



**Town of Amherst
Town Council Meeting
Monday, April 5, 2021
6:45 p.m.
Virtual Meeting
Minutes**

Complete video is available online: <https://youtu.be/15dr4fyTqP8>

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

Non-Voting Finance Committee Members Participating Remotely: Robert Hegner, Jane Sheffler, Bernie Kubiak

Others Participating Remotely: Town Manager Paul Bockelman, Comptroller Sonia Aldrich, Finance Director Sean Mangano, Chair and Vice Chair of the Amherst Pelham Regional School Committee Allison McDonald; Margaret Stancer, Regional Schools Finance Director Doug Slaughter, 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 7:28 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.

Finance Committee Chair Steinberg confirmed non-voting resident members Kubiak, Hegner and Sheffler could hear and be heard, and called the meeting of the Finance Committee to order at 7:30 p.m.

Griesemer stated the Finance Committee has to hold a Public Hearing regarding the Regional School Budget, in accordance with the Town Charter.

2. Announcements

Upcoming Town Council Meetings:

- April 12, 2021 6:30 p.m.- Regular Town Council meeting

Upcoming Council Committee Meetings:

- Community Resources Committee: April 13, 2:00 p.m.
- Finance Committee: April 6, 2:00 p.m.
- Governance, Organization, and Legislation Committee: April 7, 10:30 a.m.

- Town Services and Outreach Committee: April 8, 5:00 p.m.

Flag-raising Ceremony for Child Abuse Awareness and Prevention Month:
April 6, 2021, 9:00 a.m. in front of Town Hall

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

a. Regional School budget- Charter Sec. 5.5 (a)

(1) Finance Committee call to order Presentation

Allison McDonald, Doug Slaughter and Michael Morris presented the Amherst-Pelham Regional Schools (APRS) FY 22 Budget, showing packet item 8.a. FY22 ARPS Region presentation v5. The presentation included:

- A review of the APRS's mission, leadership, reputation and student and staff demographics, key initiatives
- Spending breakdowns on personnel, instruction, special education, student programs and support services
- Impacts of declining enrollment, charter and choice schools
- APRS revenue and assessment methods
- A review of history and larger context of regional schools

Morris stated APRS is recommending the 65% state default statutory method because it attempts to mix enrollment changes with some ability to pay aspects and because it is the method that has the best chance of passing all four towns.

(2) Questions from Councilors

Griesemer stated the Council takes this off-cycle in consideration of partnering towns' timelines.

Pam asked about cut to arts and technology in this budget.

Morris responded there no cuts in technology and the reduction in that area is based on need to purchase less devices. Morris stated there is a reduction in art at the middle school, spoke about cuts in enrollment and the comparison of teacher to student ratios for arts in partner districts.

Pam spoke in favor of restoring funding to arts and spoke about the need for hands on learning that promotes self-efficacy while recovering from the pandemic and virtual school.

Hanneke asked about definition of level services and pointed to examples of budget adjustments that are not cuts to services.

Slaughter responded stating the needs of students are dynamic and may have changed since moment budget was created. Slaughter added many of the budget adjustments are one-time reductions that can be realized to prevent more things being taken to support the budget in the future.

Hanneke asked about payroll services, if a decrease in number of teachers needed based on declining enrollment is considered level services, and about a decrease in math teacher salary but no change in Full Time Equivalent (FTE) hours.

Slaughter responded traditionally school choice money is applied to the math department. ARPS became aware of access to \$104,000 more than anticipated and it was put towards the math department.

Morris spoke about the challenge in clearly defining a cut based on decline in service or a decline in enrollment. Morris stated it is not a neat budget, there is a lot of gray, and expressed appreciation for the feedback on how to present things.

Schoen asked about the pay scale, step increases and how much the salary budget would go up if there was no cost of living adjustment (COLA).

Morris it is not advisable to share that information publically at the current time because ARPS is in salary negotiation. Morris stated they can get back to the Council on how many employees are at the top step.

Schoen asked about if salary comparisons to other local and valley districts at top and administrator levels are run regularly.

Morris responded those comparisons are routinely run and it is a more formal process for bargaining units.

DuMont asked about a request passed on from a local high school student about transferring money from the Police Department to the school budget. DuMont also asked about reductions to the bilingual psychologist position.

Morris responded they have been unable to fill the bilingual psychologist position for some time and instead have been contracting out the work, which has resulted in cost savings. Morris stated the conversation about funding between departments is not in the superintendent of school purview and suggested it is up to leadership of the Town.

Griesemer requested APRS bring information about how CARES Act money was spent and their perspective on the new federal budget they come to the Finance Committee.

Hanneke asked about language in the APRS motion about sending requests to board of selectmen. Hanneke stated Amherst no longer has a board of selectmen and asked about progress in efforts to bring the regional agreement in alignment with the Town Charter.

Slaughter stated the language was an oversight and the critical aspect of notification still occurred.

