

**Town of Amherst**  
**UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL**

Monday, February 27, 2023

6:00 p.m.

Councilors participating remotely: Bahl-Milne (joined at 5:52), De Angelis, Devlin Gauthier, Griesemer, Hanneke (joined at 5:58), Lopes, Miller, Pam, Rooney, Schoen, Steinberg, Taub (left at 9:11), Walker (joined at 5:34)

Councilors absent:

Staff and others Participating Remotely: Town Manager Bockelman, Clerk of the Council O’Keeffe, Finance Director Mangano, CPA Committee Chair MacLeod, DPW Superintendent Mooring, DPW Assistant Superintendent Rusiecki, Town Clerk Audette,

**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.

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Griesemer called the special Council meeting to order at 5:31 p.m.; adjourned at 5:44 p.m.

Steinberg called the Finance Committee public forum on Centennial funding to order at 5:33 p.m.; adjourned at 5:44 p.m.

Griesemer called the special Council meeting to order at 5:45 p.m.; adjourned at 6:01 p.m.

Stenberg called the Finance Committee public forum on CPA projects to order at 5:45 p.m.; adjourned at 6:01 p.m.

President Griesemer called the regular Town Council meeting to order at 6:03 p.m.; adjourned at 10:18 p.m.

**3. Hearings**

**MOVED:** To close the public hearing.

**(Majority of Councilors present and voting, abstentions don’t count)**

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.

**(majority present: items 6.a., 6.b., and 8.f.; 9 yea votes: item 8.i.; majority present and voting: items 8.h., 8.j., and 11.a-e.)**

**MOVED:** To move the following items, and the printed motions thereunder and approve those items as a single unit:

- 6.b. Adoption of COVID-19 Victims and Survivors Memorial Day Resolution

- 8.f. Approval of Eversource Petition for Pole Placements on Meadow Street
- 8.i. Proposed Amendments to Town Council Rules of Procedure: Rules 1.4, 2.1.d.3, 2.1.d.4, 10.6, appendix A
- 8.j. Referral of Proposal for Increase to Councilor Stipends and Childcare Costs to Finance Committee

Motion by: Griesemer

Seconded by: Devlin Gauthier

**ROLL CALL VOTE:** unanimous

**6. Resolutions and Proclamations**

**a. 2023 Tibetan National Uprising Day Proclamation**

**No action**

**b. COVID-19 Victims and Survivors Memorial Day Resolution  
(Majority of Councilors present, abstentions count as “nay”)**

**VOTED VIA CONSENT AGENDA:** To adopt the COVID-19 Victims and Survivors Memorial Day Resolution, as presented.

**8. Action Items**

**a. Elementary School Building Project**

**1) Debt Exclusion Ballot Language  
(2/3 of those present and voting)**

**MOVED:** that the Town Council vote to place a Proposition 2 ½ debt exclusion question on the May 2, 2023 Town Special Election ballot for Amherst voters which reads:

Shall the city known as the Town of Amherst be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to construct, originally equip and furnish an elementary school on the Fort River site, located at 70 South East Street, Amherst, Massachusetts, including the cost of architectural design, project management, demolition of the existing building and other necessary site improvements and all costs incidental and related thereto? Yes No

Motion by: Griesemer

Seconded by: Devlin Gauthier

**ROLL CALL VOTE:** unanimous

**2) Debt Exclusion Special Election Date, Early Voting, Mail-in Voting  
(Majority of Councilors present, abstentions count as “nay”)**

**MOVED:** To call a special election in the city known as the Town of Amherst on May, 2, 2023 for the purposes of seeking a debt exclusion, and to allow early and mail in voting for said election.

Motion by: Griesemer

Seconded by: Schoen

**ROLL CALL VOTE:** unanimous

**b. Community Preservation Act Project Allocations**

**1) Appropriation and Transfer Order FY24-07A: Appropriating the FY2024**

**Community Preservation Act Budget**

**(Majority of Councilors present, abstentions count as “nay”)**

**MOVED:** In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on February 13, 2023 a Public Forum held on February 27, 2023, and having been reviewed by the Finance Committee report of February 27, 2023, to adopt Council Order FY24-07A: An Order Appropriating the FY2024 Community Preservation Act Budget, as shown on pages 13-14 of the Motions Sheet.

Motion by: Griesemer

Seconded by: Rooney

**ROLL CALL VOTE:** unanimous

**2) Appropriation and Borrowing Authorization Order FY24-08A: Appropriating and Authorizing Debt for the Replacement and Improvements to the Fort River School Fields under Recreation**

**(9 yea votes)**

**MOVED:** In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on February 13, 2023 a Public Forum held on February 27, 2023, and having been reviewed by the Finance Committee report of February 27, 2023, to adopt Council Order FY24-08A: An Order Appropriating and Authorizing Debt for the Replacement and Improvements to the Fort River School Fields under Recreation, as shown on page 15 of the Motions Sheet.

