

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Brewer at 6:30 p.m.

ATTENDANCE

Present: Alisa Brewer, Diana Stein, Stephanie O'Keeffe

Absent: Gerry Weiss

Town Manger Larry Shaffer

Members of the public: Rob Kusner, Bob Ackermann, Susan LeMay, Peggy Roberts, Irv Rhodes, Larry Kelley, Robert Phillips, Vladimir Morales

OPENING REMARKS/ANNOUNCEMENTS

Ms. O'Keeffe noted the September 12th deadline for the public to submit comments for the Town Manager's evaluation, and asked that the Select Board's deadline be postponed a week or more beyond September 15th, to allow more Select Board discussion of the process. She cited issues such as consideration of public comment and creation of mutually-agreed upon goals for next year, and said that having a quality evaluation was more important than adhering to an arbitrary deadline. It was agreed to move the Select Board's deadline to September 22nd while keeping the public's September 12th deadline.

Ms. Stein announced the Amherst Survival Center's furniture sale fundraiser to be held September 12th and 13th on the Town Common.

Ms. Brewer announced the September 15th training session on Open Meeting Law and Conflict of Interest, inviting all members of Town boards and committees, and interested members of the public.

PUBLIC COMMENT

Rob Kusner showed a brief video illustrating an issue with the bike lane on North Pleasant Street's southbound side between Phillips and Fearing streets. This topic would be addressed later in the meeting.

Bob Ackermann distributed copies of a September 2007 Amherst Bulletin article citing a challenge Larry Kelley issued to the Town Manager, betting \$10,000 on the outcome of an ethics inquiry that Mr. Kelley had requested, alleging conflict of interest by two Select Board members in their votes to waive effluent water fees to UMass. The money was to go to charity, and Mr. Ackermann asked if Mr. Kelley had followed through on the payment when the State Ethics Commission found no violation. Mr. Shaffer said that he had been confident about how the Ethics Commission would rule on the matter but had declined Mr. Kelley's bet because gambling is illegal.

SELECT BOARD'S ACTION

Special Municipal Employee Status for Town Meeting Coordinating Committee

Town Meeting Coordinating Committee Chair Peggy Roberts said that Special Municipal Employee status was sought to make serving on the committee possible for all interested Town Meeting members. **VOTED 3 to 0, 1 absent (Weiss)** to grant Special Municipal Employee Status to the Town Meeting Coordinating Committee.

Committee Appointments

VOTED 3 to 0, 1 absent (Weiss) to approve the Town Manager's appointment of Elisabeth Hamin to the Conservation Commission, for a term to begin September 8, 2008 and to expire June 30, 2011.

Community Funding Partners Presentation

Irv Rhodes, co-CEO and President of Community Funding Partners, Inc. explained the group's organization and business plan. It is headquartered in Amherst and in Kensington, NH, with ownership split equally between Mr. Rhodes and partner Jim Gould. The Funding Solutions subsidiary is working to create individualized local web shopping portals for communities around the country to help local businesses compete with chain stores, and to give a varying but specified portion of all purchases made through the site to local charities via locally-established committees. The Amherst site – isupportamherst.org – includes community networking features in addition to shopping, in order to create a town square feeling. Merchants will receive assistance in establishing a web presence and participating in e-commerce, and the site will let them create coupons. The group is affiliated with several organizations promoting local purchasing. Mr. Rhodes said that projections are for the site to return \$250,000 to local charities after the first year, and said the site would go live on September 15. **No Action taken.**

