



To: Town Council  
Fr: Paul Bockelman  
Town Manager  
Dt: October 3, 2020  
Re: Town Manager Report for October 5, 2020

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### **Town Manager Update:**

- Comments on Student Opportunity Act:
  - The Student Opportunity Act directed the Department of Elementary and Secondary Education (DESE) and the Department of Local Services (DLS) to jointly study and report on the fairness of Chapter 70's municipal ability to pay calculation, required local contributions, and school aid amounts.
  - The two agencies are soliciting public comment on these issues. In addition, the Massachusetts Business Alliance for Education and Greater Boston Chamber of Commerce recently issued a report that included a number of recommendations.
  - The two recommendations that I will discuss in this memo are:
    - Phase-out of the "hold harmless" provision
    - Eliminate minimum aid
  - I have attached a memo from the Finance Director for the Town Council's information.
  - I will be sending a letter for public comment and to our State legislators.
  - There will be a resolution put before the Town Council for its consideration on this topic.
- COVID-19:
  - Hot Line: The hot line has been very popular. The Community Participation Officers have been answering the calls live or returning every call/email within a few hours of receipt. This weekend, we expanded the service to having the line answered live by ambassadors in the evening and during key hours during the weekend. All calls were answered live.
  - Ambassadors: The ambassadors are in the field in the downtown area and working in teams with support from Town staff going to neighborhoods that have a high concentration of expressed concerns. The ambassador coordinator coordinates with UMass efforts with off-campus students. The ambassadors have also been present at the Farmers Market.
- Racial Equity:
  - Community Safety Working Group:
    - I have established a Community Safety Working Group after discussion and input from the Town Council and community.
    - I am now seeking residents to serve on the Working Group.

- I have also established an Interview Team who will interview applicants for the Working Group. I, ultimately, will make the appointments and will refer them to the Town Council for its review.
    - The purpose of the Community Safety Working Group is to (a) make recommendations on alternative ways of providing public safety services to the community and (b) make recommendations on reforms to the current organizational and oversight structures of the Amherst Police Department.
    - The Working Group will have nine voting members. No fewer than six of the nine voting members shall represent Black, Indigenous, People of Color, or other historically marginalized communities.
  - The Town has joined the Government Alliance on Race and Equity (GARE). GARE is a national network of government cohorts working to achieve racial equity and advance opportunities for all. Town staff are working to implement the recommended steps from GARE.
- Outreach:
  - Coffee with Town Manager: The last Cuppa Joe with Paul was on September 25<sup>th</sup> when the Communications Manager and I were joined by Community Police Officer Bill Laramee and COVID-19 Ambassador lead Kat Newman. We also had a celebrity siting of Winston, the Town's new comfort dog.
  - In the Community: The Community Participation Officers and I were present at some of the Mobile Food Markets such as the Fort River School the last four Thursdays and the Mobile Food Market on East Hadley Road the last two Saturdays. Being present and available at these venues has been very helpful as we reach out to people who otherwise would not be in touch with local government. We offer free masks, bags, sidewalk chalk, and little art kits. The CPOs are incredible at connecting with all members of the community.
  - Community Chats:
    - We have decided to relaunch the weekly Community Chats with special guests Acting Health Director Jennifer Brown and Director of Senior Services Mary Beth Ogulewicz.
    - We will discuss all things COVID-19 related, support for our Seniors, where we are as a community and allow time for community members to share their concerns and ideas.
    - It will be on **Thursday, October 8<sup>th</sup>** at 12:00 noon via Zoom.
  - Information Kiosks: We continue to seek ways to connect with the public and visitors beyond the website, social media, and newspaper. The Town is purchasing several information kiosks for placement in the downtown area. These kiosks will have real-time information about Town activities and provide the opportunity for businesses to share information, as well.
  - Appointments: I continue to seek members to serve on the Agricultural Commission, Council on Aging, Public Art Commission, and Public Shade Tree Committee. Interviews continue with several of these groups.
- Community Participation Officers (CPOs):
  - Complete Count – United States Census: Only 66.7% of the Town has responded to the U.S. census. This is low and will impact many, many funding programs over the coming decade. The state-wide average is 69%. And the Town's 2010 response rate was 70.8%. There's still time! Ask your neighbor, ask you kids and parents, if they have completed the census. Ten minutes – is all it takes – and it impacts the Town for 10 years!

