



Town of Amherst
Town Council Meeting
Monday, December 6, 2021
6:30 p.m.
Virtual Meeting
Minutes

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

Councilors Absent: None

Others Participating Remotely: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Superintendent of Schools Mike Morris, Library Director Sharon Sharry, School Committee Chair Allison McDonald, Minute-Taker Emily Reardon, Jones Library Trustee Chris Hoffmann, Planning Board Chair Doug Marshall, Planning Director Christine Brestrup, Senior Planner Nate Malloy

Non-Voting Finance Committee Members Participating Remotely: Bernie Kubiak, Matt Holloway, and Bob Hegner

Pursuant to Chapter 20 of the Acts of 2021, this meeting was conducted via remote means.

1. Call to Order

Griesemer declared the presence of a quorum, called the meeting to order at 6:31 PM, confirmed all members can hear and be heard, and announced audio and video recording.

Agenda item 7. Presentation and Discussion

a. State of the Town Address – Charter Sec. 2.2(c)

(1) Town Council President, Town Manager, School Committee Chair, and Library Trustees Representative

Griesemer thanked Councilors, staff, Town departments, and first responders for their work.

Griesemer presented the following:

- Charter requirements such as the Master Plan, Rank Choice Voting, Participatory Budgeting, and the District Advisory Committee
- Additional councilor responsibilities
- Council organization and more – Rules of Procedure, committee work, etc.
- Voting rights
- Council accomplishments
- Climate Action accomplishments – Climate Action goals, CAARP, Landfill Solar Project

- Community Health and Safety accomplishments – COVID management, the CRESS program, etc.
- Economic Vitality accomplishments – partnerships, recreation projects, public way uses
- Capital Investments accomplishments – Jones Library expansion, Elementary School Building, recreation projects, etc.
- Housing Affordability accomplishments – Comprehensive Housing Policy, increased Affordable Housing, and homelessness housing
- Racial Equity and Social Justice accomplishments – the DEI department, African Heritage Reparations Assembly, Community Safety and Social Justice Committee, and more
- Future and challenges – policy goals, making the job more manageable, more transparency

Town Manager Bockelman presented the following:

- The State of the Town is strong
- Finance accomplishments – FY21 budget managed successfully, disciplined about reserves and debt, etc.
- Financial challenges – COVID impact, preparation for capital projects, etc.
- Operations – town departments
- Policy goals
- Climate Action – CAARP, PACE, EV charging stations, etc.
- Community Health and Safety – COVID testing/vaccinations, business support, social services
- Economic Vitality – infrastructure improvements, Shared Streets Grants, zoning
- Housing Affordability – Belchertown Rd property for affordable housing, supporting a new Craig’s Doors location, etc.
- Racial Equity and Social Justice – DEI department, reparations, AHRA, CSSJC, and more
- Four Major Capital Projects – overview of finances and projects

School Committee Chair McDonald presented the following:

- Mission of the School Committee
- Amherst Elementary school facts
- Overview of Elementary Schools
- Regional school and budget facts – language program at Fort River, student teacher ratio of 9:1, FY22 budget, etc.
- Elementary budget cuts
- Amherst Elementary School Grants
- Regional School budget cuts
- Regional School Grants
- District goals – school building project, pandemic response, DEI, curriculum/instruction

Library Trustees Vice President Hoffmann presented the following:

- COVID-19 timeline
- FY21 highlights – virtual programs, Book of the Month Club, Book Bundles Program, etc.
- Kept endowment down to 4% and several retirements of staff
- Expansion/renovation timeline

b. Annual Charter Requirements

(1) Receipt of Annual Reports

- a. School Committee – *Charter Sec. 4.2(d)*

- b. Library Board of Trustees – *Charter Sec. 4.3(d)*
- c. Housing Authority – *Charter Sec. 4.4(d)*
- d. Oliver Smith Will Elector – *Charter Sec. 4.5*
- e. Board of License Commissioners – *Charter Sec. 6.3*

2. Announcements

Upcoming Town Council Meetings:

- Four Towns Meeting: December 11, 2021, 9:00 a.m., Zoom
- Council Orientation: December 13, 2021, 5:30 p.m., Zoom
- Regular Meeting: December 13, 2021, 7:30 p.m., Zoom
- Regular Meeting: December 20, 2021, 6:30 p.m., Zoom
- Town Council Inauguration and Special Meeting: January 3, 2022

Upcoming Council Committee Meetings:

