



**Town of Amherst
Town Council Meeting
Monday, January 28, 2019 6:30 p.m.
Town Room, Town Hall
4 Boltwood Avenue**

Minutes

Complete video is available online: <https://amherstmedia.org/content/amherst-town-council-12819>

1. Call to order and declaration of a quorum

President Griesemer declared the presence of a quorum and called the meeting to order at 6:31 p.m.

Councilors present: Councilors Bahl-Milne, Brewer, DeAngelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz.

Councilors absent: None

Councilors participating remotely: None

Others present: Town Manager Paul Bockelman, Clerk of the Council Margaret Nartowicz, School Committee Chair Anastasia Ordonez, Superintendent of Schools Michael Morris

President Griesemer announced audio and video recording by Amherst Media.

2. Announcements

President Griesemer announced that the vote on the funding for the Station Road bridge will be postponed until after a public forum takes place, and that the Town Council plans to enter into executive session pursuant to the provisions of G.L. c. 30A, sec. 21 (a)(6) at approximately 8:30 p.m. and will reconvene in open session afterwards.

3. Resolutions and Proclamations

a) Fund our Future Resolution – School Committee Chair Anastasia Ordonez

Amherst School Committee Chair Anastasia Ordonez presented the Fund our Future Resolution.

MOTION: Counselor DeAngelis moved, second by Counselor Pam to accept the resolution.

VOTED unanimously to accept the resolution.

- b) Black History Month resolution – Local ACLU, read by Councilor Pam

MOTION: Councilor DuMont moved, second by Councilor DeAngelis, to adopt the resolution.

Discussion: Councilors asked to confirm the date of the flag-raising ceremony, and commented about the importance of education about black history throughout the year, and not only during Black History Month.

VOTED unanimously to adopt the resolution.

4. Hearings – None

5. Presentations and Discussion

- a) **MSBA Process and Role of the Council – Superintendent of Schools Michael Morris and School Committee Chair Anastasia Ordonez**

Superintendent of Schools Michael Morris and School Committee Chair Anastasia Ordonez made a presentation explaining the MSBA application process to renovate or replace Wildwood and Fort River Elementary Schools.

Discussion: President Griesemer commented that the Town Council will begin addressing capital needs in February, and that there has been an agreement with the schools to include presentations regarding the MSBA application process in joint District meetings with a facilitator before Councilors break into individual District meetings.

Discussion included:

- Narrowing the scope of the project to K-5 or K-6, but that is not a final decision
- The impact of grades moving to the High School
- How the information gathered during the Fort River feasibility study will help inform decisions; the feasibility study is not directly tied to this proposal
- Public outreach process and community consensus; listening sessions & public education
- The need to achieve a consensus among the Town Council, so the community does not hear a mixed message about the process; if a community consensus is not achieved, the project may not move forward
- Deadline to submit letter of interest to MSBA is April 12; public outreach process must fit within that timeline
- Need to present information from the Fort River feasibility study to the public to highlight the value of the information gathered

6. Action Items – (Including discussion after motion)

- a) **Energy and Climate Resilience Committee**

1. Report of Governance, Organization and Legislation Committee – Councilor Hanneke

Councilor Hanneke summarized the report of the Governance, Organization and Legislation Committee; the committee did not address substantive changes to the charge, and voted that the amended charge is actionable.

Councilors DuMont and Ross presented a statement from the Amherst Regional High School Environmental Action Club, explained the changes made to the committee charge, and that the changes were made according to input from the Town Council and the public.

MOTION: Councilor DuMont moved, second by Councilor Swartz that the Town Council order the establishment of a standing committee [Charter Section 2.5] called the Town of Amherst Energy and Climate Action Committee (ECAC) to guide the Town in meeting its climate mitigation and resilience goals. Order that the Energy and Climate Action Committee, within 90 days of its first meeting, submit to the Town Council for adoption initial recommended target dates, benchmarks and/or annual/interannual targets to achieve the climate action goals adopted in Article 16 passed by the Fall 2017 Special Town Meeting [100% renewable energy/electricity] and other emissions reductions goals recommended by the ECAC and that the Town Council act by voting to adopt the recommendations submitted with or without amendments within 90 days of receipt from the ECAC.

