



**Town of Amherst
Town Council Meeting
Monday, April 12, 2021
6:30 p.m.
Virtual Meeting
Minutes**

Complete video is available online: <https://youtu.be/HFJKFFO0zY>

1. Call to Order

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

Councilors Absent: Bahl-Milne

Others Participating Remotely: Town Manager Paul Bockelman, Comptroller Sonia Aldrich, Finance Director Sean Mangano, Superintendent of Public Works Guilford Mooring, Environmental Scientist Beth Wilson, Assistant Superintendent of Public Works Amy Rusiecki, Clerk of the Council Athena O’Keeffe and Minute-Taker Lindsey McConnell

After confirming all participants could hear and be heard, President Griesemer declared the presence of a quorum, called the meeting to order at 6:30 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

Griesemer encouraged people to look around downtown, ready for spring and ready to reopen, many responsible, thank DPW, the BID and Chamber.

Upcoming Town Council Meetings:

- May 3, 2021 6:30 p.m.- Regular Town Council meeting

Upcoming Council Committee Meetings:

- Community Resources Committee: April 13, 2:00 p.m.
- Joint Public Hearing of the Community Resources Committee and Planning Board on Article 16: Temporary Moratorium for 180 Days on Building Permits for Construction of Residential Buildings with Three or More Dwelling Units, May 19, 8:00 p.m.
- Finance Committee: April 20, 2:00 p.m.
- Finance Committee FY22 Budget Review Meeting Schedule
- Governance, Organization, and Legislation Committee: April 21, 10:30 a.m.
- Town Services and Outreach Committee: April 22, 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- *None*

5. Consent Agenda

Griesemer stated 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, a councilor should 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: Griesemer moved, seconded by Ross, to move the following items, and the printed motions thereunder and approve those items as a single unit:

- 6.a. Adoption of Arbor Month Proclamation
- 6.b. Adoption of 2021 Children’s Mental Health Awareness Week Proclamation

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

- 6.a. Adoption of Arbor Month Proclamation
- 6.b. Adoption of 2021 Children’s Mental Health Awareness Week Proclamation

6. Resolutions and Proclamations

a. Arbor Month Proclamation- Consent Agenda

VOTED via consent agenda to adopt the Arbor Month Proclamation, as presented.

b. Adoption of 2021 Children’s Mental Health Awareness Week Proclamation

VOTED via consent agenda to adopt the 2021 Children’s Mental Health Awareness Week Proclamation, as presented.

Agenda item 14. Topics Not Anticipated 48 Hours in Advance of the Meeting

Ross stated this is a significant moment for UMass that deserves recognition; Amherst is many things one of which is a college town, so this is an opportunity to celebrate together.

MOTION: Ross moved, second by Hanneke, to waive Town Council rules of procedure rule 8.6 for the Citation in Recognition of UMass Hockey 2021 NCAA Champions.

VOTED 12-0 by roll call (Councilors Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Bahl-Milne was absent) to waive Town Council rules of procedure rule 8.6 for the Citation in Recognition of UMass Hockey 2021 NCAA Champions.

MOTION: Ross moved, second by Schoen, to adopt the Citation in Recognition of UMass Hockey 2021 NCAA Champions

VOTED 12-0 by roll call (Councilors Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Bahl-Milne was absent) to adopt the Citation in Recognition of UMass Hockey 2021 NCAA Champions

Pam asked how proclamations are posted online.

7. Presentations and Discussion- None

8. Action Items

a. Procedures for Selection of Audit Firm

(1) Presentation

Mangano spoke about the proposed audit firm evaluation and selection process, as outlined in the memo in the Council's packet.

(2) Council Discussion

Hanneke pointed out a reference to in-person meetings in the request for proposals.

Pam asked about how the committee will evaluate the firms' experience.

(3) Motion and Vote to Refer to Finance Committee

MOTION: Griesemer moved, second by Hanneke, to refer the procedures for selection of the audit firm to the Finance Committee, with a report to the Council by May 3, 2021.

