

Town of Amherst

UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, October 5, 2020

6:30 p.m.

Virtual Meeting

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

Members Absent: None

Others Participating Remotely: Town Manager Paul Bockelman, Acting Health Director Jennifer Brown, Finance Director Sean Mangano, Clerk of the Council Athena O'Keeffe

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 is being conducted via remote participation.

All votes were taken by roll call.

Per MGL Chapter 30A Section 20(f), this meeting was recorded and broadcast by Amherst Media.

President Griesemer called the meeting to order at 6:34 p.m.

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: 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 Rule 8.4 for the following agenda items:
 - 8.d. Ranked Choice Voting Commission Charge
 - 8.e. Participatory Budgeting Commission Charge
- Waiver of Town Council Rules of Procedure Rule 8.6 for the following agenda items:
 - Joint Resolution: Hold Harmless Aid is Essential and Equitable
 - 9.a.5. Extension of appointments to the Ranked Choice Voting Commission
 - 9.a.6. Extension of appointments to the Participatory Budgeting Commission
- 8.d. Approval of changes to Ranked Choice Voting Commission Charge
- 8.e. Approval of changes to Participatory Budgeting Commission Charge
- 9.a.1-4. Approval of Town Manager Appointments to the following boards/committees:
 - Affordable Housing Trust Board of Trustees
 - Community Preservation Act Committee
 - Disability Access Advisory Committee
 - LSSE Commission
- 9.a.5. Approval of extension of terms to Ranked Choice Voting Commission
- 9.a.6. Approval of extension of terms to Participatory Budgeting Commission
- 11.a-b. Approval of Minutes:
 - September 15, 2020 Joint Town Council and Community Resources Committee Meeting minutes
 - September 21, 2020 Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 13-0

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

a. Joint Resolution: Hold Harmless Aid is Essential and Equitable

MOTION: To waive Town Council Rules of Procedure rule 8.6 for the current agenda item.

VOTED 13-0 via consent agenda

MOTION: To adopt the Joint Resolution: Hold Harmless Aid is Essential and Equitable, as amended.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 13-0

8. Action Items

a. November 3, 2020 Presidential Election Warrant

MOTION: To authorize the warrant for the Presidential Election on Tuesday, November 3, 2020, with polls open from 7:00 a.m. to 8:00 p.m. at the following locations:

- District 1, Voting Precinct 1: North Zion Korean Church, Church Hall, 1193 North Pleasant Street
- District 2, Voting Precinct 2: Amherst-Pelham Regional High School, 21 Mattoon Street
- District 1, Voting Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street
- District 3, Voting Precinct 4: Amherst-Pelham Regional High School, 21 Mattoon Street
- District 4, Voting Precinct 5: Bangs Community Center, 70 Boltwood Walk
- District 2, Voting Precinct 6: Fort River School, 70 South East Street
- District 5, Voting Precinct 7: Crocker Farm School, 280 West Street
- District 5, Voting Precinct 8: Munson Memorial Library, South Amherst Common, 1046 South East Street
- District 4, Voting Precinct 9: Wildwood School, 71 Strong Street
- District 3, Voting Precinct 10: Amherst- Pelham Regional High School, 21 Mattoon Street

Motion by: Griesemer

Seconded by: De Angelis

ROLL CALL VOTE: 13-0

b. Zoning Bylaw 14 – Temporary Zoning

MOTION: To automatically refer any proposed changes to Zoning Bylaw 14 – Temporary Zoning recommended by the Planning Department to the Planning Board and Community Resources Committee for review, joint hearing, and recommendation, and to the Governance, Organization, and Legislation Committee for review and recommendation, by November 9.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 13-0

c. Amendment to Bylaw 3.28 – Single Use Plastic Bag Prohibition – Second Reading – Charter Sec. 2.10(a)

MOTION: To amend Bylaw 3.28 – Single Use Plastic Bag Prohibition, by deleting the language shown in strikethrough and adding the language in bold:

3.28 – SINGLE-USE PLASTIC BAG PROHIBITION

PENALTIES FOR VIOLATION OF THE SINGLE-USE PLASTIC BAG PROHIBITION BYLAW

Criminal Enforcement for first violation: warning notice to the establishment

Criminal Enforcement for second, and subsequent, violations: \$100.00 fine

Noncriminal Disposition: the above violations may be enforced with a penalty equal to the maximum criminal fine associated with the violation (enforcement by: Board of Health)

A. Purpose

The primary purpose of this bylaw is to reduce the negative effects of single-use plastic bags on the environment, reduce contamination of plastic bags in residential recycling streams, and, most importantly, to encourage consumers to bring reusable bags while shopping, eliminating the environmental impacts of any single-use bags.

B. A. Definitions

~~"ASTM D6400 standard" means the testing standard developed by the American Society for Testing and Materials used to determine the ability of a material to be composted.~~

"Biodegradable bag" means a bag that: a) contains no polymers derived from fossil fuels and b) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

"Compostable bag" means a bag that a) meets the ASTM D6400 standard for compostable plastic and b) is able to be municipally or industrially composted. "ASTM D6400 standard" means the testing standard developed by the American Society for Testing and Materials used to determine the ability of a material to be composted.

"Recyclable Paper Bag" means a bag that: a) is 100% recyclable overall b) contains a minimum of 30% post-consumer recycled content and c) displays the words "Recyclable" or "Please Recycle" on the outside of the bag.

