

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, July 22, 2019

6:30 p.m.

Town Room, Town Hall

Members Present: Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz

Members Absent: Hanneke and Schoen

Members Participating Remotely: None

Staff Present: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Clerk of the Council Athena O’Keeffe, Planning Director Christine Brestrup

President Griesemer called the meeting to order at 6:30 p.m.

5. Proclamation and Commemorations

a. Resolution in support of the ROE Act

MOVED: To adopt the Resolution in support of the ROE Act as presented/amended.

Motion by: De Angelis

Seconded by: Pam

VOTED: 10-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ryan, Schoen, Schreiber, Steinberg and Swartz voted Yes; Councilors Hanneke, Schoen and Ross were Absent)

7. Action Items

a. (2) Adoption of Proposed Zoning Bylaws

See attached motion sheet

Motion by: Ryan

Seconded by: De Angelis

VOTED: 10-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ryan, Schreiber, Steinberg and Swartz voted Yes; Councilors Hanneke, Schoen and Ross were Absent)

c. Dog Park Public Way Request – Old Belchertown Road

MOVED: To refer the requested permanent changes to the public way at 95 Old Belchertown Road to the Community Resources Committee, with a report back to the Town Council on August 15, 2019.

Motion by: Pam

Seconded by: Ryan

VOTED: 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors Hanneke and Schoen were absent)

8. Appointments

a. Confirmation of Town Manager Appointments [Charter Sec. 3.3(a), 2.11]

(1) Director of Senior Services

MOVED: To approve the Town Manager's appointment of the Senior Services Director.

Motion by: Ryan

Seconded by: Bahl-Milne

VOTED: 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors Hanneke and Schoen were absent)

Confirmation of Town Manager Appointments [*Charter Sec. 2.11(b)*]

Board of Health

MOVED: To approve the Town Manager's appointments to the Board of Health, effective July 23, 2019, as recommended by the Outreach, Communications and Appointments Committee:

For a three-year term to expire June 30, 2022:

- Stephen George (reappointment)

For a two-year term to expire June 30, 2021:

- Maureen Millea
- Timothy Randhir

Motion by: Ryan

Seconded by: De Angelis

VOTED: 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors Hanneke and Schoen were absent)

b. Non-Voting Members of Finance Committee [*Charter Sec. 5.5(b) and Rule 10.10*]

MOVED: To appoint the following individuals as non-voting resident members of the Town Council Finance Committee:

For a term to begin July 23, 2019 and expire on June 30, 2020:

- MaryLou Theilman

For a term to begin July 23, 2019 and expire June 30, 2021:

- Sharon Povinelli
- Robert Hegner

The Council will evaluate the Finance Committee process and Committee Charge prior to considering appointment to the vacancy that will occur on July 1, 2020 to assess how the addition of non-voting Resident members has affected the Committee and its work.

Motion by: DuMont

Seconded by: De Angelis

VOTED: 9-2-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ryan, Schreiber and Steinberg voted Yes; Councilors Ross and Swartz voted No; Councilors Hanneke and Schoen were absent)

MOTION to amend by: Steinberg.

Seconded by: Schreiber.

To insert at the end of the motion: The Council will evaluate the Finance Committee process and Committee Charge prior to considering appointment to the vacancy that will occur on July 1, 2020 to assess how the addition of non-voting Resident members has affected the Committee and its work.

VOTED (amendment): 7-4-0 (Councilors Brewer, De Angelis, Griesemer, Pam, Ross, Schreiber, Steinberg voted Yes; Councilors Bahl-Milne, DuMont, Ryan, and Swartz voted No; Councilors Hanneke

and Schoen were absent)

10. Approval of Minutes

a. July 1, 2019

MOVED: To approve the July 1, 2019 Town Council meeting minutes, as presented/amended.

Motion by: Ryan

Seconded by: Steinberg

VOTED: 8-0-3 (Councilors De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg voted Yes; Councilors Bahl-Milne, Brewer and Swartz Abstained; Councilors Hanneke and Schoen were absent)

13. Topics Not Anticipated 48 Hours in Advance of the Meeting

Letter in Support of the 100% Renewable Energy Act

MOVED: To support the letter in support of the 100% Renewable Energy Act, as presented.

