

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, March 21, 2022

5:30 p.m.

Virtual Meeting

Councilors in attendance: De Angelis, Devlin Gauthier (arrived at 5:34 pm), Griesemer, Hanneke, Miller, Rooney, Schoen, and Taub

Councilors participating remotely: Bahl-Milne, Lopes, Pam, Steinberg, and Walker

Councilors Absent: None

Finance Committee Members participating remotely: Bob Hegner, Bernie Kubiak, and Matt Holloway

Staff in attendance: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Minute taker Stephen Simurda

Others Participating Remotely: Finance Director Sean Mangano, Comptroller Sonia Aldrich, Community Preservation Act Committee Chair Sarah Marshall, Town Planner Ben Breger, Town Clerk Sue Audette, Rob Morra, Jane Wald

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 Special Town Council Meeting: Work Session to order at 5:33 pm; adjourned at 6:26 pm

President Griesemer called the Public Forum on Community Preservation Act Appropriations to order at 6:30 pm; adjourned at 7:11 pm

Steinberg called the Finance Committee meeting to order at 6:31 pm; adjourned at 8:46 pm

President Griesemer called the regular Town Council meeting to order at 7:21 pm; adjourned at 10:59 pm

5. 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. Approval of FY23-07: An Order Appropriating the FY2023 Community Preservation Act Budget
 - 8.b.1) Amherst Farmer’s Market Public Way Request
 - 8.b.2) Mobile Market Public Way Request
 - 8.g. Inter-Governmental Agreements

- 6.a. **Adoption** of 2022 Child Abuse Awareness and Prevention Month Proclamation
- 6.b. **Adoption** of Proclamation of Congratulations to the UMass Women's Basketball Team
- 6.c. **Adoption** of Resolution Supporting the People of Ukraine and Their Democratically Elected Government and Condemning Russia's War Against Them
- 8.b.1) **Approval** of Amherst Farmer's Market Public Way Request
- 8.b.2) **Approval** of Mobile Market Public Way Request
- 8.g. **Authorization** for the Town Manager to enter in the following inter-governmental agreements for FY23:
 - Sealer of Weights and Measures with the City of Northampton
 - Municipal Hearing Officer with the City of Northampton
 - Veterans' Services with the Cities of Northampton and the Town of Amherst, and the Towns of Chester, Chesterfield, Cummington, Goshen, Hadley, Middlefield, Pelham, Williamsburg, and Worthington
 - Pioneer Valley Bike Share
 - Provision of Ambulance Services: to the Towns of Leverett, Pelham, and Shutesbury
 - Agreement for dog kennel services with City of Northampton
 - DART Case Management Memorandum of Understanding
 - Provision of transit services by the University of Massachusetts
 - Provision of labor and support services to the Town of Deerfield Waste Water Treatment Plant
 - Transit services with the Five College Consortium
 - Paramedic Intercept Services with the City of Northampton
 - Paramedic Intercept Services with the Town of Hadley
 - Paramedic Intercept Services with the Turners Falls Fire Department
 - Agreement for fire and emergency medical services mutual aid with multiple communities
- 9.a.1-3) **Approval** of the following Town Manager appointments:
 - Affordable Housing Trust
 - Council on Aging
 - Community Safety and Social Justice Committee
- 11.a-b. **Approval** of the following Town Council meeting minutes:
 - February 28, 2022 Special Town Council Meeting minutes
 - February 28, 2022 Regular Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

6. Resolutions and Proclamations

a. 2022 Child Abuse Awareness and Prevention Month Proclamation

VOTED VIA CONSENT AGENDA

MOVED: To adopt the 2022 Child Abuse Awareness and Prevention Month

Proclamation, as presented.

