

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Weiss at 6:40 p.m.

ATTENDANCE

Present: Gerry Weiss, Anne Awad, Diana Stein, Alisa Brewer, Stephanie O’Keeffe

Absent: (none)

Town Manager Larry Shaffer

Captain Mike Kent, Assistant Town Manager/Finance Director John Musante

Rob Kusner, Denise Barberet, Bill Elsasser, Larry Tebo, Harry Brooks, Dano Weisbord, Julie Johnson, Martha Nelson Patrick, Michael Wiseman, Bill Grohmann, Peter Blumberg, Lisa Plantefaber, Henry Pope, Brian Morton, Kay Moran

OPENING REMARKS/ANNOUNCEMENTS

Mr. Weiss read a letter from the Massachusetts Department of Housing and Community Development announcing the Town’s Community Development Block Grant award of up to \$799,957. Mr. Weiss and Mr. Shaffer praised Community Development Director Roy Rosenblatt for his work on the grant application.

Mr. Weiss announced that this was Ms. Awad’s last meeting, spoke briefly about the reception in her honor held prior to the meeting, and praised her service to the community. He read from prepared remarks, saying that a draft resolution he had proposed at the July 28th meeting regarding the behavior of a community member toward Ms. Awad had been misconstrued as an attack on free speech, and said that the fact that such behavior is unwelcome in the community shouldn’t require a resolution, and that he wouldn’t use his position to legislate against it. He said that Mass. General Law addresses it, in part 4, title 1, chapter 265, section 43A, regarding crimes against persons.

Ms. Stein announced that she and Ms. O’Keeffe had attended the Amherst Survival Center volunteer appreciation picnic, and cited the recent dramatic increase in people being served by the organization. She urged people to donate to the Survival Center, Not Bread Alone, and other food assistance programs.

Ms. Stein announced that a meeting of those concerned about the ballot question to repeal the State income tax would be held Friday, August 22 at noon at the Loose Goose Café.

PUBLIC COMMENT

Rob Kusner spoke about a design and development newsletter advocating for bike lanes that he had distributed to Select Board members, and said he would soon be asking the Select Board to reaffirm its support for maintaining bike lanes, and making sure they are painted and visible. He also announced a Norwottuck Rail Trail Committee meeting on September 4th and encouraged attendance by a Select Board member.

Denise Barberet said that her comments were a follow-up to an e-mail she had sent to the Select Board. She talked about speaking with the editor of the Amherst Bulletin regarding an August 15th editorial she took issue with, and asked that a paragraph be added to the Citizen Activity Form advising applicants that they may be named, scrutinized and judged in the press, and said that would help volunteers decide if their effort was worthwhile.

Bill Elsasser offered to send the Town Manager to California to see the contrast between the communities of LaJolla and Davis, as guidance for planning Amherst's future. Mr. Shaffer declined the offer.

Larry Tebo, Vice President of the Firefighters Local 1764, read a statement from Union President David Clooney regarding the union's concerns about losing staffing and compromising protection to Amherst if revenue from providing ambulance service to Hadley is eliminated. He stated that the cost per call model for ambulance service is not appropriate. The statement expressed disappointment that the union's efforts to provide information and to suggest ways of increasing revenue were not acknowledged at the July 7th Select Board meeting.

Harry Brooks said that working with Ms. Awad had been a pleasure.

SELECT BOARD'S ACTION

Sign State Primary Warrant

VOTED unanimously to sign the September 16, 2008 State Primary Warrant.

Combining Polling Locations

Ms. Brewer asked if Ms. Stein's suggestion from the July 28th meeting of combining polling places was being pursued. Mr. Brooks said the Board of Registrars would be considering that at its next meeting.
No action taken.

Vote Language for CPA Question on Nov. 4, 2008 Ballot

Mr. Weiss summarized the proposed November 4th ballot language for the Community Preservation Act surcharge question that had been provided by Town Counsel. It was suggested and agreed that the descriptive language and the motion should read "Town Election ballot," rather than "State Election Ballot," and that where the descriptive language read "Annual Town Election," "Annual" should be removed. The edits involved only the descriptive language and not the ballot language. It was recommended that all future meeting documents be dated and their author identified
VOTED unanimously to approve the ballot question and summary language for the November 4, 2008 Town Election Ballot as submitted.