- Community Resources Committee: None
- Finance Committee: December 7, 2021, 2:00 p.m., Zoom
- Governance, Organization, and Legislation Committee: December 15, 2021, 10:30 a.m., Zoom
- Town Services and Outreach Committee: December 9, 2021, Zoom:
 - Joint meeting with the Town Council: Primer/Information Session on Reorganization Proposals,
 - Joint meeting with the Town Council: Public Forum on the Diversity, Equity, and Inclusion Department Reorganization Plan
 - Joint meeting with the Town Council: Public Forum on the Community Responders for Equity, Safety, and Service (CRESS) Department Reorganization Plan
 - Regular Committee Meeting

All meeting agendas and details are posted at www.AmherstMA.gov/Calendar

3. Hearings – *None*

4. General Public Comment

Harry Peltz, 32 North Prospect Street – Peltz commented that he is opposed to the rapid movement toward a parking garage on North Prospect Street. He said the location is land-locked with limited access and is next to a Historic District. Peltz spoke of the lack of studies on the proposed location.

Ira Bryck, 255 Strong Street – Bryck urged the Council to not pass the zoning amendments for the proposed parking garage and for mixed-use buildings. He commented that the garage will disrupt a quiet neighborhood and it would be ignoring numerous studies. He said there would be no setbacks or other restrictions with the proposed overlay. Bryck said the change of the “Mixed-Use Building” definition will leave the downtown with dorm-style units and no commercial space. He said allowing 30% retail on rooftops or averaged out amongst several buildings will make downtown unusable. Bryck spoke of other towns with vibrancy and said both the overlay and mixed-use definition have not been adequately studied.

Meg Gage – Gage thanked the staff and Council for their work. She commented that there were a number of supporters for the parking garage that told people who oppose it that passing this amendment does not mean the garage will be built. She said decisions are made from momentum and

the possibility will be there. Gage stated that there are currently no other possibilities for a parking structure and the vote for the overlay is about getting ready to create a garage.

Rani Parker – Parker commented that she was glad to hear the State of the Town Address and is grateful for the new form of government. She spoke of the values that drew her to Amherst as a progressive and woman of color. Parker agreed that the overlay needs more thought and asked if other places are being considered to study. She also asked why they don't put housing on the lot to create opportunities for people who live and work in Amherst. She said she is a business owner and supports businesses.

Janet Keller, Pulpit Hill Road – Keller commented on the importance of first-floor, public-facing retail. She urged the Council to not make downtown apartments that drain streets of public life. Keller said there needs to be a follow-up on studies that suggested to not settle on this one place for the proposed overlay. She said the parking garage would be on a historic street that is very narrow and would result in a loss of other parking spaces. Keller commented that the Council needs to remember the people who live there because this overlay and garage would be disruptive to their lives.

Suzannah Muspratt, 38 North Prospect Street – Muspratt commented that she seconds all the remarks made by the other speakers about the parking garage. She said on economic vitality, retail is not dead in surrounding towns. Muspratt said retail is becoming dead in Amherst and they have to provide space at affordable rents for businesses and to attract visitors. She also urged the Council to not limit retail space to 30%.

Tracy Zafian, Blue Hills Road – Zafian thanked the Council for their work. She commented that Article 7 is great for a more flexible approach to parking requirements but wonders if there are too many changes to the bylaw now. She spoke of the traffic utilization surveys and impacts, stating that whether UMass is in session or not will make a difference on the results of the tests. She also spoke of the proximity to public transport and proximity to on-street parking TSO criteria. Zafian said TSO has developed these guidelines and she wonders how that will relate to the Special Permit Granting Authority.

Claudia Pazmany, 47 Emily Lane – Pazmany commented that she is speaking for moving forward with the overlay. She said this is a challenging process and there is no corner in town where they would not hit historic/residential issues. She said she wants to push forward on this spot and do a lot of shopping downtown. Pazmany commented that this is an extension of where they need to go as a town and every other town is planning their revival. She said they pushed for a green common, but parking is important for visitors as well.

5. Consent Agenda

Pam requested the removal of item 8.h. Adoption of the 2022 Town Council Meeting Schedule. She said the new Council should be adopting that. Griesemer said this Council adopts it and then the new Council will adopt it and make changes if they need to. Griesemer removed item 8.h. from the Consent Agenda.

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 rule 8.4 for the following agenda items:
 - 8.e. Amendments to the Town Council Policy Regarding Control and Regulation of the Public Ways regarding the Performance Shell on the Town Common and Delegation of Authority to the Board of License Commissioners for Lunch Carts
 - 8.h. 2022 Town Council Meeting Schedule

- 6.a. Adoption of the 2021 Human Rights Day Proclamation
- 11.a-c. Approval of the following Town Council Meeting minutes:
 - November 15, 2021 Special Town Council Meeting minutes – Financial Indicators
 - November 15, 2021 Town Council Meeting minutes – Public Forum on the Budget
 - November 15, 2021 Regular Town Council Meeting Minutes
- 9.a.(1) Approval of Town Manager Appointment to the Residents’ Advisory Board

VOTED 12-1 by roll call (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes; Bahl-Milne voted No) 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.e. Amendments to the Town Council Policy Regarding Control and Regulation of the Public Ways regarding the Performance Shell on the Town Common and Delegation of Authority to the Board of License Commissioners for Lunch Carts
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- 6.a. Adoption of the 2021 Human Rights Day Proclamation
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6. Resolutions and Proclamations – Consent Agenda
a. 2021 Human Rights Day Proclamation

Hanneke read the last section of the proclamation.

