

Town of Amherst
DRAFT MOTIONS OF THE TOWN COUNCIL

Monday, July 18, 2022

6:30 p.m.

Virtual Meeting

Councilors in attendance: Bahl-Milne, Griesemer, Hanneke, Schoen, Steinberg

Councilors participating remotely: De Angelis, Devlin Gauthier, Pam, Rooney, Taub, Walker (joined at 6:38 pm)

Councilors absent: Lopes, Miller

Staff in attendance: Clerk of the Council O’Keeffe

Others Participating Remotely: Town Manager Bockelman, Assistant Town Manager Ziomek, Finance Director Mangano, Comptroller Aldrich

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 6:44 p.m.

President Griesemer called the Town Council meeting to order at 6:45 p.m.; adjourned at 9:03 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:

- ~~6.a. Adoption of Resolution Reaffirming Support for Access to Safe and Legal Abortion in the Commonwealth of Massachusetts and Across the United States~~ removed by Hanneke
- ~~6.b. Adoption of Resolution Supporting Decriminalization of Plant Medicines and Prioritizing Public Health Responses~~ removed by Pam
- 6.c. Adoption of Resolution in Support of Common Sense Gun Laws and Opposing Legislation that Threatens Public Safety
- 8.d. Referral of Proposed Amendments to General Bylaws 3.8, License Fees: Innholders, Common Victuallers, and Lunch Carts and 3.36, Soliciting
- 9.a.1-2) Waiver of Town Council Rules of Procedure Rule 8.6
- 9.a.1) Approval of Town Manager Reappointments to the Following Multiple-Member Bodies:
 - Board of Assessors

- Local Historic District Commission
- ~~9.a.2) Approval of Town Manager Appointments to the Board of Registrars of Voters~~

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

6. Resolutions and Proclamations

a. Resolution Reaffirming Support for Access to Safe and Legal Abortion in the Commonwealth of Massachusetts and Across the United States

MOVED: To adopt the Resolution Reaffirming Support for Access to Safe and Legal Abortion in the Commonwealth of Massachusetts and Across the United States, as amended by adding the word “women” to the fifth whereas clause.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

MOVED: To amend to add the word “women” to the fifth whereas clause.

Motion by Hanneke

Second by Devlin Gauthier

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

b. Resolution Supporting Decriminalization of Plant Medicines and Prioritizing Public Health Responses

MOVED: To adopt the Resolution Supporting Decriminalization of Plant Medicines and Prioritizing Public Health Responses, as presented.

Motion by: Griesemer

Seconded by: Schoen

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

c. Resolution in Support of Common Sense Gun Laws and Opposing Legislation that Threatens Public Safety

VOTED VIA CONSENT AGENDA: To adopt the Resolution in Support of Common Sense Gun Laws and Opposing Legislation that Threatens Public Safety, as presented.

8. Action Items

a. Appropriation and Borrowing Authorization Order FY23-08A: An Order Appropriating and Authorizing Debt for the Rehabilitation of and Improvements to the Amherst-Pelham Regional School District’s High School Track and Field Facilities under Open Space/Recreation

MOVED: To adopt Appropriation and Transfer Order FY23-08A, “An Order Appropriating and Authorizing Debt for the Rehabilitation of and Improvements to the

Amherst-Pelham Regional School District's High School Track and Field Facilities under Open Space/Recreation" as recommended by the Finance Committee report of June 27, 2022, and shown on pages 7-8 of the Motions Sheet.

(2/3 vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

b. Public Way: Hope Church Request Reserved Parking at 16 Gaylord Street

MOVED: To refer the Hope Church request for three reserved parking spaces at 16 Gaylord Street to the Town Services and Outreach Committee, for a public hearing and recommendation to the Town Council by September 12, 2022.

Motion by: Devlin Gauthier

Seconded by: Schoen

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

c. Appointment Process for Election Day Constables

MOVED: Pursuant to chapter 92 of the acts of 2022, to delegate to the Town Clerk, in consultation with the Police Department, the responsibility to designate constables for election sites.

Motion by: Griesemer

Seconded by: De Angelis

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

d. Proposed Amendments to General Bylaws 3.8, License Fees: Innholders, Common Victuallers, and Lunch Carts and 3.36, Soliciting

VOTED VIA CONSENT AGENDA: To refer the proposed revisions to General Bylaws 3.8 (License Fees: Innholders, Common Victuallers, and Lunch Carts) and 3.36 (Soliciting) to the Governance, Organization, and Legislation Committee for a report and recommendation on the substance and a determination of clarity, consistency, and actionability, by August 25, 2022 and to the Board of License Commissions for recommendation to the Council by August 15, 2022 and indication regarding what date, if adopted, the Board will be able to adopt the relevant fees.

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.1-2).

