

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, March 8, 2021

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:

Others Participating Remotely: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Minute Taker Lindsey McConnell, and Amherst Farmer’s Market representatives David Machowski and John Spinetti,

Public Comment: Alex Kent, Chris Riddle, Gina Etheredge, Karin and Henry Winter, Anne Burton

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 is being recorded and broadcast by Amherst Media.

President Griesemer called the special 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:

- To suspend Town Council Rules of Procedure for agenda item 8.c.(1) Public Way Request: Farmer’s Market
- 6.a. Adoption of the 2021 Tibet Day Proclamation
- 6.b. Adoption of the Resolution Calling for Swift, Just Building Decarbonization in the Commonwealth
- 8.d. Adoption of Public Way Policy Revisions
- ~~11.a. Approval of Minutes:
○ February 22, 2021 Regular Town Council Meeting minutes~~

Councilor Schoen removed minutes from the consent agenda.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous, 13-0

6. Resolutions and Proclamations

a. 2021 Tibet Day Proclamation

VOTED VIA CONSENT AGENDA:

MOTION: To adopt the 2021 Tibet Day Proclamation, as presented.

b. Resolution Calling for Swift, Just Building Decarbonization in the Commonwealth

VOTED VIA CONSENT AGENDA:

MOTION: To adopt the Resolution Calling for Swift, Just Building Decarbonization in the Commonwealth, as presented.

8. Action Items

a. North Common

Removed from the agenda – no action.

b. Wayfinding Signs

MOTION: To approve the wayfinding sign system and to allow for their placement in the public way.

Motion by: Griesemer

Seconded by: Ryan

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)

c. Public Way Request

(1) Farmer's Market

VOTED VIA CONSENT AGENDA

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

MOTION: To approve the AMHERST FARMERS MARKET Long-Term Event Use reservation of the Town Common (South portion) under Town Council Policy Regarding the Control and Regulation of the Public Ways, and, further, to approve the reservation at no charge FOR VENDOR PARKING of the first fifteen metered parking spaces on the east side of South Pleasant Street originating at Spring Street moving south towards College Street, and further to approve the reservation at no charge FOR VENDOR PARKING of the first 21 metered parking spaces on the west side of Boltwood Avenue originating at Spring Street moving south towards College Street, and further to approve the reservation at no charge for customer curbside pick-up only of the first (one) parking space on the southwest portion of the Spring Street parking lot to be clearly marked BY THE AMHERST FARMERS MARKET, to accommodate the Amherst Farmers Market each Saturday beginning April 17, 2021 and continuing through November 20, 2021 from 6:00 a.m. to 2:30 p.m., and further to require that the Amherst Farmer's Market, John Spinetti, Market Manager, sign a written agreement to comply with all Operational Guidelines set forth in the Town Manager Memo March 4, 2021 "Amherst Farmers Market Application", and further to authorize the Town Manager to continue to modify these Operational Guidelines THROUGH NOVEMBER 20 2021 in response to the continuing COVID-19 State of Emergency and OTHER LOCAL CONCERNS, and, additionally, to allow the Town Manager to schedule concurrent use of the south portion of the Town Common for one-day events.

Motion by: Griesemer

Seconded by: Schoen

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

d. Amendments to the Town Council Policy Regarding the Control and Regulation of the Public Ways

VOTED VIA CONSENT AGENDA

MOTION: To amend the Town Council Policy Regarding the Control and Regulation of the Public Ways, as recommended by the Town Services and Outreach Committee report of February 22, 2021, and Governance, Organization, and Legislation Committee report of February 22, 2021, by adding the

language shown in **bold** and removing the language shown in ~~strikethrough~~:

In the first section:

Under Section 2.14 of the Amherst Home Rule Charter, the Town Council “shall control and regulate the public ways.” (Keeper of the Public Way) Under this authority, the Town Council hereby adopts this policy, which delegates a portion of its authority to control and regulate the Public Ways to the Town Manager **and certain other Department Heads under the jurisdiction of the Town Manager.** The Town Council reserves the right, at any time, to revise or rescind this policy.

