



**Town of Amherst
Town Council Meeting
Monday, December 21, 2020
6:30 p.m.
Virtual Meeting
Minutes**

Complete video is available online: <https://youtu.be/2mTDJrFL1ZI>

1. Call to Order

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

Councilors Absent: None

Others Participating Remotely: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Planning Director Christine Brestrup, IT Director Sean Hannon, Ranked Choice Voting Commission Chair Tanya Leise, 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 6:32 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:

- January 4, 2021, 6:30 p.m. – Special Town Council Meeting – Public Forum on an Appropriation Outside the budget
- January 4, 2021, 6:45 p.m. – Regular Town Council Meeting
- January 25, 2021, 6:30 p.m. – Regular Town Council Meeting

Upcoming Council Committee Meetings:

- Community Resources Committee: January 12, 2021 2:00 p.m.
- Finance Committee: December 22, 2020 2:00 p.m.
- Governance, Organization, and Legislation Committee: January 6, 2021 10:30 a.m.
- Town Services and Outreach Committee: January 7, 2021 6:30 p.m.

All meeting agendas and details are posted at 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 are now available for residents to communicate their concerns about masks, social distancing, gatherings, etc.

3. Hearings - None

4. General Public Comment

Pam Rooney, Amherst resident, commented about the zoning priority recommendations, and urged the Council to allow time for more public comment prior to voting.

Bonnie Isman, Amherst resident, and a member of the League of Women Voters (LWV) Voter Service Committee, stated the LWV is interested in assisting the Town in educating voters on ranked-choice voting, and spoke in support of the measure.

Alex Kent, Amherst resident, expressed concerns regarding the zoning priority recommendations, and spoke against construction of five story buildings built up to the sidewalk in the downtown.

5. Consent Agenda

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.

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:

- 8.g.(2) To authorize the President to send the Memo to the Town Manager re: DPW and Fire/EMS Headquarters
- 8.g.(3) To authorize the President to send the Memo to the Town Manager re: Update of Financial Model for Capital Projects
- 9.a. Approval of Town Manager Appointments to the following multiple-member bodies:
 - (1) Agricultural Commission
 - (2) Community Safety Working Group
 - (3) Disability Access Advisory Committee
 - (4) Public Art Commission
- 11.a. Approval of Minutes of the December 7, 2020 Regular Town Council Meeting

VOTED unanimously, 13-0, by roll call to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 8.g.(2) To authorize the President to send the Memo to the Town Manager re: DPW and Fire/EMS Headquarters
- 8.g.(3) To authorize the President to send the Memo to the Town Manager re: Update of Financial Model for Capital Projects
- 9.a. Approval of Town Manager Appointments to the following multiple-member bodies:
 - (1) Agricultural Commission
 - (2) Community Safety Working Group
 - (3) Disability Access Advisory Committee
 - (4) Public Art Commission
- 11.a. Approval of Minutes of the December 7, 2020 Regular Town Council Meeting

6. Resolutions and Proclamations – None

Agenda item 8. Action Items

a. Ranked Choice Voting – Charter Sec. 10.10 – Second Discussion

Ranked Choice Voting Commission Chair Tanya Leise spoke in favor of following the guidance of the Acting Town Clerk in terms of how quickly ranked choice voting should be implemented, adding that a key question is voter education, that the Town is primed with the recent ballot measure, and it would be a good time to begin voter education.

Councilor Brewer pointed out the only Council decision points that are available are the effective date and the choice of voting machines.

Councilor Hanneke spoke about the Charter Commission intent that ranked choice voting be enacted for the November 2021 elections, and that the Charter Commission may have proposed a different deadline had it known the measure would require special legislation. Councilor Hanneke spoke about changing the title to “City Known as the Town of Amherst” to clarify to the legislators that Amherst has a city form of government and to change section 6 to 120 days after signing by the Governor to allow time in case of special municipal elections.

President Griesemer spoke about conversations with the Town Manager, Representative Domb, and Senator Comerford, who are supportive of the measure, and have stated they will do everything they can to move the special act through the legislature although there is a small change it will be approved by July 1, 2021. President Griesemer spoke about the legislative process and that the change in title will ensure the measure is referred to an appropriate committee and the preamble explains the Charter requirements.

Leise noted the Town of Easthampton passed their ranked choice voting special act, and suggested working with those who helped advocate for that special act.