VOTED via consent agenda to adopt the 2021 Human Rights Day Proclamation, as presented.

8. Action Items
a. FY23 Town Council Budget Guidelines – First Discussion

Steinberg called the Finance Committee meeting to order at 7:40 PM.

Steinberg said the Finance Committee report is extensive and he has provided comments there. He said this is a difficult year and the committee tried not to make policy judgements set by the Council.

Hanneke suggested a grammatical edit on the first page. She asked if on page 2 in the second sentence of the second full paragraph, if they will say anything about how they evaluate services. She said on the second to last paragraph on page 2, she would like to see the ARPA funded positions become full positions in the budget.

DuMont recommended adding language to underline the CAARP and achieving the 2025 goal of 25% emission reduction. She said they mentioned climate action but didn’t say much about it. DuMont said ECAC will send the Council their annual report and funding request which includes 25 actions in the CAARP that count in the 25% emissions reductions calculation. She added that they should consider doubling the capital for sustainability in FY23.

Griesemer said the Council will not pass this tonight, but they will continue to take comments.

DuMont said normally the second reading is in 2 weeks and asked if it could be on December 22nd instead of December 15th.

Ryan asked for Section II if there has been any discussion of whether Proposition 2 ½ would be considered.

Hanneke made 2 minor edits to Section II. She said strategic partnerships is missing from Section II and a paragraph about institutions of higher learning needs to include that. She said the use of reserve funds for transitioning of new programs is also missing from Section II.

Steinberg said that is included later in the document and they are trying to not repeat thoughts in the editing phase to keep the document shorter. He said earlier drafts did mention the 4 buildings multiple times, but they were eliminated because of repetition. Steinberg said the reserve funds were covered several times and the start-up of new programs is on a one-time basis. He said they are trying to encourage against an operating budget override.

Schoen asked if Hanneke was suggesting they add something that says they should execute and increase strategic partnerships in the same paragraph that talks about tax exemption. Hanneke said she would like a stronger statement at the end where it is mentioned too.

Hanneke said for Section IV in the 3rd paragraph, they should talk about adjusting for declines in enrollment.

Brewer said there is a decline in enrollment and frequently that doesn't mean cost savings. She said there is also currently no strategic partnership with UMass.

Bahl-Milne said in the process of gathering information, there was a lot of information on where the Town spends money regarding schools. She said for example they value teachers and inclusive education so they could highlight those expenses.

Hanneke asked in Section V, paragraph 1, is "renovation and repair or replacement" referring to all the projects listed. She said the DPW building statement also may not be consistent with the policy goals. Hanneke suggested the sentence regarding the ladder truck should be reworded because they need a plan to fund that purchase.

Schoen asked if doubling the sustainability budget should be included in Section VI. DuMont confirmed that it should be in Budget Guidance.

Brewer said she does not appreciate the wording of Section VI.

Hanneke suggested in Section VIII, paragraph 2, the wording should be stronger on strategic partnerships. She said the paragraph also talks about UMass invested in the community and asked if it would be appropriate to state that they expect UMass to contribute to other costs. Hanneke also suggested stronger language than "should regularly evaluate" in paragraph 4 of Section VIII.

Pam asked if Amherst College and Hampshire College should be mentioned in this section.

Brewer said the sentence about partners not competing with businesses doesn't make sense and they should drop the sentence.

Schoen gave example of UMass food services delivering to private homes off campus. Bahl-Milne said one way to improve efficiencies is municipal audits. Griesemer clarified that Bahl-Milne means operational audits, not financial.

Pam said UMass's food service has made increasing attempts to buy local food. She said some of the new businesses they are proposing on Massachusetts Ave are to keep students more centrally located on campus. Pam suggested leaving the sentence out.

Members continued to discuss the UMass strategic partnership wording.

Steinberg said the committee was careful to try and not impinge on the Council's role and the firetruck purchase will be a significant decision. He said the ladder truck will be well over \$1 million, which is an important statement to make.

Pam asked if the new UMass dorm is a public-private partnership. Griesemer confirmed that it is a public-private partnership. Bockelman said the land is owned by the University with a ground lease given to the developer. He said they are attempting to get taxes from private business on campus.