Discussion: Councilors made informal amendments to remove the reference to Charter section 2.5, as a reference to the Town Council's general powers is unnecessary, and to remove the word "standing," as the Charter only refers to standing committees of the Town Council.

MOTION: Councilor Steinberg moved, second by Councilor Ryan to remove the 90-day deadlines from the order.

Discussion: Councilors discussed the 90-day deadline, the committee's ability to meet the deadline with a public process, flexibility and scope of the goals as aspirational or practical.

VOTED 3-8-2 (Councilors Brewer, Ryan and Steinberg voted Yes; Councilors DeAngelis, DuMont, Griesemer, Hanneke, Ross, Schoen, Schreiber, and Swartz voted No; Councilors Bahl-Milne and Pam Abstained); the motion to remove the 90-day deadlines failed.

VOTED 12-0-1 (Councilors Bahl-Milne, Brewer, DeAngelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Swartz voted Yes, Councilor Steinberg Abstained) that the Town Council order the establishment of a committee called the Town of Amherst Energy and Climate Action Committee (ECAC) to guide the Town in meeting its climate mitigation and resilience goals. Order that the Energy and Climate Action Committee, within 90 days of its first meeting, submit to the Town Council for adoption initial recommended target dates, benchmarks and/or annual/interannual targets to achieve the climate action goals adopted in Article 16 passed by the Fall 2017 Special Town Meeting [100% renewable energy/electricity] and other emissions reductions goals recommended by the ECAC and that the Town Council act by voting to adopt the recommendations submitted with or without amendments within 90 days of receipt from the ECAC.

2. Approval of Charge

MOTION: Councilor Pam, second by Councilor DeAngelis moved to approve the Energy and Climate Action Committee charge.

Discussion: Councilors discussed the composition of the committee, and the specificity of the qualifications listed in the charge.

MOTION: Councilor Hanneke moved, second by Councilor Schreiber to remove all the language after the words “seven (7) residents” in the composition section.

Discussion included:

- Town Manager’s role in seeking committee members with relevant experience per the Charter
- Whether the ECAC should be exclusively experts
- Limiting the number of experts on the charge
- The role of non-experts in writing policy
- The importance of diversity & broad perspective
- The specificity of the list of qualifications

VOTED 3-10-0 (Councilors Hanneke, Schreiber, and Steinberg voted Yes; Councilors Bahl-Milne, Brewer, DeAngelis, DuMont, Griesemer, Pam, Ross, Ryan, Schoen, and Swartz voted No); the motion to remove the language after the words “seven (7) residents” in the composition section failed.

MOTION: Councilor DuMont moved, second by Councilor Swartz to change the resident membership section under Composition to: “Seven (7) residents. Experience with one or more of the following areas: net zero energy building; energy efficient retrofits; climate change mitigation/advocacy/research; clean energy practice/policy/infrastructure; community choice energy; green infrastructure for climate adaptation; sustainable transportation; sustainable farming and forestry; and waste reduction is preferred.”

Discussion: Councilors commented that “preferred” may be a deterrent to interested residents, that the list may be too specific, discussed adding “some of whom” before the list, and the existing requirement of the Charter to appoint members with relevant experience.

VOTED 2-11 (Councilors DuMont and Swartz voted Yes; Councilors Bahl-Milne, Brewer, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted No); the motion to change the resident composition section failed.