MOTION: President Griesemer moved, second by Councilor Hanneke, in accordance with Charter Section 10.10, to adopt Council Order 21-33: An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst, as proposed and recommended by the Ranked Choice Voting Commission, as amended, as follows:

Meeting: 12212020-8a

Council Order #: 21-33

An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst

SECTION 1. Notwithstanding the provisions of chapters 50 through 54 of the general laws, or any other general or special law to the contrary, the City known as the Town of Amherst is hereby authorized to use ranked choice voting in municipal elections only.

SECTION 2. For purposes of this act, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) The words, “Continuing candidate” shall mean a candidate who has been neither eliminated nor elected.

- (b) **The words “Exhausted ballot”** shall mean a ballot that is not counted for any continuing candidate because it does not rank any continuing candidates or because the voter’s intent cannot be determined.
- (c) **The words “Highest continuing ranking”** shall mean the highest ranking on a voter's ballot for a continuing candidate.
- (d) The word **“overvote” shall be the result if** a voter ranks more than one (1) candidate at the same ranking.
- (e) The words **“Ranked-choice voting” shall** mean an election method in which voters rank candidates in order of their preference in a contest for an elected office. The calculation of election results occurs in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot.
- (f) **The word “Ranking” shall** mean the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking.
- (g) **The words “Repeat candidate ranking”** shall mean when a voter ranks the same candidate at multiple rankings for the contest being counted.
- (h) **The word “Round”** shall mean an instance of the sequence of ranked choice voting tabulation steps established in Section 4.
- (i) **The words “Skipped ranking”** shall mean when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.
- (j) The word **“Surplus”** shall mean the total number of votes cast for an elected candidate in excess of the threshold.
- (k) The word **“Threshold”** shall mean the minimum number of votes required to win a seat.
- (l) The words, **“Transfer value”** shall mean the proportion of a vote that will contribute to the next ranked continuing candidate on a ballot, according to the weighted inclusive Gregory method. Each vote begins with a transfer value of one (1).

SECTION 3. Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Amherst municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

- a) For each contest, the ballot must allow a voter to mark rankings for at least the smaller of (i) the number of seats plus two or (ii) the total number of declared candidates plus write-in candidates.
- b) The ballot must indicate the number of seats to be filled for each contest.
- c) The ballot must comply with all otherwise applicable provisions of the General Laws and the regulations promulgated thereunder.

SECTION 4. Notwithstanding the provisions of section 2 of chapter 50 of the general laws, for the purposes of this act, votes shall be tallied as follows:

- a) Each contest on the ballot will be tabulated in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot. A ranked choice voting procedure will be employed in which a voter's lower ranked choice may not impact the likelihood of a higher ranked choice being elected and in which the order of the ballots may not affect the outcome. In each contest, no voter's ballot will have a total vote value greater than one (1).
- b) The Town Clerk, subject to review by the Board of Registrars, shall determine the number of valid ballots thereafter used to calculate the threshold at each round.
 - i. If a candidate's total vote count equals or surpasses the threshold, that candidate must be declared elected.
 - ii. That candidate's surplus must then be distributed according to the highest continuing ranking on each ballot that contributed to that candidate's vote count, according to each ballot's transfer value.
 - iii. If no continuing candidate's total vote count equals or surpasses the threshold after the first distribution, then the continuing candidate with the lowest vote count must be eliminated, and the eliminated candidate's votes must be transferred according to the highest continuing ranking on the eliminated candidate's ballots. Votes from exhausted ballots will not be transferred.
 - iv. The process set forth in sections 3(b)(i)-(iii) shall be repeated until the number of elected candidates equals the number of seats to be filled or the number of continuing candidates equals the number of seats yet to be filled. In the latter case, the remaining continuing candidates must be declared elected, at which point the election for that contest will be complete.
- c) The Town Clerk, subject to review by the Board of Registrars will establish a method of tiebreaking that will be used when ties occur in this procedure. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.
- d) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared exhausted for that contest.

SECTION 5: If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 6: This Act shall take effect immediately upon its approval; provided, however, that it shall be applicable only to municipal elections occurring on or after the 120th day from the date of enactment.

Councilor Brewer asked for clarification regarding “declared” write-in candidates and blanks for write-in votes.

Acting Town Clerk Susan Audette responded that the number of write-in spaces will equal the number of seats to be voted; if there are three seats, there will be three write-in spaces.

MOTION Councilor Hanneke moved, second by Councilor Ryan, to amend section 3aⁱⁱⁱ to read, “the total number of declared candidates plus legally required write-in candidate spaces.”