McDonald stated the members of APRS have not made progress regarding the regional agreement and instead have focused on policies in cooperation with Town Manager.

Griesemer sated all parties need to focus on brining the regional agreement and in line with the Charter in the future.

Brewer requested clearer text from APRS to help all parties understand and communicate about budget changes. Brewer gave the example of text saying the math department budget had not changed but the mix of funding sources has.

(3) Public Questions

Jose Lugo, Amherst resident, asked a clarifying question regarding technology cuts and stated a previous presentation said there would be a cut to specials and technology to 4 days a week.

Morris responded that was a reduction in elementary school and this budget only pertains to 7-12th grade.

(4) Public speaking in Favor

Gabrielle Gould, Amherst resident, thanked ARPS for their work and spoke support of the arts program. Could spoke about the ripple effects these programs have for students and stated losing this position

makes expenditure on the library more worth it to support students and bring arts to kids and the community.

(5) Public speaking in Opposition

Vincent O’Conner, Amherst resident, spoke about opening of charter schools in relation to past school budget cuts and recessions. O’Conner stated they have been constantly dismayed by the inability of the School Committee to obtain dedicated money from Amherst College and UMass for dedicated money to the regional budget. O’Conner spoke about the level of instruction children need as they get older. O’Conner recommended the Council consider targeted gifts in to maintain certain programs and stated it is easier to lose programs than to get them back.

Lydia Irons, Amherst resident, thanked citizens who stayed on the call to speak up, and thanked Councilor DuMont for speaking out about funding between departments. Irons spoke about teacher salaries versus police department budgets and cited a study from the Council for a Strong America stating increasing graduation rates would prevent crimes. Irons spoke against defunding school budgets and about the need for right sized budgets.

Allegra Clark, Amherst resident, spoke against any cuts to school budget especially those that will impact mental health and arts. Clark stated the past year has taken a huge toll on kids and communities. Clark stated cutting special education services and mental health positions seems out of line with district goals to support social emotional learning and spoke about the need for different mediums to express and process emotions. Clark stated lack of access to arts and after school programs are drivers of the criminal justice system.

Zoe Crabtree, Amherst resident, spoke about the lack of alignment between the APRS presentation which included increasing number of students with special needs and pride in increasing diversity and the list of cuts to the proposed budget including a bilingual psychologist position. Crabtree stated even if that position is being filled a different way, cutting that funding from the budget will make it harder to get back in the future.

Kristin Worgess, Amherst resident, asked about the proposed cut of an art teacher position due to a decline in enrollment in regards to moving 6th grade from elementary to middle school. Worgess stated they are an Occupational Therapist in the schools and spoke about the deficits students may return with because they missed so much school. Worgess expressed hope it will be more positive and stated para-professionals are lifesavers to support kids.

Morris responded the most likely scenario would be that if Amherst 6th graders moved up any staff members who support 6th grade would also move up. Morris stated the project is in the works they will follow up when more information is available.

Julian, a young Amherst resident, stated the position to be cut in art department was their teacher last year and they have many friends who will be going in to high school after a year of remote learning and will be needing more support which needs more funding. Hynes spoke about how the pandemic has exacerbated the need to fund education, mental, and the social-emotional health of all students. Hynes encouraged APRS and the Council to use every open avenue to find money to prevent these cuts. Hynes stated schools locally and nationwide have not had the money they need to their jobs in long time and cuts do not always come back

Marisol Peirce Bonifaz, Amherst resident, stated as young person growing up in Amherst they have seen local government prioritize the Police Department over education and stated police salaries are higher than teacher salaries. Bonifaz stated as a student of Pioneer Valley Performing Arts charter it is alarming they have to speak on this. Bonifaz spoke about the stress of adapting to the challenges of pandemic. Bonifaz stated the Town must decide who to become and the look to the future instead of the past to follow grim history of unjust law enforcement.

Margaret Sawyer, Amherst resident, elementary school parent, spoke in appreciation of the school districts commitment to equity. Sawyer spoke about the importance of the position and expressed hope there will be creative thinking to maintain staffing as much as possible. Sawyer expressed concern there will also be cuts to the Amherst Family Center and shared the concern of other speakers that the police budget it too high.

(6) Questions from Councilors

Brewer stated many comments were made about mental health and wellness and those things are not mentioned in the line items. Brewer spoke about how the story is told to show Amherst is ready to welcome students back. Brewer referred to packet item 8.a. BudgetRelatedMotions_RSCMtg_03232021 and stated it does not make sense to include a document with draft motions versus the actual number of votes. Brewer spoke about the need to look at the process of the getting the annual letter from APRS and holding a meeting within 60 days.

Hanneke stated some of the School Committee's budget tightness is not related to the Town's assessment but instead due to level funding at the state level. Hanneke encouraged everyone that believes the school budget is underfunded to urge State representatives to increase funding to schools. Hanneke stated it might be useful to hear how state funding has changed over last decade.