- b. Proclamation of Congratulations to the UMass Women's Basketball Team
VOTED VIA CONSENT AGENDA
MOVED:** To adopt the Proclamation of Congratulations to the UMass Women's Basketball Team, as presented.
- c. Resolution Supporting the People of Ukraine and Their Democratically Elected Government and Condemning Russia's War Against Them
VOTED VIA CONSENT AGENDA
MOVED:** To adopt the Resolution Supporting the People of Ukraine and Their Democratically Elected Government and Condemning Russia's War Against Them, as presented.
- 8. Action Items**
- a. FY23-07 Community Preservation Act Project Allocation
VOTED VIA CONSENT AGENDA
MOVED:** To suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 10, 2022, a Public Forum held on March 21, 2022, and having been reviewed by the Finance Committee report of February 28 and March 7, 2022, to adopt Council Order FY23-07: An Order Appropriating the FY2023 Community Preservation Act Budget, as shown on pages 10-11 of the Motions Sheet, as amended by removing items Salem Place HOA – Conkey Stevens House and item AWC – AM Hills House Exterior Painting and Repair to be considered separately.
Motion by: Hanneke
Seconded by: Rooney
ROLL CALL VOTE: Unanimous, 13-0

MOVED: To divide the items Salem Place HOA – Conkey-Stevens House and item AWC – AM Hills House Exterior Painting and Repair, to be considered separately.
Motion by: Hanneke
Seconded by: Rooney
ROLL CALL VOTE: 8-3-2 (Bahl-Milne, De Angelis, Griesemer, Hanneke, Rooney, Schoen, Steinberg, and Walker voted Yes; Devlin Gauthier, Miller, and Pam voted No; Lopes and Taub Abstained)

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 10, 2022, a Public Forum held on March 21, 2022, and having been reviewed by the Finance Committee report of February 28 and March 7, 2022, to adopt Council Order FY23-07B: An Order Appropriating the

FY2023 Community Preservation Act Budget – AWC – AM Hills House Exterior Painting and Repair, subject to the successful negotiation of a historic preservation restriction.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 12-0, with 1 absent (Pam)

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on March 10, 2022, a Public Forum held on March 21, 2022, and having been reviewed by the Finance Committee report of February 28 and March 7, 2022, to adopt Council Order FY23-07C: An Order Appropriating the FY2023 Community Preservation Act Budget – Salem Place HOA – Conkey-Stevens House, subject to the successful negotiation of a historic preservation restriction.

Motion by: Griesemer

Seconded by: Miller

ROLL CALL VOTE: 11-2 (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Rooney, Steinberg, and Taub voted Yes; Schoen and Walker voted No)

MOVED: To amend the motion to reduce the funding to \$150,000.

Motion by: Rooney

Seconded by: Hanneke

ROLL CALL VOTE: 1-12 (Rooney voted Yes; Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Schoen, Steinberg, Taub, and Walker voted No)

The motion failed.

b. Requests for Use of the Public Way

1) Amherst Farmer's Market

VOTED VIA CONSENT AGENDA

MOVED: To approve the Amherst Farmer's Market Long Term Event Use reservation of the South Common and associated parking spaces at no charge, under Town Council Policy Regarding the Control and Regulation of the Public Ways as follows, on Saturdays from 7:30 a.m. to 1:30 p.m. beginning on April 23, 2022 and ending on November 19, 2022:

- a. Exclusive use of the area on the South Common as shown on the plan entitled "Amherst Farmers Market; Proposed Layout 2022 Season; January 27, 2022"
- b. For Vendor Parking, allocation of 15 spaces in the Spring Street lot and 6 spaces on Boltwood Avenue, and for customer curbside pick-up only, to be clearly marked by the Amherst Farmer's Market 5 spaces on South Pleasant Street.

And to further authorize the Town Manager the ability to modify the approval through November 19, 2022 in order to schedule concurrent use of the Town Common for short-term event use.

