

**Town of Amherst**

**UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL**

---

Monday, December 16, 2019

6:45 p.m.

Town Room, Town Hall

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

Members Absent: None

Members Participating Remotely: None

Staff Present: Town Manager Paul Bockelman, Sustainability Coordinator Stephanie Ciccarello, Clerk of the Council Athena O’Keeffe

---

President Griesemer called the meeting to order at 6:50 p.m.

**2. Election of Officers**

**a. President – for a term to expire January 6, 2020**

Councilor Pam nominated Councilor Griesemer, Councilor Griesemer accepted the nomination.

**ROLL CALL VOTE** 11-0-2 Bahl-Milne: Griesemer, Brewer: Abstain, De Angelis: Griesemer, DuMont: Griesemer, Griesemer: Griesemer, Hanneke: Griesemer, Pam: Griesemer, Ross: Griesemer, Ryan: Griesemer, Schoen: Griesemer, Schreiber: Griesemer, Steinberg: Griesemer, Swartz: Abstain

**MOVED:** To delay the vote for President and Vice President one-year terms, from January 6, 2020-January 4, 2021, to the January 6, 2020 Town Council meeting.

Motion by: Schoen

Seconded by: Pam

**VOTED:** 8-3-2 (Councilors Bahl-Milne, Brewer, DuMont, Pam, Ross, Schoen, Steinberg, and Swartz voted Yes; Councilors De Angelis, Ryan, and Schreiber voted No; Councilors Griesemer and Hanneke Abstained)

**c. Vice President – for a term to expire January 6, 2020**

Councilor De Angelis nominated Councilor Hanneke, Councilor Hanneke accepted the nomination.

**ROLL CALL VOTE** 11-0-2 Bahl-Milne: Hanneke, Brewer: Abstain, De Angelis: Hanneke, DuMont: Hanneke, Griesemer: Hanneke, Hanneke: Hanneke, Pam: Hanneke, Ross: Hanneke, Ryan: Hanneke, Schoen: Hanneke, Schreiber: Hanneke, Steinberg: Hanneke, Swartz: Abstain

**8. Action Items**

**a. Appropriation of Community Preservation Act Funds – Kendrick Park**

**MOVED:** In terms of Council Order number 20-45, **AN ORDER AUTHORIZING THE DEDICATION OF KENDRICK PARK FOR PARK AND ACTIVE RECREATION PURPOSES AND APPROPRIATE FUNDS FOR THE REHABILITATION AND PRESERVATION THEREOF**, as presented.

.

Motion by: Schoen

Seconded by: Pam

**VOTED:** 11-2 (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan,

Schoen, Schreiber, and Steinberg voted Yes; Councilors Brewer and Swartz voted No)

**b. Acquisition of Hickory Ridge Property**

**MOVED:** In terms of Council Order number 20-26, **AN ORDER AUTHORIZING THE ACQUISITION OF THE HICKORY RIDGE PROPERTY**, as presented.

Motion by: Bahl-Milne

Seconded by: Steinberg

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

**c. Community Choice Aggregation**

**MOVED:** To suspend Rule 8.4.

Motion by: Griesemer

Seconded by: DuMont

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

**e. Draft Town Council Budget Guidelines**

**MOVED:** To suspend Rule 8.4.

Motion by: Brewer

Seconded by: Ryan

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

**MOVED:** To adopt the Council Budget Guidelines as presented in the document entitled “FY21 Council Budget Guidelines draft.”

Motion by: Griesemer

Seconded by: De Angelis

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

**f. Amendment to Rules of Procedure 10.8, previously read as rule 10.9, regarding Town Council Liaisons, 2<sup>nd</sup> Reading**

**MOVED:** to rescind the current Rule of Procedure 10.8 *Councilors as non-voting liaisons* and replace it with the revised rule 10.8 as presented by GOL in the document entitled “ROP10.9 Liaisons Ryan Revisions 11-19-2019 – as amended at meeting”.

Motion by: Hanneke

Seconded by: Ryan

**VOTED:** Unanimously

**11. Approval of Minutes**

**a. Amend minutes of November 7, 2019 Financial Indicators Meeting**

**MOVED:** To amend the minutes of November 7, 2019 Financial Indicators Meeting by adding the words, “President Griesemer stated that per Charter Section 5.2, the Town Manager shall call a meeting of the Budget Coordinating Group, which shall consist of the Town Manager, representatives of the Town Council, School Committee, Regional School Committee, Library Board of Trustees. This

meeting will be considered a meeting of the whole of the Budget Coordinating Group.”

Motion by: Steinberg

Seconded by: Hanneke

**VOTED:** 11-0-2 (Councilors Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes; Councilors Bahl-Milne and DuMont Abstained)

**b&c. November 18, 2019 Regular Council Meeting and December 4, 2019 Special Council Meeting**

**MOVED:** To approve the minutes of the November 18, 2019 regular Town Council meeting and the December 4, 2019 special Council meeting, as presented/amended.

Motion by: Pam

Seconded by: Hanneke

**VOTED:** 9-0-4 (Councilors De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilors Bahl-Milne, Brewer, DuMont, and Swartz Abstained)

**10. Adjourn**

**MOVED:** To adjourn the December 16, 2019 regular meeting of the Town Council.

Motion by: De Angelis

Seconded by: Pam

**VOTED:** Unanimously

The Council adjourned at 11:58 p.m.