Flying Commemorative Flags on September 11th

Ms. Brewer reviewed some history of the commemorative flag issue: the Select Board's vote on 9/10/01 to establish the days commemorative flags would be displayed; their display on 9/11 the first few years after the event; Town Meeting's 41 to 96 vote in May 2007, rejecting a request to urge the Select Board to add 9/11 to the annual display dates. She read a statement from Mr. Weiss noting that history; expressing that while his own feelings are that flying the commemorative flags says “hooray for the USA,” others in the community feel differently; and that this is a time-consuming and distracting issue each year. Mr. Weiss suggested a compromise to fly the flags on 9/11 every three years beginning this year. Mr. Kelley talked about the 2001 vote coming hours before the attack and the associated and sometimes inaccurate news coverage of that vote. He talked about bringing one of the commemorative flags to Ground Zero and flying it above the Massachusetts State House, and getting multiple political autographs on his Ground Zero photo. He said the flags would not be displayed in celebration of the U.S. or its military action but in remembrance of the innocent people who died that day. Ms. Stein read a statement saying she had originally thought she would vote in favor of the proposal in order to bring the community together, but decided to vote against it for two reasons: the 2007 Town Meeting vote and a discussion with someone close to her who was traumatized by the experience of being in New York for the attack. Ms. Stein said that because the person felt strongly that flying the flags was for celebration and not an appropriate commemoration of this event that Ms. Stein could not vote to support their display. Ms. O'Keeffe said that she supported Mr. Weiss' proposal as a fair compromise, because while she supported flying the flags each year, the community is not united on the issue. She said that the compromise addresses the needs of both sides, that she would be unlikely to support a non-compromise proposal next year if the issue returns, and said that the compromise helped the Select Board and the community to move forward on the issue. Mr. Kelley was uncertain about the compromise and said that he was not the only person who might bring the issue forward in the future. Rob Kusner spoke in favor of the compromise; Robert Phillips said that flying the flags every three years was not enough. Mr. Shaffer said that an amended implementation policy

for flying the flags could be crafted to reflect a new decision by the Select Board. Mr. Shaffer noted the annual ceremony at the fire station to mark the anniversary and said this year's would commence at 10:00 a.m. on September 11.

VOTED 2 in favor (Brewer, O'Keeffe,) 1 opposed (Stein,) 1 absent (Weiss,) to amend the 2001 commemorative flag display policy to include September 11th in 2008, 2011, and every third year thereafter.

Alternative Energy Fair – Parking Meter Bagging

VOTED 3 to 0, 1 absent (Weiss) to approve the bagging of 21 parking meters along Boltwood Avenue to Spring Street (Common Side only) from 10:00 a.m. – 4:00 p.m. on Saturday, October 4, 2008 for the 4th Annual Renewable Energy Fair.

Committee Liaison List

Corrections were made to the liaison list, adding Ms. Stein as the Zoning Subcommittee liaison and Ms. O'Keeffe as a second representative Budget Coordinating Group and the Parking Task Force. Both agreed to e-mail those corrections to Judith.

Approval of Minutes

VOTED 3 to 0, 1 absent (Weiss) in a single vote to approve the minutes of the July 28, 2008 and the August 25, 2008 Select Board meetings, both as amended.

Upcoming Meeting and Calendar Expectations

It was noted how few meetings there will be in September and October, and the many commitments being made on those dates. Ms. O'Keeffe suggested that additional non-Monday meetings could be scheduled if necessary, and that scheduling other kinds of meetings during the Select Board's usual meeting time be avoided. Discussion of future meetings and other calendar notes included:

9/15 – 5:30 p.m. to 6:00 p.m.; Select Board meeting (2nd floor meeting room,) followed by Open Meeting Law and Conflict of Interest training (Town Room)

9/16 – UMass unions and League of Women Voters discussion about ballot Question 1. This event will be at 12 noon in the Campus Center auditorium and all are invited.

9/17 – 9:15 a.m.; Town officials meet with Superintendent search representatives

9/18 – noon deadline for SB members to submit questions for packet regarding 9/22 discussion of 10/25 meeting

9/22 – SB meeting: Mr. Mooring to address line painting issues, SB to discuss ideas for 10/25 budget meeting; Mr. Shaffer will not be present.

10/2 – 7:00 p.m.; Community Choices Committee forum to present budget scenarios and get public feedback (Town Room)

10/30 – AEF Trivia Bee; Ms. Brewer suggested that the Select Board compete as a team

October (date, time, location TBA): Dept. of Conservation and Recreation's public meeting to present Norwottuck Rail Trail design plans and get public feedback

No action taken.

LICENSES AND PERMITS

Taxi License

VOTED 3 to 0, 1 absent (Weiss) to approve the new Taxi Driver/Chauffeur License for Susan LeMay, 20 West Street, West Hatfield, MA.

Special Liquor License - UMass

VOTED 3 to 0, 1 absent (Weiss) to approve the Special All Alcoholic Liquor License for the

University of Massachusetts for October 16, 2008 from 4:30 p.m. – 7:00 p.m. at South College for a reception.

