

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, June 21, 2021

6:30 p.m.

Virtual Meeting

Councilors Present: De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber arrived at 6:47 pm, and Steinberg

Councilors Participating Remotely: Bahl-Milne, Brewer, DuMont, and Swartz

Councilors Absent: None

Others Present: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, IT Director Sean Hannon, Finance Director Sean Mangano, Comptroller Sonia Aldrich, Sustainability Coordinator Stephanie Ciccarello, Energy and Climate Action Committee Chair Laura Draucker

When remote participation is used, 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 Town Council meeting to order at 6:38 p.m.

President Griesemer declared the meeting adjourned at 12:52 a.m.

5. Consent Agenda

Consent Agenda: The following items were selected because they were considered to be routine and it was reasonable to expect they would pass with no controversy. To remove an item from the consent agenda for discussion later in the meeting, ask that it be removed when the President lists the consent agenda items. The request to remove an item from the consent agenda does not require a second.

MOVED: 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.a. Request for Permanent Changes to the Public Way: Bike Share Locations
 - ~~8.e. Creation of Reparations Fund~~ Removed by Hanneke
 - 8.f. Special Municipal Employee (SME) Status for African Reparations Assembly (AHRA)
 - 8.g.(1) American Rescue Act Funds: Receipt of Funds
 - 8.h. In Person and Remote Meeting Format Update
 - 8.i. Special Municipal Employee (SME) Status for Districting Advisory Board (DAB)
- Waiver of Town Council Rules of Procedure rule 8.6 for the following agenda items:
 - 6.a. Resolution in Support of the CRESS Program

- 8.f. Designation of African Heritage Reparations Assembly (AHRA) members as Special Municipal Employees (SME)
- 8.g.(2) Referral of American Rescue Plan Act Development of Process to Allocate Funds to Finance Committee
- 8.i. Designation of Districting Advisory Board members (DAB) as Special Municipal Employees (SME)
- 9.a. Approval of the following Town Manager Appointments to multiple-member bodies:
 - Reappointments to Cultural Council, Board of Assessors, Community Development Block Grant Advisory Committee, Energy and Climate Action Committee, and Munson Memorial Building Trustee
 - Human Rights Commission
 - Recreation Commission
- 9.b.(2) Town Council Appointments to the Planning Board
- 11.a-d. Approval of the following Town Council Meeting minutes:
 - May 27, 2021 Special Town Council Meeting minutes – Joint meeting with Finance Committee
 - June 7, 2021 Special Town Council Meeting minutes
 - June 7, 2021 Special Town Council Meeting minutes – Capital Improvement Program Public Forum
 - June 7, 2021 Regular Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: Unanimous, 13-0

6. Resolutions and Proclamations

a. Resolution in Support of the CRESS Program

VOTED VIA CONSENT AGENDA

MOVED: To waive Town Council Rules of Procedure rule 8.6 for the current item.

MOVED: To adopt the Resolution in Support of the CRESS Program, as amended.

Motion by: Hanneke

Seconded by: De Angelis

ROLL CALL VOTE: 11-1-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Swartz voted No; Pam Abstained)

MOVED: To amend the resolution by striking from the first be it further resolved paragraph “(likely above 70%)” and remove extraneous “the” from the next paragraph.
Steinberg, Hanneke

ROLL CALL VOTE: 11-1-1 by roll call (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; DuMont voted

No; Swartz Abstained)

MOVED: To call the question

Hanneke, De Angelis

ROLL CALL VOTE: 7-6 by roll call (Councilors De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; Bahl-Milne, Brewer, DuMont, Pam, Schoen, and Swartz voted No)

The motion fails.

7. **Presentations and Discussion**

a. **Climate Action, Adaptation, and Resiliency Plan and Recommendations**

MOVED: To direct the Town Manager to present a plan to implement the Road Map described in the Climate Action Adaptation and Resilience Plan dated 06-14-2021 to the Town Council by November 15, 2021.

Motion by: Griesemer

Seconded by: De Angelis

The motion was withdrawn

8. **Action Items**

a. **Requests for Permanent Changes to the Public Way: Bike Share Locations**

VOTED VIA CONSENT AGENDA

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

MOVED: To approve the locations for two new ValleyBike electric-assist bikeshare stations: one on South East Street and one on West Street as substantially as presented in the PowerPoint meeting packet item entitled, "VB Station Presentation to TC 6-21-21".

