

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, September 19, 2022

5:30 p.m.

Virtual Meeting

Councilors in attendance: Griesemer, Hanneke (arrived 5:54 p.m.), Steinberg

Councilors participating remotely: De Angelis, Devlin Gauthier, Lopes, Miller, Pam, Rooney, Taub

Councilors Absent: None

Staff in attendance: Assistant Town Manager Ziomek, Clerk of the Council O’Keeffe

Others Participating Remotely: Jones Library Trustee President Austin Sarat, Eversource Rep Austin Harpin, Jones Library Trustee Alex Lefebvre, Jones Library Director Sharon Sharry, Finance Director Sean Mangano

When remote participation is used, all votes will be taken by roll call.

Per MGL Chapter 30A Section 20(f), this meeting was recorded and broadcast by Amherst Media.

President Griesemer called the Special Town Council Meeting: Primer on the Master Plan to order at 5:30 p.m.; adjourned at 6:08 p.m.

President Griesemer called the Special Town Council Meeting: Public Forum on the Master Plan to order at 6:08 p.m.; adjourned at 6:30 p.m.

President Griesemer called the Regular Town Council meeting to order at 6:30 p.m.; adjourned at 9:25 p.m.

3. Hearings

a. 6:30 p.m. Public Hearing: Eversource Petition to install one fully owned Eversource pole on Pomeroy Lane between two existing poles

MOTION: To close the public hearing.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

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:

- Waiver of Town Council Rules of Procedure Rule 8.6 for agenda item 6.a. 2022 National Suicide Prevention Week Proclamation
- 6.a. Adoption of 2022 National Suicide Prevention Week Proclamation

- 8.d. Adoption of Proposed Amendments to General Bylaw 3.36: Soliciting
- ~~8.a. Approval of Eversource Petition to install one fully owned Eversource pole on Pomeroy Lane between two existing poles removed by Hanneke~~
- 9.a.1-8 Approval of the Following Town Manager Appointments:
 - Community Preservation Act Committee
 - Conservation Commission
 - Council on Aging
 - Local Historic District Commission
 - Public Art Commission
 - Public Shade Tree Committee
 - Recreation Commission
 - Residents' Advisory Committee
- 11.a-d. Approval of the following Town Council Meeting Minutes
 - July 18, 2022 Special Town Council Meeting Minutes: Public Forum on Community Preservation Act Borrowing for ARHS Track and Field
 - July 18, 2022 Regular Town Council Meeting Minutes
 - August 15, 2022 Regular Town Council Meeting Minutes
 - September 12, 2022 Regular Town Council Meeting Minutes

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

6. Resolutions and Proclamations

a. 2022 National Suicide Prevention Week Proclamation – Consent Agenda

VOTED VIA CONSENT AGENDA: To waive Town Council Rules of Procedure rule 8.6 for the 2022 National Suicide Prevention Week Proclamation.

VOTED VIA CONSENT AGENDA: To adopt the 2022 National Suicide Prevention Week Proclamation, as presented.

8. Action Items

a. Eversource Petition to install one fully owned Eversource pole on Pomeroy Lane between two existing poles

MOVED: To approve the order for pole location on Pomeroy Lane titled “ORDER FOR POLE LOCATIONS” dated July 19, 2022, at the points indicated on the plan marked 80175930, and with the addition of the paragraph, “Eversource agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone signal wires belonging to the municipality and used by it exclusively for municipal purposes,” to the order.

Motion by: Hanneke

Seconded by: Griesemer

ROLL CALL VOTE: Unanimous

b. Authorization for the Town Manager to enter into a Memorandum of Understanding between the Town of Amherst and the Jones Library, Incorporated

MOVED: To reauthorize the Town Manager to enter into a Memorandum of Understanding between the Town of Amherst and the Jones Library, Incorporated, acting by and for its Board of Trustees, with an addendum/amendment that includes a bridging agreement for the time period prior to moving to construction.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 8-5 (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Steinberg voted Yes; Pam, Rooney, Schoen, Taub, Walker voted No)

MOTION: To amend the motion by replacing it in its entirety with the following:

That Town Council authorize the Town Manager to amend the Memorandum of Agreement voted on April 5, 2021, by and between the Town of Amherst and The Jones Library, Incorporated acting by and through its Trustees, whereby:

The amended MOU serves to address and assign responsibility for the renovation and expansion project costs through the completion of Design Development documents, at which time an updated cost estimate and risk analysis is presented to Town Council for consideration; and

In the event a decision is made not to proceed with the project when the Design Development cost estimate is presented, the Trustees will reimburse the town for its share of the cost incurred in design development, and pledge to invest whatever funds were raised and pledged for the renovation/expansion project be assigned to continue the preparation of Construction Documents and Bidding for a Plan B reuse and repair project; and

In the event the project does not proceed at that time, a Plan B alternative for a design that reuses, repairs, and renovates to a modest degree the existing library structure to meet ADA requirements and improved energy efficiencies is initiated at that time to develop a Schematic Design and cost estimates for Plan B; and

That this agreement will specify the time period for the completion of any payment to the town, investment by the library in capital improvements, or other means to ensure that the costs are otherwise covered.

