

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, November 22, 2021

7:15 p.m.

Virtual Meeting

Councilors Participating Remotely: Bahl-Milne joined at 5:09 pm, Brewer, De Angelis, DuMont joined at 7:01 pm, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber joined at 7:13 pm, Steinberg, Swartz

Councilors Absent: None

Others Participating Remotely: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Assistant Town Manager David Ziomek, 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 is being recorded and broadcast by Amherst Media.

President Griesemer called the special Town Council meeting to order at 5:04 pm; adjourned at 6:58 pm

President Griesemer called the public forum to order at 7:02 pm; adjourned at 7:11 pm

Steinberg called the Finance Committee meeting to order at 7:03 pm; adjourned at 7:12 pm

President Griesemer called the regular Town Council meeting call to order at 7:17 pm; adjourned at 10:36 pm

5. Consent Agenda

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:

- 8.c. **Referral** of Potential Changes to the Town Council Policy Regarding the Control and Regulation of the Public Ways regarding delegation of authority to the Board of License Commissioner for lunch carts on streets and sidewalks to the Town Services and Outreach Committee
- 9.a.(1-5) **Approval** of the following Town Manager Appointments:
 - Health Director
 - Senior Services Director
 - Council on Aging
 - Elementary School Building Committee
 - Public Art Commission
- **Approval** of the following Town Council Meeting minutes:
 - November 8, 2021 Regular Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Hanneke
ROLL CALL VOTE: Unanimous

8. Action Items

a. Financial Orders

(1) FY22-12A

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on November 9, 2021, a Public Forum held on November 22, 2021, and having been reviewed and recommended by the Finance Committee report of November 22, 2021, to adopt Council Order FY22-12A: An Order Appropriating from Free Cash to the Stabilization funds, as shown on page 7 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

(2) FY22-12B

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on November 9, 2021, a Public Forum held on November 22, 2021, and having been reviewed and recommended by the Finance Committee report of November 22, 2021, to adopt Council Order FY22-12B: An Order Appropriating from Free Cash to the OPEB Trust Fund, as shown on page 8 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

(3) FY22-05B

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on November 9, 2021, a Public Forum held on November 22, 2021, and having been reviewed and recommended by the Finance Committee report of November 22, 2021, to adopt Council Order FY22-05B: An Order Appropriating Funds for the Town of Amherst Capital Program – Roads and Sidewalks, as shown on page 9 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

FY22-05C

MOVED: In accordance with Charter Sec. 5.6, having been published on the Town Bulletin Board for a minimum of 10 days on November 9, 2021, a Public Forum held on November 22, 2021, and having been reviewed and recommended by the Finance Committee report of November 22, 2021, to adopt Council Order FY22-05C: An Order

Appropriating Funds for the Town of Amherst Capital Program –Supplemental Dog Park appropriation, as shown on page 10-11 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont voted No)

b. 2022 Town Council Performance Goals for the Town Manager

First discussion – no action.

c. Referral of Potential Changes to the Town Council Policy Regarding the Control and Regulation of the Public Ways regarding delegation of authority to the Board of License Commissioner for lunch carts on streets and sidewalks to the Town Services and Outreach Committee

VOTED VIA CONSENT AGENDA

MOVED: To refer proposed changes to the Town Council Policy Regarding the Control and Regulation of the Public Ways in regards to the delegation of the authority to the Board of License Commissioners for lunch carts on streets and sidewalks to the Town Services and Outreach Committee, for review and recommendation to the Town Council by December 6, 2021.

d. Reconsideration of November 8, 2021 Town Council Vote to Refer Proposed Zoning Article 16: Temporary Moratorium on the Permitting and Approval of Large-Scale Ground Mounted Solar Photovoltaic Installations

MOTION ON THE FLOOR: In accordance with Council Rule of Procedure 7.5, to reconsider the Council’s November 9, 2021 vote to refer Zoning Bylaw Article 16 – Temporary Moratorium on the Permitting and Approval of Large-Scale Ground Mounted Solar Photovoltaic Installations, sponsored by Councilors De Angelis and Griesemer.