Special Municipal Employee Status – Public Works Committee

It was agreed that the presence of a representative from the Public Works Committee was not required because there were no questions about the committee's SME application. Ms. Brewer expressed appreciation for the committee charge and membership list being provided with the application, and reminded viewers that once granted, SME status remains with a committee in perpetuity until or unless it is actively revoked by the Select Board.

VOTED unanimously to grant Special Municipal Employee Status to the Public Works Committee.

Sunset Avenue Fraternity Discussion

Mr. Weiss said that problems with the fraternity (AEPi) at 118 Sunset Avenue (owned by fraternity ATG) were longstanding, and said that the owners and residents of the house were notified of this meeting, but not in attendance. Dano Weisbord, an abutter, gave a Power Point presentation on behalf of the neighbors about the history of the property, the nature of the problems, and efforts the neighbors

have made to seek resolution. The property has been a fraternity for many years and its use was grandfathered after zoning changes were made to restrict new fraternities and sororities to specific areas. Other houses on the street were formerly Greek houses as well, but have since become single-family homes. Partying was thought to have increased there with the elimination of several other fraternity houses, and with the ability for large parties to form instantly through cell phone and text messaging technology. Neighbors deal with significant noise, litter and problematic behavior. Police are called often and have made numerous arrests there, and police presence is considered an effective but expensive deterrent. Neighbors have met with the fraternity residents and UMass officials including the Dean of Students and representatives from the Office of Fraternities and Sororities. The property has been on the market twice in recent years, and neighbors considered purchasing it, but its value as a fraternity made the price prohibitive. Martha Nelson Patrick, Community Relations Director for UMass, said that there has been much communication between UMass and the neighbors, but that the university's options are limited due to the grandfathered zoning. She said that suspending the chapter of the current residents would not be effective because a different chapter would move into the house instead. SB members and residents of Sunset Ave inquired of Ms. Patrick and Mr. Wiseman if policies related to location of Fraternities and membership of Fraternities was determined by the University; specifically whether or not the University could restrict Fraternity membership to Juniors and Seniors only, and if the University could restrict where Fraternities were located. Ms. Patrick and Mr. Wiseman were not absolutely sure of the answers to these questions, but Mr. Wiseman indicated that both of these issues might be regulated by internal University policies. The Town Manager said that the Town's powers in such matters are those of code and law enforcement; zoning; acquiring the property via eminent domain; or the law of escheat, whereby ownership of the property would revert to the Town in the absence of an owner or heir. He suggested that enforcement was the most practical of the options in this situation. Select Board members, the Town Manager and others spoke optimistically of the persuasive powers of the nuisance house bylaw, recently passed by Town Meeting and awaiting approval by the Attorney General. The Town Manager was urged by the Select Board to pursue solutions with the new Chancellor, through new and stronger UMass policies. Mr. Weiss said the issue would be revisited in a month or so.

No action taken.

Budget Policy Discussion

Mr. Weiss talked about a document he had created and distributed, outlining a potential timeline for a budget process and suggesting that the Select Board meet with department heads about their proposed budgets in the fall. There was discussion about how such meetings would be similar to and different from those held by the Town Manager and Finance Committee. Mr. Shaffer said he takes the budget guideline recommended by the Finance Committee in the fall, and talks to department heads about their resource needs for carrying out their respective department missions, and looks for ways to meet those priorities and reduce costs. He said that he does not distribute the recommended budget increase amount evenly across departments. There was general consensus among the Select Board that providing policy priorities to the Town Manager earlier in the process was better than later. Brian Morton and Kay Moran emphasized that the Finance Committee is advisory to Town Meeting; that its long-standing statutory responsibility is to inform and recommend; that its information is collected through the Town Manager's budget book and its own hearings with department heads; that it is good practice to separate the budget recommendations of the executive branch of Town government (Select Board and Town Manager) from those of the legislative branch (Town Meeting, and its advisory Finance Committee;) and that recommendations involve some overlap between numbers and policy. John Musante talked about the work of the Community Choices Committee, and how its public education and public input process would help to show the connection between needs and resources. He said that the proposed Select Board process would aid in that effort, and allow for comparison of the Board's and the public's priorities. It was agreed that the "four boards" meeting (Select Board, School Committee, Library

Trustees and Finance Committee) was needed for the fall. Mr. Weiss said he would make revisions to the timeline and bring it back for approval by all parties.