Brewer said she hopes that well before this is due next year, everyone rethinks the role of this document. She said it is incredibly dense and not good for reference. Brewer added that the Finance Committee is now largely made-up of councilors and they are writing a huge document on the Council's behalf. Brewer spoke of the role of past budget guidelines and policy goals.

Steinberg adjourned the Finance Committee at 8:27 PM.

Griesemer announced a break until 8:40 PM.

b. Public Ways Request: Placement of Performance Shell on the Town Common

Ross said the TSO voted to approve the request and this also received approval from all other relevant committees. He said the TSO has 2 conditions, one being a final approval of schematic plans by the Town Manager and the other being approval of a management plan.

MOTION: Griesemer moved, second by Ryan, to approve the public ways request from the Downtown Amherst Foundation for the construction of a performance shell and associated site improvements on the Town Common (South Common) as presented to the Town Council on 9-27-2021 and updated at TSO on 12-2-2021 with the following conditions:

- Approval of schematic architectural plans by the Town Manager in consultation with Town staff to consider ADA accessibility, impact on shade trees, pedestrian access, and all legal and procurement requirements
- Entrance into a Memorandum of Understanding or contract with the Town to establish a management and maintenance fund and plan

Schoen asked about liability.

Bahl-Milne asked when the DAAC recommendations will be considered. Ross said most of the recommendations had to do with pathways, not the actual band shell structure. He said any pathway/sidewalk improvements would be the responsibility of the town.

VOTED unanimously, 13-0, by roll call, to approve the public ways request from the Downtown Amherst Foundation for the construction of a performance shell and associated site improvements on the

Town Common (South Common) as presented to the Town Council on 9-27-2021 and updated at TSO on 12-2-2021 with the following conditions:

- Approval of schematic architectural plans by the Town Manager in consultation with Town staff to consider ADA accessibility, impact on shade trees, pedestrian access, and all legal and procurement requirements
- Entrance into a Memorandum of Understanding or contract with the Town to establish a management and maintenance fund and plan

c. Zoning Bylaws

(1) Amendment to Article 14, Temporary Zoning regarding Permitting for Certain Uses during the COVID-19 Emergency and its Aftermath

MOTION: Griesemer moved, second by Hanneke, to amend Zoning Bylaw Article 14, Temporary Zoning, as follows: In the first paragraph, delete the year "2021" and replace with the year "2022".

VOTED unanimously, 13-0, by roll call, to amend Zoning Bylaw Article 14, Temporary Zoning, as follows: In the first paragraph, delete the year "2021" and replace with the year "2022".

(2) Amendments to Article 7, Parking and Access Regulations

Schoen said it is not clear what the problem is that this is trying to solve. She asked if there are examples of towns with the same or similar wording. She also asked if ADUs can just be called out specifically. Schoen asked about the criteria of availability of on-street parking. She said the waiver is now missing Article 7.005.

Brestrup said they didn't include 7.005 because it already has adequate parking spaces. She said it also already allows ZBA and Planning Board to determine what is adequate parking.

Pollock said there were numerous issues with the existing parking space requirements and flexible parking standards are beneficial. She said Article 7.91 is geared towards a single property with multiple uses and the waiver modification requests are seen as deterrents for applicants. Pollock explained that the Planning Department identified local ordinances that use similar language and they are sited in publications shared with CRC and Planning Board. She said the Pioneer Valley Planning Commission (PVPC) produced a publication on the understanding of parking bylaws and they also list communities with similar language. Pollock said the Planning Department provided the Planning Board and CRC other flexible parking standard tools to apply, including fee in-leu-of parking spaces.

Brestrup said they changed rules with ADUs to allow the Building Commissioner to approve most ADUs. She said there are concerns with using on-street parking as criteria and have the example of Lincoln Ave. She said the Planning Board and ZBA would be advised to not consider on-street parking in that location. Brestrup also gave the example of Amherst Media who made the argument that their use of parking would be different hours of day than others using Gray Street parking.

Pam said there is a great disparity between people moving into new units and parking spaces provided. She said the Municipal Parking District has created a shortage of parking and they are passing private responsibility onto the public sector. Pam added that the good thing that came out of this was shadow parking.

Malloy said they haven't looked at any common threads, but it seems contextual based on type of unit, ownership, location, etc.

Brewer said she is supporting this because it addresses the values of assuming less cars in the future. She said she hasn't gotten assurance about if the Council decides to not have additional parking and change the usage. Brestrup said the Permit Granting Authority (PGA) could put a condition on if they suspected something like that could happen in the future.

Ross said they should look at this in proper context. He said downtown parking is not really part of this conversation and Article 7 doesn't apply to the Municipal Parking District. He said this has to do with residential developments outside of the downtown.