VOTED 12-0 by roll call (Councilors Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Bahl-Milne was absent) to refer the procedures for selection of the audit firm to the Finance Committee, with a report to the Council by May 3, 2021.

b. Water and Sewer Rates

(1) Presentation

Mangano presented the proposed FY22 Rates and spoke about the following:

- General decline in consumption throughout Town, good from conservation standpoint but there is a risk to the enterprise fund and fixed costs
- Both enterprise funds have significant capital improvements underway which will increase costs to the fund including the Centennial water treatment plant, the gravity belt thickener and re-use water
- Closure of the colleges and the university has caused consumption to decrease
- The Town is generating additional revenue from the reuse water program and are applying for a grant to offset capital infrastructure projects
- The Town is also working with the Finance Committee to consider alternative rate structures
- New software will allow the Town to analyze consumption data
- Comparison of rates to surrounding towns and state average

(2) Council Discussion

Schoen asked about the cost of the Centennial repairs and spoke about other communities' use of different rates for residential and commercial uses.

Hanneke spoke about the average water bill calculation, and the distortion of average use due to higher education institutions.

Brewer spoke about the need for more up to date data, asked for better infographics, and spoke about the discussion of changing the rate structure moving forward.

Bockelman stated the Finance Committee delegated Schoen and Kubiak to lead the research on rate structure, and that it will be taken up in the fall.

DuMont stated the Energy and Climate Action Committee has targeted the water treatment plant as being an energy hog, and asked about options to reduce or offset energy consumption at the plant.

Mooring responded that it is in the design process.

(3) Motion and Vote to Refer to Finance Committee

MOTION: Griesemer moved, second by DuMont, to refer the Town Manager's April 8, 2021 recommendation to increase water rates from \$4.20/100cf to \$4.60/100cf and sewer rates from \$4.60 to \$4.90/100cf. to the Finance Committee for a report and recommendation to the Council by May 17, 2021.

VOTED 12-0 by roll call (Councilors Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Bahl-Milne was absent) to refer the Town Manager's April 8, 2021 recommendation to increase water rates from \$4.20/100cf to \$4.60/100cf and sewer rates from \$4.60 to \$4.90/100cf. to the Finance Committee for a report and recommendation to the Council by May 17, 2021.

c. Illicit Discharge Detection and Elimination (IDDE) Bylaw – First Reading

(1) Committee Reports

Steinberg had no additional comments outside of what is in the Finance Committee report that is the Council's packet.

DuMont stated the Town Services and Outreach Committee voted unanimously to recommend approval of the bylaw.

Ryan reported minor changes suggested by the Governance, Organization, and Legislation Committee.

Griesemer confirmed both bylaws have been closely reviewed by the Town's attorney.

(2) Council Discussion

Hanneke asked about enforcement.

Councilors discussed enforcement of the bylaw and recommended changes to "Superintendent or designee."

d. Stormwater Management Bylaw – First Reading

(1) Committee Reports

Steinberg, DuMont, and Ryan briefly spoke about their respective committee reports.

(2) Council Discussion

Hanneke asked about enforcement of the bylaw.

There was a brief discussion of enforcement and Griesemer thanked those who worked on the bylaws.

e. Addition of Town Council Rules of Procedure rule 10.10 Reappointment of Members of the Planning Board, Zoning Board of Appeals, and Non-Voting Resident Members of the Finance Committee – Second Discussion

(1) Governance, Organization, and Legislation (GOL) Committee Report

DuMont stated she met with the chair of GOL and came up with minor edits.