In section 1.c.:

Requests for reservations, construction of structures, or other uses that are intended to be permanent, in place 3 months or longer, or that are not associated with specific events but exempting maintenance and repairs **conducted in the normal course of business.**

In section 3.:

Reservations of Public Ways – Road or Sidewalk Closures, **Signage and Seating**

a. Placement of Road and Temporary Signs: All placements of signs that relate to the control of the public way (crosswalk, speed limit, yield, stop, etc.) and placements of moveable signs not covered by the General or Zoning Bylaw.

i. Town Council delegates the review and action authority to the Town Manager, with a monthly report of all requests and approvals provided to the Town Council.

[Sections 3.a.-c. omitted for brevity; no changes]

~~d.e.~~ **Permanent or Other Requests for Permanent Changes to the Public Way: All permanent changes to roads or sidewalks (placement of utility structures, bus shelters, benches, permanent signs, electric vehicle and other charging stations, bikeshare stations, addition or removal of crosswalks, etc.), major roadway and sidewalk redesigns, but exempting maintenance, and , or other Public Way requests relating to roads (as opposed to parking or commons) not detailed above, but exempting maintenance and repairs conducted in the normal course of business.**

i. Town Council remains Keeper of the Public Way and will review and take action as follows:

1. Prior to taking action, consult with the Town Engineer, Police Chief, Fire Chief, and Town Manager and comply with Massachusetts General Laws and Regulations.

f. Acceptance of Public Ways:

i. Town Council remains Keeper of the Public Way and will review and take action as follows:

1. Prior to taking action, consult with the Town Engineer, Police Chief, Fire Chief, and Town Manager and comply with Massachusetts General Laws and Regulations.

e. Amendments to Town Council Rules of Procedure rule 6.3.d and 6.3.e

Rule 6.3.d

MOVED: To amend Town Council Rules of Procedure 6.3.d. by striking everything after the phrase "point of order" and replacing it with the phrase "or to raise a question of privilege." and to insert a new Section 6.3.e that reads "Councilors shall not speak without recognition except as in Subsection d above, or to doubt the presence of a quorum, or to call the previous question, or to assert the Charter Right to Postpone." and to re-letter all subsequent sections of Rule 6.3.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 6-6-1 (Councilors Bahl-Milne, De Angelis, Hanneke, Ross, Ryan, and Swartz voted Yes; Councilors Brewer, DuMont, Pam, Schoen, Schreiber, and Steinberg voted No; President Griesemer Abstained)

The motion failed.

MOVED: To amend Town Council Rule of Procedure 6.3.e. by changing the numeral “3” to the numeral “2”.

Motion by: Hanneke

Seconded by: Ryan

ROLL CALL VOTE: 6-7 (Councilors De Angelis, Hanneke, Ross, Ryan, Schreiber, and Swartz voted Yes; Councilors Bahl-Milne, Brewer, DuMont, Griesemer, Pam, Schoen, and Steinberg voted No)

The motion failed.

MOTION: To amend the motion to strike from rule 6.3e. “A Councilor may yield all or part of this time to another Councilor.”

Motion by: Ross

Seconded by: Hanneke

ROLL CALL VOTE: 11-2 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors DuMont and Schoen voted No)

MOTION: To divide the question.

Motion by: Hanneke

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

MOTION: To amend Town Council Rules of Procedure rule 6.3.e. by striking “A Councilor may yield all or part of this time to another Councilor.”

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

11. Approval of Minutes

MOTION: To adopt the following Town Council meeting minutes, as amended:

- February 22, 2021 Regular Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Hanneke

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

Amendments to the minutes: To reflect on the library discussion the first hour is a library presentation; Dorothy and Bob Pam clarification.

The Council adjourned at 9:40 p.m.