- Web Site: The redesign and refresh of the Town’s website is continuing. We are working to ensure the site is fully accessible to those who have barriers to traditional viewing of the web site.
- Zoom Crew: I have established a Zoom Crew, existing staff members who have the time and ability to support the significant increase in the number of Zoom meetings being held by Town committees. I appreciate the openness and willingness of our staff to step up to take on these new responsibilities.
- Town-Gown:
  - UMass: The Town and University reopening working group meets weekly.
    - The University continues its “knock-and-talk” program where University officials and Town officials jointly visit households that have generated complaints to the Town.
  - Off-campus students: The University is collecting data to determine the number of students who are living off-campus in Amherst and surrounding areas. Initial indications are that there are not as many students in off-campus housing as initially thought.
- Town Staff: With the start of remote schooling, many of our employees have been challenged to meet both the needs of their families and the demands of their work. We are exploring ways we can help these staff members meet their child care needs.
- Professional Development: I will be making a presentation to the Massachusetts Municipal Management Association entitled “Budgeting in the Unknown” on October 14<sup>th</sup>.

#### Departments:

- Town Clerk:
  - Election: The general election is November 3<sup>rd</sup>. Polls will be open from 7:00 a.m. to 8:00 p.m. There are several options to vote:
    - Vote-By-Mail: If you haven’t already applied for a Vote by Mail ballot for November, you can submit your application online at [www.MailMyBallotMA.com](http://www.MailMyBallotMA.com) or you can submit an application by mail using a printable form available on the Town’s website. **Requests for ballots** must be received by the Town Clerk by **October 28<sup>th</sup>** at 5:00 p.m.
      - Ballots will be mailed by the Town Clerk's office on or around October 9<sup>th</sup>.
      - To **return your ballot by mail** in the United States, your ballot must be **postmarked** by November 3, 2020, **and received** no later than 5:00 pm on November 6, 2020.
      - To return your ballot **by hand**, you can drop it in the ballot drop box on the Main Street side of Town Hall dedicated solely for ballots. Ballots must be received by **8:00 p.m. on Election Day** if delivered by hand.
    - In-Person Early Voting: Voters may cast their ballot in person October 17<sup>th</sup> through 30<sup>th</sup> at the Bangs Community Center on the following days and times:
      - 10/17 from 10:00 am to 2:00 pm
      - 10/18 from 10:00 am to 2:00 pm
      - 10/19 through 10/23 from 8:00 am to 4:30 pm
      - 10/24 from 2:00 pm to 8:00 pm (last day to register to vote)
      - 10/25 from 10:00 am to 2:00 pm
      - 10/26 through 10/30 from 8:00 am to 4:30 pm
    - In-Person Voting on Election Day: Voting will take place on November 3<sup>rd</sup> from 7:00 a.m. to 8:00 p.m.