MOTION: DuMont moved, seconded by Schoen, to amend Town Council Rules of Procedure Section 10 by inserting the following:

10.10 Reappointment of Members of the Planning Board, Zoning Board of Appeals, and Resident Members of the Finance Committee

Generally, if a Member of the Planning Board, Zoning Board of Appeals or a Resident Member of the Finance Committee has completed a term, they are given preference in reappointment for up to least six years, to take advantage of the experience and expertise gained, and to honor the voluntary time commitment of members, as long as the member is an active, contributing member of the Board or Committee. If a person has served six consecutive years or will have served more than six consecutive years if reappointed, and there are other qualified applicants, preference will be given to a newcomer. In cases where special training or expertise is required, longer periods of service may be appropriate. A committee or Board member is under no obligation to accept reappointment, nor is the Town Council obligated to offer reappointment.

Brewer asked for clarification of what motions were posted in the Council packet.

MOTION: Ross moved, second by Steinberg, to amend the motion by replacing the entire motion with the following: To refer to the Governance, Organization, and Legislation Committee development of a Town Council policy on appointments to the Planning Board, Zoning Board of Appeals, non-voting members to the Finance Committee, and Districting Advisory Board for recommendation to the Town Council with a report to the Town Council by July 12, 2021.

Ross spoke to the motion, stating that the original motion should be a policy not a Council rule, that this motion to amend would direct the GOL to create a policy to be adopted by the Council, and that the original motion disregards most of the former Outreach, Communications, and Appointments (OCA) Committee process.

Schreiber commented that this does not seem ready for Council action, but that the message has been heard.

Steinberg spoke about selection criteria, and spoke in favor of the motion.

Brewer spoke about the OCA process and the urgency of the discussion when there are appointments needing Council action in the near future. Brewer spoke in favor of a Council policy.

Pam spoke about the perception of applicants, and that the process may appear hostile to applicants.

DuMont spoke in favor of the original motion, stating the language comes from the Board and Committee Handbook.

Schoen spoke in favor of the original motion for now and coming back to the Council with a policy in the future.

Hanneke spoke in favor of the amendment, stating that it is clear that it belongs as part of a policy that would include other selection criteria. Hanneke added that the Community Resources Committee requested the Council create selection criteria last fall and the Council took no action.

De Angelis and Ross agreed that it should be incorporated into a policy.

Griesemer spoke about the various Council committees developing their own appointment recommendation processes, and the need for a policy.

Ross spoke about the need to adopt a policy prior to CRC action on Planning Board and Zoning Board appointments.

Councilors discussed the motion, the options of creating a policy versus adopting a rule and creating a policy later, public perception, how to define an “active and contributing member” of a committee, the former OCA process, the need for diversity on boards and committees, the need for consistency, and the suggestion of using the OCA process as a jumping-off point for developing a policy.

VOTED 7-5 by roll call (Councilors Brewer, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; Councilors De Angelis, DuMont, Pam, Schoen and Swartz voted No; Councilor Bahl-Milne was absent) to amend the motion by replacing the entire motion with the following: To refer to the Governance, Organization, and Legislation Committee development of a Town Council policy on appointments to the Planning Board, Zoning Board of Appeals, non-voting members to the Finance Committee, and Districting Advisory Board for recommendation to the Town Council with a report to the Town Council by July 12, 2021.

VOTED 7-4-1 by roll call (Councilors Brewer, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; Councilors De Angelis, DuMont, Schoen, and Swartz voted No; Councilor Pam Abstained and Councilor Bahl-Milne was absent) to refer to the Governance, Organization, and Legislation Committee development of a Town Council policy on appointments to the Planning Board, Zoning Board of Appeals, non-voting members to the Finance Committee, and Districting Advisory Board for recommendation to the Town Council with a report to the Town Council by July 12, 2021.

