

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, June 27, 2022

6:30 p.m.

Virtual Meeting

Councilors in attendance: Bahl-Milne, Devlin Gauthier, Griesemer, Hanneke, Steinberg, Taub,

Councilors participating remotely: De Angelis, Lopes (joined at 6:38 pm), Miller, Pam, Schoen, Walker

Councilors Absent: Rooney

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

Others Participating Remotely: Finance Director Sean Mangano, Planning Director Christine Brestrup, Assistant Town Manager David Ziomek

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 to order at 6:30 p.m.; adjourned at 6:45 p.m.

President Griesemer called the Town Council meeting to order at 6:46 p.m.; adjourned at 10:53 p.m.

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:

- 8.f. Extension of Back-In Parking on North Pleasant Street
- 8.g. Surveillance Technology Bylaw Report/Policy Submission Extension
- 9.a.1-3) Waiver of Town Council Rules of Procedure Rule 8.6
- 9.a.1) Approval of Town Manager Reappointments to the Following Multiple-Member Bodies:
 - Affordable Housing Trust
 - African Heritage Reparation Assembly
 - Agricultural Commission
 - Cultural Council
 - CDBG Advisory Committee
 - Community Preservation Act Committee
 - Conservation Commission
 - Council on Aging
 - Disability Access Advisory Committee

- Energy and Climate Action Committee
- Historical Commission
- ~~Local Historic District Commission~~ Removed by Hanneke
- Public Shade Tree Committee
- Recreation Commission
- Residents Advisory Committee
- Water Supply Protection Committee
- 9.a.2) Approval of Town Manager Appointment to African Heritage Reparation Assembly
- 9.a.3) Approval of Town Manager Appointment to Human Rights Commission
- 9.b.1) Extension of Zoning Board of Appeals Associate Members' Terms: Karin Winter and Eric Cochrane
- 9.b.1) Reappointment of Steve Judge and John Gilbert to the Zoning Board of Appeals
- 9.b.1) Appointment of Sarah Marshall as Zoning Board of Appeals Associate Member
- ~~9.b.1) Waiver of Section 9 of the Town Council Policy on Making Recommendations for Town Council Appointments to Multiple Member Bodies for John Varner~~ Removed by Schoen
- 11.a-b. Approval of the following meeting minutes:
 - May 16, 2022 Special Town Council Meeting Minutes – Public Hearing on the FY23 Budget
 - May 16, 2022 Regular Town Council Meeting Minutes

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 11-0, with 1 absent (Rooney)

8. Action Items

a. Town Council Policy on Posting Locations of Election Warrants

MOVED: To designate the following public places as the official posting locations for all documents required to be posted under Massachusetts General Law:

- Amherst Post Office, Montague Road – Precinct 1a
- North Amherst Library, Montague Road – Precinct 1b
- Amherst-Pelham Regional High School – Precinct 2a
- Jones Library, Amity Street – Precinct 2b
- Town Hall – Precinct 3a
- Amherst Post Office, University Drive – Precinct 3b
- Amherst Post Office, North Pleasant Street – Precinct 4a
- Campus Center, University of Massachusetts – Precinct 4b
- Bangs Community Center – Precinct 5a
- Munson Memorial Library – Precinct 5b

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-0 with 1 absent (Rooney)

b. Community Preservation Act Committee Debt Authorization for ARHS Track and Fields

No action taken.

c. Cannabis Tax Revenue for Reparations

MOVED: That each year upon certification of free cash by the Commonwealth of Massachusetts (October), and upon review and recommendation by the Town's Finance Committee based on the Town's overall financial health at that time, that the Town Council add an amount equal to the certified cannabis tax revenue for the previous year (approximately July) to the Stabilization fund established for the purpose of reparations until such time as the fund equals \$1M.

As amended by changing \$1M to \$2M, to add the phrase "but not to exceed \$205,000" after the phrase "that the Town Council add an amount equal to the certified cannabis tax revenue for the previous year (approximately July)," and change the word "fund" to "Town's contribution."

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 10-2, with 1 absent (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Lopes, Miller, Pam, Steinberg, Taub, and Walker voted Yes; Hanneke and Schoen voted No; Rooney was Absent)

MOTION: To amend the motion by changing \$1M to \$2M, to add the phrase "but not to exceed \$205,000" after the phrase "that the Town Council add an amount equal to the certified cannabis tax revenue for the previous year (approximately July)," and change the word "fund" to "Town's contribution."

Motion by: Miller

Seconded by: De Angelis

ROLL CALL VOTE: 10-2, with 1 absent (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Taub, and Walker voted Yes; Schoen and Steinberg voted No; Rooney was Absent)

d. North Common Improvements Project – Care, Custody, Control, and Funding

MOVED: To adopt Appropriation and Transfer and Dedication Order FY23-05F, "An Order Authorizing and Appropriating funds for the Capital Improvement of the North Common" as recommended by the Finance Committee report of June 27, 2022, and shown on pages 11-12.