- If you have not requested a vote by mail ballot before the deadline to submit your application, you may vote in person during early voting or on election day
  - Any voter who has returned a vote by mail ballot that has been accepted by the local election official cannot subsequently vote.
- Registering to Vote: The deadline to register to vote is October 24<sup>th</sup>. A voter registration affidavit must be received by the Town Clerk by 8:00 p.m. if in person, or by 11:59 p.m. if using the State online registration system here: <https://www.sec.state.ma.us/ovr/>
  - Staff will be available for voter registration during early voting on October 24th from 2-8 pm at the Bangs Community Center.
  - To determine your voter status, you can either:
    - Check your voting status online here: [www.sec.state.ma.us/voterregistrationsearch/myvoterregstatus.aspx](http://www.sec.state.ma.us/voterregistrationsearch/myvoterregstatus.aspx)
    - Call the Town Clerk's office at (413) 259-3035, or email: [townclerk@amherstma.gov](mailto:townclerk@amherstma.gov)
  - If you find you are in Inactive status, you may fill out an [annual Street List form here](#) and return it to the Town Clerk's office. Inactive voters are still eligible to vote but will be required to complete additional forms and show an ID at the polls. Save time by checking your status before voting.
- Preparations continue for the general election. The Town Clerk's office, Facilities Manager, and I held a debrief meeting with the election wardens to gather advice and suggestions for the general election.
- Poll worker trainings are being conducted multiple times this week.
- The Acting Town Clerk secured an important grant of \$34,051 from the Center for Tech and Civic Life, a nonpartisan non-profit that uses technology to improve the way local governments and communities interact. The grant will be used to offset added expenses for early and Election Day voting, to promote the election, and to supply personal protective equipment, among other things. Congratulations to the Town Clerk's office for applying for this grant in the midst of everything else they are doing!
- Public Safety:
  - The Police Department received a significant grant of \$400,207 multi-year grant to improve Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking.
  - Restorative Justice Program:
    - Amherst has joined five other communities and the District Attorney to announce the expansion of a restorative justice program. The communities and District Attorney have partnered with community stakeholders and local volunteers to increase access to restorative justice in Hampshire County.
    - They Communities for Restorative Justice (C4RJ) is a program that diverts adults out of the criminal justice system and into restorative justice.
    - Restorative justice is a process to involve, to the extent possible, those who have a stake in an offense that has been committed and collectively to identify and address harms, needs, and obligations in order to heal and restore the community. Often this work is done before criminal charges are filed and instead of proceeding with a court case. Restorative justice programs subscribe to these principles: crime is a violation of people and relationships; crime creates harms, needs, and obligations; and those most affected should be meaningfully included and empowered.

- Local volunteers will be trained in restorative practices and the C4RJ process throughout the fall and will begin receiving referrals from police departments in early 2021. A second round of volunteer training in 2021 will enable the Hampshire County program to expand the number of cases it takes.
    - The participating police departments, each of whom has committed to support administrative costs, are Amherst, Easthampton, Hadley, Northampton, South Hadley, and Ware. Additionally, the Northwestern District Attorney's Office will support C4RJ, which will enable Assistant District Attorneys to refer cases from any police department in Hampshire County.
  - The Police Department's new "comfort dog" was sworn into office on Thursday. Canine colleagues from area police departments were also in attendance.
  - Ambulance and emergency calls continue to be low with calls coming in at about half of what they are normally.
- Human Resources:
  - Donna-Rae Kenneally, the Town's new Human Resources Director, will begin her duties on October 26<sup>th</sup>. Human Resources Manager Joanne Misiaszek is serving as the Temporary Human Resources Director.
  - Emma Dragon, the Town's new Health Director, will begin her duties on November 2<sup>nd</sup>. Public Health Nurse Jennifer Brown is serving as the Temporary Health Director. She is being supported by the Assistant Town Manager for administrative issues. I have contracted with a neighboring health director to provide additional support during the transition.
- Public Works:
  - Charging Stations: The Communications Director and Superintendent of Public Works are locating small, solar-powered charging stations at locations downtown to provide a convenient way for those who need to charge their devices.
  - Rest Rooms: Staff are looking at securing modular rest rooms at key areas in the Town including at Plum Brook and Kiwanis Park. Other locations are also under consideration including the downtown area.
  - Paving: Paving is being completed on North East Street.
- Finance:
  - COVID-19: The finance department continues to submit reimbursements for COVID-19 funding from FEMA and the Federal CARES Act.
  - Finance Committee: The Finance Director and Comptroller will be presenting the following material to the next Finance Committee meeting:
    - Fourth quarter and FY20 year-end financial report.
    - Capital inventory criteria.
    - A summary of the FY22 budget process and calendar for the coming fiscal year.
  - Capital Program and Inventory:
    - The Finance Director is working with Department Heads to put together a comprehensive inventory of capital assets.
    - The Finance Director has introduced a new capital planning process for Department Heads with the goal of preparing a realistic five-year capital plan to the Town Council. This means there will be hard choices made and that items may be put into a "parking lot" if they are not able to be funded in the five-year capital plan.
    - The Finance Director is introducing new budget forms for Department Heads to complete. The goal is to have a budget that is 100% online and has all of the