No action taken.

Hills Road – Block Party Street Closure

VOTED unanimously to approve the request to close Hills Road on Sunday, August 31, 2008 from 1:00 p.m. – 5:00 p.m. (*Rain date Monday, September 1, 2008 from 1:00 p.m. – 5:00 p.m.*) for the annual neighborhood block party.

Select Board Meeting Schedule

VOTED unanimously to approve the following meeting dates: September 15, 22; October 6, 20, 27; November 5, 10, 12, 17, 20, 24; December 1, 3, 8, 15. The September 15th meeting will start at 5:30 p.m., to be followed at 6:00 p.m. by Open Meeting Law training, and at 7:00 p.m. by Conflict of Interest training. The November and early December meetings will be held in the Music Room at the Middle School prior to Town Meeting. All scheduled non-Monday meetings will be eliminated with the conclusion of Town Meeting, and the meeting location will revert to Town Hall.

Approval of Minutes

VOTED 3 in favor (Awad, Stein, O’Keeffe) and 2 abstentions (Weiss, Brewer) to approve the minutes of the August 11, 2008 Select Board meeting as amended. Mr. Weiss and Ms. Brewer abstained from the vote, as neither was present at that meeting.

Committee Liaison Reports

Ms. O’Keeffe reported that she had conveyed to the Public Transportation and Bicycle Committee the request from the Public Works Committee to assess and make recommendations on the adequacy of bicycle parking at public facilities, as well as the Select Board’s request to assess and make recommendations on downtown bicycle parking. She said the committee has recommended to the Town Manager and the Select Board that the shortfall in the budget for PVTA service caused by increased fuel costs be covered by an appropriation from the surplus in the Transportation Enterprise Fund. She said the committee would be exploring new ways of raising revenue for the bus routes, and would be requesting a meeting with the Parking Task Force to discuss raising parking permit fees and violation fines. Ms. O’Keeffe requested that she be part of the Parking Task Force, because its work is relevant to the Public Transportation and Bicycle Committee and the Public Works Committee, and she is liaison to both.

Ms. O’Keeffe asked what the next steps would be to take action on the Public Works Committee’s recommendation on the Pelham Road crosswalk and request for a public hearing on changing parking regulations on Cottage Street to improve public safety access. Mr. Shaffer said that he would advance those issues and recommend them for future agendas when ready.

No action taken.

Town Manager Evaluation Process

Mr. Weiss said that the deadline for the public and the Select Board to submit comments for the Town Manager’s evaluation is September 15th. Ms. Awad said that postcards announcing the process and the deadline were sent to Town Meeting members and members of boards and committees. She said she and Mr. Weiss did some editing to the form that the Select Board uses, making it shorter by eliminating some categories and combining others. Ms. Brewer requested that a copy of the form be posted on the Town web site so that the public knows how the Select Board’s evaluation is guided, and Mr. Weiss agreed to post it for informational value, but asked that it not be used for submitting public comment.

No action taken.

Annual Report

Ms. Brewer said that letters had not yet gone out to committees regarding the Annual Report, but would soon. She said that the deadline for submission was not yet determined but would be later than September 1st. Mr. Shaffer said that department heads had been notified and that they and committees were familiar with the yearly process. Mr. Weiss requested suggestions from Select Board members for details to include in the Select Board report.

No action taken.

LICENSES AND PERMITS

Special Liquor Licenses – UMass

VOTED unanimously with a single vote to approve two special liquor licenses for events at UMass, as indicated on the motion sheet: the Special Wine & Malt Liquor License for the University of Massachusetts for September 5, 2008 from 2:00 p.m. – 6:00 p.m. at the Isenberg School of Management Atrium for a reception; and the Special All Alcoholic Liquor License for the University of Massachusetts for September 18, 2008 from 3:00 p.m. – 6:00 p.m. at the Studio Arts Building for a reception.

TOWN MANAGER’S REPORT

Joint Meeting between Parking Task Force and PTBC

Mr. Shaffer said that he had scheduled a meeting (later confirmed for September 12 at 9:00 a.m. in the Town Room at Town Hall) between the Parking Task Force and the Public Transportation and Bicycle Committee to address the FY09 shortfall in the budget for PVTA service, and ongoing cost issues associated with the bus routes.

No action taken.

ADJOURNMENT

The meeting adjourned at 9:47 p.m.