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous, 13-0

b. **FY22 Budget**

~~**MOVED:** To direct the Town Manager to seek multi-year funds to fill up to eight community responder positions and report back to the Town Council, and Residents of Amherst, no later than January 31, 2022 about how he plans to implement and evaluate the program, and assure that funding can continue in FY23.~~ To direct the Town Manager to fund, at a minimum, eight community responder positions to begin no later than February 1, 2022 and report back to the Town Council no later than January 31, 2022 about how he plans to implement and evaluate the program, and assure that funding can continue in FY23.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 7-5-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer,

Ross, and Swartz voted Yes; Hanneke, Pam, Ryan, Schreiber, and Steinberg voted No; Schoen Abstained)

MOVED: To amend the motion by replacing it with the following: “To direct the Town Manager to fund, at a minimum, eight community responder positions to begin no later than February 1, 2022 and report back to the Town Council no later than January 31, 2022 about how he plans to implement and evaluate the program, and assure that funding can continue in FY23.”

De Angelis

Ross

ROLL CALL VOTE: 7-5-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Ross, and Swartz voted Yes; Hanneke, Pam, Ryan, Schreiber, and Steinberg voted No; Schoen Abstained)

MOVED: To adopt Appropriation and Transfer Order FY22-04, “An Order Appropriating the Town of Amherst FY22 Operating Budget”, as recommended by the Finance Committee report of June 2, 2021, and shown on page 11.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-2 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; DuMont and Swartz voted No)

c. FY22 Capital Improvement Program

MOVED: To adopt Appropriation and Transfer Order FY22-06, “An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorizations” as recommended by the Finance Committee report of June 2, 2021, and shown on page 12.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-2 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; DuMont and Swartz voted No)

MOVED: To adopt Appropriation and Transfer Order FY22-05A, “An Order Appropriating Funds for a Portion of the Town of Amherst Capital Program – Equipment, Buildings and Facilities” as recommended by the Finance Committee report of June 2, 2021, and shown on page 13.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont voted No)

d. FY22 Optional Tax Exemptions

MOVED: To adopt Appropriation and Transfer Order FY22-11, “An Order Approving the Acceptance of Optional Tax Exemptions for FY2022”, as recommended by the Finance Committee report of June 2, 2021, and shown on page 14.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

e. Creation of Reparations Fund – First Discussion

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

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Hanneke voted No)

MOVED: To adopt Approval Order FY22-15, An Order Creating a Special Purpose Stabilization Fund for Reparations. (2/3 vote required)

Motion by: Griesemer

Seconded by: Pam

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Hanneke voted No)

f. African Heritage Reparations Assembly (AHRA) Charge

VOTED VIA CONSENT AGENDA

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

VOTED VIA CONSENT AGENDA

MOVED: To designate Special Municipal Employee (SME) status for the African Heritage Reparations Assembly (AHRA).

MOVED: To adopt the African Heritage Reparations Assembly (AHRA) Charge, as recommended by the Governance, Organization, and Legislation Committee report of June 21, 2021, as amended by removing “ad hoc.”

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

Friendly amendment: to remove “Ad hoc” from the charge.

g. American Rescue Plan Act Funds

(1) Receipt of Funds

VOTED VIA CONSENT AGENDA

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

MOVED: To accept and authorize the expenditure of the American Rescue Plan Act grant.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 12-0, 1 absent. (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Pam was absent)

(2) Development of Process for Allocation of Funds

VOTED VIA CONSENT AGENDA

MOVED: To refer to Finance Committee the Town Manager's proposed process to allocate American Rescue Plan Act funds, with a report to the Town Council by July 12, 2021.

h. In Person and Remote Meeting Format Update

VOTED VIA CONSENT AGENDA

MOVED: To suspend Town Council Rules of Procedure Rule 8.4 for the current agenda item.

MOVED: To continue all Town Council meetings in person/hybrid meeting format until September 1, 2021.

Motion by: Hanneke

Seconded by: Ryan

ROLL CALL VOTE: 4-6-3 (Bahl-Milne, De Angelis, Hanneke, and Ryan voted Yes; Brewer, DuMont, Schoen, Schreiber, Steinberg, and Swartz voted No; Griesemer, Pam, and Ross Abstained)

The motion fails

MOVED: To continue all Town Council meetings in remote meeting format until September 1, 2021.

Griesemer

Schreiber

ROLL CALL VOTE: 7-3-3 (Brewer, DuMont, Pam, Schoen, Schreiber, Steinberg, and Swartz voted Yes; De Angelis, Hanneke, and Ryan voted No; Bahl-Milne, Griesemer, and Ross Abstained)

MOVED: To authorize each Council committee to decide how they will meet, either in

person or remote, until September 1, 2021.

Motion by: Griesemer

Seconded by: De Angelis

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

**i. Special Municipal Employee (SME) Status for Districting Advisory Board (DAB)
VOTED VIA CONSENT AGENDA**

MOVED: To suspend Town Council Rules of Procedure Rule 8.4 for the current agenda item.