Bahl-Milne said this would be giving criteria to the ZBA She said they were told the Planning Board spends too much time discussing parking issues in their meetings because they do not have enough criteria, and this provides them with that criteria.

MOTION: Hanneke moved, second by Schreiber, to adopt revisions to Article 7, Parking & Access Regulations, Section 7.00, General Requirements and Section 7.9, Waivers of the Zoning Bylaw, by adding language shown in in *bold/italic* and deleting language shown in ~~strike through~~ on pages 8-10 of the Motions sheet.

MOTION: Schoen moved, second by DuMont, to amend the revisions by deleting the following words: "public or private, on- or off-street" and "proximity to public parking, including on-street and off-street parking;"

Schoen suggested striking "public or" and "on or off-street" and to delete "proximity to public parking, including on street and off-street parking".

Brestrup said the deletions would be appropriate since this list is not inclusive.

Schreiber said he would be fine to say parking and not "private parking".

Members spoke about how to define public parking.

VOTED 10-3 by roll call (Bahl-Milne, Brewer, DuMont, Hanneke, Pam, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; De Angelis, Griesemer, and Ross voted No) to amend the revisions by deleting the following words: "public or private, on- or off-street" and "proximity to public parking, including on-street and off-street parking;"

VOTED 12-1 by roll call (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont voted No) adopt revisions to Article 7, Parking & Access Regulations, Section 7.00, General Requirements and Section 7.9, Waivers of the Zoning Bylaw, by adding language shown in in *bold/italic* and deleting language shown in ~~strike through~~ on pages 8-10 of the Motions sheet, as amended by deleting the following words: "public or private, on- or off-street" and "proximity to public parking, including on-street and off-street parking;"

(3) Official Zoning Map – Map 14A, Parcel 33 Rezoning, North Prospect Street: Amendments to Article 2, Zoning Districts and Article 3, Use Regulations

MOTION: Griesemer moved, second by Ryan, to adopt a new Parking Facility District as part of Section 2.04, Special Districts, and as Section 3.23, Parking Facility District of the Zoning Bylaw, as shown on pages 11-14 of the Motions sheet.

No vote taken. DuMont utilized Charter sec. 2.10(c) right to postpone the measure to the next Council meeting.

(4) Amendments to Article 3, Use Regulations, Section 3.325, Mixed-Use Buildings and Article 12, Definitions

MOTION: Griesemer moved, second by Hanneke, to adopt revisions to Article 3.325, Mixed-Use Building and Article 12, Definitions of the Zoning Bylaw, by adding language shown in in ***bold/italic*** and deleting language shown in ~~**bold/strikethrough**~~ on pages 15-16 of the Motion sheet.

MOTION: Schoen moved, second by Swartz, to amend by replacing 30% Gross Floor Area with 40% non-residential use, and replace 70% with 60% Gross Floor Area for residential use.

Schoen said the change would be no more than 60% gross floor area and at least 40% gross floor area.

Ross said an earlier version of this was 40%, but that didn't define the incidental space. Ross said Malloy explained that the 30% gives more active commercial space. Malloy said they defined common space such as hallways and other shared spaces. He said now the percentage excludes those common areas.

Hanneke said she can't support this because the market-analysis says this would create empty storefronts. She said they can want all they want, but if demand is not there it is a disservice to the town.

Bahl-Milne said arbitrarily deciding on a percentage was confusing and she asked what the demand was. She clarified that the current bylaw has no minimum requirement and spoke of square footage of average retail downtown.

Schreiber said the ground floor should be flexible enough that it could be retail. He said there has been an ebb and flow to whether commercial or residential demand is more dominant. He said developers will be clever to fill that requirement for commercial space.

Brewer asked if the motion doesn't get a 2/3s vote, would they still vote on the original motion. Hanneke said someone would need to move to reconsider and to amend the motion again.

Pam said she understands why people want to vote on this today, but the amendment is not complete and should be done with the Apartments amendment. She said a lot of this bylaw has been omitted from the conversation and suggested changing "street facing" to "street and public facing".

VOTED 6-7 by roll call (DuMont, Griesemer, Pam, Schoen, Schreiber, and Swartz voted Yes; Bahl-Milne, Brewer, De Angelis, Hanneke, Ross, Ryan, and Steinberg, voted No) to amend by replacing 30% Gross Floor Area with 40% non-residential use, and replace 70% with 60% Gross Floor Area for residential use. **The motion failed.**

No vote taken. DuMont utilized Charter sec. 2.10(c) right to postpone the measure to the next Council meeting.

d. Proposed Bylaw Rescission/Removal: General Bylaw 3.15 Activities and Amusements – First Reading

Ryan said there is one bylaw suitable to be rescinded. He said members of the Bylaw Review Committee felt that the penalties were too excessive, and the bylaw is unnecessary. Ryan added that the Police Chief said he has never heard of anyone being written up for a Bylaw 3.15 violation.

