

**Town of Amherst**  
**UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL**

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Monday, February 10, 2020

6:30 p.m.

Town Room, Town Hall

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

Members Absent: Swartz

Members Participating Remotely: None

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

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

**3. Hearings**

**a. Public Hearing to consider a Verizon petition for conduit location on Spring Street**

**MOVED:** To close the public hearing.

Motion by: Hanneke

Seconded by: De Angelis

**VOTED:** 12-0

**b. Public Hearing to consider a 35 South Pleasant Street, LLC request to make a permanent change to the public way at 35 South Pleasant Street**

**MOVED:** To close the public hearing.

Motion by: Hanneke

Seconded by: Pam

**VOTED:** 12-0

**5. Proclamations and Commemorations**

**a. League of Women Voters Proclamation (Sponsors: Griesemer & Hanneke)**

**MOVED:** To adopt the Proclamation Celebrating the 100<sup>th</sup> Anniversary of the League of Women Voters of the United States, as presented/amended.

Motion by: Hanneke

Seconded by: De Angelis

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

**7. Action Items**

**MOVED:** To suspend Town Council Rule 8.4 for the following agenda items and associated motions:

- 7a: Verizon Petition for Conduit on Spring Street
- 7b: 35 South Pleasant Street, LLC Request for Permanent Change to the Public Way
- 7g: Presidential Primary Election Warrant – March 3, 2020
- 7h(1-6): Town Council Financial Orders FY20-64, 65, 66, 67, 68 and 78
- 7k (1-2): Joint Capital Planning Committee and Budget Coordinating Group Charges

Motion by: Hanneke

Seconded by: Steinberg

**VOTED:** 11-0-1 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor DuMont Abstained; Councilor Swartz was absent)

**a. Verizon Petition for Conduit Location on Spring Street**

**MOVED:** To grant permission to VERIZON NEW ENGLAND, INC. to lay and maintain underground conduits and manholes, with the wires and cables placed therein, under the surface of Spring Street as recommended by the DPW and requested in the petition of said Company dated the 3rd day of February, 2020 job#4A0J4KW.

Motion by: Pam

Seconded by: Ryan

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

**b. 35 South Pleasant Street, LLC Request for Permanent Change to the Public Way**

**MOVED:** that the Town Manager is authorized to grant, on such terms and conditions as the Town Manager deems appropriate, a permanent easement, for the benefit of property located at 31-35 South Pleasant Street, for the purpose of constructing, maintaining, repairing and replacing a handicap access ramp and steps on a portion of the public sidewalk abutting said property, which easement area is to be shown on a plan acceptable to the Town Manager.

Motion by: De Angelis

Seconded by: Ryan

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

**c. Proposal on Changes to Public Ways Regulations on Lincoln Avenue**

**MOVED:** That the Council President schedule a March 9, 2020 legally noticed public hearing in accordance with the Town General Bylaws Section 3.14B on the proposed changes to public ways regulations on Lincoln Avenue as presented.

Motion by: Hanneke

Seconded by: Pam

**VOTED:** 9-3-0 (Councilors Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, and Steinberg voted Yes; Councilors Bahl-Milne, DuMont, and Schreiber voted No; Councilor Swartz was absent)

**d. Board of License Commissioners Regulations: Non-criminal Disposition Pursuant to General Bylaw Section 2.2(B): BYOB (Bring Your Own Bottle) and Alcohol Food Service**

**MOVED:** To suspend Town Council Rules of Procedure rule 8.4 for the current item.

Motion by: Pam

Seconded by: Ross

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

**MOVED:** Pursuant to General Bylaw Section 2.2(B), the Town Council hereby approves the Amherst Board of License Commissioners BYOB (Bring Your Own Bottle) Regulations, adopted by the Board of License Commissioners on July 29, 2019, including all amendments thereto subsequently adopted, for enforcement by noncriminal disposition by the Board of License Commissioners, with penalties as set forth in the Regulations.

Motion by: Hanneke

Seconded by: Ryan

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

**MOVED:** Pursuant to General Bylaw Section 2.2(B), the Town Council hereby approves the Amherst Board of License Commissioners Alcohol Food Service Regulations, adopted by the Board of License Commissioners on September 23, 2019, including all amendments thereto subsequently adopted, for enforcement by noncriminal disposition by the Board of License Commissioners, with penalties as set forth in the Regulations.