MOTION: President Griesemer moved, second by Councilor Steinberg to change the resident membership section under Composition to: “Seven (7) residents, some of whom shall have experience with one or more of the following areas: net zero energy building; energy efficient retrofits; climate change mitigation/advocacy/research; clean energy practice/policy/infrastructure; community choice energy; green infrastructure for climate adaptation; sustainable transportation; sustainable farming and forestry; and waste reduction. From the pool of residents with the required experience, the Town Manager may, among others, consider inclusion of members of environmental justice communities and other relevant areas, relevant community organizations, relevant town boards and committees, employees of relevant offices or departments at the university and colleges, and the local business community.”

Discussion: Councilors discussed Charter section 3.3 (c), to clarify “seek,” the specificity of the list, and that the charge may need further work before approval.

VOTED 11-2 (Councilors Bahl-Milne, Brewer, DeAngelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Steinberg, and Swartz voted Yes; Councilors DuMont and Schreiber voted No) to change the resident membership section of the charge to: “Seven (7) residents, some of whom shall have experience with one or more of the following areas: net zero energy building; energy efficient retrofits; climate change mitigation/advocacy/research; clean energy practice/policy/infrastructure; community choice energy; green infrastructure for climate adaptation; sustainable transportation; sustainable farming and forestry; and waste reduction. From the pool of residents with the required experience, the Town Manager may, among others, consider inclusion of members of environmental justice communities and other relevant areas, relevant community organizations, relevant town boards and committees, employees of relevant offices or departments at the university and colleges, and the local business community.”

Discussion: Councilors discussed the appointing authority of the charge, and commented that it is unusual that the Town Manager would appoint Town Councilors to a committee; the Charter does not address committees with both residents and Councilors, the need to table or refer the charge to a committee for further review.

MOTION: President Griesemer moved, second by Councilor Steinberg to create an ad hoc committee to review substantive areas of the charge that councilors have brought up: term of appointment, #4, #6 items d & e, #2b, #5b, #5d, #6c, goal setting, reports-community engagement.

VOTED unanimously to create an ad hoc committee to review specific substantive changes to the committee charge.

President Griesemer appointed Councilors Bahl-Milne, DuMont, Hanneke, Ross, and Schreiber to the Ad Hoc Committee.

Agenda item 15. Executive Session

- b) **To consider the purchase, exchange, lease or value of real property if the Council President declares that an open meeting may have a detrimental effect on the negotiating position of the public body. [M.G.L. c.30A, s.21(a)6]**

MOTION: Councilor Pam moved, second by Councilor Hanneke that the Town Council meet in executive session pursuant to the provisions of G.L. c. 30A, sec. 21(a)(1) to discuss the purchase, exchange, lease or value of real property if an open meeting will have a detrimental effect on the negotiating position of this public body.

President Griesemer stated: I hereby declare that an open meeting on the purchase, exchange, lease or value of real property would have a detrimental impact on the Council’s negotiating position” and further state that the Council will reconvene in open session after the executive session.

VOTED unanimously by roll call to meet in executive session pursuant to the provisions of G.L. c. 30A, sec. 21(a)(1) to discuss the purchase, exchange, lease or value of real property if an open meeting will have a detrimental effect on the negotiating position of this public body.

Town Council entered into Executive Session at 10:34 p.m.

Town Council resumed open session at 11:10 p.m.

(Resumed) 6. Action Items

c) Council Rules of Procedure

1) Report of Rules of Procedure Ad Hoc Committee

Councilor Brewer summarized the memo from the Rules of Procedure Ad Hoc Committee; that that interim rules adopted by the Town Council on 12/3/2018 was missing some vital rules that are needed for the Town Council to conduct its business.

MOTION: Councilor Schoen moved, second by Councilor Hanneke to accept the report of the Rules of Procedure Ad Hoc Committee.

VOTED unanimously to accept the report of the Rules of Procedure Ad Hoc Committee.

2) Adoption of additional interim rules

MOTION: Councilor Schoen, second by Councilor DeAngelis to adopt the Interim Rules of Procedure dated 01-15-19, as amended, under the Amherst Home Rule Charter section 2.6(d) and 10.7(p)(i).

