

Town of Amherst
DRAFT MOTIONS OF THE TOWN COUNCIL

Monday, August 10, 2020

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: Paul Bockelman (Town Manager), Joel Bard, Esq (KP Law, Town Attorney), Chris Brestrup (Planning Director), Nancy Buffone (UMass Amherst, Associate Vice Chancellor for University Relations), Tony Maroulis (UMass Amherst, Executive Director of External Relations and University Events), Jeffrey Hescocock (UMass Amherst, Executive Director of EH&S and Emergency Management), Serge Fedorovsky (IT for Town of Amherst), Chief Tim Nelson (Amherst Fire Chief), Angela Mills (Minute Taker)

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 will be 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 meeting to order at 6:32 p.m.

7. Presentations and Discussions

b. Higher Education Students Return Update

(2) Council Discussion

MOTION: To request that the Board of Health report to the Town Council, as soon as possible (no later than August 31, 2020) whether they would consider extending the Mask Order to all Village centers and University Drive; And to provide advice to the Town Council on the feasibility of amending Governor Baker's Order #46 to further restrict the number of individuals permitted at social gatherings.

Motion by: Brewer

Seconded by: George

Roll Call Vote: 13-0-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes)

8. Action Items – please refer to pages 4 – 8 (attached) for votes

a. Elections

(1) Polling Locations

(2) September 1, 2020 State Primary Election Warrant

b. Deferred to August 31, 2020 meeting of the Amherst Town Council

Valley CDC Project at 132 Northampton Road – Local Option –

MOTION: To authorize President Griesemer to sign the letter to the Zoning Board of Appeals regarding the implementation of a local preference titled [Draft Letter re Local Preference at 132 Northampton Road as of 7-27-2020], recommending that the Zoning Board of Appeals [seek approval from the Subsidizing Agency to implement / not implement] a local selection preference with the allowable categories of current residents, municipal employees, employees of local businesses for the initial lottery, or has children in the local school, and leasing of [XX]% of units at 132 Northampton Road.

Motion by: _____

Seconded by: _____

ROLL CALL VOTE: _____ Unanimous

OR _____ Bahl-Milne, _____ Brewer, _____ De Angelis, _____ DuMont, _____ Griesemer, _____ Hanneke, _____ Pam, _____ Ross, _____ Ryan, _____ Schoen, _____ Schreiber, _____ Steinberg, _____ Swartz

c. Zoning Bylaw 11.250 Amendment – Second Reading, Charter Sec. 2.10(a)

MOTION: To amend Zoning Bylaw 11.250, Planning Board Decision, to delete the phrase “at least two thirds (2/3), but not fewer than five (5),” and replace it with the words “a majority,” so that the Section 11.250 reads: “The concurring vote of a majority of the members of the Board participating and voting shall be required for any decision on a site plan application (abstaining members being considered not to be voting).”

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 9-4-0 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber and Steinberg voted Yes; Councilors DuMont, Pam, Schoen and Swartz voted No)

Bylaw Amendment Passes by required 2/3 of the Full Town Council in favor.

MOTION: Amendment of the original Motion (above) to add the line, “But no fewer than 4 members” after the words “a majority”.

Motion by: Schoen

Seconded by: Pam

ROLL CALL VOTE: 4-9-0 (Councilors Brewer, DuMont, Pam, Schoen voted Yes; Councilors Bahl-Milne, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, Steinberg, Swartz voted No).

AMENDMENT FAILED.

d. *Deferred to August 31, 2020 meeting of the Amherst Town Council*

Master Plan Update Request – Charter Section 9.8

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

Motion by: _____

Seconded by: _____

ROLL CALL VOTE: _____ Unanimous

OR _____ Bahl-Milne, _____ Brewer, _____ De Angelis, _____ DuMont, _____ Griesemer, _____ Hanneke, _____ Pam, _____ Ross, _____ Ryan, _____ Schoen, _____ Schreiber, _____ Steinberg, _____ Swartz

MOTION: To rescind the February 10, 2020, Town Council vote on Agenda item 7.i. that adopted 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” and accept the July 1, 2020 Planning Board recommendation that the Town Council consider adopting the approved Master Plan as is for now and focus the town’s attention and resources on the Zoning Bylaw changes, including establishing design guidelines, and revisit the issue of the Master Plan at a later date.

Motion by: _____

Seconded by: _____

ROLL CALL VOTE: _____ Unanimous

OR _____ Bahl-Milne, _____ Brewer, _____ De Angelis, _____ DuMont, _____ Griesemer, _____ Hanneke,

____ Pam, ____ Ross, ____ Ryan, ____ Schoen, ____ Schreiber, ____ Steinberg, ____ Swartz

e. **Deferred to August 31, 2020 meeting of the Amherst Town Council**

Capital Inventory Criteria

MOTION: To refer to Finance Committee for a report and recommendation on the requirements the Town Council should deem appropriate for inclusion in a Capital Inventory pursuant to Charter Section 5.7(a).