Councilors discussed the implications of the amendment.

VOTED unanimously, 13-0, by roll call, to amend section 3aⁱⁱⁱ to read, “the total number of declared candidates plus legally required write-in candidate spaces.”

VOTED unanimously, 13-0, by roll call, in accordance with Charter Section 10.10, to adopt Council Order 21-33: An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst, as proposed and recommended by the Ranked Choice Voting Commission, as amended, as follows:

Meeting: 12212020-8a

Council Order #: 21-33

An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst

SECTION 1. Notwithstanding the provisions of chapters 50 through 54 of the general laws, or any other general or special law to the contrary, the City known as the Town of Amherst is hereby authorized to use ranked choice voting in municipal elections only.

SECTION 2. For purposes of this act, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(m)The words, “Continuing candidate” shall mean a candidate who has been neither eliminated nor elected.

(n) The words “Exhausted ballot” shall mean a ballot that is not counted for any continuing candidate because it does not rank any continuing candidates or because the voter’s intent cannot be determined.

- (o) The words “**Highest continuing ranking**” shall mean the highest ranking on a voter's ballot for a continuing candidate.
- (p) The word “**overvote**” shall be the result if a voter ranks more than one (1) candidate at the same ranking.
- (q) The words “**Ranked-choice voting**” shall mean an election method in which voters rank candidates in order of their preference in a contest for an elected office. The calculation of election results occurs in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot.
- (r) The word “**Ranking**” shall mean the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking.
- (s) The words “**Repeat candidate ranking**” shall mean when a voter ranks the same candidate at multiple rankings for the contest being counted.
- (t) The word “**Round**” shall mean an instance of the sequence of ranked choice voting tabulation steps established in Section 4.
- (u) The words “**Skipped ranking**” shall mean when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.
- (v) The word “**Surplus**” shall mean the total number of votes cast for an elected candidate in excess of the threshold.
- (w) The word “**Threshold**” shall mean the minimum number of votes required to win a seat.
- (x) The words, “**Transfer value**” shall mean the proportion of a vote that will contribute to the next ranked continuing candidate on a ballot, according to the weighted inclusive Gregory method. Each vote begins with a transfer value of one (1).

SECTION 3. Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Amherst municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

- a) For each contest, the ballot must allow a voter to mark rankings for at least the smaller of (i) the number of seats plus two or (ii) the total number of declared candidates plus legally required write-in candidate spaces.
- b) The ballot must indicate the number of seats to be filled for each contest.
- c) The ballot must comply with all otherwise applicable provisions of the General Laws and the regulations promulgated thereunder.

SECTION 4. Notwithstanding the provisions of section 2 of chapter 50 of the general laws, for the purposes of this act, votes shall be tallied as follows:

- e) Each contest on the ballot will be tabulated in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot. A ranked choice voting procedure will be employed in which a voter's lower ranked choice may not impact the likelihood of a higher ranked choice being elected and in which the order of the ballots may not affect the outcome. In each contest, no voter's ballot will have a total vote value greater than one (1).
- f) The Town Clerk, subject to review by the Board of Registrars, shall determine the number of valid ballots thereafter used to calculate the threshold at each round.
 - i. If a candidate's total vote count equals or surpasses the threshold, that candidate must be declared elected.
 - ii. That candidate's surplus must then be distributed according to the highest continuing ranking on each ballot that contributed to that candidate's vote count, according to each ballot's transfer value.
 - iii. If no continuing candidate's total vote count equals or surpasses the threshold after the first distribution, then the continuing candidate with the lowest vote count must be eliminated, and the eliminated candidate's votes must be transferred according to the highest continuing ranking on the eliminated candidate's ballots. Votes from exhausted ballots will not be transferred.
 - iv. The process set forth in sections 3(b)(i)-(iii) shall be repeated until the number of elected candidates equals the number of seats to be filled or the number of continuing candidates equals the number of seats yet to be filled. In the latter case, the remaining continuing candidates must be declared elected, at which point the election for that contest will be complete.
- g) The Town Clerk, subject to review by the Board of Registrars will establish a method of tiebreaking that will be used when ties occur in this procedure. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.
- h) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared exhausted for that contest.

SECTION 5: If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 6: This Act shall take effect immediately upon its approval; provided, however, that it shall be applicable only to municipal elections occurring on or after the 120th day from the date of enactment.