Motion by: Griesemer

Seconded by: Rooney

**ROLL CALL VOTE:** unanimous

**c. Centennial Water Treatment Plant**

**1) Rescinding Borrowings Authorized but Unissued Order FY23-13C: Rescinding Authorized but Unissued Bonds**

**(Majority of Councilors present, abstentions count as “nay”)**

**MOVED:** To adopt Appropriation and Transfer Order FY23-13C, “An Order Rescinding Authorized but Unissued Bonds” as shown on page 16.

Motion by: Hanneke

Seconded by: Griesemer

**ROLL CALL VOTE:** Unanimous

**2) Appropriation and Borrowing Authorization Order FY23-09A: Approving and Authorizing Borrowing to Fund Capital Projects**

**(9 yea votes)**

**MOVED:** To adopt Appropriation and Transfer Order FY23-09A, “An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorization” as recommended by the Finance Committee report of February 27, 2023 and shown on page 17.

Motion by: Hanneke

Seconded by: Griesemer

**ROLL CALL VOTE:** unanimous

**d. Water and Sewer Line Ownership in Proposed Water and Sewer Regulations:  
Request to Town Manager**

**(Majority of Councilors present and voting, abstentions don’t count)**

**MOVED:** To request the Town Manager present the Town Council with Water and Sewer Regulations without an automatic future service line ownership change.

Motion by: Griesemer

Seconded by: Hanneke

**ROLL CALL VOTE:** 8-2, 3 abstentions

**Aye:** Bahl-Milne, De Angelis, Griesemer, Hanneke, Miller, Rooney, Schoen, Steinberg

**Nay:** Devlin Gauthier, Pam

**Present (abstain):** Lopes, Taub, Walker

**e. Proposed Amendments to Bylaw 3.30 Snow and Ice – First Reading**

**No action**

**f. Eversource Petition for Pole Placements on Meadow Street**

**(Majority of Councilors present, abstentions count as “nay”)**

**VOTED VIA CONSENT AGENDA:** To approve the order for pole location at Meadow Street titled “ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS” dated December 7, 2022, as indicated on the plan marked 80358410.

**g. Special Act Extending Voting Rights to Lawful Permanent Residents**

**(Majority of Councilors present, abstentions count as “nay”)**

**MOVED:** To approve the proposed Special Act set forth below, “An Act Extending Voting Rights to Lawful Permanent Residents,” 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 authorizing extending local voting rights for lawful permanent residents residing in the City known as the Town of Amherst.**

Section 1. Notwithstanding the provision of section one of M.G.L. Chapter Fifty-One, or any other general or special law, rule or regulation to the contrary, lawful permanent residents eighteen years or older who reside in Amherst may, upon application, have their name entered on a list of registered voters established by the Town Clerk for the City known as the Town of Amherst and may thereafter vote in any election for local offices or local ballot questions.

Section 2. The Town Council of the City known as the Town of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon lawful permanent residents the right to vote for any state or federal office or any state or federal ballot question.

Motion by: Griesemer

Seconded by: De Angelis

**ROLL CALL VOTE:** unanimous, with 1 absent (Taub)

**h. Authorization of Town Council President to Sign a Letter in Support of the Protecting Community Television Act**

**(Majority of Councilors present, abstentions don't count)**

**MOVED:** To authorize the Council President to Sign a Letter in Support of the Protecting Community Television Act, S.340.

Motion by: Griesemer

Seconded by: Devlin Gauthier

**ROLL CALL VOTE:** Unanimous, with 1 absent (Taub)

**i. Proposed Amendments to Town Council Rules of Procedure: Rules 1.4, 2.1.d.3, 2.1.d.4, 10.6, and appendix A  
(9 yea votes)**

**VOTED VIA CONSENT AGENDA:** To adopt the following revisions to the Town Council Rules of Procedure:

- In Rule 1.4, deleting the numeral "11" and replacing it with the numeral "12";
- In Rule 2.1.d.3, deleting the word "brief";
- In Rule 2.1.d.4, deleting the word "brief";
- In Rule 10.6, deleting the section label "a." and deleting section b. in its entirety; and
- In Appendix A, adding a new bullet point after the Healthy Balance section that reads "Lead with Curiosity: Replace judgements and automatic reactions with curiosity and seeking to understand the different perspectives before responding."

**j. Proposal for Increase to Councilor Stipends and Childcare Costs  
(Majority of Councilors present and voting, abstentions don't count)**

**VOTED VIA CONSENT AGENDA:** To refer the Proposal for Increase to Councilor Stipends and Childcare Costs to the Finance Committee for review and recommendation, with report to the Council by April 1, 2023.