Motion by: Schreiber

Seconded by: De Angelis

VOTED: 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors Hanneke and Schoen were absent)

15. Adjourn

MOVED: To adjourn the July 22, 2019 meeting of the Town Council.

Motion by: Schreiber

Seconded by: Ryan

VOTED: 11-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors Hanneke and Schoen were absent)

The meeting adjourned at 11:03 p.m.

ORDER # FY20-24

An Order Repealing and Replacing the Zoning Bylaws of the Town

WHEREAS, in accordance with the Amherst Town Charter (“Charter”), which became effective upon approval by the voters at the March 27, 2018 Annual Town Election, the Amherst Town Council serves as the legislative body of the Town, including responsibility for adoption and amendment of General and Zoning Bylaws of the Town; WHEREAS, Section 10.1 of the Charter provides that all Town Bylaws in effect on the effective date of the Charter that have not been specifically or by implication repealed by the Charter, shall continue in full force and effect until the Amherst Town Council (“Council”) shall amend or repeal them, or until they are rescinded by due course of law or expire by their own limitations;

WHEREAS, the Charter, Section 10.7(u) expressly charged the Select Board to appoint a committee to begin a review of the Town’s General and Zoning Bylaws for the purpose of preparing revisions and amendments as may be necessary to bring them into conformity with the provision of the Charter and to fully implement the provisions of the Charter, with a Bylaw Committee Charge adopted April 23, 2018, and revised May 2, 2018 and such Committee (“Section 10.7(u) Committee”) appointed on April 23, 2018;

WHEREAS, the Section 10.7(u) Committee prepared and submitted to the Council-elect on November 29, 2018, and later to the Amherst Town Council on December 3, 2018, its report with recommendations with respect to revisions and amendments to the General Bylaws and Zoning Bylaws of the Town;

WHEREAS, the Charter, Section 10.7(v), expressly charged the Council with appointing a committee for the purpose of completing the review started by the Section 10.7(u) Committee and preparing revisions and amendments as necessary to bring the Bylaws into conformity with, to fully implement the provisions of, the Charter, with such Bylaw Review Committee Charge adopted December 10, 2018; and such Committee (“Section 10.7(v) Committee”) appointed on January 28, 2019;

WHEREAS, the Section 10.7(v) Committee prepared and submitted to the Council and to the Planning Board its report with recommendations with respect to the Zoning Bylaws of the Town, including a proposal to repeal the existing Zoning Bylaws in their entirety and to adopt as the Zoning Bylaws of the Town the provisions set forth in the document attached to this Motion and incorporated herein by reference, entitled “Zoning Bylaws of the Town of Amherst - (Month) 2019”;

WHEREAS, as required by General Laws chapter 40A, §5, the Planning Board, after complying with statutory notice and publication requirements, held a public hearing on June 5, 2019 on the proposed Zoning Bylaw amendments and revisions and submitted to the Council its report with recommendations on June 12, 2019;

WHEREAS, as required by General Laws chapter 40A, §5, the Council, after complying with statutory notice and publication requirements, held a public hearing on July 22, 2019 on the proposed Zoning Bylaw amendments and revisions; and

WHEREAS, as required by Section 2.10(a) of the Charter, the Council, after complying with notice and publication requirements, arranged for the proposed amendments and revisions to be read at two separate Council meetings held on June 17, 2019 and July 22, 2019.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Amherst that the Amherst Zoning Bylaws be amended by deleting the current Zoning Bylaws in their entirety and inserting in place thereof a new Zoning Bylaw, in the form set forth in the document attached hereto and incorporated by reference entitled, “Complete Zoning Bylaw July 2019”; and, further, to authorize the Town Clerk, following consultation with the Town Manager, to make such ministerial and clerical changes of form only with respect to identification of articles, chapters, sections, subsections, paragraphs and subparagraphs as are needed to bring such Bylaws into accord with the format of the bylaws of the Town of Amherst.