MOTION: President Griesemer moved, second by Councilor Hanneke, to petition the General Court for special legislation and to authorize the Town Council President to sign the letter “Town of Amherst - An Act Relative to the Implementation of Elements of the Charter for the City Known as the Town of Amherst” as presented, requesting Senator Joanne Comerford and Representative Mindy Domb petition the General Court for special legislation set forth in Council Order 21-33: An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst; provided, however, that the General Court may make clerical or editorial changes of form only to the bill unless the Town Council approves amendments to the bill before enactment by the General Court.

VOTED unanimously, 13-0, by roll call to petition the General Court for special legislation and to authorize the Town Council President to sign the letter “Town of Amherst - An Act Relative to the Implementation of Elements of the Charter for the City Known as the Town of Amherst” as presented, requesting Senator Joanne Comerford and Representative Mindy Domb petition the General Court for special legislation set forth in Council Order 21-33: An Act Relative to the Implementation of Elements of the Charter for the City known as the Town of Amherst; provided, however, that the General Court may make clerical or editorial changes of form only to the bill unless the Town Council approves amendments to the bill before enactment by the General Court..

b. Belchertown Road Land Acquisition for Affordable Housing

Assistant Town Manager David Ziomek, Building Commissioner Rob Morra, and Chair of the Housing Trust John Hornik spoke about the following:

- Overview of the proposed project
- Property context
- Property description & current status
- Project need
- Project opportunities
- Development potential
- Budget – funding sources and expenses
- Timeline

Councilor Pam asked about the size of the units.

Hornik responded that the Housing Trust expects a mix of unit sizes.

Councilor Schoen asked if all the units will be affordable housing.

Hornik responded that the percentage of affordable units depends on the developer, there may be some at a higher level of affordability.

Councilor Ryan asked about bundling the property with the East Street School property.

Hornik responded that there would be a benefit of a reduction of paperwork in combining the properties together.

Councilor Pam asked about tax income.

Bockelman responded that there would be a temporary loss of tax revenue while the Town owns the property; the Town can rent one or both houses.

Councilor Bahl-Milne expressed concern about buying the property and being unable to find a developer.

Ziomek spoke about the process and options.

MOTION: President Griesemer moved, second by Councilor Ryan, to refer Council Order FY21-08A: An Order Authorizing the Acquisition of Belchertown Road Property for Community Housing Purposes, and the Community Preservation Act Committee's December 7, 2020 Special Report to the Community Resources Committee and to the Finance Committee, for review and recommendations to the Town Council by January 25, 2021.

VOTED unanimously, 13-0, by roll call, to refer Council Order FY21-08A: An Order Authorizing the Acquisition of Belchertown Road Property for Community Housing Purposes, and the Community Preservation Act Committee's December 7, 2020 Special Report to the Community Resources Committee and to the Finance Committee, for review and recommendations to the Town Council by January 25, 2021.

c. Zoning Priorities – Second Discussion

Councilor Hanneke spoke about misunderstandings that have been apparent due to comments received by the Council from members of the public about the Council's action at this meeting. Councilor Hanneke spoke about the process that will follow the Council action to recommend the priorities to the Town Manager.

MOTION: Councilor Hanneke moved, second by Councilor Ryan to direct the Town Manager to present zoning amendments that promote diverse neighborhoods, affordable housing, and new growth in downtown and village centers, in accordance with Town Council annual Policy Goal III Economic Vitality, in the following time periods:

- by March 15, 2021:
 - Adding B-L District to footnote b
 - Adding footnote a to maximum lot coverage and maximum building coverage
 - Proposed a revised SDU bylaw, similar to the 2018 Town Meeting proposal
 - Demolition Delay bylaw revisions
 - Work with the Council to begin a conversation on housing types expansion, in preparation for meeting the September 1, 2021 priorities below
 - Move apartments to SPR in more zoning districts
 - Remove Footnote m
 - Revise the Apartments definition
- by September 1, 2021:
 - Dimensional regulations in the R-G and R-VC
 - Lowering barriers to development of duplexes and triplexes
 - Frontage regulations for Residential zones
 - Look at appropriateness of Use Table for V-C: What kinds of businesses are allowed or encouraged in V-C districts - food, entertainment, services - things that make community and meet basic needs, within walking distance
 - Transportation issues (may not be zoning)
- Use of Consultant money:

- Form based zoning / design guidelines

Councilor De Angelis thanked the committee for their work, spoke in support of the recommendations, and spoke in support of a postponement of the vote.