2) **Mobile Market**

VOTED VIA CONSENT AGENDA

MOVED: To approve the following reservations of Town Ways for Amherst Mobile Market:

- Adjacent to the East Hadley Road Valley Bike Station, Saturdays from 10:00 am – 12:00 noon from June 11, 2022 – October 27, 2022

And to further authorize the Town Manager to modify the approval location and dates once set-up is field tested and the market is operational.

c. **Polling Locations**

First Discussion – no action

d. **Proposed Preservation of Historic Structures General Bylaw, Rescission of Demolition Delay Zoning Bylaw**

MOVED: To refer rescission of the Zoning Bylaw Article 13, Demolition Delay, to the Planning Board and the Community Resources Committee to the for public hearings held no later than May 25, 2022, and for a written recommendation from the Planning Board to the Town Council and Community Resources Committee no later than 21 days after the Planning Board hearing, and for the Community Resources Committee to send a written recommendation to the Town Council and to submit all materials to the Governance, Organization, and Legislation Committee for review of clarity, consistency, and actionability within 60 days of the hearing held by the Community Resources Committee.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

MOVED: To refer the proposed Preservation of Historic Structures General Bylaw to the Community Resources Committee for report and recommendation to the Town Council and to submit all materials to the Governance, Organization, and Legislation Committee for review of clarity, consistency, and actionability concurrent with its submission of its materials on the proposed rescission of Zoning Bylaw Article 13, Demolition Delay, in order for the Council to be able to act on both measures so that the actions would have the same effective date.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

e. **Town Council Rules of Procedure**

First discussion – no action

f. **Rental Bylaws, and Rental Permit and Inspection Policies: Next Steps Following Working Session Discussion**

MOVED: To refer General Bylaw 3.5, Residential Rental Property, the proposed

revision to that bylaw by Councilors Hanneke, Miller, Rooney, and Taub dated March 21, 2022, and the Memo from Councilors Hanneke, Miller, Rooney, and Taub titled “Rental Permit and Inspection Policies: The Need for Revisions to Safeguard Health, Safety, and Enhance Neighborhoods and Community” dated March 11, 2022, to the Community Resources Committee, to develop a revised bylaw in accordance with the Comprehensive Housing Policy, with report and recommendation of a measure to the Council by December 31, 2022.”

Motion by: Griesemer

Seconded by: Rooney

ROLL CALL VOTE: Unanimous

g. FY23 Inter-governmental Agreements

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: In accordance with MGL C.40 s. 4A which allows for joint operation of public activities among governmental units, which requires that such inter-governmental agreements be approved by the Town Council and negotiated and signed by the Town Manager, the Town Council hereby authorizes the Town Manager to enter into the following inter-governmental agreements for FY23:

1. Sealer of Weights and Measures with the City of Northampton
2. Municipal Hearing Officer with the City of Northampton
3. Veterans’ Services with the Cities of Northampton and the Town of Amherst, and the Towns of Chester, Chesterfield, Cummington, Goshen, Hadley, Middlefield, Pelham, Williamsburg, and Worthington
4. Pioneer Valley Bike Share
5. Provision of Ambulance Services:
 - a. Provision of Ambulance Services to the Town of Leverett
 - b. Provision of Ambulance Services to the Town of Pelham
 - c. Provision of Ambulance Services to the Town of Shutesbury
6. Agreement for dog kennel services with City of Northampton
7. DART Case Management Memorandum of Understanding
8. Provision of transit services by the University of Massachusetts
9. Provision of labor and support services to the Town of Deerfield Waste Water Treatment Plant
10. Transit services with the Five College Consortium
11. Paramedic Intercept Services with the City of Northampton
12. Paramedic Intercept Services with the Town of Hadley
13. Paramedic Intercept Services with the Turners Falls Fire Department
14. Agreement for fire and emergency medical services mutual aid with multiple communities

h. Town Council Meeting Format

Motion Postponed on March 7, 2022

MOTION ON THE FLOOR: Effective immediately, to hold all Town Council meetings in the in-person meeting format until July 15, 2022, with the option of virtual meetings if the President declares 24 hours in advance of a meeting that there will be fewer than 5 Councilors physically present, and with virtual public access until July 15, 2022.

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 12-0, with 1 abstention (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Rooney, Schoen, Taub, and Walker voted Yes; Steinberg Abstained)

MOVED: Effective immediately, to hold all Town Council committee meetings in the virtual meeting format with virtual public access until July 15, 2022.