VOTED VIA CONSENT AGENDA

MOVED: To designate Special Municipal Employee (SME) status for the Districting Advisory Board (DAB).

9. Appointments

a. Town Manager Appointments

(1) Reappointments to: Cultural Council, Board of Assessors, Community Development Block Grant Advisory Committee, Energy and Climate Action Committee, and Munson Memorial Building Trustee

VOTED VIA CONSENT AGENDA

MOVED: To approve the following Town Manager reappointments, as filed with the Town Clerk on May 24, 2021, and recommended by the Town Services and Outreach Committee report of June 21, 2021, effective immediately:

- Cultural Council:
 - For a term to expire June 30, 2024: Nicolas Graber-Mitchell
 - For terms to expire June 30, 2022:
 - Nandi Chivende
 - Sydney Mager
 - Leah Neuburger
- Board of Assessors:
 - For a term to expire June 30, 2024: Ken Hargreaves
- CDBG Advisory Committee:
 - For a term to expire June 30, 2024: Rika Clement
- Energy and Climate Action Committee:
 - For a term to expire June 30, 2023: Steve Roof
 - For a term to expire June 30, 2024: Dwayne Breger
- Munson Memorial Building Trustee:
 - For a term to expire June 30, 2024: Alexander Neifer

(2) Human Rights Commission

VOTED VIA CONSENT AGENDA

MOVED: To approve the Town Manager appointment of Philip Avila to the Human Rights Commission for a term to expire June 30, 2024, as filed with the Town Clerk on June 14, 2021, and recommended by the Town Services and Outreach Committee report of June 21, 2021, effective immediately.

(3) Recreation Commission

VOTED VIA CONSENT AGENDA

MOVED: To approve the following Town Manager appointments to the Recreation Commission, as filed with the Town Clerk on June 14, 2021, and recommended by the Town Services and Outreach Committee report of June 21, 2021, effective immediately:

- For terms to expire June 30, 2024:
 - Sanjay Arwade
 - Matt Cain

b. Town Council Appointments

(1) Finance Committee

MOVED: In accordance with Town Council Rules of Procedure rule 10.9, to appoint Robert Hegner as a Non-Voting Member of the Finance Committee, effective July 1, 2021, for a term to expire June 30, 2023, as recommended by the Governance, Organization, and Legislation Committee report of June 21, 2021.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

(2) Planning Board

VOTED VIA CONSENT AGENDA

MOVED: To appoint to the Planning Board, effective July 1, 2021, for terms expiring June 30, 2024: Douglas Marshall (reappointment) and Janet McGowan (reappointment).

11. Approval of Minutes

VOTED VIA CONSENT AGENDA

MOVED: To adopt the May 27, 2021 Special Town Council Meeting minutes – Joint with Finance Committee, as presented.

VOTED VIA CONSENT AGENDA

MOVED: To adopt the June 7, 2021 Special Town Council Meeting minutes, as presented.

VOTED VIA CONSENT AGENDA

MOVED: To adopt the June 7, 2021 Special Town Council Meeting minutes –Capital Improvement Program Public Forum, as presented.

VOTED VIA CONSENT AGENDA

MOVED: To adopt the June 7, 2021 Regular Town Council Meeting minutes, as presented.

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OPERATING BUDGET APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER FY22-04

An Order Appropriating the Town of Amherst FY22 Operating Budget for Fiscal Year 2022 BE IT ORDERED by the Town Council of the Town of Amherst that:

The sum of \$69,707,427 be appropriated to fund the Town of Amherst operating budget for the fiscal year beginning July 1, 2022, and to meet such appropriation, raise and appropriate \$57,367,251, transfer \$2,000,000 from the Ambulance Receipts Reserved for Appropriation Account, transfer \$75,000 from the Town’s portion of the Comcast Capital account, appropriate and transfer \$388,148 from Community Preservation Act Funds, make \$4,144,915 available from Sewer Fund revenues of the current year, transfer \$234,705 from Sewer Fund Retained Earnings, make \$4,286,895 available from Water Fund revenues of the current year, make \$481,500 available from Solid Waste Fund revenues of the current year, transfer \$34,530 from Solid Waste Fund Retained Earnings, and make \$694,483 available from Transportation Fund revenues of the current year, as set forth for each operating budget category in the table entitled: Appropriation Order FY22-04 Town of Amherst Operating Budget,