Motion by: Steinberg

Seconded by: Hanneke

ROLL CALL VOTE: 7-6 (Bahl-Milne, Brewer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; De Angelis, DuMont, Griesemer, Pam, Schoen, and Swartz voted No)

November 8, 2021 Town Council Vote to be reconsidered

If the above motion passes, this motion would now be on the table:

To refer Zoning Bylaw Article 16 – Temporary Moratorium on the Permitting and Approval of Large-Scale Ground Mounted Solar Photovoltaic Installations, sponsored by Councilors De Angelis and Griesemer, to the Planning Board and the Community Resources Committee for hearing/s held no later than January 12, 2022, and for a written recommendation and an explanation as to whether the proposed bylaw is not inconsistent with the Master Plan from the Planning Board to the Town Council and to the Community Resources Committee no later than 21 days after the Planning Board hearing,

and for the Community Resources Committee to send a written recommendation to the Town Council and to submit all materials to the Governance, Organization, and Legislation Committee for review of clarity, consistency, and actionability within 60 days of the hearing held by the Community Resources Committee.

ROLL CALL VOTE: 9-4 (Bahl-Milne, De Angelis, DuMont, Griesemer, Pam, Ross, Schoen, Steinberg, and Swartz voted Yes; Brewer, Hanneke, Ryan, and Schreiber voted No)

9. Appointments

a. Town Manager Appointments

(1) Health Director

VOTED VIA CONSENT AGENDA

MOVED: In accordance with Charter section 2.11(a), to approve the Town Manager appointment of Jennifer Brown as Health Director, as filed with the Town Clerk on November 9, 2021, and recommended by the Town Services and Outreach Committee report of November 22, 2021.

(2) Director of Senior Services

VOTED VIA CONSENT AGENDA

MOVED: In accordance with Charter section 2.11(a), to approve the Town Manager appointment of Hayley D. Bolton as Director of Senior Services, as filed with the Town Clerk on November 16, 2021, and recommended by the Town Services and Outreach Committee report of November 22, 2021.

(3) Council on Aging

VOTED VIA CONSENT AGENDA

MOVED: In accordance with Charter section 2.11(b), to approve the following Town Manager appointments to the Council on Aging, as filed with the Town Clerk on November 16, 2021, and recommended by the Town Services and Outreach Committee report of November 22, 2021, effective immediately:

- For a term to expire June 30, 2024:
 - Christina Scharbaai
- For a term to expire June 30, 2023:
 - Karen Helfer

(4) Elementary School Building Committee

VOTED VIA CONSENT AGENDA

MOVED: In accordance with Charter section 2.11(b), to approve the Town Manager appointment of Tamera Sullivan-Daley to the Elementary School Building Committee, as filed with the Town Clerk on November 12, 2021, and recommended by the Town Services and Outreach Committee report of November 22, 2021, effective immediately, and for a term to last the length of the MSBA process.

(5) Public Art Commission

VOTED VIA CONSENT AGENDA

MOVED: In accordance with Charter section 2.11(b), to approve the following Town Manager appointment to the Public Art Commission, as filed with the Town Clerk on November 16, 2021, and recommended by the Town Services and Outreach Committee report of November 22, 2021, effective immediately:

- For a term to expire June 30, 2024:
 - Dara Wier

b. Town Council Appointments

(1) Budget Coordinating Group – Charter Sec. 5.2

IF NOT VOTED EARLIER VIA CONSENT AGENDA

MOVED: To appoint Councilors Steinberg, Hanneke, and Griesemer to the Budget Coordinating Group, under Town Council Rules of Procedure rule 10.6 Councilors Appointed to Committees Named in the Charter, effective immediately, for a term to expire January 2, 2022.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

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OTHER FINANCIAL ORDERS

**APPROPRIATION and TRANSFER ORDER FY22-12A
Town of Amherst Free Cash and Stabilization Fund**

An Order Appropriating from Free Cash to the Stabilization funds (*Majority Vote*)