Pam agreed that the bylaw should be rescinded. Ryan said the Police Chief stated that there are better ways to deal with these issues than use this bylaw.

e. Amendments to the Town Council Policy Regarding Control and Regulation of the Public Ways regarding the Performance Shell on the Town Common and Delegation of Authority to the Board of License Commissioners for Lunch Carts

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

Ross said there were 2 changes to the policy. He said there was one change to the permanent structure on the Common and the lunch carts issue. Ross added that the lunch carts issue will be included in the carryover report.

MOTION: Griesemer moved, second by Ross, to amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by inserting the words “, including reservations of the performance shell” to section 1.a.

VOTED unanimously, 12-0, with 1 absent (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Bahl-Milne was absent) to amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by inserting the words “, including reservations of the performance shell” to section 1.a.

MOTION: Griesemer moved, second by Ross, to amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by adding the following language as Section 3.e. and the renumbering of subsequent sections:

“Reservation of sidewalks for lunch carts: All reservations of sidewalks associated with the licensing of lunch carts by the Board of License Commissioners. Town Council delegates the review and action authority to the Board of License Commissioners with notification to the Town Manager of all requests and approvals for inclusion in monthly report provided to the Town Council.”

VOTED unanimously, 12-0, with 1 absent, by roll call (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Bahl-Milne was absent) to amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by adding the following language as Section 3.e. and the renumbering of subsequent sections:

“Reservation of sidewalks for lunch carts: All reservations of sidewalks associated with the licensing of lunch carts by the Board of License Commissioners. Town Council delegates the review and action authority to the Board of License Commissioners with notification to the Town Manager of all requests and approvals for inclusion in monthly report provided to the Town Council.”

Hanneke raised a point of clarification and said all postponed motions will actually be for Thursday’s meeting.

Members discussed the agenda for Thursday.

Brewer expressed frustration, stating that now no one knows if they can vote this week and the public will also not know, which provides less transparency of Council business.

Hanneke said there is another provision under the Charter that allows for 4 councilors to invoke another postponement of which the matter cannot be heard for another 5 days at a minimum. Steinberg said putting the 2 votes together would provide more certainty for the public.

f. Town Manager Evaluation Memo

Hanneke asked if the Fire/EMS staffing study request is only from one councilor. She said they don't need an update because it will say the same thing. She said the wording on the UMass partnership needs to be stronger. Griesemer agreed to those changes.

MOTION: Griesemer moved, second by Schoen, to adopt the "FY21 Town Manager Performance Evaluation," as amended.

Bahl-Milne lost connection briefly and reconnected.

VOTED12-0-1 by roll call (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont was absent) to adopt the "FY21 Town Manager Performance Evaluation," as amended.

g. 2022 Town Council Performance Goals for the Town Manager: Policy Goals

Ryan said he took all comments and made a draft of the policy goals, but in the GOL meeting they only got through policy goals. He said they have an additional meeting this week to address the management goals.

Ryan said for each section, they are trying to provide specific objectives that are measurable and follow a clear guidance.

Steinberg asked if they can skip scrivener errors and just send them to Ryan and Griesemer. Ryan and Griesemer agreed.

Bahl-Milne asked regarding the Economic Vitality Section if there was a discussion on including a comprehensive economic development plan. Ryan said he didn't see Bahl-Milne's comment in time, and it will be included in the next draft.

Schoen said some elements that Bahl-Milne suggested are in Sections I, II, III, IV, and V. Bahl-Milne said it is more than a wording suggestion, adding that the past Economic Development Director said Amherst didn't have a clear vision/branding for the town's economic development.

Griesemer said the BID is making a serious effort with marketing and labeling which needs to be considered. She said an economic development plan also requires a financial commitment.

Schoen said she is concerned to spend additional money on something like that with other projects. Bahl-Milne said it could be part of the job description for the DEI Director.

Brewer clarified that the DEI Director position is not in the budget and they are also talking about adding a whole other Section to Economic Vitality.

Ryan read Bahl-Milne's suggestion that she sent.

Bahl-Milne said the position funded by ARPA is not a permanent role but could still be part of the job description.

Brewer said she has no faith that they will find someone to fill that role and they already have an extensive list in the goal. She said she does not disagree with the need for a plan, but it shouldn't be in this document.

Hanneke said regarding the MSBA school project, she needs help from Schreiber or Schoen to figure out what is happening within the next year with that project. Schoen said she can come up with language about that.

Ryan asked about objectives 3 and 4 in Section IV. He said GOL feels that this should be something very concrete and doable within the next year. Schoen said her concern is about achieving those objectives while building a new school and taking on the debt for the library.