"Reusable bag" means a bag that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

~~"Thin-Film Single-Use Plastic Bag" means a bag, typically with plastic handles, with a thickness of 3 mils (thousandths of an inch) or less and intended for single-use transport of purchased products. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items, or other similar merchandise, typically without handles, are permissible.~~

CB. Use Regulations

~~(4) 1. Thin-Film Single-Use Plastic Bags shall not be distributed, used, or sold for checkout or other purposes at retail, retail food, or service retail establishments.~~

~~(2) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items, or other similar merchandise, typically without handles, are permissible.~~

~~(3) Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide biodegradable bags, reusable bags, compostable bags, or recyclable paper bags for free or for a fee. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.~~

2. If any retail establishment provides a checkout bag to customers, the bag shall comply

with the requirements of being either a recyclable paper bag, a compostable bag, a biodegradable bag, or a reusable bag.

DC. Enforcement

(1)1. The Board of Health or its designee may inquire on an annual basis regarding an establishment's compliance with this bylaw.

(2)2. Residents of the Town who observe potential violations of this bylaw may file a complaint with the Board of Health or its designee who shall investigate the complaint.

(3)3. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than 1, each condition violated shall constitute a separate offense.

(4)4. Warnings issued for the first violation shall specify the violation, the appropriate penalties in the event of future violations, and a statement that the retail establishment might be closed if it fails to comply.

~~D. Deferments~~

~~Upon written application from a retail establishment, the Board of Health, after a public hearing, may temporarily defer application of this bylaw for a retail establishment for up to 1 year, up on a showing by the retail establishment that the conditions of this bylaw would cause undue hardship. The Board of Health shall determine whether the hardship of the establishment is cause for a deferment. The establishment shall reapply prior to the end of the exemption period and demonstrate continued undue hardship if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed 1 year.~~

Motion by: Griesemer

Seconded by: DuMont

ROLL CALL VOTE: 13-0

d. Ranked Choice Voting Commission Charge – Consent Agenda

MOTION: To waive Town Council Rules of Procedure rule 8.4 for the current agenda item.

VOTED 13-0 via consent agenda

MOTION: To approve the changes requested by the Town Manager to the Ranked Choice Voting Commission charge, as shown in the Town Manager's memo dated September 30, 2020.

VOTED 13-0 via consent agenda

e. Participatory Budgeting Commission Charge – Consent Agenda

MOTION: To waive Town Council Rules of Procedure rule 8.4 for the current agenda item.

VOTED 13-0 via consent agenda

MOTION: To approve the changes requested by the Town Manager to the Participatory Budgeting Commission charge, as shown in the Town Manager's memo dated September 30, 2020.

VOTED 13-0 via consent agenda

9. Appointments

a. Town Manager Appointments – Consent Agenda

(1) Affordable Housing Trust Board of Trustees

MOTION: To approve the Town Manager appointment of Francis Goyes to the Affordable Housing Trust Board of Trustees, with a term to expire on June 30, 2022, as filed with the Town Clerk on

September 17, 2020 and updated on September 28, 2020, and recommended by the Town Services and Outreach Committee report of September 30, 2020.

VOTED 13-0 via consent agenda

(2) Community Preservation Act Committee

MOTION: To approve the following Town Manager appointments to the Community Preservation Act Committee, as filed with the Town Clerk on September 17, 2020 and updated on September 18, 2020, and recommended by the Town Services and Outreach Committee report of September 30, 2020:

- Ana Devlin Gauthier, representing the Conservation Commission, for a term to expire June 30, 2021
- Robin Fordham, representing the Historical Commission, for a term to expire June 30, 2021
- Sarah Marshall, representing the LSSE Commission, for a term to expire June 30, 2021
- Andrew MacDougall, representing the Planning Board, for a term to expire June 30, 2021
- Sarah Eisinger, reappointment, as an at-large member for a term to expire June 30, 2023
- Katie Zobel, as an at-large member, for a term to expire June 30, 2023

VOTED 13-0 via consent agenda

(3) Disability Access Advisory Committee

MOTION: To approve the following Town Manager appointments to the Disability Access Advisory Committee, as filed with the Town Clerk on September 17, 2020 and updated on September 28, 2020, and recommended by the Town Services and Outreach Committee report of September 30, 2020:

For terms to expire June 30, 2023:

- Christopher Blount
- Zander Crowley

VOTED 13-0 via consent agenda

(4) LSSE Commission

MOTION: To approve the Town Manager appointment of Carolyn Mailler to the LSSE Commission, with a term to expire on June 30, 2023, as filed with the Town Clerk on September 17, 2020 and updated on September 28, 2020, and recommended by the Town Services and Outreach Committee report of September 30, 2020.

VOTED 13-0 via consent agenda

(5) Ranked Choice Voting Commission Extension of Terms

MOTION: To waive Town Council Rules of Procedure rule 8.6 for the current agenda item.

VOTED 13-0 via consent agenda

MOTION: To extend the following appointments to the Ranked Choice Voting Commission to December 1, 2020:

- John Bryan
- Jesse Crafts-Finch
- Tanya Leise
- Ellen Lindsey
- Peggy Shannon

VOTED 13-0 via consent agenda

(6) Participatory Budgeting Commission Extension of Terms

MOTION: To waive Town Council Rules of Procedure rule 8.6 for the current agenda item.

VOTED 13-0 via consent agenda

MOTION: To extend the following appointments to the Participatory Budgeting Commission to June 30, 2021:

- John Fenske
- Meg Gage
- Elizabeth Larson
- Jonathan McCabe
- John Page
- Cathy Schoen

VOTED 13-0 via consent agenda

11. Approval of Minutes

a. Approval of minutes

MOTION: To approve the following Town Council minutes as presented:

- September 15, 2020 Joint Town Council and Community Resources Committee Meeting minutes
- September 21, 2020 Town Council Meeting minutes

VOTED 13-0 via consent agenda

The Council adjourned at 9:43 p.m.