(2/3 vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-0 with 2 absent (De Angelis and Rooney)

e. Public Way: Request for Use of Public Way at 11 East Pleasant Street

MOVED: To authorize the long-term, temporary use of the public way at 11 East Pleasant Street, from June 28, 2022 to September 1, 2023, in accordance with the Special

Permit issued by the Planning Board.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 8-0, 3 abstentions, 2 absent (Bahl-Milne, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Steinberg, and Walker voted Yes; Pam, Schoen, and Taub Abstained; De Angelis and Rooney were Absent)

f. Public Way: Extension of Back-In Parking on North Pleasant Street

VOTED via consent agenda to extend the approval of the long-term change of four parallel parking spaces in front of 37-51 North Pleasant Street to six back-in angle parking spaces to December 31, 2023.

g. Surveillance Technology Bylaw: Town Manager Request for Report/Policy Submission Extension

VOTED via consent agenda to approve the Town Manager's request to extend the time provided to submit proposed Surveillance Use Policies to the Town Council in accordance with Section 3.59(G)(2) of the Amherst General Bylaw to November 10, 2022.

h. Meeting Format

MOVED: If allowed by law, to continue to hold all Town Council meetings in the in-person meeting format with virtual public access only, with a virtual meeting option if the President declares there will be fewer than 5 Councilors physically present 24 hours in advance until September 19, 2022.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-0, with 2 absent (De Angelis and Rooney)

MOTION: If allowed by law, to continue to hold all Town Council committee meetings virtually with virtual public access until September 19, 2022.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 10-1, with 2 absent (Bahl-Milne, Devlin Gauthier, Griesemer, Lopes, Miller, Pam, Schoen, Steinberg, Taub, and Walker voted Yes; Hanneke voted No; De Angelis and Rooney were Absent)

9. Appointments

a. Town Manager Appointments

VOTED via consent agenda to waive Town Council Rules of Procedure Rule 8.6 for agenda items 9.a.1-3).

1) Reappointments to Multiple-Member Bodies

VOTED via consent agenda to approve the following Town Manager reappointments, as filed with the Town Clerk on June 22, 2022, effective immediately:

Affordable Housing Trust:

For terms to expire June 30, 2024:

- Allegra Clark
- Risha Hess
- Aschleigh Jensen

African Heritage Reparation Assembly:

For terms to expire June 30, 2023:

- Heather Lord
- Alexis Reed
- Irvin Rhodes
- Amilcar Shabazz
- Yvonne, Mendez
- Michele Miller (representative of Reparations For Amherst)

Agricultural Commission:

For a term to expire June 30, 2025:

- Glenroy Buchanan

Cultural Council:

For a term to expire June 30, 2025:

- Julianne Applegate
- Leah Neuburger

Board of License Commissioners:

For a term to expire June 30, 2025:

- Dillon Maxfield

CDBG Advisory Committee:

For a term to expire June 30, 2025:

- Lucas Hanscom

Community Preservation Act Committee:

For a term to expire June 30, 2025:

- Sam MacLeod

Conservation Commission:

For terms to expire June 30, 2025:

- Leroy Gaynor
- Laura Pagliarulo

Council on Aging:

For terms to expire June 30, 2025:

- Jacquelyn Smith-Crooks
- Dennis Vandal

Disability Access Advisory Committee:

For terms to expire expires June 30, 2025:

- Elysse Link
- Myra Ross
- Ruth Smith

Energy and Climate Action Committee:

For terms to expire June 30, 2025:

- Laura Draucker
- Andra Rose
- Jesse Selman

Historical Commission:

For terms to expire June 30, 2025:

- Patricia Auth
- Robin Fordham

Local Historic District Commission:

For terms to expire June 30, 2025:

- Greta Wilcox
- Karin Winter

Public Shade Tree Committee:

For terms to expire June 30, 2025:

- Gordon Green
- Bennett Hazlip
- Julian Hynes

Recreation Commission:

For a term to expire June 30, 2025:

- Sarah Marshall

Residents Advisory Committee:

For a term to expire June 30, 2025:

- Jim Pistrang

Water Supply Protection Committee:

For terms to expire June 30, 2025:

- Linda Arsenault
- Anna Martini
- John Tobiason
- Lyons Witten

MOTION: to approve the following Town Manager reappointments, as filed with the Town Clerk on June 22, 2022, effective immediately

Local Historic District Commission:

For terms to expire June 30, 2025:

- Greta Wilcox

Motion by: Hanneke

Seconded by: Bahl-Milne

ROLL CALL VOTE: 11-0, with 2 absent (De Angelis and Rooney)

MOTION: to approve the following Town Manager reappointments, as filed with the Town Clerk on June 22, 2022, effective immediately

Local Historic District Commission:

For terms to expire June 30, 2025:

- Karin Winter

Motion by: Hanneke

Seconded by: Griesemer

ROLL CALL VOTE: 7-2, 2 abstentions, 2 absent (Bahl-Milne, Griesemer, Miller, Pam, Schoen, Steinberg, and Taub voted Yes; Hanneke and Walker voted No; Devlin Gauthier and Lopes Abstained; De Angelis and Rooney were Absent)

2) **African Heritage Reparation Assembly**
VOTED via consent agenda to approve the Town Manager appointment of Deborah Bridges to the African Heritage Reparation Assembly for a term to expire June 30, 2023, as filed with the Town Clerk on June 22, 2022, effective immediately.