Steinberg said he is concerned about the schematic designs in Section IV. He said that is not a good way to spend town funds and it is not a feasible ask.

Griesemer suggested using the word "locations" for objective 4 and "if needed, a schematic design" to introduce the idea of DPW being split up.

Ryan said it has been 3 years and the feeling was that they need to move forward on this, therefore using language like "exploring" is pointless.

Brewer said they need to make the location clear and should just say "securing" instead of "finding and securing".

Brewer said for the Affordable Housing Section, it should be clear that they are not managing the shelter. Ryan said he is not sure it has been ruled out that the town could have a contract to own a building and have another entity run the shelter in that building.

Ryan asked the Council to send him any further comments or suggestions. He said there also was one addition to Management Goals that people should weigh-in on.

Griesemer said the financial guidelines and goals all go before the next Council and can be changed there as well.

h. 2022 Town Council Meeting Schedule – Consent Agenda

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

Griesemer reiterated that the incoming Council can amend the schedule, and that adopting a schedule gives them a starting point.

Brewer said they shouldn't have the State of the Town Address and Regular Council Meeting on the same evening going forward.

MOTION: Griesemer moved, second by Ryan, to adopt the 2022 Town Council meeting schedule, as presented.

VOTED 12-0-1 by roll call (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Pam Abstained) to adopt the 2022 Town Council meeting schedule, as presented.

9. Appointments

a. Town Manager Appointments – Consent Agenda

(1) Residents’ Advisory Board

VOTED via consent agenda in accordance with Charter section 2.11(b), to approve the following Town Manager appointment to the Residents’ Advisory Committee, as filed with the Town Clerk on November 30, 2021, and recommended by the Town Services and Outreach Committee report of December 6, 2021, effective immediately:

- For a term to expire June 30, 2022:
 - Nicola Usher

10. Committee and Liaison Reports

a. Community Resources Committee

Hanneke said on January 10, 2022 there will be a public hearing on the proposed Article 16 Solar Moratorium.

b. Elementary School Building Committee

Schoen said on December 14 there is a joint meeting with the School Committee at 7:00 PM which will also include the design team for the new elementary school building.

c. Finance Committee

Steinberg said there is a meeting tomorrow and they will revisit the budget guidelines and will review financial implications of the 2 reorganization plans. He said the committee is behind on the workplan/transfer memo.

d. Governance, Organization, and Legislation Committee

Ryan said there is a special meeting Wednesday to discuss the Management Goals in the Town Council Performance Goals for the Town Manager.

e. Town Services and Outreach Committee

Ross said there are 4 separate TSO meetings on Thursday and the reason of holding a primer is because public forums need more than one half of the time dedicated to public comment. He said all councilor comments should be made during the primer.

f. Liaison Reports: Affordable Housing Trust, African Heritage Reparations Assembly, Board of Health, Board of License Commissioners, Community Preservation Act Committee, Council on Aging, Disability Access Advisory Committee, Recreation Commission, Transportation Advisory Committee

Schoen said CPAC meets at the same time as TSO this Thursday for final decisions on what will be on their list of requests.

Steinberg said there is also a public forum on the elementary and regional school budgets at the same time as the TSO meeting.

11. Approval of Minutes – Consent Agenda

- a. **November 15, 2021 Special Town Council Meeting minutes – Financial Indicators**
- b. **November 15, 2021 Town Council Meeting minutes – Public Forum on the Budget**
- c. **November 15, 2021 Regular Town Council Meeting Minutes**

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

- November 15, 2021 Special Town Council Meeting minutes – Financial Indicators
- November 15, 2021 Town Council Meeting minutes – Public Forum on the Budget
- November 15, 2021 Regular Town Council Meeting Minutes

12. Town Manager Report

Bockelman said the major focus in his report is the new COVID-19 variant. He said they expect the variant to grow rapidly and the Governor’s Office asked cities and towns to ramp up their vaccination capabilities. Bockelman said there is a concern of holidays and students returning to Amherst, but the University and Colleges are requiring students to be fully vaccinated with a booster shot.

Hanneke said Bockelman needs to update the report that 5-year-olds and over can get vaccinated.

Pam asked if Amherst is requiring vaccines of the private sector. Bockelman said that would be more of a State issue.

Swartz asked if there is any difference for kids off-campus. Bockelman said the message just referenced students but did not mention staff or faculty.