Steinberg stated the Finance Committee will reconvene on April 6th, 2021 at 2 p.m. and this will be the main item on the agenda. Steinberg stated councilors are welcome to raise questions and email questions the Finance Committee.

Steinberg adjourned the Finance Committee meeting at 8:56 p.m.

Griesemer thanked the school committee and stated the public hearing is now adjourned.

The Council took a break from 8:57 p.m. to 9:04 p.m.

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, second by Ross, to move the following items, and the printed motions thereunder and approve those items as a single unit:

- Suspension of Town Council Rules of Procedure 8.4 for the following agenda items:
 - 8.c. Amendment to Town Manager Public Safety Goal
- 6.a. Adoption of 2021 Child Abuse Awareness and Prevention Month Proclamation
- 8.a. Referral of Regional School Budget to Finance Committee
- 11.a. Approval of Minutes:
 - March 22, 2021 Regular Town Council Meeting minutes
 - March 22, 2021 Regular Town Council Meeting minutes- Public Forum

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:

- Suspend Town Council Rules of Procedure rule 8.4 for the following agenda item:
 - 8.c. Amendment to Town Manager Public Safety Goal
- 8.a. Referral of Regional School Budget to Finance Committee
- 11.a. Approval of Minutes:

- March 22, 2021 Regular Town Council Meeting minutes
- March 22, 2021 Special Town Council Meeting minutes – Public Forum

6. Resolutions and Proclamations- *None*

7. Presentations and Discussion- *None*

8. Action Items

a. Regional School Budget

VOTED via consent agenda in accordance with Section 5.5(a) of the Amherst Home Rule Charter, to refer the budget submitted by the Town Manager and recommended by the Amherst-Pelham Regional School District Committee for Fiscal Year 2022 to the Finance Committee.

b. Jones Library Appropriations

Griesemer stated because of potential appearance of a conflict of interest, two councilors were asked to individually contact the State of Massachusetts Ethics Commission. Pam and Steinberg read statements regarding the outcome of their conversations with the Commission. Their disclosures are attached.

(1) Finance Committee Report

Steinberg stated the Finance Committee goal was to validate financial information, not make a specific recommendation, and they spent several meetings doing so. Steinberg stated the Finance Committee thanked all those involved and stated they have great confidence in the information provided.

(2) Council Discussion

Griesemer stated the Council has three potential motions and each will be read with a request for a second. Griesemer stated Item C, Authorization of Town Manager to Accept Massachusetts Board of Library Commissioners Grant, does not need a motion because if the Council passes the bond the Town Manager is authorized.

a) FY22-08A: Community Preservation Act Borrowing Authorization: Jones Special Collections

MOTION: Griesemer moved, second by Ryan, in accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 25, 2021, a Public Forum held on April 5, 2021, and having been reviewed by the Finance Committee report of April 5, 2021, to adopt Council Order FY22-08A: An Order Appropriating and Authorizing Debt for the Special Collections Facility of the Jones Library under Historic Preservation, as presented.

Schoen spoke about the Community Preservation Act Committee (CPAC) request for support being listed as private funds in library documentation when it is actually taxpayer money. Schoen asked if a yes vote would be saying the \$1million from CPAC is part of taxpayer funds or it is over that amount.

Griesemer stated a yes vote on this means the \$1million will go to fundraising for the library. Griesemer stated a councilor can vote against it or attempt to change the motion.

Schoen asked about the assumptions regarding the long-term debt for the CPAC funds and what kind of interest will it have.

Mangano responded the Town financial advisor modeled the debt for this portion of the project using a ten-year repayment schedule and the payment ranged around \$110,000 a year.

VOTED 10-3 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, and Steinberg voted Yes; Councilors DuMont, Schoen, and Swartz voted No) in accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 25, 2021, a Public Forum held on April 5, 2021, and having been reviewed by the Finance Committee report of April 5, 2021, to adopt Council Order FY22-08A: An Order Appropriating and Authorizing Debt for the Special Collections Facility of the Jones Library under Historic Preservation, as presented.

Griesemer stated the vote required a 2/3 majority and it did pass.

b) FY21-06C Jones Library Expansion and Restoration Borrowing Authorization

MOTION: Griesemer moved, seconded by Hanneke, in accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 25, 2021, a Public Forum held on April 5, 2021, and having been reviewed by the Finance Committee report of April 5, 2021, to adopt Council Order FY21-06C: An Order Approving and Authorizing Borrowing to Fund the Expansion and Restoration of the Jones Library – Bond Authorizations, as presented.

Schoen stated the public should know what is in the Financial Order including that the Town is being asked to take on the full amount of debt and the library has said it will raise an amount that will shrink the debt but it has not raised it yet. Schoen spoke about the high risk the Town is taking on, and about the hope the Library Trustees will get the pledges or tap in to their endowment.

