reconvene in open session following executive session.

## **16. Adjourn**

The Town Council adjourned to executive session at 10:11 p.m.

Respectfully submitted,



Athena O'Keeffe

Clerk of the Council

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

- 00. 11-09-2020 FINAL Special Town Council Agenda - Financial Indicators - Budget Coordinating Group
- 00. 11-09-2020 FINAL Town Council Agenda - rev. 11-5-20
- 6.a. Proclamation - Small Business Saturday 2020 - Final
- 8.a. Ambulance Replacement Memo to Town Council - 11-05-2020
- 8.a. CO FY21 - 05B PURCHASE OF A NEW AMBULANCE
- 8.b. Article 14 - Memo to Town Manager Revised 10-29-2020
- 8.b. Zoning Article 14 - Amendments - as voted by CRC and Planning Board
- 8.c. 8.d. 2020-07-29 CRC Report to Town Council
- 8.d. 2020-10-19 GOL Report to Town Council
- 8.d. Wild Animal Act Bylaw - recommended by CRC 2020-07-21 - as voted GOL 2020-10-07
- 8.d. Wild Animal Act Bylaw - recommended by CRC 2020-07-21 - as voted GOL 2020-10-07
- 8.e. 8.f. Wage Theft Bylaw Memo for Council -Rev. 2020-10-21 - with attachments
- 8.e. Wage and Tip Theft Bylaw Draft - Rev.17 - 2020-10-07 - as voted at GOL
- 8.f. Responsible Employer and Tax Relief Agreement Bylaw Draft Rev. 8 - 2020-10-07 - as voted at GOL
- 8.g. 20-68 Council Order
- 9.a.1. Design Review Board Appointment - 11-02-2020
- 9.a.2. Council on Aging Appointments - 11-02-2020
- 9.a.3. Munson Memorial Library Building Trustee Appointments - 11-02-2020
- 9.a.4. Community Safety Working Group Appointments - 11-05-2020
- 9.a.4. Information re Special Municipal Employees