Motion by: Hanneke

Seconded by: De Angelis

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

**e. Bylaw Amendment Section 2.2 – Noncriminal Enforcement of Rules and Regulations**

No action – automatic referral to the Governance, Organization and Legislation Committee.

**f. Affordable Housing Priorities Policy**

**MOVED:** to refer the Community Resources Committee report dated 2/4/2020, the Finance Committee report appendices titled “Finance Committee housing policy report” and “Affordable Housing – Town Support,” and the “Proposed Amherst Affordable Housing Priorities Policy” to the Community Resources Committee to develop a comprehensive housing policy, with report to the Council within 90 days.

Motion by: Pam

Seconded by: Steinberg

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

**g. 2020 Presidential Primary Election Warrant**

**MOVED:** to authorize the warrant for the Presidential Primary Election on Tuesday, March 3, 2020, with polls open from 7:00 a.m. to 8:00 p.m. at the following locations:

Precinct 1: North Zion Church Hall, 1193 North Pleasant Street

Precinct 2: North Fire Station, 603 East Pleasant Street

Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street

Precinct 4: Large Activity Room, Bangs Community Center, 70 Boltwood Walk

Precinct 5: Large Activity Room, Bangs Community Center, 70 Boltwood Walk

Precinct 6: Fort River School, 70 South East Street

Precinct 7: Crocker Farm School, 280 West Street

Precinct 8: Munson Memorial Library, 1046 South East Street

Precinct 9: Wildwood School, 71 Strong Street

Precinct 10: Glass Room, Bangs Community Center, 70 Boltwood Walk

Motion by: Ryan

Seconded by: Hanneke

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

**h.(1) Financial Order FY20-64**

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**MOVED:** In terms of Council order FY20-64: An Order Appropriating Funds for general road and sidewalk improvements including traffic signals at the North Pleasant/Pine/Meadow Streets Intersection, as recommended by the 2/10/20 Finance Committee report.

Motion by: Hanneke

Seconded by: Schoen

**(Majority vote required) VOTED:** 10-1-1 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, and Steinberg voted Yes; Councilor Schreiber voted No; Councilor DuMont abstained; Councilor Swartz was absent)

**h.(2) Financial Order FY20-65**

**MOVED:** In terms of Council order FY20-65: An Order Authorizing Bond Premiums from Past Borrowings to be applied to Reduce Existing Debt, as recommended by the 2/10/20 Finance Committee report.

Motion by: De Angelis

Seconded by: Hanneke

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

**h.(3) Financial Order FY20-66**

**MOVED:** In terms of Council order FY20-66: An Order Appropriating and Transferring Funds from Free Cash to Stabilization Fund, as recommended by the 2/10/20 Finance Committee report.

Motion by: Hanneke

Seconded by: De Angelis

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

**h.(4) Financial Order FY20-67**

**MOVED:** In terms of Council order FY20-67: An Order Appropriating and Transferring funds from Free Cash to OPEB Trust Fund, as recommended by the 2/10/20 Finance Committee report.

Motion by: Schoen

Seconded by: Pam

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

**h.(5)a. Financial Order FY20-68**

**MOVED:** In terms of Council Order FY20-68: An Order Appropriating and Approving Borrowing for a Portion of the Town of Amherst FY2020 Capital Program – Elementary School Feasibility Study, as recommended by the Finance Committee on 2/10/2020.

Motion by: Ryan

Seconded by: Pam

**(2/3 vote required) VOTED:** 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent)

**h.(5)b. MOVED:** In terms of Council Order FY20-78: An Order Appropriating and Approving Borrowing for a Portion of the Town of Amherst FY2020 Capital Program– the Installation of an Institutional Network

Loop, as recommended by the Finance Committee on 2/10/2020.

Motion by: Hanneke

Seconded by: Ryan

**(2/3 vote required) VOTED:** 12-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Councilor Swartz was absent)

**i. Master Plan Process**

**MOVED:** To adopt the process for updating and adopting the Master Plan, as set forth in the document titled “CRC Proposed Master Plan Process - 2020-02-04”, as recommended by the Community Resources Committee, as presented.