Hanneke spoke in favor of the motion, about the original vision for the library that is still alive 95 years later and about how the library serves as Amherst's home. Hanneke stated this project is in accordance with the Council's policy goals, and spoke about the need to act to show the Council is serious about climate change, about welcoming visitors and supporting social justice. Hanneke stated the Town would be spending nearly same money on repairs that do not over the same services to the community and urged the Council to vote yes.

DuMont, spoke against the motion. DuMont expressed respect for the amount of time and work put in to this effort. DuMont stated concerns including the Finance Committee did not recommend this project to the Council, the need to look at the full picture of capital and operating budgets for the next decade, the need to get more input from residents. DuMont stated the Library is a want not a need and spoke about the concern this will impact funding for future school projects. DuMont spoke against acting before receiving the Climate Action Committee's report that may include recommendations that may require funding. DuMont spoke about the lack of ability to adequately compare options because the repairs do not include energy retrofitting. DuMont spoke about the need to reserve Town operating budgets to address stressed Town staff is stressed and spoke about the possible impact this could have on funding for library branches.

Ross spoke in favor of the motion. Ross spoke about the projects' alignment with the Town's climate action goals, which are only valuable if followed by action. Ross stated the belief the library is the largest social justice project currently in front of the Council. Ross stated people who say the library works fine for them should consider this project is not for them. Ross stated the current library does not function for people with disabilities, people who are learning English learning or who need access to technology. Ross spoke about the Town's financially ability to do this without an override and with state funds and without much more than will already be spending on repairs. Ross stated the Town cannot let perfection be enemy of progress.

Pam spoke in favor of the motion. Pam spoke about the work the Council has done to focus on coming up with a better financial plan and design. Pam spoke about coming out of the pandemic with hope of coming together and the library is a place to do it. Pam stated she is looking forward to reading room on second floor, and spoke about the need for the teen room and a place for the civil war tablets. Pam stated the library is in the heart of the down town the Town is hoping to revitalize. Pam spoke about the need for faith in the financial numbers and the Trustees commitment to raise funds.

Steinberg spoke in favor of the motion. Steinberg responded to previous comment about the lack of recommendation from the Finance Committee and stated the committee was not asked to make a recommendation but to certify the accuracy of the financial information. Steinberg stated he served on the Joint Capital Projects Committee (JCPC) when it was recognized significant repairs were needed and a deliberate decision was made to wait for grant funding opportunities in future. Steinberg stated the repair costs are similar to renovation and expansion and spoke about the carefully drafted MOU that reduces the financial risk.

De Angelis spoke in favor of the motion. De Angelis acknowledged there are risks and stated not acting also has risks including piecemeal repairs, a loss of credibility with state funders, limited space for English language learning, and a loss of community space.

Schreiber spoke in favor of the motion and about the requests from the public to support public safety, education and infrastructure which the Library exemplifies. Schreiber stated libraries are the most democratic institutions and Massachusetts has been in a leader in that. Schreiber spoke about education and community engagement in safe place and access to infrastructure such as Wi-Fi. Schreiber spoke about how utilizing funds to complete this project is equivalent to a cash for clunkers program and invests in community and social capitol.

Swartz spoke against the motion. Swartz stated the library is incredibly important to her and spoke about volunteering to service the library even when her family met poverty standards. Swartz stated she will go out of this Council speaking for the middle class and asked how many Councilors have missed a paycheck since March 2020. Swartz referenced public comment stating rich young families can pay these taxes. Swartz stated her district has a lot of working class families that can't hang on much longer and the Town just increased sewer and water rates. Swartz spoke about taking on an expensive project first and the concern of people being able to stay in town.

Ryan spoke in favor of the motion and about the historic gift of the library 100 years ago when the nation was also coming out of a pandemic. Ryan stated this vote is an opportunity to enhance that gift and expand most democratic space. Ryan stated the need to provide people in the future with tools they will need. Ryan stated the Town has a plan that allows for 3 of the 4 projects without recourse to a debt exclusion, a financial plan it will allows the Town to fund them through the capital budget, without increasing taxes. Ryan stated this is fiscally responsible.

Bahl-Milne- spoke in favor of the motion and reiterated public comment that stated Holland inaction is the only wrong move. Bahl-Milne spoke to the concerns about high taxes by stating there is a plan to prevent that. Bahl-Milne stated to solve the tax issues the Town needs to draw more people and not with moratoriums. Bahl-Milne stated the belief the library will add to the vitality and build social infrastructure and expressed confidence the Trustees will raise the money and that this is an investment in the Town.

Griesemer spoke in favor of the motion. Griesemer stated she was originally a skeptic but has become accepting of the grant to allow for renovation and expansion and the Trustees commitment to sustainability over the past two years of helping to manage the process. Griesemer stated as long as she has anything to say about it there will be no more money than anything given tonight and the library will

not receive special favor in future operating budgets. Griesemer stated the project does address five of the Council's six policy goals. Griesemer stated confidence in the sound financial plan that will allow the Town to build a school and a fire station and put the Department of Public Works in a seriously upgraded building that all met the net zero bylaw. Griesemer stated this is an investment in the Town's entire future.