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: Unanimous

9. Appointments

a. Town Manager Appointments – Charter Sec. 2.11(b)

1) Affordable Housing Trust

VOTED VIA CONSENT

MOVED: In accordance with Charter section 2.11(b), to approve the appointments to the Affordable Housing Trust of Risha Hess and Aschleigh Jensen for terms to expire June 30, 2022, as filed with the Town Clerk on March 8, 2022.

2) Council on Aging

VOTED VIA CONSENT

MOVED: In accordance with Charter section 2.11(b), to approve the Town Manager appointments to the Council on Aging of Terry Carr for an appointment to expire June 30, 2024 and Dennis Vandal for a term to expire June 30, 2022, as filed with the Town Clerk on March 8, 2022.

3) Community Safety and Social Justice Committee

VOTED VIA CONSENT

MOVED: In accordance with Charter section 2.11(b), to approve the following Town manager appointments to the Community Safety and Social Justice Committee as filed with the Town Clerk on March 8, 2022:

- For terms to expire June 30, 2025:
 - Philip Avila
 - Demetria Shabazz
- For a term to expire June 30, 2024:
 - Debora Ferreira

- Freke Ette
- For a term to expire June 30, 2023:
 - Pat Ononibaku
 - Allegra Clark

11. Approval of Minutes

- a. February 28, 2022 Special Town Council Meeting Minutes**
- b. February 28, 2022 Regular Town Council Meeting Minutes**

VOTED VIA CONSENT AGENDA

MOVED: To approve the February 28, 2022 Special and Regular Town Council Meeting minutes, as presented.

DRAFT

This page has been intentionally left blank

DRAFT

COMMUNITY PRESERVATION ACT APPROPRIATIONS

APPROPRIATION and TRANSFER ORDER FY23-07

Town of Amherst Community Preservation Act

An Order Appropriating the FY2023 Community Preservation Act Budget (*majority vote*)

The Community Preservation Act Committee has made the following recommendations for expenditures of Community Preservation Act funds for FY2023

ORDER: to appropriate \$2,390,739 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee, and to meet this appropriation, appropriate or reserve from the Community Preservation Act Funds as set forth in the table entitled Appropriation Order FY23-07 – Town of Amherst Community Preservation Act, and further to authorize the Town to accept or convey property interests where applicable, as required under M.G.L. Chapter 44B, Section 12.

Appropriation Order FY23- 07 – Town of Amherst Community Preservation Act

PROJECT	APPROPRIATION
TOA - Acquisition and Development of Transitional Housing	\$500,000.00
AMAHT - Affordable Housing Development Projects (reduced to \$250,000 from \$500,000)	\$250,000.00
AMAHT - Program Development	\$30,000.00
TOA - Housing Coordinator	\$100,000.00
AHA - JC Nutting Building Envelope Preservation Project	\$87,934.00
Total Community Housing	\$967,934.00
AHS - Simeon Strong House and Grounds	\$18,800.00
Dist One Neighborhood Assoc. - Phase 1 Mill River Historic Interpretive Trail	\$12,900.00
TOA - West Cemetery Fence and Sign Improvements	\$50,000.00
Total Historic Preservation	\$81,700
No Projects	\$0.00
Total Open Space	\$0.00
TOA - Hickory Ridge Trail Improvements	\$150,000.00
Amherst PB Supporters - Pickleball Courts	\$120,000.00
TOA - Plum Brook Irrigation Improvements	\$38,000.00
APS - Crocker Farm Elementary School Playgrounds	\$50,000.00
TOA - Trail Improvements	\$50,000.00
Total Recreation	\$408,000.00
To fund CPAC Administrative Expenses.	\$25,000.00
<i>General CPA Budgeted Reserve for Fiscal Year 2023</i>	<i>\$533,105.00</i>
Total Administrative	\$558,105.00
TOTAL APPROPRIATIONS	\$2,015,739.00
Estimated Receipts CPA Fund FY2023	\$1,250,000.00
Undesignated Fund Balance CPA Fund	\$765,739.00
TOTAL FUNDING SOURCES	\$2,015,739.00