VOTED unanimously to adopt the Interim Rules of Procedure dated 01-15-19, as amended, under the Amherst Home Rule Charter section 2.6(d) and 10.7(p)(i).

7. Town Manager Report

The Town Manager announced:

- Town Council meetings will now be live streamed by Amherst Media
- The North Common and Main Street parking lot project will be on the agenda later this year, as a consultant is working with the Town on the project this spring
- Next scheduled Cup o' Joe with the Town Manager is Thursday, February 8 at the Lone Wolf; Sustainability Coordinator Stephanie Ciccarello will be attending
- Hampshire College news—the Board of Trustees is meeting next week
- Attendees at the MMA conference were appreciated for their support
- There is a vacancy on the Metropolitan Planning Organization, President Griesemer has been nominated to fill the vacancy
- Congratulations to LSSE and Amherst Community Theater on the successful run of Peter Pan
- Black History Month Ceremony will be Sunday, February 2 at 2:00 p.m. on the Town Common

8. Appointments

a) President Appointments

President Griesemer outlined a memo to the Town Council from the Town attorney regarding Town Council appointments.

1) Bylaw Review Committee

President Griesemer appointed Councilor Brewer, Councilor DeAngelis, Councilor Ross, Bob Ritchie, and Bernie Kubiak to the Bylaw Review Committee.

b) Council Appointments

President Griesemer provided the Town Council with recommendations for appointments to Joint Capital Planning Committee, Budget Coordinating Group, and Participatory Budgeting Commission, and explained her process for determining those recommendations.

MOTION: Councilor Schoen moved, second by Councilor Schreiber to amend the process for appointing Councilors to multiple-member bodies where Town Council is the appointing authority. She referenced the legal opinion that indicated that the Charter gives the President authority only for Committees of the Council and that it is up to the Town Council to decide a method for appointing Councilors to town-wide Committees. The motion would have the full Council decide such appointments. If more were interested than the slots available, appointments would be by majority vote.

Discussion included:

- Creating a regular procedure for appointing Councilors to multiple-member bodies
- The powers of the Council President and Town Manager in the appointment process
- Option of referring the matter to the Rules of Procedure Committee
- Holding what might be mini-elections for appointments during Town Council Meetings

VOTED 3-9-1 (Councilors DuMont, Schoen, and Schreiber voted Yes; Councilors Brewer, DeAngelis, Griesemer, Hanneke, Pam, Ross, Ryan, Steinberg, and Swartz voted No; Councilor Bahl-Milne Abstained). The motion to amend the appointment process failed.

1) Joint Capital Planning Committee

2) Budget Coordinating Group

3) Participatory Budgeting Commission

MOTION: Councilor Brewer moved, second by Councilor Ross to appoint Council members to the Joint Capital Planning Committee, Budget Coordinating Group, and Participatory Budgeting Commission as recommended by the Council President.

VOTED 11-2 (Councilors Bahl-Milne, Brewer, DeAngelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schreiber, Steinberg, and Swartz voted Yes; Councilors DuMont and Schoen voted No) to appoint members to the Joint Capital Planning Committee, Budget Coordinating Group, and Participatory Budgeting Commission as recommended by the Council President.

Confirmed Town Council Appointments:

- Joint Capital Planning Committee: Councilor Griesemer, Councilor Hanneke, and Councilor Steinberg
 - Budget Coordinating Group: Councilor Schoen and Councilor Pam
 - Participatory Budgeting Commission: Councilor Schoen
- 4) **Resident Appointments to Zoning Board of Appeals [Charter Sec. 2.9 (c)], Planning Board [Charter Sec. 2.9 (c)], Ranked-Choice Voting Commission [Charter Sec. 10.10], Participatory Budgeting Commission [Charter Sec. 10.11] – Referral to Communications, Outreach and Appointments Committee**

President Griesemer stated that in the future, resident appointments will be immediately referred to the Communications, Outreach and Appointments Committee. There are applicants wishing to be appointed to these multiple-member bodies.

