

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, January 23, 2023

5:30 p.m.

Councilors participating remotely: Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Rooney, Schoen, Steinberg, Taub, Walker

Councilors Absent: None

Non-voting Finance Committee members participating remotely: Hegner, Holloway, Kubiak

Non-voting Finance Committee members absent: None

School Committee Members participating remotely: Demling, Herrington, McDonald, Rhodes, Shiao

School Committee Members absent: None

Elementary School Building Committee members participating remotely: Bockelman, Estes, Herrington, Mangano, Salvon, Schoen, Walker

Elementary School Building Committee members absent: Bernal, Cristofori, Merriam, Morris, Roy-Clark, Sullivan-Daley

Staff and others Participating Remotely: Town Manager Bockelman, Finance Director Mangano, Clerk of the Council O’Keeffe, Minute-taker Pierce, DiNisco of DiNisco Design, Margaret Minor Wood of Anser Advisory

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 5:33 p.m.; adjourned at 6:28 p.m.

Steinberg called the Finance Committee meeting to order at 5:35 p.m.; adjourned at 6:28 p.m.

McDonald called the School Committee meeting to order at 5:35 p.m.; adjourned at 6:28 p.m.

Schoen called the Elementary School Building Committee meeting to order at 6:05 p.m.; adjourned at 6:28 p.m.

President Griesemer called the regular Town Council meeting to order at 6:30 p.m.; adjourned at 8:43 p.m.

- 3. Public Hearing: Eversource Petition for Pole Placement at 133 South East Street**
MOVED: to close the public hearing.
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 items 6.a. 2023 Black History Month Proclamation and 6.b. 2023 Lunar New Year Proclamation
- 6.a. Adoption of the 2023 Black History Month Proclamation
- 6.b. Adoption of the 2023 Lunar New Year Proclamation
- ~~8.a. Approval of Eversource Petition to Install Three Solely Owned Poles at 133 South East Street~~ Removed by Hanneke
- 8.c. Approval of Long-Term Parking Reservation Request at 26 Spring Street
- 8.d. Approval of Discontinuance of the Accu-Vote Optical Scan Tabulator and Replacement with ImageCast Precinct Optical Tabulator
- 9.a.1) Approval of Town Manager Appointment to the Water Supply Protection Committee
- 11.b. Approval of the following meeting minutes:
 - January 9, 2023 Regular Town Council Meeting Minutes

Motion by: Griesemer

Seconded by: Taub

ROLL CALL VOTE: Unanimous

6. Resolutions and Proclamations

a. 2023 Black History Month Proclamation

VOTED VIA CONSENT AGENDA: To waive Town Council Rules of Procedure rule 8.6 for agenda item 6.a. 2023 Black History Month Proclamation.

VOTED VIA CONSENT AGENDA: To adopt the 2023 Black History Month Proclamation, as presented.

b. 2023 Lunar New Year Proclamation

VOTED VIA CONSENT AGENDA: To waive Town Council Rules of Procedure rule 8.6 for agenda item 6.b. 2023 Lunar New Year Proclamation.

VOTED VIA CONSENT AGENDA: To adopt the 2023 Lunar New Year Proclamation, as presented.

8. Action Items

a. Eversource Petition for Pole Placement at 133 South East Street
No action; postponed to a future meeting.

b. Proposed Special Act on Residential Property Transfer Fees

MOVED: To approve the proposed Special Act set forth below, “An Act establishing a real estate transfer fee upon the transfer of property in the City Known as the Town of Amherst,” and to petition the General Court for special legislation, provided, however, that the General Court may make clerical or editorial changes of form only to the bill unless the Town Council approves amendments to the bill before enactment by the General Court.

An Act establishing a real estate transfer fee upon the transfer of property in the City Known as the Town of Amherst

An Act establishing a real estate transfer fee upon the transfer of property in the City Known as the Town of Amherst.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Except where otherwise exempted pursuant to this act, the City known as the Town of Amherst may, by bylaw, impose a fee of up to two per cent (2%) of the purchase price upon the transfer of (i) any real property interest in the City known as the Town of Amherst or (ii) a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any class of residential real property situated in the City known as the Town of Amherst. The City known as the Town of Amherst may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 2. The following transfers of real property interests shall be exempt from the fee established in Section 1: (i) transfers to or from the federal government, the Commonwealth, the City known as the Town of Amherst, and any of their instrumentalities, agencies, or subdivisions, including the Amherst Housing Authority; (ii) transfers of real property subject to an affordable housing restriction; (iii) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made; (iv) transfers with consideration under \$100.00; and (v) transfers between family members, as may be defined by bylaw.