Brewer spoke in favor of the motion and quoted an email from the general public stating to refuse state funds in favor of a patchwork piecemeal and partial renovation makes no sense from a financial, environmental, educational or social justice perspective. Brewer also spoke about the lack of risk and stated the Town is not expecting the Friends of DPW, of School, or Fire to pay for any of their buildings yet the Friends of Jones have already made large commitment.

VOTED 10-2-1 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg voted Yes; Councilors DuMont and Swartz voted No; Councilor Schoen Abstained) in accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 25, 2021, a Public Forum held on April 5, 2021, and having been reviewed by the Finance Committee report of April 5, 2021, to adopt Council Order FY21-06C: An Order Approving and Authorizing Borrowing to Fund the Expansion and Restoration of the Jones Library – Bond Authorizations, as presented.

c) Authorization of Town Manager to Accept Massachusetts Board of Library Commissioners Grant

Griesemer stated no vote is required.

d) Authorization of Town Manager to Enter Memorandum of Understand

MOTION: Griesemer moved, seconded by Ryan, to authorize the Town Manager to enter into the Memorandum of Agreement by and between the Town of Amherst and The Jones Library, Incorporated acting by and through its Trustees, whereby the Jones Library, Incorporated agrees that it will exercise good faith and diligent efforts to raise the balance of the Library Share of \$5,656,576 through grants, gifts, donations and other fund-raising efforts, and deposit those funds with the Town of Amherst in accordance with the Memorandum of Agreement.

Schoen spoke about concerns regarding the memorandum of understanding (MOU) including ways it can be stronger including put a share of the library endowment in an escrow account and adjusting the wording regarding the deed restriction of the library.

Pam spoke again putting a share of the endowment in escrow and stated no issue with putting a time limit of the deed restriction if it gives the Town a stronger role.

Griesemer stated the language is for 30 years, the Massachusetts Board of Library Commissioners (MBLC) requires 20 years, and CPAC requires 30 years. Griesemer stated the MOU goes with the longest required time.

DuMont stated it appears there is nothing in the MOU that would prevent library from asking more money from the Council or CPAC.

Griesemer stated once this motion is passed at no point can the library seek more money.

DuMont stated they can ask for a capitol request.

Griesemer responded they can ask for any number of things, whether it is given is up to the Council.

Schoen asked if the library could come back with a request specific to the exterior of the building.

Griesemer responded the request would have to be extremely clear about how it was different and the understanding from the attorney is once this is bonded, they cannot come back to CPAC.

VOTED 11-2 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilors DuMont and Swartz voted No) to authorize the Town Manager to enter into the Memorandum of Agreement by and between the Town of Amherst and The Jones Library, Incorporated acting by and through its Trustees, whereby the Jones Library, Incorporated agrees that it will exercise good faith and diligent efforts to raise the balance of the Library Share of \$5,656,576 through grants, gifts, donations and other fund-raising efforts, and deposit those funds with the Town of Amherst in accordance with the Memorandum of Agreement.

c. Amendment to Town Manger Public Safety Goal

VOTED via consent agenda to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

(1) Town Manager Memo

Bockelman stated Community Safety Work Group (CSWG) has requested additional amount of time to work now that they have a consultant. Bockelman stated he has attended every meeting, has a good sense of where they are heading and they understand the Town Manager's budget deadline.

(2) Council Discussion

Pam asked about the work being received in return for the cost of the consultant.

Bockelman stated the CSWG used a bid process and chose a low bidder on project that can complete the large amount of community outreach needed in a short period of time.

MOTION: Griesemer moved, seconded by Steinberg, to amend the Town Council Performance Goals for the Town Manager July 1, 2020-June 30, 2021 adopted September 14, 2020 by changing, under Policy Goals Section II. Community Health and Safety, the date results are presented to the Town Council from "March 31, 2021" to "May 15, 2021", and

To amend the July 20, 2020 Council directive previously adopted: that the approval of the FY2021 Operating budget is made with the explicit understanding with the Town Manager that two upcoming anticipated vacant positions in the Police Department's budget not be filled until the Town Manager, in consultation with the Town Council, and Residents of Amherst, has fully explored alternative options of providing services and presented the results to the Town Council no later than March 31, 2021.

To read:

that the approval of the FY2021 Operating budget is made with the explicit understanding with the Town Manager that two upcoming anticipated vacant positions in the Police Department's budget not be filled until the Town Manager, in consultation with the Town Council, and Residents of Amherst, has fully explored alternative options of providing services and presented the results to the Town Council no later than May 15, 2021.

Schoen asked about the timing of the budget process including comments during the regional school budget conversations about funding from vacant police positions going to the school budget.

Bockelman stated the CSWG will make their recommendations before the budget has to be submitted and they are asking for more time to complete their report.

