

Town of Amherst

UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, December 21, 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: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Planning Director Christine Brestrup, IT Director Sean Hannon, Ranked Choice Voting Commission Chair Tanya Leise,

Others Participating Remotely:

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 will be taken by roll call.

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

President Griesemer called the meeting to order at 6:32 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:

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

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 13-0 unanimous

8. Action Items

a. **Ranked-Choice Voting**

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

Meeting: 12212020-8a

Council Order #: 21-33

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

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

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

- (a) The words, “Continuing candidate” shall mean a candidate who has been neither eliminated nor elected.**
- (b) The words “Exhausted ballot” shall mean a ballot that is not counted for any continuing candidate because it does not rank any continuing candidates or because the voter’s intent cannot be determined.**
- (c) The words “Highest continuing ranking” shall mean the highest ranking on a voter's ballot for a continuing candidate.**
- (d) The word “overvote” shall be the result if a voter ranks more than one (1) candidate at the same ranking.**
- (e) The words “Ranked-choice voting” shall mean an election method in which voters rank candidates in order of their preference in a contest for an elected office. The calculation of election results occurs in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot.**
- (f) The word “Ranking” shall mean the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking.**
- (g) The words “Repeat candidate ranking” shall mean when a voter ranks the same candidate at multiple rankings for the contest being counted.**
- (h) The word “Round” shall mean an instance of the sequence of ranked choice voting tabulation steps established in Section 4.**
- (i) The words “Skipped ranking” shall mean when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.**
- (j) The word “Surplus” shall mean the total number of votes cast for an elected candidate in excess of the threshold.**
- (k) The word “Threshold” shall mean the minimum number of votes required to win a seat.**

- (l) The words, “**Transfer value**” shall mean the proportion of a vote that will contribute to the next ranked continuing candidate on a ballot, according to the weighted inclusive Gregory method. Each vote begins with a transfer value of one (1).

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

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

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

- a) Each contest on the ballot will be tabulated in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot. A ranked choice voting procedure will be employed in which a voter's lower ranked choice may not impact the likelihood of a higher ranked choice being elected and in which the order of the ballots may not affect the outcome. In each contest, no voter's ballot will have a total vote value greater than one (1).
- b) The Town Clerk, subject to review by the Board of Registrars, shall determine the number of valid ballots thereafter used to calculate the threshold at each round.
 - i. If a candidate's total vote count equals or surpasses the threshold, that candidate must be declared elected.
 - ii. That candidate's surplus must then be distributed according to the highest continuing ranking on each ballot that contributed to that candidate's vote count, according to each ballot's transfer value.
 - iii. If no continuing candidate's total vote count equals or surpasses the threshold after the first distribution, then the continuing candidate with the lowest vote count must be eliminated, and the eliminated candidate's votes must be transferred according to the highest continuing ranking on the eliminated candidate's ballots. Votes from exhausted ballots will not be transferred.

- iv. The process set forth in sections 3(b)(i)-(iii) shall be repeated until the number of elected candidates equals the number of seats to be filled or the number of continuing candidates equals the number of seats yet to be filled. In the latter case, the remaining continuing candidates must be declared elected, at which point the election for that contest will be complete.
- c) The Town Clerk, subject to review by the Board of Registrars will establish a method of tiebreaking that will be used when ties occur in this procedure. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.
- d) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared exhausted for that contest.

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

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

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 13-0 unanimous

MOTION: To amend section 3aii to read: “the total number of declared candidates plus legally required write-in candidate spaces.”

Motion by: Hanneke

Seconded by: Ryan

ROLL CALL VOTE: 13-0 unanimous

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

before enactment by the General Court.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 13-0 unanimous

b. Belchertown Road Land Acquisition for Affordable Housing

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

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 13-0 unanimous

c. Zoning Priorities

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

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

Motion by: Hanneke

Seconded by: Ryan

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

MOTION: To postpone the discussion of the CRC suggested zoning changes to January 25 at a Public Dialogue session to be scheduled one-hour before the January 25 Council regular meeting and to postpone the vote on CRC recommendations until February 8th at the Council regular meeting.

Motion by: De Angelis

Seconded by: Schoen

ROLL CALL VOTE: 3-10 (Councilors DuMont, Pam, and Schoen voted Yes; Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, Steinberg, and Swartz voted No); the motion failed.

MOTION: To call the question.

Motion by: De Angelis

Seconded by: Hanneke

ROLL CALL VOTE: 12-0-1 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted yes; Councilor Pam Abstained)

d. Budget Guidelines

MOTION: To adopt the FY22 Town Council Budget Policy Guidelines, as recommended by the Finance Committee report of 12-21-2020, as amended.

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 12-1 (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Brewer voted No)

e-f. Stormwater Management Bylaw & Illicit Discharge Bylaw

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

Motion by: Griesemer

Seconded by: De Angelis

ROLL CALL VOTE: 13-0 unanimous

g. Retreat Follow-Up

(2) Memo to the Town Manager re: DPW and Fire/EMS Headquarters

VOTED VIA CONSENT AGENDA:

MOTION: To authorize the Town Council President to send the Memo dated December 16, 2020, “Options for Siting the Fire/Emergency Services and Headquarters (Fire/EMS) Building and the Department of Public Works (DPW)” to the Town Manager on behalf of the Town Council, as presented.

(3) Memo to the Town Manager re: Update of Financial Model for Capital Projects

VOTED VIA CONSENT AGENDA:

MOTION: To authorize the Town Council President to send the Memo dated December 16, 2020, “Update of the Financial Model for Capital Projects” to the Town Manager on behalf of the Town Council, as presented.

h. Charter Sec. 8.1 OPEN MEETING OF THE RESIDENTS – Create Guidelines for Requests

MOTION: To refer the Town Manager Memo 12-14-2020 (KP Law Charter Section 8.1 Open Meeting of the Residents) to the Governance, Organization, and Legislation Committee for review and recommendations regarding the acceptable form of requests under Charter Section 8.1 to the Town

Council in 90 days.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 12-0-1 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor DuMont Abstained)

9. Appointments

a. Town Manager Appointments

(1) Agricultural Commission

VOTED VIA CONSENT AGENDA:

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

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

(2) Community Safety Working Group

VOTED VIA CONSENT AGENDA:

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

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

(3) Disability Access Advisory Committee

VOTED VIA CONSENT AGENDA:

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

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

(4) Public Art Commission

VOTED VIA CONSENT AGENDA:

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

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

b. Town Council Appointments

(1) Non-Voting Resident Member of the Finance Committee

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

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 12-1 (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor Brewer voted No)

11. Approval of Minutes

a. Approval of minutes

VOTED VIA CONSENT AGENDA:

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

- December 7, 2020 Regular Town Council Meeting minutes

The Council adjourned at 11:23 p.m.

DRAFT