13. Town Council Comments

a. President Report

(1) Carryover of Measures to New Legislative Sessions – *Rules of Procedure Rule 8.9*

- a. Community Resources Committee Transition Memo
- b. Finance Committee Transition Memo
- c. Governance, Organization, and Legislation Committee Transition Memo
- d. Town Services and Outreach Committee Transition Memo

b. Future Agenda Items

(1) Vote to Prevent Carryover of Measures to New Legislative Sessions

c. Councilor Comments

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

15. Executive Session

- a. **[MGL c.30A, §21(a)2] To conduct strategy sessions in preparation for negotiations with nonunion personnel, Town Manager Paul Bockelman**
- b. **[MGL c.30A, §21(a)2] To conduct contract negotiations with nonunion personnel, Town Manager Paul Bockelman**
- c. **[MGL c.30A, §21(a)7] To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements: to approve the executive session minutes for the following dates:**
 - **August 31, 2020**

- September 21, 2020
- October 19, 2020
- May 13, 2021
- May 18, 2021
- June 7, 2021
- June 28, 2021
- July 28, 2021
- August 2, 2021

To retain for future Town Council review the approved executive session meeting minutes of the following dates:

- May 13, 2021
- May 18, 2021
- June 7, 2021
- July 28, 2021
- August 2, 2021

And to release the executive session meeting minutes of the following dates:

- August 31, 2020
- September 21, 2020
- October 19, 2020
- June 28, 2021

- d. [MGL c.30A, §21(a)7] To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body**

The Town Council WILL NOT return to open session for the regular agenda following the executive session.

MOTION: Griesemer moved, second by Hanneke, to convene in executive session for the following purposes:

- In accordance with MGL c.30A, §21(a)2, to conduct strategy sessions in preparation for negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, §21(a)2, to conduct contract negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, s.21(a)7, to approve the Town Council executive session minutes of the following dates:
 - August 31, 2020
 - September 21, 2020
 - October 19, 2020
 - May 13, 2021
 - May 18, 2021

To retain for future Town Council review the approved executive session minutes of the following dates:

- May 13, 2021
- May 18, 2021

And to release the executive session minutes of the following dates:

- August 31, 2020
- September 21, 2020

- October 19, 2020
- In accordance with MGL c.30A, §21(a)7, to consider the purchase, exchange, lease, or value of real property, as the chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

VOTED unanimously, 13-0, by roll call, convene in executive session for the following purposes:

- In accordance with MGL c.30A, §21(a)2, to conduct strategy sessions in preparation for negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, §21(a)2, to conduct contract negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, s.21(a)7, to approve the Town Council executive session minutes of the following dates:
 - August 31, 2020
 - September 21, 2020
 - October 19, 2020
 - May 13, 2021
 - May 18, 2021

To retain for future Town Council review the approved executive session minutes of the following dates:

- May 13, 2021
- May 18, 2021

And to release the executive session minutes of the following dates:

- August 31, 2020
- September 21, 2020
- October 19, 2020
- In accordance with MGL c.30A, §21(a)7, to consider the purchase, exchange, lease, or value of real property, as the chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

The Town Council entered executive session at 11:07 PM.

16. Adjourn

The Town Council adjourned in executive session.

Record of Agenda Packet Materials and Documents Presented:

00. 12-06-2021 Draft Motions as of 12-3-21
 00. 12-06-2021 FINAL Town Council Agenda
 11.a. 11-15-21 DRAFT Special Town Council Meeting Minutes – Financial Indicators
 11.b. 11-15-21 DRAFT Town Council Meeting Minutes – Public Forum on the Budget
 11.c. 11-15-2021 DRAFT Town Council Meeting Minutes
 12. Town Manager Report 12-06-2021
 2021-03-22 GOL Report to Town Council
 2021-11-19 Finance Committee Report to Council – Financial Orders and Band Shell
 2021-11-30 CRC Report to Town Council – Transition – with Attachments
 2021-12-01 GOL COMMITTEE REPORT – Transition Memo
 2021-12-06 Finance Committee report to Town Council

2021-12-06 GOL Report to the Council on Bylaws for Future Consideration
2021-12-06 TSO Carryover Report to Town Council – Transition Memo
2021-12-06 TSO Report to Town Council
6.a. 2021 Human Rights Day Proclamation as voted by GOL_12-2-21 CLEAN
7.b.1.b. Jones Library Trustees FY21 Annual Report 12-1-21
7.b.e. Board of License Commissioners Annual Report 2021
8.a. FY23 Council Budget Guidelines Draft
8.b. Amherst_Historical_Commission_Memo_Bandshell_22November2021
8.b. BID DAF Presentation Performance Shell 09-27-2021
8.b. DAAC Memo, Performance Shell, dated 11.16.2021
8.b. DRB Memo, Performance Shell, dated 11.17.2021
8.c.1. 2021-11-18 CRC Report to Town Council – Article 14 Extension
8.c.1. AMHR – ZBL Amendment – Temporary Zoning
8.c.1. Article 14 – Memo to Town Council – Zoning Bylaw Amendment Proposal – 10-12-2021