Brewer spoke about the inability to see accompanying justification for the budget until the report is complete and asked if for a statement that could be recorded in the meeting minutes regarding how quickly the police positions will be filled.

Bockelman confirmed the positions will not be filled before May 16 and stated the long process to fill them has not even begun.

Hanneke asked about the process of timing and recommendations in consideration of state law regarding increasing the budget after May 1st.

Bockelman stated the budget is not just one line item with schools and the library in one package, it has to be balanced and he works for the Council and will take their considerations very seriously.

VOTED unanimously, 13-0 by roll call, to amend the Town Council Performance Goals for the Town Manager July 1, 2020-June 30, 2021 adopted September 14, 2020 by changing, under Policy Goals Section II. Community Health and Safety, the date results are presented to the Town Council from “March 31, 2021” to “May 15, 2021”, and

To amend the July 20, 2020 Council directive previously adopted: that the approval of the FY2021 Operating budget is made with the explicit understanding with the Town Manager that two upcoming anticipated vacant positions in the Police Department’s budget not be filled until the Town Manager, in consultation with the Town Council, and Residents of Amherst, has fully explored alternative options of providing services and presented the results to the Town Council no later than March 31, 2021.

To read:

that the approval of the FY2021 Operating budget is made with the explicit understanding with the Town Manager that two upcoming anticipated vacant positions in the Police Department’s budget not be filled until the Town Manager, in consultation with the Town Council, and Residents of Amherst, has fully explored alternative options of providing services and presented the results to the Town Council no later than May 15, 2021.

d. Zoning Bylaw 10.02 Related to Associate Members of the Planning Board

Griesemer referred to packet item 8.d. Memo to TC re Zoning Bylaw 10.02 Associate Members of Planning Board 4-5-2021 which outlines three options including asking the CRC to recommend associate members, get rid of bylaw regarding associates, or leave the option in the bylaw, but ask CRC to not recommended appointment for associate members the Planning Board (PB).

Pam spoke against the idea of having associate members and for the all members being equal.

De Angelis spoke I favor of leaving the option in the bylaw but no recommending any. De Angelis stated there have not been associates since about 2000 and spoke about letting the PB decide if they want them in the future without needed to go through this process.

Ross stated the PB has never expressed they feel would benefit from associates, the Planning Department Director did not feel the PB needed associate members and the only time this issue comes up is when the Council feels a candidate they don’t like is being nominated.

Bahl-Milne spoke about the amount of time it takes to understand the zoning issues the PB handles and the values of experience and of new and amazing skills. Bahl-Milne stated associates could be a way to keep experienced person involved and the desire to hear from the PB.

Hanneke stated this has not been discussed with the PB and suggested another motion option is to refer this to CRC to work with PB.

Schoen spoke in agreement with De Angelis not changing the bylaw and keeping the option available.

DuMont spoke about the value in options and stated if folks are willing and able to serve as associates would be good way to get them experience and that should not be limited. DuMont stated the timing of the conversation feels uncomfortable now that some applicants for PB openings are known.

Schreiber stated he doesn't of any PB applicants at this time. Schreiber spoke about the lack of need for associates considering state law regarding associates the limits the types of issues they can participate and state rules allow for PB members who cannot physically be there to participate in hearings.

Brewer referred to the memo in the packet that supports Schreiber's points that PB associates cannot serve as backups. Brewer spoke in favor of referring the issue to the PB.

Griesemer stated the chairs of PB and CRC can be contacted for a discussion.

Hanneke stated there may be time to discuss on the May 19th.

e. Addition of Town Council Rules of Procedure rule 10.10 Reappointment of Members of the Planning Board, Zoning Board of Appeals, and Resident Members of the Finance Committee related to term limits – First Discussion

(1) Governance, Organization, and Legislation Committee Report

Ryan referenced packet item 2021-04-05-GOL-Report-to-Town-Council which summarizes GOL's report.

(2) Council Discussion

Griesemer stated the Council has 20 minutes for an initial discussion.

Schoen spoke in favor of the addition, especially including language about active members since it takes time to get up to speed and makes putting in time worth it.

Schreiber spoke against the addition unless the Council will also include other metrics like skills. Schreiber spoke about affirmative action, against giving weight to this character trait over others and about the confusing language regarding length of terms.

Ross spoke about how this addition mimics the now dissolved Outreach, Communications and Appointments (OCA) work, which came from the Town committee handbook. Ross questioned why the language is different from the handbook, spoke about the confusing language regarding terms and questioned if this belongs in a rule. Ross suggested sending the issue back to GOL to take a broader look into other relevant documents.

DuMont agreed with Ross, and stated the issue of term limits should be decided now considering upcoming appointments. DuMont spoke about the preference for a unified policy regarding limits and reappointments, the need to balance new faces with need for experience and the wish to honor volunteers who are willing to serve. DuMont spoke about the history of the issue and the most recent CRC appointment process involving an experienced PB member that often had a minority position regarding development

Griesemer stated the issue DuMont is discussing is not the issue on the agenda for this meeting.