MOTION Councilor De Angelis moved, second by Councilor Schoen, to postpone the discussion of the CRC suggested zoning changes to January 25 at a Public Dialogue session to be scheduled one-hour before the January 25 Council regular meeting and to postpone the vote on CRC recommendations until February 8th at the Council regular meeting.

Councilor Schoen spoke about increased concern about the zoning changes, stating that they are not small conceptual changes. Councilor Schoen spoke about the potential impact of the recommended changes, and spoke in favor of a longer conversation in order to understand and explain them before asking planning staff to begin working on them.

Councilor Pam agreed, stating there has not been agreement about a vision or goals, and commented about density.

Councilor Ryan spoke about public input and comment in the course of the process, and spoke in opposition to a delay, adding there will be ample time for public input during the process.

Councilor Ross commented that he ran his campaign on housing, the recommendations come from the master plan, which was a long process to develop with a lot of public input. Councilor Ross spoke in opposition to a delay.

Councilor Brewer expressed concern with paperwork that says a number of Councilors are in favor in one thing or other, stated that the Master plan was developed by hundreds of people over thousands of hours, and that this is an additional step to the zoning process that did not exist in the previous form of government.

Councilor DuMont spoke in support of the motion, stating that the Council needs an additional discussion before voting. Argued that this is not a second discussion that the first discussion was not clear to the public or Councilors.

Councilor Schreiber stated this meeting is not a public hearing on a zoning bylaw, this is direction that will be sent to the Town Manager and Planning Board, there will be no new information between now and the next Council meeting, and to delay a vote is to keep the zoning bylaw the way it is.

Councilor Steinberg added to Councilor Ross, Schreiber, and Brewer's comments, stating that to find appropriate development, need to begin a process that allows us to figure out what is appropriate development. One solution to budget issues in new development, if we want to do what is important for the community without asking for an override. Councilor Steinberg stated the delay will only put off the start of a process and does not make sense.

Councilor De Angelis moved to withdraw the motion and move forward with the original motion.

Councilor Schoen did not agree to withdraw the motion, and spoke about the specific list of changes that will take staff in a specific direction, spoke about more creative ways to bring downtown to life.

Councilor Schreiber stated footnotes are obstacles to sensible development, and we need to deal with obstacles; the zoning bylaw has broken parts and it will not change until we deal with it.

Councilor Bahl-Milne commented that there will be more detailed reports when zoning changes come from the Planning Department, spoke about difficulty in finding affordable rental properties in Amherst, and the desire for a walkable, livable downtown.

President Griesemer stated that zoning is a complex issue, but the Council cannot examine a zoning change until it comes before them. President Griesemer asked that the Planning Board and CRC allow for a full community dialog.

MOTION: Councilor De Angelis moved, second by Councilor Hanneke, to call the question.

VOTED 12-0-1 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilor Pam Abstained) to call the question.

VOTED 3-10 by roll call (Councilors DuMont, Pam, and Schoen voted Yes; Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, Steinberg, and Swartz voted No) to postpone the discussion of the CRC suggested zoning changes to January 25 at a Public Dialogue session to be scheduled one-hour before the January 25 Council regular meeting and to postpone the vote on CRC recommendations until February 8th at the Council regular meeting. The motion failed.

Councilor DuMont used Charter Sec. 2.10(c) Right to postpone to postpone the vote until the next Council meeting. No vote was taken.

After a short break, President Griesemer reconfirmed all participants could hear and be heard.

d. Budget Guidelines

President Griesemer noted there will be opportunities for public input during the budget process.

Councilor Steinberg spoke about the development of the guidelines, outstanding capital needs, and explained the rationale for the guideline proposal.

MOTION: President Griesemer moved, second by Councilor Schoen, to adopt the FY22 Town Council Budget Policy Guidelines, as recommended by the Finance Committee report of 12-21-2020, as presented.

Councilor Hanneke spoke in support of the guidelines, adding revenues projected for next fiscal year are projected at \$1.5M less than expected, this will hurt many different departments but we need to face reality.

Councilor DuMont spoke in appreciation that the guidelines take into consideration new initiatives like climate action plan and racial equity initiatives. ECAC will submit an annual report and funding request before the next meeting.

Councilor Schoen commented that the biggest loss will be local receipts, spoke about efforts to support local businesses, and stated every city and town is facing what Amherst is facing.

