

MINUTES

CALL TO ORDER

Meeting called to order at 6:23 p.m.

ATTENDANCE

Harvey, Boss, Schiffer, Jolly, Seppala
Del Castilho, Westover, Bell, Kruger, Tucker, Wells, Seewald, DeLong, Gomez

QUESTION PERIOD

There should be an active Cable Advisory Committee.

SELECT BOARD'S ACTION

Sign Notes

No action taken.

Committee Appointment

VOTED unanimously to appoint Edward Alford, Kanegasaki Sister City Committee, term to expire on June 30, 2002.

Approve Minutes

VOTED unanimously to approve the Select Board minutes of January 10, 2000, as amended.

VOTED unanimously to approve but not release the Select Board Executive Session minutes of January 10, 2000.

WARRANT ARTICLES

Warrant Article – Capital Program - Land Acquisition – Station Road

VOTED unanimously to recommend Article 1, to appropriate \$190,000 from the Water Fund.

Warrant Article – Capital Program - Schools – Crocker Farm Building Project

VOTED unanimously to recommend Article 2, to appropriate \$232,888 from Free Cash.

Warrant Article – Land Acquisition – Easements for Parking Garage

No action taken.

Warrant Article – Thermal Imaging Camera

VOTED unanimously to recommend Article 4.

PERMITS AND LICENSES

Public Hearing Continued – Pruddy's

- Public hearing continued at 7:33 p.m.
- VOTED: Harvey, Boss, Schiffer, Seppala voted "Aye", Jolly absent, to close the public hearing at 8:28 p.m.

- VOTED: Harvey, Schiffer, Seppala voted “Aye”, Boss abstained, Jolly absent, to renew the Common Victualler and Live Entertainment License to expire December 31, 2000 for Prudencio Gomez d/b/a Pruddy’s, 30 Boltwood Walk, with the condition that the business operate in accordance with the conditions specified in the Court’s (Bohn, J.) Findings of Fact at Paragraph Number Eight (see attached).

One-Day Wine and Malt License

VOTED unanimously to approve the One-Day Wine and Malt License for Stephen Sarro from 9:00 p.m. to 1:00 a.m. on March 4, 2000, at the Newman Center for a Mardi Gras Festival.

Change of DBA – University Liquors

VOTED unanimously to approve the Change of DBA for Star Liquors, Inc. at 6 University Drive from Star Liquors to University Liquors.

ADJOURNMENT

VOTED: Harvey, Boss, Schiffer, Jolly, Seppala voted “Aye”, to adjourn the open meeting at 8:38 p.m. and convene an Executive Session to discuss strategy with respect to litigation and land acquisition because public discussion would have a detrimental effect on the Town’s position. The open meeting will not reconvene following the executive session.

**Commonwealth of Massachusetts Trial Court
Superior Court Civil Action 97-034 and 97-135
Entered: January 21, 2000**

Prudencio Gomez d/b/a Pruddy's vs. Amherst Zoning Board of Appeals and Others
Order of Stay and Conditions

Paragraph Eight

On or about July 13, 1994, following a hearing at which several neighboring residents voiced concern that Pruddy's not be allowed to become a student bar, the ZBA unanimously voted to issue a special permit to the plaintiff. That permit, issued for the operation of a "Latin American restaurant with seasonal outdoor dining, delivery and take-out, and non-amplified live entertainment on the premises located at 30 Boltwood Walk," was subject to several conditions, many of which adopted the proposals set forth in the management plan. The conditions included a total occupancy of 105 persons inside the restaurant, with terrace seating of 45; hours of operation from 9 a.m. to 11 p.m., seven days a week; take-out service from 9 a.m. to 12:00 midnight daily and delivery service from 9 a.m. to 1 a.m. daily; no standing service in the restaurant or on the terrace; and live, non-amplified music inside the restaurant, the sound level of which was not to interfere with normal conversation among customers and was not to be heard by tenants of the building or their customers.

The original special permit, which was for a period of one year, was not appealed and became a final decision.