The Policy on reserves states that if Free Cash exceeds 5% of operating revenue, the excess may be appropriated and transferred to a Stabilization Fund; the State has certified the Town's Free Cash for the fiscal year ending June 30, 2021, at \$8,881,421,

BE IT ORDERED by the Town Council of the Town of Amherst that: The Town appropriate and Transfer the sum of \$2,828,079 from Free Cash in the Undesignated Fund Balance of the General Fund to the Stabilization Funds as follows;

\$2,618,079 to be transferred to the General Stabilization Fund
\$210,000 to be transferred to the Reparatons Stabilization Fund

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 _____, 2021.

Athena O'Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

OTHER FINANCIAL ORDERS

APPROPRIATION and TRANSFER ORDER FY22-12B

Town of Amherst Free Cash and Other Post Employment Benefits (OPEB) Trust Fund

An Order Appropriating from Free Cash to the OPEB Trust Fund (*Majority Vote*)

BE IT ORDERED by the Town Council of the Town of Amherst that: The Town appropriate and Transfer the sum of \$450,000 from Free Cash in the Undesignated Fund Balance of the General Fund to the Other Post Employment Benefits (OPEB) Trust Fund

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 _____, 2021.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER - FY22 – 05B

**An Order Appropriating Funds for the Town of Amherst Capital Program – Roads and Sidewalks
(majority vote)**

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

The Town appropriate the **sum total \$1,250,000, for** Capital Improvements to Roads and Sidewalks, and to meet such appropriation, transfer \$1,250,000 from Free Cash in the Undesignated Fund Balance of the General Fund as follow;

\$1,000,000 **for road repaving and repair**
\$250,000 **for sidewalk expansion and repair**

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 _____, 2021

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER - FY22 – 05C

An Order Appropriating Funds for the Town of Amherst Capital Program –Supplemental Dog Park appropriation (*majority vote*)

More background information is included on page 2 of this order.

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

The Town appropriate the **sum total \$75,000, for** Capital Improvements to the Dog Park, and to meet such appropriation, transfer \$75,000 from Free Cash in the Undesignated Fund Balance of the General Fund as follow;

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 _____, 2021

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President



To: Town Council
Fr: David Ziomek, Assistant Town Manager
Dt: November 19, 2021
Re: Amherst Capital Program – **Council Order 22-05C**- Supplemental Dog Park Appropriation

Recommendation:

The Town Council is asked to appropriate \$75,000 for Capital Improvements to the Dog Park, and to meet such appropriation transfer \$75,000 from Free Cash to the Undesignated Fund Balance of the General Fund.

Background:

Residents of Amherst have been advocating for an off-leash dog park for more than 10 years. In 2017 the Town Manager created the Dog Park Task Force with a broad charge that included seeking funding, identifying a site and creating a design for the park. Working with staff the group identified the south landfill as the best location for this recreation facility. Since then the Task Force has succeeded in getting a large grant from the Stanton Foundation, sought funding through the CPA and raised significant private funds towards construction and park amenities.

Construction of the park has been ongoing and is now nearing the final stages. Unfortunately, due to complications caused by above normal rainfall and the complexity of the site the project budget is not sufficient to complete the park. Two required change orders have resulted in significant unanticipated project costs that were necessary to protect the landfill cap and keep the project moving forward. These project changes were made in consultation with the Town Engineer, our contractor and the Department of Environmental Protection (DEP). Throughout the project our goal has been to build the best park possible while safeguarding the landfill cap which must remain intact in perpetuity.

Original Contract Amount:	\$280,466
Change Orders:	\$ 68,000
Contingency:	<u>\$ 7,000</u>
Total:	\$355,466

Considerations:

With winter fast approaching it is imperative that we keep to the current project schedule and complete as much of the construction as possible before the end of December. The additional funding will allow us to proceed with a goal of opening the park in 2022.