- Senior Center: The Senior Center's new newsletter, The Senior Spirit, is out and has been mailed to all seniors in the Town. It can be found here:  
<https://www.amherstma.gov/ArchiveCenter/ViewFile/Item/12511>
- Health Department:
  - The Town will be offering flu clinics to our employees.
  - Health staff are conducting targeted flu clinics as they have done in the past. These efforts have been complicated by the COVID-19 pandemic.
- Public Art:
  - The Public Art Commission is seeking to enliven and re-energize the outdoor exhibit area on the Boltwood Plaza which currently houses the non-functioning Poetry Window.
- Conservation and Development:
  - Smart Growth Forum:
    - The Planning Department is hosting a 4th and final community forum to discuss potential new zoning and affordable housing opportunities to promote a diversity of housing choices under smart growth principles.
    - This is the 4th of four public forums that the Town has planned as part of a technical assistance grant received from the state.
    - The forum is scheduled for Wednesday, October 14, 2020, 6:30 to 8:30 p.m. via Zoom.
  - Emergency Rental Assistance:
    - The Town has dedicated \$250,000 in taxpayer funds to support income-eligible renters in meeting their rental requirements during the COVID-19 pandemic. Information can be found here:  
<https://www.amherstma.gov/CivicAlerts.aspx?AID=2672>
    - The Town and the Municipal Affordable Housing Trust Fund announced the availability of Round Two for short-term emergency rental assistance available for Amherst renters experiencing a loss or reduction of income due to COVID-19.
    - Rental assistance is available for up to 3 months.
    - Information can be found here: [www.communityaction.us/amherstrentalassistance](http://www.communityaction.us/amherstrentalassistance)
  - Licensing:
    - On September 10<sup>th</sup>, the Governor extended the period for outdoor table service by licensees licensed for on-premises consumption from November 1, 2020, for any period up to sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.
    - I am reviewing the request to delay/decrease fees for liquor license holders. License fees are due November 1<sup>st</sup>.
  - ADA Transition Plan: Consultants are finalizing a draft of the transition plan.
- Sustainability: The Town received a \$125,998 grant from the Department of Energy Resources Green Community Division to update lighting at the Munson Library, Police Station, and Town Hall and to implement idle reduction technology for Town vehicles.
- Information Technology (I.T.):
  - I-Net: I.T. is moving forward on a contract to construct a replacement I-Net loop to replace the current Comcast loop which the Town must abandoned in compliance with the contract we have with Comcast. Delays in obtaining the fiber due to the COVID-19 pandemic has delayed this project.

**Delegated Authority (September 2020):**

- Short-Term Event Uses of Town Commons: None
- Short-Term Parking Requests: None
- Short-Term Road or Sidewalk Closures: None

**Major Capital Projects:**

- DPW/Fire: No developments
- Schools: The first meeting of the Elementary School Building Committee is scheduled for October 27<sup>th</sup> at 7:30 a.m. via Zoom
- Library:
  - July 2021 – The MBLC will award Amherst a provisional grant
  - December 2021 – the date by which the Town will have to vote to approve its share of the project cost – but there is still nothing preventing Town Council from voting on the project before December 2021.

**Project Update:**

- Groff Park: The spray park was turned on and tested. Some leaks were detested and the contractor was called back to fix the problems.
- Kendrick Park Playground: No updates.
- Performing Arts Shell on the Town Common: No developments.
- Parking Structure on Town Land at North Pleasant Street Parking Lot: No developments.
- North Common Restoration/Main Street Parking Lot: Staff are reviewing the plans developed by the architectural and engineering firm to determine if the work can be modified to move forward with an additional appropriation from the Community Preservation Act fund. Staff will make a presentation to the Town Council at an upcoming meeting.
- Hickory Ridge: No developments.
- East Street School: No developments
- North Amherst Library: With the Town Council's positive vote, we will now contract with the architect to move to the next phase of design. We will be utilizing a new form of public involvement to engage the community in a different way, because I don't anticipate we will be able to have public meetings on this – or any other – project for some time.
- Solar on the Landfill: Slow, steady progress continues to be made as we work through the permitting and interconnection approvals. We are projecting construction to begin in November of 2021 and operation to begin in April of 2022.