Appropriation Order FY22-04 – Town of Amherst Operating Budget

AMOUNT APPROPRIATED	ORDER NUMBER FY22-04	FUNDING SOURCES						
		RAISE & APPROP	AMB RECEIPTS	CPA	OTHER FINANCING SOURCES	ENTERPRISE REVENUE	ENTERPRISE RET EARNINGS	
\$ 6,621,134	RETIREMENT ASSESSMENTS	\$ 6,621,134						\$ 6,621,134
\$ 35,928	REGIONAL LOCKUP ASSESSMENT	\$ 35,928						\$ 35,928
\$ 300,000	OTHER POST-EMPLOYMENT BENEFITS (OPEB)	\$ 300,000						\$ 300,000
\$ 25,100,326	TOWN OPERATING BUDGET <i>INCLUDES: GENERAL GOVERNMENT, PUBLIC SAFETY, PUBLIC WORKS, CONSERVATION AND DEVELOPMENT AND COMMUNITY SERVICES</i>	\$23,100,326	\$ 2,000,000					\$ 25,100,326
\$ 2,086,211	LIBRARY SERVICES - (Total Library Budget \$2,640,183)	\$ 2,086,211						\$ 2,086,211
\$ 24,387,421	ELEMENTARY SCHOOLS	\$ 24,387,421						\$ 24,387,421
\$ 1,299,379	DEBT SERVICE	\$ 836,231		\$ 388,148	\$ 75,000			\$ 1,299,379
	ENTERPRISE FUNDS:							\$ -
\$ 4,379,620	SEWER FUND					\$ 4,144,915	\$ 234,705	\$ 4,379,620
\$ 4,286,895	WATER FUND					\$ 4,286,895		\$ 4,286,895
\$ 516,030	SOLID WASTE FUND					\$ 481,500	\$ 34,530	\$ 516,030
\$ 694,483	TRANSPORTATION FUND					\$ 694,483		\$ 694,483
								\$ -
\$ 69,707,427		\$57,367,251	\$ 2,000,000	\$ 388,148	\$ 75,000	\$ 9,607,793	\$ 269,235	\$69,707,427

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 _____, 2021.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION AND BORROWING AUTHORIZATION ORDER FY22-06

**An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorizations
(2/3 vote required)**

BE IT ORDERED by the Town Council of the Town of Amherst that:

The Town appropriate \$4,622,500 for the capital program purposes set forth in the table entitled Appropriation Order FY22-06 – Town of Amherst Capital Program – Bond Authorizations, and to meet this appropriation, authorize the Treasurer, with the approval of the Town Manager, to borrow said amount **as set forth in table entitled Appropriation Order FY22-06**, under and pursuant to M.G.L. Chapter 44, Section 7, 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

BE IT FURTHER ORDERED that:

The Town Manager is hereby authorized to accept, contract for, and expend any grants or gifts available for these projects.

Appropriation Order FY22-06 – Town of Amherst Capital Program – Bond Authorizations

22-06 BORROWING AUTHORIZATIONS		
A	POLICE FACILITY - CHILLER	\$ 450,000
B	PUBLIC WORKS - STREET SWEEPER	\$ 310,000
C	FIRE DEPARTMENT - PUMPER	\$ 450,000
D	FIRE STATION FACILITY - DESIGN AND ENGINEERING	\$ 1,462,500
E	PUBLIC WORKS FACILITY - DESIGN AND ENGINEERING	\$ 1,950,000
		\$ 4,622,500

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 _____, 2021.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER - FY22 – 05A

An Order Appropriating Funds for a Portion of the Town of Amherst Capital Program – Equipment, Buildings and Facilities (*majority vote*)

BE IT ORDERED by the Town Council of the Town of Amherst that:

The Town appropriate the **sum total \$4,597,178**, for the purchase, repair, and/or installation of new or replacement equipment, for the repair and/or improvement of buildings, and for the repair and/or improvement of facilities, and to meet such appropriation, raise and appropriate \$3,835,656 transfer \$706,651 from the FY21 capital reserve, transfer \$54,871 from repurposed capital and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Appropriation Order FY22- 05A – Town of Amherst Capital Program

FUNDING SOURCES	
Raise and Appropriate	3,835,656
Repurpose Capital (Debt Proceeds East st School)	14,871
Repurpose Capital (Art 17 FY13 Gateway and Town Center Rezoning)	40,000
Capital Reserve (FY21 Capital)	706,651
	4,597,178

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 _____, 2021.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

OTHER FINANCIAL ORDERS

APPROVAL ORDER FY22-11

An Order Approving the Acceptance of Optional Tax Exemptions for FY2022 (majority vote)

This authorization must be voted every year, allowing the Town to grant higher real estate tax exemptions to qualifying property owners than the base levels set by the State.

BE IT ORDERED: by the Town Council of the Town of Amherst, to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under M.G.L. Chapter 59, Section 5, clauses 17D, 22, 37A, or 41C.

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 _____, 2021.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President