Special Liquor License - UMass

VOTED 3 to 0, 1 absent (Weiss) to approve the Special All Alcoholic Liquor License for the University of Massachusetts for October 17, 2008 from 4:30 p.m. – 10:00 p.m. at Memorial Hall for a reception/dinner.

Special Liquor License – Atkins Cruise Night

VOTED 3 to 0, 1 absent (Weiss) to approve the issuance of a Special License for Wine & Malt to R&P Liquors for September 15, 2008 from 4:30 p.m. – 8:30 p.m. at Atkins Farm – Cruise Night event.

Lunch Cart License and Town Common Use – Pizza Shark

The Pizza Shark lunch cart license had lapsed and renewal was sought to allow for operation on the Town Common during the Survival Center's furniture sale.

VOTED 3 to 0, 1 absent (Weiss) to approve Wild Iris, L.L.C. d/b/a River Shark Cafe a lunch cart license for the term to begin September 8, 2008 to December 31, 2008.

VOTED 3 to 0, 1 absent (Weiss) to approve Wild Iris, L.L.C. d/b/a River Shark Cafe the use of its lunch cart properly license with the State of Massachusetts Hawkers and Peddlers license and by Town of Amherst Board of Health for use of the Town Common beginning Friday, September 12, 2008 from 11:00 a.m. to 5:30 p.m. and on Saturday, September 13, 2008 from 11:00 a.m. to 5:30 p.m., to support the “Trash to Treasures”/Amherst Survival Center fundraising event.

CHAIR'S REPORT

Annual Community Breakfast

Ms. Brewer said that Select Board members and the Town Manager had attended the annual community breakfast sponsored by UMass and the Chamber, and that about 400 people had gathered to welcome new UMass Chancellor Robert Holub.

No action taken.

TOWN MANAGER'S REPORT

Recent Water Issue

Mr. Shaffer reported that test results received on August 30th showed no coliform or E. coli, and said that the Department of Environmental Protection determined that no limitations on drinking water were necessary. The original positive coliform hits were theorized to be the result of runoff from the summer's heavy rains, and the E. coli hit may have been a false positive. He praised the DPW and others who had been working hard on this issue. Vladimir Morales praised the Town Manager for his handling of the water issue and suggested creating a volunteer civil defense network, as he said had existed when he was growing up in Puerto Rico. Mr. Shaffer said that civil defense is now called emergency management and is one of local government's most important functions. He spoke of the planning entailed and preparations in place, and used the example of flu epidemic as one of the major crises for which the Town has a ready response network.

No action taken.

West Nile Virus

Mr. Shaffer reported on West Nile Virus being found in local mosquitoes and cautioned the public to take appropriate protective measures with their window screens, clothing and outdoor activities.

No action taken.

Pelham Road Crosswalk

Mr. Shaffer reported that he and Town Engineer Jason Skeels will meet with the Disability Access Advisory Committee at 3:00 p.m. on September 16th to plan the ADA-compliant crosswalk that will replace the interim non-compliant one on Pelham Road near the Amethyst Brook Conservation area.

No action taken.

North Pleasant Street Bike Lane

Mr. Shaffer said the bike lane on the southbound side of North Pleasant Street between Phillips and Fearing streets is about 3.5 feet wide, compared to being about 5 feet wide just north of that section. The curb had been intended to be moved back, but finishing the project before the UMass move-in precluded that. The width is adequate, but a section of curb jutting into the lane and a storm drain are problematic. Ms. O'Keeffe expressed appreciation for the repaving and the bike lanes, and noted that cutting the curb would narrow the sidewalk. Mr. Shaffer said that addressing the problem would not occur before next spring. Mr. Kusner suggested lowering the curb as a more immediate interim fix. There was discussion of a draft proposal Mr. Kusner had offered to the Select Board to reaffirm the Town's commitment to creating and maintaining bike lanes, and it was determined to be best to have Mr. Mooring address the Select Board to talk about issues of painting lines for bike lanes, travel lanes and crosswalks: the repainting schedule, priorities and resource allocation. Mr. Shaffer said that he would try to have Mr. Mooring provide this update at the September 22nd meeting.

No action taken.