DuMont disagreed and insisted it is the same issue.

DuMont spoke about upcoming appointment process in the CRC.

Hanneke called a Point of Order.

DuMont continued to speak.

Schreiber called a Point of Order.

DuMont stated she is not out of line.

Hanneke called for a Point of Privilege and spoke to DuMont's statement. Hanneke asked to DuMont to refrain from stating or implying things Hanneke has never stated.

DuMont stated it is her understanding that Hanneke's expressed an opinion in a GOL meeting that the Council should not be bound by decisions of a former committee.

Hanneke responded she has never made a statement regarding any potential appointment to a direct individual or non-individual regarding the upcoming appointments. Hanneke stated her opinion given in GOL regarding this rule was not an opinion on any potential applicant to the upcoming PB or ZBA appointments and Hanneke absolutely refuted implication that it was.

Griesemer referenced the Point of Order and stated this conversation is strictly about term limits. Griesemer stated the issue does not involve different committee processes.

Steinberg agreed with Schreiber, spoke about the importance of committees bringing best qualified most diverse candidates possible, about the value of diversity in addition to experience and spoke against the presumption of reappointment because it will limit who is considered and who may even apply.

Brewer stated this issue is not about a term limits and is about one of several reappointment criteria. Brewer stated the 2011 Appointed Committee Handbook is a standing document that applicants look to and the Town Manager largely follows. Brewer spoke against this wording, spoke in favor of sending the issue back to GOL and in favor of the wording more closely referencing OCA's. Brewer stated all committees working on appointments have heard this conversation and will know t they're going to have to make a justification when they bring their recommendations forward to the town council.

Bahl-Milne spoke about the goal of appointments enhancing the board and asked why the Council should value experience over unique skill sets.

Hanneke spoke against this wording and about the problem with how the word "preference" is interpreted differently.

Pam agreed with Brewer that this is not a term limits measure, and spoke in favor of returning to the processes in Appointed Committee Handbook and sticking with it.

Swartz spoke the history of how this issue has played out in the Council, the political nature of the PB and ZBA appointments, and suggested the Council discuss this at another time when they are fresh and willing to be open about how the opinions of constituents who elected Councilors impacts Councils' decisions on appointments.

Schreiber stated his job is to use his best judgment to help advance the Town, he is not representing any particular group and he still has a problem with this. Schreiber suggested all appointees get a 6-year term with a 3-year review. Schreiber spoke about the challenge in defining words "active and contributing" and spoke in favor of it not being defined.

Ross built on Brewer and Hanneke's statements, stated this is not a term limits rule and "preference" does not mean and appointment ends after 6 years. Ross spoke about the need to be clear there is not

automatic renewal for reappointments and about the need to more closely reference the Handbook language.

DuMont agreed with what Ross said, spoke in favor of preference for reappointment after a first term for stability on boards and the desire to remove the politics and prolong the battles over appointments.

Hanneke stated this language will not end the battles. Hanneke spoke about being in favor of no rules because Councilors were elected to make their best decision. Hanneke stated this language removes Councilor's ability to make vote for the best candidate at that time and to support diversity on the board.

Pam spoke about the value of 3-year terms lengths versus others.

Hanneke called for a Point of Order and stated the Charter and State requires 3 year terms and the only time it is less is if an unexpired terms come up.

Bahl-Milne spoke against offensive and divisive accusations about past votes, in favor of focusing on the best candidates and asked what how other Town's appointment processes.

8. Appointments

a. Town Manager Appointments- *None*

b. Town Council Appointments- *None*

9. Committee and Liaison Reports

a. Community Resources Committee

Hanneke stated the committee will be holding a joint hearing with the Planning Board on May 19th at 8pm regarding the building moratorium.

b. Elementary School Building Committee

Schoen stated the request for bids process in moving along and the Owner's Project Manager (OPM) window will be closing April 19.

c. Finance

d. Governance, Organization, and Legislation Committee

e. Joint Capital Planning Committee

Schoen spoke briefly about the report.

f. Town Services and Outreach Committee

DuMont stated the committee will be looking at Pomeroy intersection and hopefully making a decision finalizing our position in the next two meetings.

Pam asked if the committee is going to work on residential parking issues in the next meetings.

DuMont responded that is not currently on the agenda.

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

10. Approval of Minutes- Consent Agenda

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

- March 22, 2021 Regular Town Council Meeting minutes
- March 22, 2021 Special Town Council Meeting minutes – Public Forum

11. Town Manager Report

Hanneke thanked the Town Manager for work regarding Board of Licensure.

Pam asked if the Town’s relationship with Amherst Media is changing.

Bockelman stated the relationship has not changed and there has been confusion about making sure they had access to the new iNet.