Councilor Brewer asked that a clarification be made to page 5 regarding marijuana host community agreement fees and taxation, and commented that she understands why parents are worried and that there is no sense of flexibility with schools about financial difficulties. Councilor Brewer spoke in opposition to the guidelines.

Councilor Steinberg offered to make the clarification regarding the marijuana revenue.

VOTED 12-1 by roll call (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Brewer voted No) to adopt the FY22 Town Council Budget Policy Guidelines, as recommended by the Finance Committee report of 12-21-2020, as presented.

e. Stormwater Management Bylaw

f. Illicit Discharge Bylaw

Environmental Scientist Beth Willson and Assistant Superintendent of Public Works Amy Rusiecki spoke about the Stormwater Management and IDDE Bylaws, why they are needed and steps leading to and following the adoption of the bylaws.

Councilor DuMont asked about how permitting requirements interface with MVP climate.

Willson responded that it does all tie together.

Bockelman spoke about the coordinated efforts between the DPW and sustainability coordinator.

Councilor Bahl-Milne asked about applicability of the bylaws to older or newer buildings.

President Griesemer asked if the town is required to be part of the program, if additional funds or assistance from the state are available and costs to implement the bylaw.

Rusiecki responded the town is required to be part of the program, it is an unfunded mandate, and the costs are unknown at this point but will be an ongoing effort with staffing and equipment.

Councilor Hanneke asked if we can keep the fees amounts outside the bylaw so they can be adjusted to cover costs.

Councilor Steinberg asked about an enterprise fund arrangement and capital costs.

Rusiecki responded that there will be capital needs in the future but not for the next year or so.

Councilor Brewer spoke about the need to communicate to the public what are new and ongoing expenses and if there are no decision points then it should not be referred to TSO.

MOTION: President Griesemer moved, second by Councilor De Angelis, upon future receipt, to automatically refer the Stormwater Management Bylaw and the Illicit Discharge Detection & Elimination Bylaw, along with the Elizabeth Willson December 14, 2020 Memo “Amherst MS4 Storm Water Permit Stormwater Management & IDDE Bylaws Supplemental Information” to the Town Services and Outreach Committee, the Finance Committee, and to the Governance, Organization, and Legislation Committee for review and recommendations to the Town Council within 90 days of referral.

Councilor Schoen stated the bylaws are not in the format they should be.

VOTED unanimously, 13-0, by roll call, upon future receipt, to automatically refer the Stormwater Management Bylaw and the Illicit Discharge Detection & Elimination Bylaw, along with the Elizabeth Willson December 14, 2020 Memo “Amherst MS4 Storm Water Permit Stormwater Management & IDDE Bylaws Supplemental Information” to the Town Services and Outreach Committee, the Finance Committee, and to the Governance, Organization, and Legislation Committee for review and recommendations to the Town Council within 90 days of referral.

g. Retreat Follow-Up

President Griesemer stated she will bring the memos back to the Council on January 4, looking for a brief discussion tonight.

- (1) **Memo to Library Trustees re: Repair, Renovation, and Addition**
- (2) **Memo to the Town Manager re: DPW and Fire/EMS Headquarters – Consent Agenda**
- (3) **Memo to Town Manager re: Update of Financial Model for Capital Projects – Consent Agenda**
- (4) **Referral of “Future Agenda Items” to Council Committees**

Councilor Hanneke spoke about some of the items listed as not under the Council’s jurisdiction, already resolved, or premature, need to consider where committee time is most valuable, and should get the list down to a manageable number.

h. Charter Sec. 8.1 – Guidelines for Requests

MOTION: President Griesemer moved, second by Councilor Hanneke, to refer the Town Manager Memo 12-14-2020 (KP Law Charter Section 8.1 Open Meeting of the Residents) to the Governance, Organization, and Legislation Committee for review and recommendations regarding the acceptable form of requests under Charter Section 8.1 to the Town Council in 90 days.

VOTED 12-0-1 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor DuMont Abstained) to refer the Town Manager Memo 12-14-2020 (KP Law Charter Section 8.1 Open Meeting of the Residents) to the Governance, Organization, and Legislation Committee for review and recommendations regarding the acceptable form of requests under Charter Section 8.1 to the Town Council in 90 days.

7. Presentations and Discussion

a. Discussion on the role of the President/Vice President

Councilor Brewer spoke about the reason for the discussion. Biggest concern that we are treating the president and VP as an executive team.