3) **Human Rights Commission**
VOTED via consent agenda to approve the following Town Manager appointments to Human Rights Commission for terms to expire June 30, 2025, as filed with the Town Clerk on June 22, 2022, effective immediately.

- Victor Cruz
- Juliana Shepard

b. Town Council Appointments

1) **Zoning Board of Appeals**– *Charter Sec. 2.9(c)*

VOTED via consent agenda to appoint the following residents to the Zoning Board of Appeals:

1. Associate Member, effective July 1, 2022, for a term expiring at the conclusion of action on the matter of ZBA FY2022-13: Karin Winter (extension of term to complete hearing on which member is serving)
2. Associate Member, effective July 1, 2022, for a term expiring at the conclusion of action on the matter of ZBA FY2022-14: Eric Cochrane (extension of term to complete hearing on which member is serving)

VOTED via consent agenda to reappoint Steve Judge and John Gilbert as Full Members to the Zoning Board of Appeals, for terms effective July 1, 2022 and ending June 30, 2025.

VOTED via consent agenda to appoint Sarah Marshall as Associate Member to the Zoning Board of Appeals, for a term effective July 1, 2022 and ending June 30, 2023.

MOVED: To waive Section 9, Interviews, of the Town Council Policy on Making Recommendations for Town Council Appointments to Multiple-Member Bodies for John Varner, as he was unable to attend the interview for ZBA applicants that was scheduled prior to his submission of a Community Activity Form, but did provide to CRC written answers to the adopted interview questions.

Motion by: Griesemer

Seconded by: Hanneke

Vote postponed to July 18, 2022

MOVED: To postpone consideration of the motion on the table until the regular Town Council meeting on July 18, 2022.

ROLL CALL VOTE: 11-0, with 2 absent (De Angelis and Rooney)

11. **Approval of Minutes**

- a. **May 16, 2022 Special Town Council Meeting Minutes – Public Hearing on the FY23 Budget**
VOTED via consent agenda to approve the May 16, 2022 Special Town Council Meeting minutes – Public Forum on the Budget, as presented.

- b. **May 16, 2022 Regular Town Council Meeting Minutes**
VOTED via consent agenda to approve the May 16, 2022 Regular Town Council Meeting minutes, as presented.

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CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION, TRANSFER and DEDICATION ORDER – FY22 – 05F (2/3rds vote)

An Order Authorizing and Appropriating funds for the Capital Improvement of the North Common.

To approve the North Common Project for the amount of \$1,813,214, to be funded by Community Preservation Act Funds in the amount of \$986,148 as the Town’s grant match to the project, and accept the Land and Water Conservation Grant (LWCF) in the amount of \$827,066.

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

The Town appropriate the sum of **\$986,148** for the cost of preserving and rehabilitating the Project Area of the Town Common and any costs related or incidental thereto, and to meet such appropriation, transfer **\$986,148** from Community Preservation Fund Capital funds previously voted for this purpose as stated in chart below, and to authorize the Town Manager or his designee to apply for and accept on behalf of the Town, funds granted under the LWCF Act (P.L. 88-578, 78 Stat 897) for **\$827,066**, and authorize the Treasurer to issue a Grant Anticipation Note (GAN) under MGL, Ch44, Section 6A, and to accept 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.

FUNDING SOURCES			
COMMUNITY PRESERVATION ACT PROJECT FUNDS			
HISTORIC PRESERVATION			
11/1/2015	1610A	NORTH COMMON REHAB & RESTORATI	82,089
5/1/2017	1812J	NORTH COMMON- PHASE II	180,000
3/22/2021	227F	NORTH COMMON PROJECT	250,000
RECREATION			
11/1/2015	1610A	NORTH COMMON REHAB & RESTORATI	44,059
5/1/2017	1812O	NORTH COMMON- PHASE II	180,000
3/22/2021	227G	NORTH COMMON PROJECT	250,000
TOTAL TOWN APPROPRIATION			986,148
LAND AND WATER CONSERVATION FUND (LWCF)			
LWCF Grant			827,066
TOTAL PROJECT COST			1,813,214

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

The Town, as a condition of said grant wishes to dedicate this portion of the Town Common for park and recreation purposes in perpetuity and to transfer custody thereof to the Recreation Commission for said purposes; and the care, custody and control of the portion of

the Town Common, consisting of an area bound by South Pleasant Street, Main Street, Boltwood Avenue and Spring Street, containing a project area of approximately 1.12 acres more or less, and approximately shown on the 'Project Area' map submitted to the LWCF program and on file with the Town Clerk, is transferred from the Town Council for public way purposes to the Recreation Commission for park and recreational purposes, and to dedicate and designate said Project Area in perpetuity to said purposes under the provisions of G.L. c. 45, §3 and other Massachusetts statutes related to recreation;

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 _____, 2022

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council

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