Planning for Future Uses at Former Landfill

Mr. Shaffer talked about the process for considering reuse options for 51 acres of former landfill space. A committee with representatives from LSSE, the Refuse and Recycling Management Committee and the public, is studying the issue and considering possibilities including creating recreation land, photo voltaic fields and a new DPW facility. The committee's recommendations will go to a consultant for further study, followed by submission of the proposal to the Department of Environmental Protection for consideration. Due to the DEP's concerns about possible hazards to children, using the land for recreation is unlikely, and budget projections and other major capital needs (fire station, school buildings and road repair) also make a new DPW facility less likely. The Select Board will be updated on the content and timeline of the proposal when it is submitted.

No action taken.

Kendrick Park Planning

Mr. Shaffer said that 25-30 people had attended a meeting at Kendrick Park with members of Promoting Downtown Amherst. Gathering thoughts and ideas from businesspeople is among the Kendrick Park Committee's outreach efforts. A meeting for the neighborhood will be held at the park on Sunday, September 14 at 2:00 p.m., and a general community meeting will be held at Town Hall on Tuesday, October 14 at 7:00 p.m. A survey was published and distributed by the Gazette and the Amherst Bulletin, yielding many suggestions, and other ideas can be e-mailed to kendrickpark@amherstma.gov. Mr. Shaffer said he is pleased with the committee's progress and excited about the development of this important parcel. Ms. Stein said she had attended a park tour and was impressed by the cataloging of the trees. Mr. Shaffer said all tree and shrub information will be added to the GIS system, and said several subcommittees were addressing different park elements.

No action taken.

Plum Brook Fields Update

Mr. Shaffer said that the land will soon be slit-seeded with a seed mixture UMass has found to be successful for turf. The seeds will be purchased locally and a management plan will be presented to the

Conservation Commission. The current 50/50 ratio of grass to weeds should be improved to approximately 80/20, in time for play in the spring of 2009. Ms. Brewer said that the public needs to remember that the sensitive nature of the Plum Brook parcel means it will not be herbicided and groomed to golf course-like standards. Ms. Stein said that more frequent mowing may help to increase the grass and reduce the weeds, due to their different growth patterns.

No action taken.

Lincoln Avenue Neighborhood Meeting

Mr. Shaffer said a meeting with the Lincoln Avenue neighbors will take place at Town Hall on October 21, that the DPW report on the traffic cushion experiment will be distributed there, and a recommendation from the Public Works Committee was expected by then as well. The Fire Chief is being asked to formalize recommendations regarding closing off traffic with gates and similar options, and to explain the necessity of certain emergency access routes. A request to close off Lincoln and Sunset avenues for Halloween trick-or-treating was anticipated.

No action taken.

Bus Route 32

Mr. Shaffer said a joint meeting of the Public Transportation Committee and the Public Works Committee will be held Friday, September 12 at Town Hall to discuss ideas for meeting the current budget shortfall for the Atkins to Puffers Pond bus route, and to address future costs. The original FY09 shortfall has been reduced to less than \$10,000 – from an original \$25,000, then reconsidered by UMass transit – and would require a Town Meeting appropriation to fund if the contract is not further reduced. Other options include modifying the route to reduce miles, or as a least-desirable option, suspending service for the year once the current fund appropriation is spent. Route 32 has the lowest ridership, but that has been increasing. The meeting is posted as a Select Board meeting, in case three members attend; if that occurs, minutes are necessary. Ms. Brewer noted that September 24 is the deadline for warrant article language, should an additional appropriation be needed for the route shortfall.

No action taken.

Donahue Institute

Mr. Shaffer said that the UMass Donahue Institute has volunteered to analyze if Amherst's population is being under-counted by the census, at no cost to the Town. The counts are important because they affect funding formulas, so the Town would benefit from a higher count. Mr. Shaffer expressed appreciation to the Donahue Institute for taking on this project.

No action taken.

No New Status

Several topics were noted to have no new status to report, including ambulance negotiations with Hadley, the North Amherst PRP land, the Hills House lots purchase, new space for SunEthanol, and the pursuit of a current or multi-year agreement with the Regional Schools for Town use of the Middle School pool.

No action taken.

ADJOURNMENT

VOTED 3 to 0, 1 absent (Weiss) to adjourn the open meeting at 10:10 p.m.

-- Respectfully submitted by Stephanie O'Keeffe