Motion by: Rooney

Seconded by: Taub

ROLL CALL VOTE: 4-8, with 1 abstention (Pam, Rooney, Taub, and Walker voted Yes; Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Steinberg voted No; Schoen Abstained)

MOTION: Call the question.

Motion by: Rooney

Seconded by: De Angelis

ROLL CALL VOTE: Unanimous

c. Acceptance of Open Space on Vista Terrace

MOVED: To approve the Conservation Commission's acceptance of a deed from Apple Brook West, LLC to property located on Vista Terrace for open space and passive recreation purposes, pursuant to the provisions of G.L. c. 40, §8C.

Motion by: Griesemer

Seconded by: Hanneke

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

d. Proposed Amendments to General Bylaw 3.36: Soliciting – Second Reading – Consent Agenda

VOTED VIA CONSENT AGENDA: To amend General Bylaw 3.36: Soliciting, by inserting the language shown in **bold red** font, and removing the language shown in ~~red strikethrough~~ font, as follows:

FEES AND PENALTIES OF THE SOLICITING BYLAW

~~Resident Fee: \$10.00 for an annual registration~~ **The Board of License Commissioners shall set the annual registration fee for soliciting in accordance with M.G.L. c. 40 Sec. 22F.**

~~Nonresident Fee: \$5.00 for a 60-day registration~~

Criminal Enforcement: \$50.00 fine

Noncriminal Disposition: \$50.00 penalty (enforcement by: Police Officers)

e. Proposed Amendments to General Bylaw 3.39: Street Numbering of Houses – First Reading

f. Proposed Amendments to Town Council Committee Charges

MOVED: To amend the purpose statement of the Community Resources; Finance; Governance, Organization, and Legislation; and Town Services and Outreach committees' charges by adding to the end of them the phrase, “, giving attention to meeting the Council's Statement of Values, particularly those of Diversity, Equity, and Inclusion, Environmental Sustainability, and Fiscal Responsibility, as well as ensuring that measures foster an unbiased and inclusive environment that is free of discrimination, harassment, and negative stereotyping toward any person or group”

Motion by: Griesemer

Seconded by: Miller

ROLL CALL VOTE: Unanimous

9. Appointments

a. Town Manager Appointments – Consent Agenda

1) Community Preservation Act Committee

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Community Preservation Act Committee for terms to expire June 30, 2023, as filed with the Town Clerk on August 31, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately:

- Matt Cain, representing the Recreation Commission
- David Williams, representing the Housing Authority
- Michelle Labbe, representing the Conservation Commission
- Andrew MacDougall, representing the Planning Board

2) Conservation Commission

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Conservation Commission for terms to expire June 30, 2025, as filed

with the Town Clerk on September 13, 2022, as recommended by the Town Services and Outreach Committee, effective immediately:

- Alexander Hoar
- Cameron Macuch

3) Council on Aging

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Council on Aging, as filed with the Town Clerk on August 31, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately:

- For a term to expire June 30, 2025: Jeanne Horrigan
- For a term to expire June 30, 2023: Anne Burton

4) Local Historic District Commission

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Local Historic District Commission, as filed with the Town Clerk on September 13, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately:

- For a term to expire June 30, 2024: Nancy Ratner
- For a term to expire June 30, 2023: Steven Bloom

5) Public Art Commission

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Public Art Commission, as filed with the Town Clerk on August 31, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately:

- For terms to expire June 30, 2025:
 - Terry Holt
 - Lori Friedman
 - Michele Cutting
- For terms to expire June 30, 2024:
 - Lisa Cain
 - Robert Brainin
- For a term to expire June 30, 2023:
 - Shoshana King

6) Public Shade Tree Committee

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointment to the Public Shade Tree Committee for a term to expire June 30, 2025, as filed with the Town Clerk on September 13, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately: Britt Crow-Miller.

7) Recreation Commission

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointment to the Recreation Commission for a term to expire June 30, 2025, as filed

with the Town Clerk on September 13, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately: Andrew MacDougall.

8) Residents' Advisory Committee

VOTED VIA CONSENT AGENDA: To approve the following Town Manager appointments to the Residents' Advisory Committee, as filed with the Town Clerk on August 31, 2022, and as recommended by the Town Services and Outreach Committee, effective immediately:

- For a term to expire June 30, 2024:
 - Anastasia Ordonez
- For a term to expire June 30, 2023:
 - Meg Gage

11. Approval of Minutes – Consent Agenda

VOTED VIA CONSENT AGENDA: To approve the following Town Council meeting minutes, as presented:

- July 18, 2022 Special Town Council Meeting Minutes: Public Forum on Community Preservation Act Borrowing for ARHS Track and Field
- July 18, 2022 Regular Town Council Meeting Minutes
- August 15, 2022 Regular Town Council Meeting Minutes
- September 12, 2022 Regular Town Council Meeting Minutes