Councilor DuMont appreciate that this in on the agenda, expressed discomfort with the team, prefer to have VP role as described in the charter, like the idea of P assigning councilors tasks. Hoping to have a much more limited role when the Council elects president and VP.

Councilor Pam stated she does not like the idea of a powerful team that works together.

Councilor Swartz stated she thought the roles would be simpler than they are now, and the president would have the luxury of not taking on everything the president has taken on. Councilor Swartz suggesting mentoring Councilors so there is a pool of people who can step up.

b. Council Agenda Items for 2021

President Griesemer stated the Council needs to decide what the legacy is we want to leave.

8. Appointments

a. Town Manager Appointments – Consent Agenda

- (1) **Agricultural Commission**

VOTED via consent agenda: to approve the following Town Manager appointments to the Agricultural Commission, as filed with the Town Clerk on December 16, 2020, and recommended by the Town Services and Outreach Committee report of December 21, 2020, effective immediately:

- For a term to expire June 30, 2021:
 - Douglas Marshall, Planning Board designee
- For a term to expire June 30, 2022:
 - Kristina Smith

(2) Community Safety Working Group

VOTED via consent agenda to approve the following Town Manager appointment to the Community Safety Working Group, as filed with the Town Clerk on December 16, 2020, and recommended by the Town Services and Outreach Committee report of December 21, 2020, effective immediately,

- For a term to last the length of the Working Group's efforts:
 - Darius Cage

(3) Disability Access Advisory Committee

VOTED via consent agenda to approve the following Town Manager appointment to the Disability Access Advisory Committee, as filed with the Town Clerk on December 16, 2020, and recommended by the Town Services and Outreach Committee report of December 21, 2020, effective immediately:

- For a term to expire June 30, 2023:
 - Martha Smith

(4) Public Art Commission

VOTED via consent agenda to approve the following Town Manager appointment to the Public Art Commission, as filed with the Town Clerk on December 16, 2020, and recommended by the Town Services and Outreach Committee report of December 21, 2020, effective immediately:

- For a term to expire June 30, 2023:
 - Shelley Kirkwood

b. Town Council Appointments

(1) Non-Voting Resident Member of Finance Committee

Councilor Ryan reported the Governance, Organization, and Legislation (GOL) Committee interviewed three candidates and voted 4-1 to recommend Jane Sheffler for a term to end June 30, 2022.

MOTION: President Griesemer moved, second by Councilor Schoen, in accordance with Town Council Rules of Procedure rule 10.9, to appoint Jane Sheffler as a Non-Voting Member of the Finance Committee, effective immediately, for a term to expire June 30, 2022, as recommended by the Governance, Organization, and Legislation Committee report of December 21, 2020.

Councilor Brewer asked about the GOL process, which was not attached to the report, no statements of interest were sent to the Council, and the described interview process is different from the process adopted by the previous Outreach, Communications, and Appointments Committee.

Councilor Swartz commented that the process was changed so radically and feels disrespectful.

Councilor DuMont commented that the Council should have a uniform appointment process for Council-appointed committees.

Councilor Hanneke commented that GOL used the same process six months ago, and the process was reported in GOL reports.

Councilor Ross requested additional information in future GOL reports.

VOTED 12-1 by roll call (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Brewer voted No) in accordance with Town Council Rules of Procedure rule 10.9, to appoint Jane Sheffler as a Non-Voting Member of the Finance Committee, effective immediately, for a term to expire June 30, 2022, as recommended by the Governance, Organization, and Legislation Committee report of December 21, 2020.

9. Committee and Liaison Reports

- a. Community Resources Committee** – Councilor Hanneke reported that the Planning Board Chair invited the committee to hear a 40-minute presentation from the Pioneer Valley Planning Commission regarding the short and long-term effects of COVID-19 on the economy, the Council is invited to attend the meeting on January 20 at 6:30 pm.
- b. Finance Committee** – No further report.
- c. Governance, Organization, and Legislation Committee** – No further report.
- d. Joint Capital Planning Committee** – No further report.
- e. Town Services and Outreach Committee** – Councilor DuMont reported that the next meeting on 1/7 will have a presentation on the north common.
- f. Liaison Reports: Affordable Housing Trust, Board of Health, Board of License Commissioners, Community Preservation Act Committee, Council on Aging, Disability Access Advisory Committee, LSSE Commission, Transportation Advisory Committee**

10. Approval of Minutes – Consent Agenda

- a. December 7, 2020 Regular Town Council Meeting minutes**

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

- December 7, 2020 Regular Town Council Meeting minutes

11. Town Manager Report – Town Manager Paul Bockelman reported that testing is important right now, seeing a serious uptick in cases, the next 4-6 weeks are important.