MOTION: President Griesemer moved, second by Councilor Hanneke to refer to the Communications, Outreach, and Appointments Committee, resident appointments to the Zoning Board of Appeals, Planning Board, Ranked-Choice Voting Commission, and Participatory Budgeting Commission.

VOTED unanimously to refer to the Communications, Outreach, and Appointments Committee, resident appointments to the Zoning Board of Appeals, Planning Board, Ranked-Choice Voting Commission, and Participatory Budgeting Commission.

c) **Town Manager Appointments**

1) **Report of Communications, Outreach and Appointments Committee**

Councilor Brewer presented the report of the Communications, Outreach and Appointments Committee.

2) **Board of License Commissioners – Council confirmation [Charter Sec. 6.3 and 2.11(b)]**

MOTION: Councilor Brewer moved, second by Councilor Swartz to confirm under the Amherst Home Rule Charter sections 2.11(b), 6.3, and 10.7(q) the Town Manager’s appointments of the Board of License Commissioners as provided in his 01-07-10 Memo to the Town Council and the Town Council’s subsequent referral 01-07-19 to the Communications, Outreach and Appointments Town Council Standing Committee.

VOTED unanimously to confirm under the Amherst Home Rule Charter sections 2.11(b), 6.3, and 10.7(q) the Town Manager’s appointments of the Board of License Commissioners as provided in his 01-07-10 Memo to the Town Council and the Town Council’s subsequent referral 01-07-19 to the Communications, Outreach and Appointments Town Council Standing Committee.

Confirmed appointments to the Board of License Commissioners:

- Douglas Slaughter, three year term
- Gaston de los Reyes, two year term
- Marian Walker, two year term
- Hallie Hughes, one year term

- Robert Paul Musgrave, one year term

9. Approval of Minutes

- a) **December 17, 2018**
- b) **January 7, 2019**
- c) **January 8, 2019**
- d) **January 15, 2019**
- e) **January 16, 2019**

MOTION: Councilor Hanneke moved, second by Councilor Schoen to approve the December 17, 2018, January 7, 8, 15, and 16, 2019 Town Council minutes as amended.

VOTED unanimously to approve the December 17, 2018, January 7, 8, 15, and 16, 2019 Town Council minutes as amended.

10. Committee Reports – None

11. Public Comment

Peter Tripp, an Amherst resident, made comments regarding issues with the Amherst Media live stream of the Town Council meeting, availability of draft meeting minutes posted to the Town website prior to the meeting, and the late hour, and agenda placement of the public comment period.

12. Future Agenda Items

- a) **Town Council Retreat – Saturday, February 2, 2019, 9:00 a.m.**
- b) **Public Forum – Station Road Bridge Funding [Charter Sec. 5.6] – Wednesday, February 6, 2019, 9:00 a.m. - 10:00 a.m.**
- c) **Orientation to Town Departments**
 - 1) **Wednesday, February 6, 2019 10:00 a.m. – 12 noon**
 - 2) **Tuesday, February 12, 2019 9:00 a.m. – 11:00 a.m.**

13. Council Comments - None

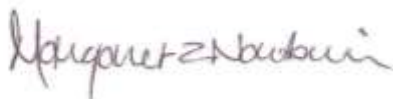
14. Topics Not Reasonably Anticipated by the President 48 Hours in Advance - None

15. Adjourn

MOVED: Councilor DeAngelis moved, second by Councilor Schoen to adjourn.

VOTED unanimously to adjourn at 12:02 a.m. on January 29, 2019.