8. Appointments

- a. Town Manager Appointments- *None***
- b. Town Council Appointments- *None***

9. Committee and Liaison Reports

- a. Community Resources Committee**
- b. Elementary School Building Committee**

Schoen reported the committee is working toward OPM selection.

c. Finance

Steinberg stated Finance Committee is considering the Regional School budget, and will have a recommendation for the next Council meeting. The committee will also hear from the Town’s actuary about other post-employment benefits, financial obligations, and the Town’s liability.

d. Governance, Organization, and Legislation Committee

Ryan reported the committee considered the proposed rule that has been discussed, as well as the Districting Advisory Board charge.

e. Joint Capital Planning Committee

Schoen spoke briefly about the committee’s report, highlighting the proposal to create a sustainability fund and resident proposal for solar canopies at the high school.

f. Town Services and Outreach Committee

DuMont reported the committee continues to work on the Pomeroy intersection recommendation.

g. 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

Pam reported the Council on Aging is working on how the Senior Center will return to normal operations, which is complicated by the vaccination clinics currently taking place in the building.

10. Approval of Minutes- *None*

11. Town Manager Report

Bockelman spoke briefly about the vaccination program, which is working now to get vaccines to homebound individuals.

12. Town Council Comments

a. President Report

Griesemer stated she will reach out to the Planning Board chair regarding associate members, and spoke about reflections on the anti-racism training Councilors attended over the previous weekend.

b. Future Agenda Items

c. Councilor Comments

Schoen asked when the hearing on the north common parking will be held. Griesemer stated the tentative plan to hold the hearing on May 24.

Schreiber stated the training was useful, exhausting and enriching at same time, and spoke about the concept of gateways and who controls the gates.

Pam asked about the Engage Amherst website. Bockelman spoke about the purpose and use of the site in outreach and “idea” collection.

Brewer asked that an agenda item be added to a future Council meeting like “ending structural racism,” that would build on the resolution the Council adopted last year.

Hanneke spoke about a memo to address proposed legislative action to update the Open Meeting Law, she and Councilor Brewer met with Representative Mindy Domb and Senator Comerford, the result of which is a memo in the Council’s meeting packet that details the current language and proposed changes.

DuMont asked about the section regarding publication of documents.

Brewer spoke about the rationale of the language, adding the Massachusetts Municipal Association did not see input from cities and towns prior to submittal of proposed language.

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

14. Executive Session- None

15. Adjourn

President Griesemer declared the meeting of the Town Council adjourned at 8:57 p.m.

Respectfully submitted,

Lindsey McConnell

Record of Agenda Packet Materials and Documents Presented

00. 04-12-2021 Draft Motions for Town Council

00. 04-12-2021 FINAL Town Council Agenda

6.a. Arbor Month Proclamation 2021 as voted by GOL 4-7-21

6.b. 2021 Childrens Mental Health Awareness Week Proclamation_ as voted by GOL 4-7-21

8.a. Audit Memo and RFP 04-08-2021

8.b. FY22 Water and Sewer Rates 4.9.21

8.b. Water and Sewer Rate Memo 04-08-2021

8.c. IDDE_Bylaw as voted by GOL 4-7-21

8.c-d. Stormwater Management and IDDE Bylaws 12_21_20 Town Council presentation

8.d. Stormwater Bylaw as voted by GOL 4-7-21

8.e. GOL Motion to recommend ROP reappointments to PB ZBA and Fin Com Resident Members Voted

8.e. Motion regarding Reappointment of members of the Planning Board Zoning Board of Appeals and Resident Members of the Finance Committee_

8.e. Proposed Amendment to ROP 10.10_RYAN

8.e. Relevant Documents for Consideration Regarding Town Council Appointments

8.e. ROP Rule 10.10 Alternative Motion

10.e. FY22 JCPC Report 4.2.21 Final

10.e. JCPC report to Council Schoen 4.5.2021

12. Town Manager Report 04-12-2021

2021-03-08 Finance Committee Report to Town Council

2021-03-22 TSO Report to Town Council

2021-04-05 GOL Report to Town Council

2021-04-12 Memo to Senator and Rep - Remote Meeting Legislation

Citation in Recognition of UMass Hockey 2021 NCAA Champions