Motion by: _____

Seconded by: _____

ROLL CALL VOTE: _____ Unanimous

OR ___ Bahl-Milne, ___ Brewer, ___ De Angelis, ___ DuMont, ___ Griesemer, ___ Hanneke,

___ Pam, ___ Ross, ___ Ryan, ___ Schoen, ___ Schreiber, ___ Steinberg, ___ Swartz

11. **Deferred to August 31, 2020 meeting of the Amherst Town Council - Approval of Minutes**

a-e. **Approval of minutes**

MOTION: To approve the following Town Council Meeting minutes of July 28, 2020 Joint Town Council and School Committee Meeting – Crocker Farm Expansion Presentation minutes, as presented.

Motion by: _____

Seconded by: _____

ROLL CALL VOTE: _____ Unanimous

OR ___ Bahl-Milne, ___ Brewer, ___ De Angelis, ___ DuMont, ___ Griesemer, ___ Hanneke,

___ Pam, ___ Ross, ___ Ryan, ___ Schoen, ___ Schreiber, ___ Steinberg, ___ Swartz

The Council adjourned at 11:40 p.m.

Agenda item 8a(1): Elections: Polling Locations

MOTION: To suspend Council Rules of Procedure rule 7.5 for agenda items 8a(1) and 8a(2).
Motion made by Griesemer.

Seconded by Hanneke.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

Agenda item 8a(2): Elections: September 1, 2020 State Primary Election Warrant

MOTION: To reconsider the vote to authorize the warrant for the State Primary Election on Tuesday, September 1, 2020 that occurred on August 3, 2020.

Moved by Griesemer.

Seconded by Hanneke.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

Note: Text of the Motion that Motion to Reconsider was about:

***MOTION:** To authorize the warrant for the State Primary Election on Tuesday, September 1, 2020, with polls open from 7:00 am to 8:00 pm at the following location: All Voting Precincts: Amherst-Pelham Regional High School, 21 Mattoon Street.*

MOTION: To Postpone to a time definite consideration of this motion on the table, the time being immediately after Agenda Item 8a(1): Elections: Polling Locations is completed at today's meeting.

Motion made by Griesemer.

Seconded by Hanneke.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

Agenda item 8a(1): Elections: Polling Locations

MOTION: To reconsider the vote on the motion to locate in-person voting on September 1, 2020 and November 3, 2020 for all town voting precincts at Amherst-Pelham Regional High School that occurred on August 3, 2020.

Motion made by Griesemer.

Seconded by Hanneke.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

Note: Text of the Motion that the Motion for Reconsideration was about and that is now on the table:

MOTION: To locate in-person voting on September 1, 2020 and November 3, 2020 for all ten voting precincts at Amherst-Pelham Regional High School, 21 Mattoon Street, as this will have no disparate adverse impact on access to the polls on the basis of race, national origin, disability, income or age.

MOTION: To amend the motion by striking all the language after “November 3, 2020” and replacing it with the following language:

at seven of the current eight polling sites and change three polling places to one new site at the Amherst-Pelham Regional High School, 21 Mattoon Street as follows:

- District 1, Voting Precinct 1: North Zion Korean Church, Church Hall, 1193 North Pleasant Street
- District 2, Voting Precinct 2: Amherst-Pelham Regional High School, 21 Mattoon Street – Location Change
- District 1, Voting Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street
- District 3, Voting Precinct 4: Amherst-Pelham Regional High School, 21 Mattoon Street – Location Change
- District 4, Voting Precinct 5: Bangs Community Center, 70 Boltwood Walk
- District 2, Voting Precinct 6: Fort River School, 70 South East Street
- District 5, Voting Precinct 7: Crocker Farm School, 280 West Street
- District 5, Voting Precinct 8: Munson Memorial Library, South Amherst Common, 1046 South East Street
- District 4, Voting Precinct 9: Wildwood School, 71 Strong Street
- District 3, Voting Precinct 10: Amherst- Pelham Regional High School, 21 Mattoon Street – Location Change

Furthermore, this will have no disparate adverse impact on access to the polls on the basis of race, national origin, disability, income, or age. This change shall be in place for 2020. The Town shall study the election results and patterns by mail or in-person with an assessment of any disparate patterns by neighborhood, race, national origin, disability, income, or age and the results of new mail-voting and report back to inform possible future changes in 2021.

Motion made by Griesemer.