Motion by: Bahl-Milne

Seconded by: Hanneke

**VOTED:** 8-1-2 (Councilors Bahl-Milne, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, and Steinberg voted Yes; Councilor Brewer voted No; Councilors DuMont and Schoen Abstained; Councilor Swartz was absent)

**j. Council Liaisons**

No action – First Discussion, Town Council Rules of Procedure rule 8.4

**k. Reorganization of Standing Committees – Action on JCPC & BCG Charges**

**(1) MOVED:** To amend the JCPC charge, as set forth in the document titled “JCPC Charge -GOL Voted 2020-01-29,” as recommended by the 2/10/2020 Governance, Organization, and Legislation Committee report, as presented.

Motion by: Hanneke

Seconded by: Ryan

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

**(2) MOVED:** To amend the BCG charge, as set forth in the document titled “BCG Charge -GOL Voted 2020-01-29,” as recommended by the 2/10/2020 Governance, Organization, and Legislation Committee report, as presented.

Motion by: Hanneke

Seconded by: Ryan

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

**8. Appointments**

**a. Town Manager Appointments**

**(1) Council on Aging**

**MOVED:** To approve the following Town Manager appointments to the Council on Aging, effective immediately, as recommended by the 2/10/2020 Outreach, Communications, and Appointments Committee report:

- For a three-year term to expire June 30, 2022:
  - Jacqueline Smith-Crooks
- For a one-year term to expire June 30, 2020:
  - Greg Bascomb
  - Timothy Neale

Motion by: Ross

Seconded by: Ryan

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

**(2) Participatory Budgeting Commission**

**MOVED:** To approve the following Town Manager appointment to the Budget Coordinating Group, effective immediately, as recommended by the 2/10/2020 Outreach, Communications, and Appointments Committee report:

- For a term to expire on December 1, 2020 or such additional time as necessary, to complete the charge outlined in the Charter:
  - Jonathan McCabe

Motion by: Ross

Seconded by: Ryan

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

**(3) Cultural Council**

**MOVED:** To approve the following Town Manager appointments to the Cultural Council, effective immediately, as recommended by the 2/10/2020 Outreach, Communications, and Appointments Committee report:

- For a three-year term to expire June 30, 2022:
  - Arthur Pero
- For a two-year term to expire June 30, 2021:
  - Nicholas Graber-Mitchell
- For a one-year term to expire June 30, 2020:
  - Rachel Wang

Motion by: Ross

Seconded by: Ryan

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

**b. Town Council Appointments**

**(1) Joint Capital Planning Committee (JCPC)**

**MOVED:** To appoint Mandi Jo Hanneke, Cathy Schoen, and Andy Steinberg to the Joint Capital Planning Committee, effective immediately.

Motion by: Pam

Seconded by: Ryan

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

**10. Approval of Minutes**

**a. January 27, 2020 Town Council Meeting**

**b. February 1, 2020 Four Towns Meeting**

**MOVED:** To approve the minutes of the January 27, 2020 Town Council Meeting and February 1, 2020 Four Towns Meeting, as presented.

Motion by: Schoen

Seconded by: Hanneke

**VOTED:** 10-0-1 (Councilors Bahl-Milne, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, and Steinberg voted Yes; Councilor Brewer Abstained; Councilors Schreiber and Swartz were absent)

**14. Executive Session**

**The Chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body. The Council will reconvene in open session.**

**MOVED:** To enter into executive session pursuant to the provisions of MGL Ch. 30A §21(a)6, to consider the purchase, exchange, lease or value of real property.

Motion by: Griesemer

Seconded by: Hanneke

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

The Town Council entered into executive session at 9:38 p.m.

The Town Council reconvened in open session at 10:24 p.m.

**15. Adjourn**

**MOVED:** To adjourn the February 10, 2020 meeting of the Town Council.

Motion by: Schoen

Seconded by: Hanneke

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

The Council adjourned at 12:02 a.m. on Tuesday, February 11, 2020.