Except as otherwise provided, the purchaser shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 1.

The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this act.

SECTION 3. The fee shall be paid to the Town of Amherst. The Town shall deposit all fees received hereunder with the Town treasurer/collector. The treasurer/collector shall deposit the first \$250,000 collected in each fiscal year in the Amherst Municipal Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of the General Laws. The remaining funds collected each fiscal year shall be deposited in the

Town of Amherst 's capital stabilization fund, the Town of Amherst's general fund, and/or the Amherst Municipal Affordable Housing Trust Fund, as determined by bylaw.

The Town of Amherst shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town of Amherst may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act.

SECTION 4. The Town of Amherst may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act.

SECTION 5. A copy of the deed or other instrument evidencing such transfer shall be provided to the Town of Amherst and shall be accompanied by: (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described in section 2, for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town of Amherst or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Hampshire Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION 6. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 7. This act shall take effect on passage.

Motion by: Griesemer

Seconded by: Devlin Gauthier

ROLL CALL VOTE: Unanimous

- c. **Public Ways: Long-Term Parking Reservation Request at 26 Spring Street**
VOTED VIA CONSENT AGENDA: To authorize the temporary use of the public way at 26 Spring Street, from January 1, 2023 until June 1, 2023 and approve the application for Archipelago Investments LLC for reservation of four metered parking spaces on the north side of Spring Street, as approved previously, from January 1, 2023 until June 1, 2023, 24 hours per day, for a fee of \$10.00 per meter per day, for a total of \$1,240.00 or such other sum as determined by the Treasurer/Collector.

- d. Voting Machines: Discontinuance of the Accu-Vote Optical Scan Tabulator and Replacement with ImageCast Precinct Optical Tabulator**
VOTED VIA CONSENT AGENDA: To approve the discontinuance of the Accu-Vote Optical Scan Tabulator and replace it with the ImageCast Precinct Optical Tabulator. The approved purchase of the ImageCast Precinct Optical Tabulator will be purchased by the Town for which funding has been appropriated in the FY2022 budget.
AND FURTHER: That the Amherst Town Council votes the use of the ImageCast Precinct Tabulator at the next Amherst Town Election, and thereafter, at all primaries and elections held in the Town of Amherst, until otherwise ordered by vote of the Amherst Town Council, said electronic voting system shall be used in those polling places designated by the Amherst Town Council.
AND FURTHER: That the Town of Amherst will discontinue use of the Accu-Vote Optical Scanner in any and all elections held in the Town of Amherst.

- e. Authorization of Town Manager to Enter Intermunicipal Agreement with UMass Donahue Institute for Program Evaluation Services**
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 an agreement with the University of Massachusetts Donahue Institute (UMDI) for consulting services for the Town related to the evaluation of the Community Responders for Equity, Safety, and Service (CRESS) Department.
Motion by: Devlin Gauthier
Seconded by: Hanneke
ROLL CALL VOTE: 9-1, 1 abstention, 2 absent
Yea: Bahl-Milne, De Angelis, Devlin Gauthier, Hanneke, Pam, Rooney, Schoen, Steinberg, Taub
Nay: Walker
Present (Abstain): Miller
Absent: Griesemer, Lopes

9. Appointments

a. Town Manager Appointments

1) Water Supply Protection Committee: Steven Kurtz

VOTED VIA CONSENT AGENDA: To approve the Town Manager appointment of Steven Kurtz to the Water Supply Protection Committee, as filed with the Town Clerk on January 9, 2023, and recommended by the Town Services and Outreach Committee on January 23, 2023, effective immediately, for a term to expire June 30, 2024.

b. Town Council Appointments

1) Non-Voting Liaisons to Town Multiple-Member Bodies – Charter Sec. 2.9(d)

MOVED: To appoint the following Councilors as liaisons to the committees listed for the remainder of the Council's term:

Affordable Housing Trust: Taub

Board of Health: Miller
Community Preservation Act Committee: Rooney
Community Safety and Social Justice Committee: Pam
Disability Access Advisory Committee: De Angelis
Energy and Climate Action Committee: Walker
Planning Board: Rooney
Recreation Commission: De Angelis
Transportation Advisory Committee: Steinberg

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous, with 1 absent (Lopes)

11. Approval of Minutes

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

- January 9, 2023 Regular Town Council Meeting

15. Executive Session – *None*

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