12. Town Council Comments

a. President Report

Griesemer stated a memo is in the Council’s packet regarding the required hearing and revote on the north common.

b. Future Agenda Items

c. Councilor Comments

Schoen request as soon as now going to do it could we put the pictures about parking and the memo up somewhere so people can see them. There was not broad knowledge about what was in front of us. Also question in bylaw it says all abutters would be formally notified, want to make sure business knows this happening in formal way of a hearing.

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

14. Executive Session- *None*

15. Adjourn

President Griesemer declared the meeting of the Town Council adjourned at 11:20 p.m.

Respectfully submitted,

Lindsey McConnell

Record of Agenda Packet Materials and Documents Presented

00. 04-05-2021 Draft Motions for Town Council 4-2-21

00. 04-05-2021 FINAL Town Council Agenda

00. 04-05-2021 Special Town Council Agenda - Public Forum on Library Appropriations

8.a. BudgetRelatedMotions_RSCMtg_03232021

8.a. CO FY22 - 01 02 03 REGION - Assessment Method, Budget and Capital

8.a. FY22 ARPS Region presentation v5

8.a. FY22-Region-Line-by-Line-03232021

8.b. CO FY22 - 08A CPA - Borrowing Auth- Jones Special Collections Facility

8.b. FY21 - 06C JONES LIBRARY EXPANSION AND RESTORATION - BORROWING AUTHORIZATIONS

8.b. Jones Library Trustees Financial Information regarding expansion project, presentation, and video

8.b. Library Q and A For Town Council 3-31-21 Final

8.b. Memo on Town Council Actions on Jones Library - Town Manager Memo - 03-25-2021

8.b. Town Library MOU 4-1-2021 Approved by Town Attorney

8.c. Town Manager Memo to Town Council - Extension of Time for Public Safety Report - 03-31-2021
8.d. Memo to TC re Zoning Bylaw 10.02 Associate Members of Planning Board 4-5-2021
8.e. GOL Motion to recommend ROP reappointments to PB ZBA and Fin Com Resident Members Voted
11.a. 03-22-2021 DRAFT Town Council Minutes
11.b. 03-22-2021 DRAFT Special Town Council Minutes - Public Forum on Community Preservation
Act Budget
12. Town Manager Report 04-05-2021
2021-03-29 Participatory Budgeting Commission Report to Council
2021-04-05 Finance Committee report to Town Council
2021-04-05 GOL Report to Town Council
FY22 Budget Calendar - Updated 4.1.21
Memorandum to TC re Hearing and Vote on North Common 4-2-2021

To: Amherst (MA) Town Clerk, Susan Audette

From: Dorothy S. Pam

Date: March 15, 2021

Re: POTENTIAL APPEARANCE OF FAVORITISM OR INFLUENCE AS REQUIRED BY G. L. c. 268A, § 23(b)(3)

As an Amherst (MA) Town Councilor and member of its Finance Committee, I consider and vote on many issues, including those with respect to the Jones Library. My husband, Robert Pam, is an elected member of the Board of Trustees and Treasurer of that Library. The Town Council acts on the annual budget of the Jones Library and will decide on whether to contract with the Commonwealth of Massachusetts for the renovation/expansion of the Library or to limit the Town to its repair. My husband has no financial interest in the Library, nor is he paid for his services. As Treasurer of the Jones Library, he reports on the financial status of the Library. I will continue to make my decisions based on the presentations and materials that are being provided to all Councilmembers and have concluded that I can be fair and objective when I perform my official duties.

Dorothy S. Pam

Amherst (MA) Town Councilor

District 3

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	Andrew Steinberg
Title or Position:	Town Council
Agency/Department:	Town of Amherst
Agency address:	4 Boltwood Ave. Amherst, MA 01002
Office Phone:	413-549-6826
Office E-mail:	steinberga@amherstma.gov
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	Council decisions: (1) whether to accept a grant from the Massachusetts Board of Library Commissioners to renovate and expand the Jones Library, (2) whether to appropriate funds and incur debt for the Town's share of the cost of the library renovations and expansion project, and (3) whether to appropriate Community Preservation Act Funds for the Special Collections are of the renovated and expanded building.
What responsibility do you have for taking action or making a decision?	As a member of the Council, I may discuss or vote on matters before the Council.
Explain your relationship or affiliation to the person or organization.	My wife is a part-time, hourly employee of the library, working approximately 6 hours per week and additionally as needed due to the absence of other employees.
How do your official actions or decision matter to the person or organization?	The Council decision will determine whether the Jones Library can proceed with the renovation and expansion.

<p>Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.</p>	<p>Public employees may not participate in their public position in matters in which they or any of their immediate family members have a personal financial interest. I have consulted with the Ethics Commission and determined that neither I nor a member of my family will have any financial benefit or loss as a result of Council decisions on these matters.</p>
<p>If you cannot confirm this statement, you should recuse yourself.</p>	<p>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</p> <p><u> X </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
<p>Employee signature:</p>	
<p>Date:</p>	<p>March 31, 2021</p>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.