**Upcoming Meetings and Events:**

- October 12<sup>th</sup> – Indigenous Peoples Day Holiday
- October 19<sup>th</sup> – Town Council Meeting
- November 9<sup>th</sup> – Financial Indicators Presentation
- November 9<sup>th</sup> – Town Council Meeting
- November 11<sup>th</sup> – Veterans Day Holiday
- November 16<sup>th</sup> – Town Council Meeting
- November 19<sup>th</sup> – Public Forum on the Budget
- November 26<sup>th</sup> – 27<sup>th</sup> – Thanksgiving Holidays
- December 7<sup>th</sup> – Town Council Meeting



- December 21<sup>st</sup> – Town Council Meeting
- December 24<sup>th</sup>-25<sup>th</sup> – Christmas Holiday
- January 1<sup>st</sup> – New Year’s Holiday

Other events:

- October 14<sup>th</sup> – Smart Growth (Chapter 40R) Forum
- October 22<sup>nd</sup> – District Two Neighborhood Meeting



To: Paul Bockelman  
Town Manager

Fr: Sean Mangano  
Finance Director

Dt: October 1, 2020

Re: School Funding

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### **Recommendation and Takeaways**

The Town Council and School Committee should take a strong stand to oppose any proposals or recommendations that eliminate or change the “Hold Harmless” provision.

1. The elimination of the “Hold Harmless” provision and minimum aid will reduce funds for education in Amherst and have a significant negative impact on students. For Amherst (and two-thirds of other communities), the “Hold Harmless” provision is vitally important.
2. There are flaws in the current Chapter 70 formula and this is an opportunity to correct them.
3. Lastly, the Town should advocate that the State should meet its prior commitments by funding historically underfunded reimbursements for regional transportation aid and charter tuition.

### **Background**

The Student Opportunity Act directed the Department of Elementary and Secondary Education (DESE) and the Department of Local Services (DLS) to jointly study and report on the fairness of Chapter 70’s municipal ability to pay calculation, required local contributions, and school aid amounts. The two agencies are soliciting public comment on these issues. In addition, the Massachusetts Business Alliance for Education and Greater Boston Chamber of Commerce recently issued a report that included a number of recommendations. The two recommendations that I will discuss in this memo are:

- 1) Phase-out of the “hold harmless” provision
- 2) Eliminate minimum aid

For background, the “**hold harmless**” provision is intended to make sure no municipality receives less Chapter 70 funding year over year, regardless of what the formula produces. For example, if a Town was getting \$5 million in Chapter 70 but the formula calculated that it should only get \$4 million, the Town would stay at \$5 million, of which \$1 million would be identified as “hold harmless” aid. **Foundation aid** is when a community’s Chapter 70 funding is increased because the formula determines it should go

up based on a number of economic and demographic variables. **Minimum aid** is given to communities that do not receive foundation aid. It is typically a very small amount.

### **Impact on Amherst**

- Impact to Amherst if the “hold harmless” provision is phased out

The rationale behind the recommendation to eliminate this provision is that Amherst is wealthy and can afford to pay more towards education using local sources. Below are a few relevant points:

- Amherst schools (secondary and elementary) would lose appx. **\$7.85 million** of Chapter 70 funding or **14%** of their combined budgets if the “hold harmless” provision was eliminated.
- By far, this is the most consequential recommendation made by the Massachusetts Business Alliance and it would have an unimaginably negative impact on the quality of education in Amherst and many other communities.
- The loss of funding would result in dramatic reductions to programming at the schools and across Town departments. The loss would have a ripple effect throughout the community as explained below.

The concept that Chapter 70 uses to define wealth is based on property values and income. The Town’s property values are, in part, supported by the quality of its education system. The elimination of the ‘hold harmless’ provision, would significantly reduce funding for education and diminish the education system which in turn would drive down property values. The reduction in property values would translate to even less revenues to support education or increases in the tax rate which is already approaching the \$25 per thousand cap.