Respectfully submitted,



Margaret Z. Nartowicz
Town Clerk & Clerk to the Council

Record of Agenda Packet Materials and Documents Presented

- 1 1-28-19 Agenda FINAL 1-24-19 rev. 1-25-19
- 1 Draft Motions for Town Council - 01-28-2019 rev. 1-25-19
- 3-a Budget Funding Resolution (12-18-18) FINAL
- 3-a ASC Budget Funding Resolution (12-18-18)
- 3-a Fund Our Future Fact Sheet
- 3-a Fund Our Future Resolution background
- 5-a Letter to Councilors 1.20.19
- 5-a Letter to SC MSBA SOI
- 5-a MSBA Building Process
- 5-a Petition(1)
- 5-a Petition(2)
- 5-a School Presentation 01-28-2019
- 5-a. 4 Partnering with the Amherst Public Schools on the MSBA Application
- 6-a-1 6-a-2 Rules of Procedure Ad Hoc Committee Charge Revised TC 01-28-19
- 6-1-1 6-a-2 TC Rules of Procedure ROP Ad Hoc report TC 01-28-19
- 6-a-1 6-a-2 Rules of Procedure Temporary Interim voted 12-03-18 Rev. 12-4-18 Rev avb 01-15-19 for TC 01-28-19 CLEAN
- 6-a-1 6-a-2 Rules of Procedure Temporary Interim voted 12-03-18 Rev. 12-4-18 Rev avb 01-15-19 for TC 01-28-19 TRACK CHANGES
- 6-a-1 6-a-2 TC Rules of Procedure ROP ad hoc 01-15-19 TC 01-28-19 action items
- 6-b-1 10-c 2019-01-23 GOL Report to Town Council
- 6-b-1 Attachment A-2019-01-23-GOL Committee Discussion DRAFT - Energy and Climate Action Committee (aka Energy and Climate Resilience Committee)
- 6-b-1 Attachment B-2019-01-23-GOL Committee Potential Revisions-DRAFT- Energy and Climate Action Committee
- 6-b-2 10-c Revised Climate Action Status of MA Municipalities - Sheet1 (5)
- 6-b-2 Andra Rose letter on Energy and Climate Action Committee
- 6-b-2 Climate Committee Charge- 1_24_2019 REVISION_Charge to the Energy and Climate Action Committee
- 6-b-2 Climate Motion- Revised 1_24_2019 - Motion to Create a Standing Energy And Climate Action Committee and to Adopt Climate Action Goals

- 7 Town Manager Report 01-28-2019 Attachment
- 7 Town Manager Report 01-28-2019
- 8-a-1 8-b-1,2,3 Attachement A KP-655978-v1-AMHR_memo_to_tmgr_re_appointment_authority_under_new_charter
- 8-a-1 8-b-1,2,3 Attachment B - Committees, Councilors Preferences with appointing authority
- 8-a-1 8-b-1,2,3 Authority and Appointments of Town Council Members and Residents to Standing and Ad hoc Committees 1-24-19
- 8-a-1 8-b-1,2,3 KP-656810-v1-AMHR_follow_up_memo_re_appointing_authority_under_new_charter
- 8-a-2 Rules of Procedure Committee Charge FINAL 12-17-2018
- 8-b 1 8-b 2 8-b-3 Motion to Amend Appointment Procedure for Council Member - lg comments and changes
- 8-c-1 TC Communications Outreach Appointments 01-14-19 TC 01-28-19 action items
- 8-c-1 TC Communications Outreach Appointments Standing Committee report TC 01-28-19
- 8-c-2 License Commissioners- Appointments - 01-07-2019
- 9-a 12-17-18 DRAFT Town Council Minutes-rev. 1-22-19
- 9-b 1-7-19 DRAFT Town Council Minutes rev 1-25-19
- 9-c 1-8-19 DRAFT Town Council Minutes - rev. 1-25-19
- 9-d 1-15-18 DRAFT Town Council Minutes rev. 1-25-19
- 9-e 1-16-19 DRAFT Town Council Minutes original
- 10-d Finance Committee Report January 25, 2019
- 14 Black History Month Proclamation 2019 FINAL
- 14-b Black History Month Event Flyer