## KENDRICK PARK

ORDER # 20-45

FY2020

### **AN ORDER AUTHORIZING THE DEDICATION OF KENDRICK PARK FOR PARK AND ACTIVE RECREATION PURPOSES AND APPROPRIATE FUNDS FOR THE REHABILITATION AND PRESERVATION THEREOF**

**WHEREAS**, Kendrick Park, located on East Pleasant Street, North Pleasant Street and Triangle Street, is a community-wide asset and the preservation and improvement of this facility is a priority for the Town of Amherst; and

**WHEREAS**, the Town wishes to appropriate funds for such purposes under M.G.L. c. 44B, The Community Preservation Act and

**WHEREAS**, to defray the cost of the preservation and rehabilitation of Kendrick Park, the Town applied to the Commonwealth of Massachusetts, for a grant under the Parklands Acquisitions and Renovations for Communities (PARC) Program; and

**WHEREAS**, as a condition of said grant, the Town wishes to dedicate Kendrick Park for park and active recreation purposes in perpetuity and to transfer custody thereof to the Leisure and Supplemental Education (LSSE) Commission for said purposes; and

**WHEREAS**, the Town Council serves as the legislative body of the Town of Amherst; and

**WHEREAS**, the best interests of the Town would be served by dedicating Kendrick Park for said purposes, transferring the custody thereof, and appropriating funds for said project.

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Amherst that:

- (a) the care, custody and control of Kendrick Park, consisting of the parcels of land on East Pleasant Street, North Pleasant Street and Triangle Street shown on Assessors Map 11C as Parcels 235 -244, inclusive, and containing 3.00 acres, more or less, is transferred from the Town Manager to the Leisure Services and Supplemental Education (LSSE) Commission for park and active recreational purposes, and to dedicate said Park in perpetuity to said purposes, under the provisions of G.L. c. 45, §3 and other Massachusetts statutes related to recreation;
- (b) appropriate the sum of \$659,000 in accordance with the M.G.L. c. 44B, the Community Preservation Act, for the cost of preserving rehabilitating and preserving Kendrick Park and any costs related or incidental thereto, and the Treasurer, with the approval of the Town Manager, is authorized to borrow said sum under G.L. c. 44, §7, G.L. c. 44B, §11, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, provided, however, that no funds shall be expended until the Town has received a grant commitment in the amount of \$400,000.00 under the PARC Grant Program (301 CMR 5.00); and
- (c) authorize the Town Manager and/or the LSSE Commission or their designee, to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts,

grants, under any federal and/or other state program in any way connected with the scope of this this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

\_\_\_\_\_  
Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of \_\_\_\_ for, \_\_\_\_ against and \_\_\_\_ present on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Athena O’Keeffe, Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council President

704073/AMHR/0001

DRAFT

**ORDER # FY20 -26**

**AN ORDER AUTHORIZING THE ACQUISITION OF THE HICKORY RIDGE PROPERTY**

**WHEREAS**, the Town Council serves as the legislative body of the Town of Amherst; and

**WHEREAS**, the Town Manager recommended that the Town acquire the Hickory Ridge property, described below, for open space purposes, general municipal purposes and for the purpose of conveyance; and

**WHEREAS**, the Town Council voted on June 17, 2019, under Appropriation and Transfer Order FY20-07, to appropriate \$200,000 from the Community Preservation Act Fund for the acquisition of the open space portion of the Hickory Ridge property, as recommended by the Community Preservation Act Committee; and

**WHEREAS**, the Town Manager has recommended that the Town Council authorize the acquisition of the Hickory Ridge property and appropriate the remaining funds therefor and for the purpose of maintaining and operating said property; and

**WHEREAS**, the owner of the Hickory Ridge property is amenable to conveying the property to the Town, subject to the owner reserving an easement to use portions thereof for solar energy, access and utility purposes for a term of years; and

**WHEREAS**, the best interests of the Town would be served by authorizing the acquisition of the Hickory Ridge property for the foregoing purposes pursuant to said recommendations; and

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Amherst that:

1. The Town Manager is authorized to acquire, by purchase, gift, and/or eminent domain, the parcel of land with the improvements thereon known as the Hickory Ridge Golf Course, located at 191 West Pomeroy Lane, identified by the Assessor's as Parcel 19D-10, containing 149 acres, more or less, and described in a deed recorded with the Hampshire Registry of Deeds in Book 10876, Page 172, said acquisition to be on such terms and conditions as the Town Manager deems appropriate, including, without limitation, acquiring an approximately 30-acre portion of the property subject to an easement reserved by the owner to use said portion for solar energy, access and utility purposes for a term of up to 40 years for nominal consideration;
2. The sum of \$520,000 is appropriated to fund the cost of said acquisition and costs related or incidental thereto and an additional sum of \$100,000 is appropriated for the purpose of maintaining and operating said property, for a total appropriation of \$620,000, of which \$114,000 shall be transferred from the Sale of Real Estate Accounts under G.L. c. 44, §63 and \$306,000 shall be to be transferred from the Stabilization Fund, with the remaining sum of \$200,000 having already been appropriated from the Community Preservation Act Fund for the purpose of acquiring a portion or portions of the property for open space purposes, the exact size and location of which portions will be determined by the Town Council at a later date and held under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C and Article 97 of the Massachusetts Constitution, with the remaining property to be acquired and held for general municipal purposes and for the purpose of conveyance; and
3. The Town Manager and/or the Conservation Commission are authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. c. 132A, Section 11 (now,

so-called LAND grants), which grants and/or funds so received shall be used to repay all or a portion of the sum transferred from the Community Preservation Fund hereunder, and enter into any and all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, the Town Manager and/or the Conservation Commission are authorized to convey a conservation restriction on the open space portions of the property in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

\_\_\_\_\_  
Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of \_\_\_\_ for, \_\_\_\_ against and \_\_\_\_ present on October \_\_\_\_, 2019.

\_\_\_\_\_  
Athena O’Keeffe, Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council President

DRAFT