- Preservation of minimum aid

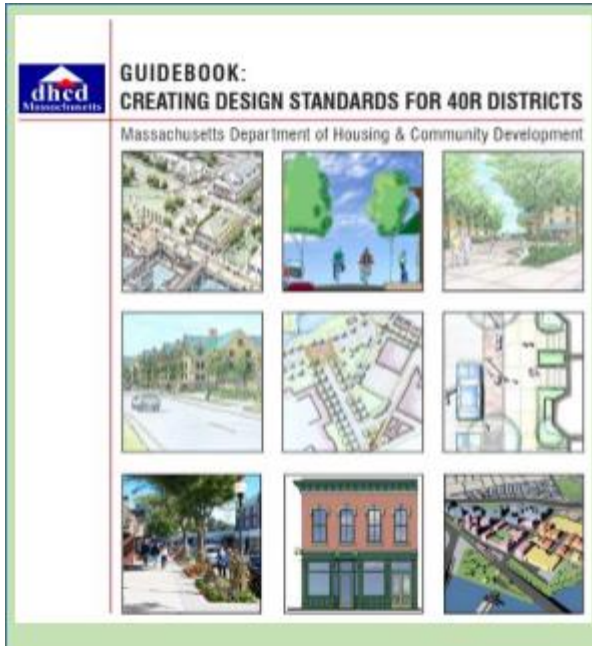
Minimum aid is not much, roughly \$30,000 to \$40,000 per year, but it is the only new State aid the schools get each year. It helps offset the impact of inflation but is not even close to keeping up with inflation over the long term.

### **Public Comment**

There are four public comment areas requested by the DLS and DESE:

1. Equity, predictability and accuracy of how the state determines the required local contribution.
  - Amherst has long been concerned with wealth factors used in the Chapter 70 formula and the impact on perceived equity. The Chapter 70 formula uses EQV (taxable property) and income to measure wealth.
  - The logic behind the use of the two major wealth variables, property values and income, should be reexamined to see if it is still valid. For example, a municipality’s ability to fund education is not directly tied to the income of its residents but it is directly tied to property values. A Chapter 70 formula based entirely on property values would allocate State aid very differently.

- The formula does not consider costs borne by a municipality that may affect its perceived wealth. In the case of Amherst, the Town provides services to thousands of students who live in tax exempt housing.
  - Predictability has been problematic because of sharp swings that can occur in the required local contribution when the new EQV valuations are updated cyclically. This issue is apparent at the Regional School level as it impacts the assessments to member towns.
2. The impact of enrollment demographics, including in districts with flat or declining enrollment.
- Amherst foundation enrollment has decreased by 23.6% since 2007. Without the “hold harmless” provision, State aid would have declined significantly over that span of time.
  - While the school system has been able to make enrollment driven reductions, there are many fixed costs that are difficult to adjust.
  - Enrollment changes between the elementary schools and the regional schools have caused large fluctuations in member town assessments. The magnitude of these changes is quite large and is difficult to prepare for as multiple independent municipalities and school districts are involved. This has contributed to the disagreement among member towns in regards to the assessment method.
3. An analysis of the impact of Proposition 2½ on the ability of municipalities to make their required local contributions and recommendations to mitigate the constraints of Proposition 2½.
- Many western Massachusetts communities are struggling with this issue as they do not have the population or industry to support the same level of economic activity as eastern Massachusetts communities.
  - The result is a much heavier reliance on property tax revenues and higher property tax rates.
4. The impact of the 82.5% maximum local contribution of foundation on the equity of required local contributions and the distribution of Chapter 70 school aid.
- The local contribution percentage helps determine how much aid a community receives. Communities with low percentages receive a greater percentage of funding from the State.
  - Amherst’s local contribution share, as calculated by the Chapter 70 formula, is 77.10% which is up almost 3% from FY19. Amherst has almost reached the maximum local contribution.
  - Many communities have already reached the 82.5% maximum.



#### Fourth Community Housing Forum:

## Is Smart Growth (Chapter 40R) Right for Amherst?

**When:** Wednesday, October 14, 2020, 6:30 to 8:30 p.m.

**Where:** Zoom <https://amherstma.zoom.us/j/88562506992>

The Town of Amherst is hosting a 4<sup>th</sup> and final community forum to discuss potential new zoning and affordable housing opportunities to promote a diversity of housing choices under smart growth principles.

This is the 4<sup>th</sup> of four public forums that the Town has planned as part of a technical assistance grant received from the state.

Please join us & share your views on the criteria, design standards and possible location for mixed-use development in Amherst.

Material about previous public forums is available at the following link:

<https://www.amherstma.gov/2199/Amherst-Affordable-Housing-Trust-Fund#SmartGrowthForum>