**15. Executive Session – None**

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COMMUNITY PRESERVATION ACT APPROPRIATIONS

**APPROPRIATION and TRANSFER ORDER FY24-07A**

**Town of Amherst Community Preservation Act**

**An Order Appropriating the FY2024 Community Preservation Act Budget as required under M.G.L. Chapter 44B (majority vote)**

The Community Preservation Act Committee has made the following recommendations for expenditures of Community Preservation Act funds for FY2024

**ORDER:** to appropriate \$2,349,959 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 FY24-07A – 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 FY24- 07A – Town of Amherst Community Preservation Act**

PROJECT DESCRIPTIONS	AMOUNT	FUNDING SOURCE
<b>COMMUNITY HOUSING</b>		
AMAHT Funding for Affordable Housing Development	\$ 225,000	Estimated Revenues
Valley CDC-Ball Lane Community Homes	\$ 750,000	CPA Fund Undesignated Fund Balance
Way Finders-East Street School and Belchertown Road Affordable Housing Development	\$ 400,000	Estimated Revenues
Amherst Community Connections- Rental Subsidy Program Phase 2	\$ 205,200	CPA Fund Undesignated Fund Balance \$154,959 and Estimated Revenues \$50,241
<b>HISTORIC PRESERVATION</b>		
Amherst Historical Society - Conservation of Five Paintings by Mabel Loomis Todd	\$ 16,450	Estimated Revenues
Amherst Cemetery Assoc. - Dickinson Farmhouse Roof Renovation	\$ 102,020	Estimated Revenues
Amherst Historical Commission - Historic Barn and Outbuilding Assessment (Pilot) Program	\$ 10,000	Estimated Revenues
South Congregational Church - Steeple Restoration and Preservation	\$ 238,289	Estimated Revenues
<b>OPEN SPACE/RECREATION</b>		
Town of Amherst - Conservation Area Improvements	\$ 70,000	CPA Debt Repurpose (CO20-45 12/16/2019)
Town of Amherst - War Memorial Bathhouse and Area Preliminary Design	\$ 200,000	Estimated Revenues
Town of Amherst - War Memorial Pool Improvements	\$ 133,000	Estimated Revenues
	**Estimated Revenues for FY24	\$ 1,375,000
	Estimated Fund Balance beginning July 1, 2023	\$ 1,348,419
	Repurposed Debt Capital (Kendrick Park)	\$ 70,000
	<b>Total Available for the FY24 Budget Cycle</b>	<b>\$ 2,793,419</b>
	<b>Less Projects Recommended above</b>	<b>\$ (2,349,959)</b>
	<b>Remaining UDFB for Debt Service (to be voted in the Gen Fund)</b>	<b>\$ 443,460</b>

**\*\*NOTE:** Estimated revenues include the estimated Surcharge and State reimbursement for FY24. At least 10% of these (NEW) estimated revenues must be allocated to projects in each of the three CPA categories, including debt service, or reserved for future appropriation in their respective categories. For FY24 the 10% is estimated to be \$137,500, this amount and more has been allocated to each category and has met the Community Preservation Act Fund requirements set forth by M.G.L. Ch. 44B

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 \_\_\_\_\_, 2023.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

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COMMUNITY PRESERVATION ACT APPROPRIATIONS

**APPROPRIATION and BORROWING AUTHORIZATION ORDER FY24-08A  
Town of Amherst Community Preservation Act**

**An Order Appropriating and Authorizing Debt for the Replacement and Improvements to the Fort River School Fields under Recreation (2/3 vote required)**

**The Community Preservation Act Committee has recommended to Authorize Debt by vote of 6-1-1 absent, for the Replacement and Improvements to the Fort River School Fields, for which future Debt Service will be paid using Community Preservation Act funds;**

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Amherst that:  
The sum of \$700,000 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 Replacement and Improvements to the Fort River School Fields, 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

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Athena O’Keeffe, Town Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council President

OTHER FINANCIAL ORDERS

**RESCIND BORROWINGS AUTHORIZED BUT UNISSUED ORDER FY23-13C**

**An Order Rescinding Authorized but Unissued Bonds (*majority vote*)**

**To rescind available excess and/or unnecessary borrowing authority of the Water Enterprise Fund;**

**BE IT ORDERED** by the Town Council of the Town of Amherst that:

The authorized but unissued borrowing in the amount \$18,000,000, originally approved by vote taken under Council Order 22-09A, Centennial Water Treatment Facility replacement, be rescinded.

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Athena O’Keeffe, Town Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council President



PART C – CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

**APPROPRIATION AND BORROWING AUTHORIZATION ORDER FY23-09A**

**An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorization (2/3 vote required)**

**BE IT ORDERED** by the Town Council of the Town of Amherst that:

The Town appropriates \$21,500,000 to pay costs of replacing the Centennial Water Treatment Plant, and for the payment of all other costs incidental and related thereto (the “Project”), and to meet this appropriation, the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount, under and pursuant to G.L. c. 44, §7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

And, that the Town Manager, Treasurer and any other appropriate officer of the Town are authorized to execute and deliver (i) any financing agreement with the Massachusetts Clean Water Trust (the “Trust”) that may be required in order to obtain funding for the Project through the Drinking Water State Revolving Fund (DWSRF) program as authorized by G.L.c. 29C, and (ii) any project regulatory agreement with the Massachusetts Department of Environmental Protection that may be required in order to obtain funding for the Project through the Trust, and, further, to accept any grants, gifts or donations to offset costs of this .

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Athena O’Keeffe, Town Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council