Councilor Hanneke asked about the bang the table initiative; how would Councilors get training or use it.

Bockelman responded that it was purchased using CARES funds, hoping to initiate it for the North Amherst Library.

Councilor Schoen asked about a request for proposals for a DPW location.

Bockelman responded that the Town has not issued the RFP, still in development. The Town is looking at a location for a fire station and DPW.

12. Town Council Comments

- a. President Report**
- b. Future Agenda Items:** Councilor Brewer commented about the need to differentiate between actions taken by Councilors as individuals or as a body.
- c. Councilor Comments**

13. Topics Not Reasonably Anticipated by the President 48 Hours in Advance of the Meeting

14. Executive Session - None

15. Adjourn 11:23 pm.

Respectfully submitted,



Athena O'Keefe

Clerk of the Council

Record of Agenda Packet Materials and Documents Presented

- 00. 12-21-2020 Draft Motions for Town Council 12-21-20
- 00. 12-21-2020 FINAL Town Council Agenda
- 11.a. 12-07-2020 DRAFT Town Council Minutes
- 12. Town Manager Report 12-21-2020
- 2020-12-21 GOL Report to Town Council
- 2020-12-21 TSO Report
- 7.a. Council Rules of Procedure-revised 2020-06-01 - with highlights regarding Presidents role
- 7.a. Role of the President and Vice President - Excerpts Charter and entire ROPs
- 7.a. VP Duties - 2020-12-18
- 7.b. Memo re Required and Possible Agenda Items in 2021
- 8.a. DRAFT 3- Letter Transmitting RCV Act with Act attached - 12-19-2020
- 8.a. DRAFT 3- Letter Transmitting RCV Act with Act attached - 12-19-2020 - markup
- 8.a. Follow-up questions from TC re Ranked Choice Voting 12-16-2020
- 8.a. Follow-up questions from TC re Ranked Choice Voting 12-16-2020 - Response
- 8.a. Follow-up questions from TC re Ranked Choice Voting 12-16-2020 - Response - Updated
- 8.a. Letter Transmitting RCV Special Act - DRAFT with Attachments CO21-33 and RCV Report
- 8.b. Belchertown Road Acquisition Presentation 12-21-20 TC
- 8.b. CO FY21 - 08A CPA Borrowing Authorization Belchertown Road Land Acquisition
- 8.b. CPAC Special Report FY21 - Final
- 8.c. 2020-12-05 CRC Report to Town Council
- 8.c. 2020-12-07 CRC Zoning Recommendation Presentation
- 8.c. CRC Addendum to 2020-12-05 Report - 2020-12-14
- 8.c. CRC Zoning Recommendation Presentation - 2020-12-21
- 8.c. Zoning BL footnote changes Memo to Planning Board from PD Staff 2016
- 8.d. FY22 Budget Guidelines Draft
- 8.d. FY22 Guidelines Draft w charts
- 8.e-f. Memo on Stormwater Management and IDDE Bylaws with attachments final 12-14-20
- 8.e-f. Stormwater Management and IDDE Bylaws 12_21_20 Town Council presentation
- 8.g.(1) DRAFT Memo to Jones Library re Ren Expan vs. Repair as of 12-5-2020 - amended 12-16-20 (1)
- 8.g.(2) DRAFT Memo to TM regarding DPW and Fire-EMS as of 12-5-2020 no updates
- 8.g.(3) DRAFT Memo to TM re. Update of Financial Model for Capital Projects 12-5-2020 - no updates
- 8.g.(4) DRAFT Memo TC re the Dis - Refer of Future Agenda Items 12-5-2020 - Amended 12-16-2020
- 8.h. Memo to Town Council on Charter Section 8.1 - 12-14-2020
- 9.a.(1) Agricultural Commission Appointments - 12-16-2020
- 9.a.(2) Community Safety Working Group Appointment - 12-16-2020
- 9.a.(2) Community Safety Working Group Appointment - 12-16-2020 Updated 12-19-2020

9.a.(3) Disability Access Advisory Committee Appointments -12-16-2020

9.a.(3) Disability Access Advisory Committee Appointments -12-16-2020 Updated 12-19-2020

9.a.(4) Public Art Commission Appointment - 12-16-2020

Capital Inventory memo

Finance Committee report 12.21.20