1) Reappointments to Multiple-Member Bodies

VOTED VIA CONSENT AGENDA: To approve the following Town Manager reappointments, as filed with the Town Clerk on July 15, 2022, effective immediately:

Board of Assessors:

For terms to expire June 30, 2023:

- Legrand Hines

Local Historic District Commission:

For terms to expire June 30, 2025:

- Peggy Schwartz

2) **Board of Registrars of Voters**
Appointment withdrawn – no action taken.

b. Town Council Appointments

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

MOTION ON THE FLOOR POSTPONED ON JUNE 27: 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

ROLL CALL VOTE: 6-4, 1 abstention and 2 absent Pam, Rooney, Schoen, Steinberg, Taub, and Walker voted Yes; De Angelis, Devlin Gauthier, Griesemer, and Hanneke voted No; Bahl-Milne Abstained; Lopes and Miller were absent)

MOTION: To call the question

Motion by: De Angelis

Seconded by: Hanneke

ROLL CALL VOTE: 11-0 with 2 absent (Lopes and Miller)

MOVED: To appoint John Varner as Associate Member to the Zoning Board of Appeals, for a term effective immediately and ending June 30, 2023.

Motion by: Griesemer

Seconded by: Taub

ROLL CALL VOTE: 5-4, 2 abstentions, 2 absent Pam, Rooney, Schoen, Taub, and Walker voted Yes; Bahl-Milne, De Angelis, Hanneke, and Steinberg voted No; Devlin Gauthier and Griesemer Abstained; Lopes and Miller were absent)

Majority of Councilors present required to pass; the motion fails.

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COMMUNITY PRESERVATION ACT APPROPRIATIONS

**APPROPRIATION and BORROWING AUTHORIZATION ORDER FY23-08A
Town of Amherst Community Preservation Act**

An Order Appropriating and Authorizing Debt for the Rehabilitation of and Improvements to the Amherst-Pelham Regional School District’s High School Track and Field Facilities under Open Space/Recreation (2/3 vote required)

The Community Preservation Act Committee has recommended to Authorize Debt by vote of 8-0-0 for the Rehabilitation of and Improvements to the Amherst-Pelham Regional School District’s High School Track and Field Facilities, for which future Debt Service will be paid using Community Preservation Act funds; this order is contingent upon “Option 3,” as presented to the CPAC during its meeting of June 2, 2022, if other planned funding does not reach the “Option 3” target and the track cannot be reoriented, the borrowing of CPAC funds will be rescinded,

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

The sum of \$800,000 is appropriated under G.L. c. 44B (also known as the Community Preservation Act), to fund a grant for the purpose of supporting the rehabilitation of and improvements to the Amherst-Pelham Regional School District’s High School track and field facilities, including the payment of all costs incidental and related thereto, and to meet such appropriation the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount under G.L. c. 44B, §11, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and

IT IS FURTHER ORDERED that the Town Manager is authorized to enter into an intermunicipal agreement as permitted under G.L. c. 40, §4A, between the Town and the Amherst-Pelham Regional School District as may, in the opinion of bond counsel to the Town, be required in order to carry out the purposes of this Order

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 President

Community Preservation Act Committee (CPAC) Special Report to the Town Council for FY2023

The Community Preservation Act Committee is pleased to present this report to the Town Council outlining a special borrowing article we are recommending for Fiscal Year 2023. The Committee has reviewed the revised High School Track proposal submitted by the Amherst-Pelham Regional School District this spring and offers its unanimous support (8-0 with one vacancy).

Background and Rationale

The Regional School District (RSD) submitted its original proposal for track replacement last fall. That application proposed to reconstruct the track in its current orientation. Because an earlier study of the High School fields and nearby Town-owned fields (not solely the track) envisioned reorienting the track to allow other improvements, the Committee was unwilling to approve the project at that time and requested additional information. The RSD then designed funding programs for two options (one that reorients the track and one that does not), and its plan was approved by the Regional School Committee with a funding deadline of January 2023. With the authorization of Town Council, the Town has already provided for a borrowing of \$1.5 million, which the Committee was told would be adequate (that is, without more CPAC funds) to rebuild the track in its current orientation. The borrowing article that we are recommending is specifically for the option that reorients the track and makes other improvements to the recreational facilities. If sufficient funds for that project are not secured, CPAC funds will not be used.

The proposal to reorient and reconstruct the track and associated fields and event spaces meets CPAC goals for projects that are broadly supported across the community, Town departments, and the public, addresses documented needs for recreation. Please note that CPA monies cannot be used for artificial turf fields or most permanent structures such as bleachers.

Project Details- Recreation

Amherst-Pelham Regional School District: Track replacement "Option 3," as presented to CPAC during its meeting of June 2, 2022 - borrowing authorization of \$800,000. If other planned funding does not reach the Option 3 target and the track cannot be reoriented, the borrowing of CPAC funds will be rescinded.

Respectfully submitted,

Sarah Marshall, chair, Recreation Commission representative
Sam MacLeod, vice-chair, representative at large
Sarah Eisinger, representative at large
Andrew MacDougall, Planning Board representative
Tim Neale, representative at large
Hetty Startup, Historical Commission representative
David Williams, Housing Authority representative
Katie Allan Zobel, representative at large