Seconded by Schoen.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

MOTION: To divide the motion, one motion for each election date, September 1, 2020 and

November 3, 2020. Council and the public would be afforded the flexibility to respond to the election experiences from September 1, 2020 Primary and better inform the polling locations for the November 3, 2020 Presidential Election.

Motion made by Steinberg.

Seconded by Schreiber.

Roll Call Vote: 5-8 (Councilors Ryan, Schoen, Schreiber, Steinberg, Brewer voted Yes; Councilors DuMont, Hanneke, Pam, Ross, Swartz, Bahl-Milne and De Angelis voted No) **MOTION FAILED.**

VOTED: To locate in-person voting on September 1, 2020 and November 3, 2020 at seven of the current eight polling sites and change three polling places to one new site at the Amherst-Pelham Regional High School, 21 Mattoon Street as follows:

- District 1, Voting Precinct 1: North Zion Korean Church, Church Hall, 1193 North Pleasant Street
- District 2, Voting Precinct 2: Amherst- Pelham Regional High School, 21 Mattoon Street – Location Change
- District 1, Voting Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street
- District 3, Voting Precinct 4: Amherst-Pelham Regional High School, 21 Mattoon Street – Location Change
- District 4, Voting Precinct 5: Bangs Community Center, 70 Boltwood Walk
- District 2, Voting Precinct 6: Fort River School, 70 South East Street
- District 5, Voting Precinct 7: Crocker Farm School, 280 West Street
- District 5, Voting Precinct 8: Munson Memorial Library, South Amherst Common, 1046 South East Street
- District 4, Voting Precinct 9: Wildwood School, 71 Strong Street
- District 3, Voting Precinct 10: Amherst- Pelham Regional High School, 21 Mattoon Street – Location Change

Furthermore, this will have no disparate adverse impact on access to the polls on the basis of race, national origin, disability, income, or age. This change shall be in place for 2020. The Town shall study the election results and patterns by mail or in-person with an assessment of any disparate patterns by neighborhood, race, national origin, disability, income, or age and the results of new mail-voting and report back to inform possible future changes in 2021.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

Agenda item 8a(2): Elections: September 1, 2020 State Primary Election Warrant

Note: Due to passage of the Motion to Reconsider earlier in the meeting, the text of the motion on the table at this time is as follows:

MOTION: To authorize the warrant for the State Primary Election on Tuesday, September 1, 2020, with polls open from 7:00 am to 8:00 pm at the following location: All Voting Precincts: Amherst-Pelham Regional High School, 21 Mattoon Street.

MOTION: To amend the current motion as follows: To add an “s” to the word “location” and to Strike the words “All Voting Precincts: Amherst-Pelham Regional High School, 21 Mattoon Street.” and replace them with:

- District 1, Voting Precinct 1: North Zion Korean Church, Church Hall, 1193 North Pleasant Street
- District 2, Voting Precinct 2: Amherst- Pelham Regional High School, 21 Mattoon Street
- District 1, Voting Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street
- District 3, Voting Precinct 4: Amherst-Pelham Regional High School, 21 Mattoon Street
- District 4, Voting Precinct 5: Bangs Community Center, 70 Boltwood Walk
- District 2, Voting Precinct 6: Fort River School, 70 South East Street
- District 5, Voting Precinct 7: Crocker Farm School, 280 West Street
- District 5, Voting Precinct 8: Munson Memorial Library, South Amherst Common, 1046 South East Street
- District 4, Voting Precinct 9: Wildwood School, 71 Strong Street
- District 3, Voting Precinct 10: Amherst-Pelham Regional High School, 21 Mattoon Street

Motion made by Hanneke.

Seconded by Schoen.

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).

VOTED: To authorize the warrant for the State Primary Election on Tuesday, September 1, 2020, with polls open from 7:00 am to 8:00 pm at the following locations:

- District 1, Voting Precinct 1: North Zion Korean Church, Church Hall, 1193 North Pleasant Street
- District 2, Voting Precinct 2: Amherst- Pelham Regional High School, 21 Mattoon Street
- District 1, Voting Precinct 3: Immanuel Lutheran Church, 867 North Pleasant Street
- District 3, Voting Precinct 4: Amherst-Pelham Regional High School, 21 Mattoon Street
- District 4, Voting Precinct 5: Bangs Community Center, 70 Boltwood Walk
- District 2, Voting Precinct 6: Fort River School, 70 South East Street
- District 5, Voting Precinct 7: Crocker Farm School, 280 West Street
- District 5, Voting Precinct 8: Munson Memorial Library, South Amherst Common, 1046 South East Street
- District 4, Voting Precinct 9: Wildwood School, 71 Strong Street
- District 3, Voting Precinct 10: Amherst-Pelham Regional High School, 21 Mattoon Street

Roll Call Vote: 13-0 (Councilors Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes).