

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Weiss at 6:30 p.m.

ATTENDANCE

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

Absent: Town Manager Larry Shaffer

Assistant Town Manger John Musante

Town Staff: Guilford Mooring

Members of the public: Isaac BenEzra, Robert Phillips, Rob Kusner, Jim Wald

OPENING REMARKS/ANNOUNCEMENTS

Mr. Weiss announced the October 2nd kickoff presentation by the Facilitation of the Community Choices Committee at 7:00 p.m. at Town Hall. Different budget scenarios for the Town, Schools and Libraries will be presented, public feedback will be sought, and the community is urged to attend. Ms. Brewer noted Mr. Saul's letter in the 9/19 Amherst Bulletin, explaining the committee's purpose.

Ms. Stein announced that the Town Meeting Coordinating Committee wants a Select Board liaison. Mr. Weiss said that a TMCC member had contacted him. Mr. Weiss agreed to be a contact person for the group, but would not attend meetings, and he said that met the committee's needs.

Ms. Brewer announced the Apple Harvest Festival to be held September 27th on the Town Common to benefit the Amherst Family Center, and noted that she and Mr. Weiss would be working at the event. She also announced the food drive to be held that day at a truck parked by the Common. This will benefit the Amherst Survival Center as part of Hunger Awareness Month, and donations of pasta and canned tuna, meat and stew are encouraged.

Mr. Weiss announced that nomination papers were submitted for the November 4th Special Election by four candidates: Vladimir Morales, Aaron Hayden, David Keenan and Calvin Brower. Mr. Weiss noted that the winner would serve out the remaining months of Ms. Awad's term, and that the seat would be up for election again in the spring.

Ms. Brewer announced the North Amherst Community Farm annual celebration on September 28th and the Amherst Fire Department open house on October 4th.

PUBLIC COMMENT

Isaac Ben Ezra spoke about the banking crisis and proposed bailout, the importance of keeping families in their homes, and the need for the community to pay attention to and participate in such issues.

Robert Phillips spoke about the lost revenue and impacts to UMass and the community if ballot question 1 to repeal the State personal income tax is successful. He talked about recent events mobilizing opposition to the question, asked if the Select Board would be taking a position on the issue,

and asked if it might be put on the next agenda. Mr. Weiss said he would be scheduling State Senator Stan Rosenberg to address the Select Board on this issue, and that the Select Board would probably take a position at that time. There was discussion of upcoming meeting dates, and that a presentation by Senator Rosenberg might be a good introduction to the “Four Boards” meeting on October 6th.

SELECT BOARD'S ACTION

Update on Road Maintenance

DPW Superintendent Guilford Mooring reported on the status of line painting in town: there are two types of line painting – center lines (including edge lines and bike lanes) and detail work (cross walks, bike logos, stop bars, “onlys” and arrows. The “No bikes” logo that used to be painted on downtown sidewalks was done by the Police, not the DPW.) The center line work is done by a contractor and the detail work is done in-house. About one-quarter to one third of all lines are painted each spring and fall. The times of painting are usually before graduation and after paving season, typically around the start of the school year. Center line painting is done for the year, some detail work remains, and almost all the intersections are completed. Currently, about \$24,000 is budgeted for the contracted line work, and to contract out the detail work as well and allow for every element of repainting to occur every year would require doubling or tripling the painting budget. Because the detail work is done by the same one or two people who do sign replacement, there is not enough time available during appropriate weather conditions to get to all of it. It was explained that the Public Works Committee is advisory to the Select Board on certain aspects of transportation; that it is not the same as the sort of Board of Public Works found in Northampton and other communities; and that the Select Board maintains power over the public ways, as well as water and sewer. Rob Kusner encouraged the Select Board to enforce a Town Meeting resolution supporting creation and maintenance of bike lanes. Mr. Mooring said the DPW already follows Select Board policy for creating bike lanes with specific dimensions where possible, but that they are occasionally rejected by other oversight bodies during the review process. Select Board members noted that the key problem was insufficient funds, and that discussions on how to prioritize those funds were ongoing. Per pot hole repair, Mr. Mooring said there are about 15 on the list to be filled through mid October; that asphalt costs \$90 to \$100 per ton currently; and that budget problems, including needing to fund four positions from a \$120,000 project account, leave him with insufficient labor and supplies to tend to all the road needs. Mr. Mooring said the Lincoln Avenue neighborhood meeting would be held October 28th at 7:00 p.m. in the Town Room, and at the time, results of the traffic cushion experiment will be presented (they reduced traffic speed but not volume,) as well as an overall traffic management policy proposal detailing different traffic calming options. There was brief discussion about the intersection of Strong and East Pleasant streets and how past traffic studies have shown that the area doesn't meet the criteria for a traffic light.

No action taken.

Introduction to Creating a Local Historic District

Jim Wald, Chair of the Historical Commission, talked about Local Historic Districts: they preserve the character of neighborhoods and areas by maintaining viewsapes and exterior appearances; they don't deal with issues like paint color, window types or swing sets, and such are common misunderstandings. Local Historic Districts overlay existing zoning, without altering it; they offer more protection against demolition and alteration than do National or State historic designations, which are primarily honorific; and they can be as large or small as desired. He said that the process for establishing Local Historic Districts is complicated, and summarized a flow chart of State requirements. He explained that the first step is the establishment of a Local Historic District Study Committee by the Select Board, and its appointment of committee members. Ultimately, a warrant article to establish the district would be brought to Town Meeting, requiring a 2/3 vote to pass. He hoped the process could occur in time for the article to be on the Fall 2009 or Spring 2010 Town Meeting warrant. He said that most objections to forming such districts are based on misunderstandings of their jurisdiction. He requested the Select

Board's approval to move forward with the plan, which he received, and it was agreed that he would supply the Select Board with a model charge for establishing the Study Committee. Mr. Weiss said that noon October 16th is the deadline for getting the item on the October 20th agenda.

Action: Agreed by consensus to support the Historical Commission pursuing creation of a Local Historic District Study Committee, and to expect a proposed committee charge from Mr. Wald.

Referral of Zoning Articles to Planning Board

Mr. Musante advised that referring zoning articles to the Planning Board would be a necessary pro forma step if citizen zoning petitions had been submitted for the warrant. Without such, no Select Board action was required.

No action taken.

Town Manager Evaluation Process

Ms. O'Keeffe presented a draft questionnaire for soliciting staff feedback (*Staff Questionnaire for Town Manager Evaluation, 9/22/08;*) draft text for a cover memo to accompany the questionnaire (*Staff Questionnaire Cover Memo, 9/22/08;*) and a draft timeline for how the process might proceed (*Proposed Town Manager Evaluation Timeline, 9/22/08.*) Select Board members supported using the questionnaire and attempting to adhere to the timeline (9/24 – distribute form to staff with a 10/1 deadline for returning them to the Select Board office; received forms sent out in 10/3 SB packets; SB evaluations due to Chair 10/8; dates not yet determined for presenting the composite evaluation to the Town Manager or meeting to set performance goals for this year.) There was discussion about whether questionnaires should go to all Town staff or just Department Heads, and the sense seemed to favor all staff. It was discussed and agreed that anonymity was necessary. It was suggested that forms be numbered to prevent one person from photocopying a form and returning multiple copies. It was suggested that Department Head forms be marked with a DH, so that the Select Board is aware of what and how much feedback is received from those staff, with concern expressed over whether that might impede honest responses. There was uncertainty as to whether such forms would go in the Town Manager's personnel file, and if so, that they should not be marked DH. Mr. Weiss said he would seek an opinion from Town Counsel about that matter, and said that might also impact public comments, which have been submitted with the expectation of confidentiality. He said he believed that only the individual Select Board member evaluation forms needed to be part of the Town Manager's personnel file. Mr. Musante suggested being cautious about drawing broad conclusions from small samples, and it was noted that the same caution must be applied to public submissions. Ms. O'Keeffe said that the proposed process was imperfect but an improvement, and suggested that the Massachusetts Municipal Association be consulted as a resource for next year.

Action: It was agreed without a vote to distribute the questionnaire to all staff; that anonymity of responses was necessary; that there was no objection to numbering the forms to protect against duplicate responses; that there was no objection to marking DH on forms sent to Department Heads, provided the forms would be confidential and not part of the Town Manager's personnel file; and that Mr. Weiss would seek Town Counsel's opinion about what goes into the personnel file.

Scheduled Signing of the Town Meeting Warrant

Mr. Musante said that the Town Meeting Coordinating Committee would appreciate the Select Board signing the warrant earlier than the anticipated October 20th date. It was decided to schedule a one-hour meeting for 8:00 a.m. on Tuesday, October 14th to sign the warrant and conduct other business as necessary. With the earlier signing, other Town Meeting preparation dates could be moved up as well.

Action: Agreed without a vote to schedule a 10/14 meeting at 8:00 a.m. to sign the warrant and conduct other business as necessary.

Annual Report Update

Ms. Brewer said that all committees had been contacted regarding their annual reports; that the due date was September 15th, but that some committees were awaiting the formal vote of approval on their reports prior to submission; and that progress was good. She said that she believed nearly all the department reports were received, and that she was awaiting receipt of all the reports received so far from Ms. Arcamo. Ms. Brewer said that she would be editing the reports and that she and Mr. Shaffer were discussing the possibility of small changes to the overall report format. Mr. Weiss said that the Select Boards report was not yet done, and suggested that Ms. Brewer, Ms. Stein and Ms. O'Keeffe each review four months of FY08 Select Board work, and provide him with a summary of what the Board did during that time. It was agreed that these summaries would be sent to Mr. Weiss by October 14th, and that he would have a draft report ready for approval at the October 20th meeting.

Action: Without a vote, it was agreed that FY08 Select Board work would be reviewed and summarized as follows: Ms. Brewer – July through October; Ms. O'Keeffe – November through February; Ms. Stein – March through June; and that summaries would be sent to Mr. Weiss by 10/14, for his preparation of a report for 10/20.

Review of Special Municipal Employee Policy

Ms. Brewer discussed the Special Municipal Employee application process as approved by the Select Board in November 2006, and the related provisions of State law. She said that State law says that the status does not expire and remains unless revoked, but that the local procedure says it requires annual reapplication and approval. She referenced past Select Board action asserting that the status does not expire, and her own emphasis of that point with each approval of an SME application. She said the policy should be changed to reflect the accepted practice. Mr. Weiss noted that when the process was approved in November 2006, it was recommended that it be reviewed by November 2008. Ms. Brewer requested that members consider the policy and prepare suggestions and ideas for the next meeting

No action taken.

Preparation for 10/25 Department Head Meeting

There was discussion about the budget questions members had prepared for discussion related to the October 25th Department Head meeting. It was decided that the desired outcome of the meeting was information to help the Select Board be more knowledgeable in its creation of budget policy directives for the Town Manager, and to provide another opportunity for educating the public about the budget situation and its impact on Town programs and services. With limited time available for each report, it was determined that asking a few broader questions to all departments would be more productive than many varied specific questions. It was agreed that presentations focused on “highlights” of current and future budget implications would be most useful, and that more general and historic info could be provided in a one-page document (back and front, if necessary) beforehand. Such documents would also be useful to post on the “Budget Process” section of the Town web site. Ms. Stein and Ms. Brewer agreed to work together to reshape the questions and to make recommendations on the kind of details to include in the written information. It was also decided that the group's original questions would still be passed along to the relevant Department Heads, who may or may not chose to address them at the meeting. Mr. Musante suggested that the Select Board focus not just on spending priorities, but also on larger goals, such as how land use and legislative or regional strategy fit with those priorities.

Action: Without a vote, it was agreed: that Ms. Stein and Ms. Brewer will work on the questions that will be asked of each department; that historical info and other details would be requested in writing prior to the meeting, and that the original questions would still be given to the Department Heads.

Committee Appointments

VOTED unanimously with one vote to approve the appointments of Pauline Lannon to the Agricultural Commission, and Patrick Brock to the Personnel Board, both for terms to begin September 22, 2008 and to expire June 30, 2011.

Approval of Minutes

VOTED unanimously to approve the minutes of the September 15th Select Board meeting as written.

Liaison Reports

Mr. Weiss reported on the Council on Aging, about a study conducted by UMass and Smith College students at the Senior Center, regarding software and technology to assist seniors in their homes. Different elements include video phones, Internet access, cameras and motion detectors that can detect falls and contact EMS, systems to help find lost items, and more. With the cooperation of Senior Center staff, volunteers and attendees, 32 people participated in the study, which helped the psychology and computer programming students to refine their software. Also, the Senior Center's 40th anniversary celebration is October 19th, 5:00 p.m. to 9:00 p.m. at the Senior Center, and reservations are requested.

No action taken.

Mr. Weiss reported on the Kendrick Park Committee's recent meetings with *Promoting Downtown Amherst* and with neighbors, to gather thoughts and ideas on future uses of the park. A community meeting on the issue will be held October 14 at 7:00 p.m. in the Town Room.

No action taken.

Ms. Stein reported that the Design Review Board is considering plans for a new awning as part of the expansion of the Amherst Brewing Company.

No action taken.

Ms. Brewer said that the 250th Anniversary Celebration Committee had held a fundraiser on September 15th, and that the committee is selling daffodil bulbs as part of massive town-wide daffodil bloom planned for next spring. Bulbs are being sold at the Farmers Market and at Hadley Garden Center.

No action taken.

Ms. Brewer reported that the Housing Partnership/Fair Housing Committee will hold a public hearing on September 24th at 7:00 p.m. at Town Hall to talk about formation of a municipal housing trust fund, which will be a warrant article at Fall Town Meeting.

No action taken.

Ms. O'Keeffe reported that the Public Transportation and Public Works committees are working on recommendations that will come to the Select Board in the future, and said that the Amherst Housing Authority Board of Commissioners had voted to support the municipal housing trust fund article.

No action taken.

Community Preservation Act Ballot Question

Mr. Weiss asked what the Select Board thought about members writing letters to the paper regarding the upcoming ballot question to increase the Community Preservation Act surcharge to 3%. Ms. Stein said that letters written by individual Select Board members expressing differing views might give an inaccurate impression of Board dynamics. It was suggested that the Board might jointly offer two perspectives on the topic. It was agreed to pursue a joint letter or column on the issue, with Mr. Weiss and Ms. Stein writing in support of the increase, and Ms. Brewer and Ms. O'Keeffe writing in opposition to it. Mr. Weiss agreed to contact the newspaper to arrange it.

Action: It was agreed to jointly create a letter or column expressing support and opposition to the CPA increase ballot question.

Discussion of OML/COI Training Session

There was discussion and agreement that changes could be made to make future Open Meeting Law and Conflict of Interest Law training sessions more effective. Suggestions included having a Select Board member or the Town Manager be host or moderator for the discussion; holding a separate session for Town employees; holding separate sessions for Open Meeting Law and Conflict of Interest; more focus on questions and answers instead of long presentations; and informing the presenter beforehand about our and intentions for the session.

Action: It was agreed to plan and manage future OML/COI training differently.

LICENSES AND PERMITS

No license and permits were considered at this meeting.

CHAIR'S REPORT

Annual Amherst College Luncheon

Mr. Weiss reported on the September 18th Amherst College luncheon: it included Amherst College officials, Town officials and State Senator Stan Rosenberg and State Representative Ellen Story, among others. Many Town-Gown initiatives by Amherst College, including expansion of their Zip Car program to town residents as of October 1st, the donation of land and other significant involvement with the Habitat for Humanity construction of four houses on Stanley Street; the pending expansion and renovation of the Lord Jeffrey Inn, using green construction practices and locally-purchased materials; the joint celebration of Noah Webster's 250th birthday by the College and the Jones Library; projects involving the Amherst public schools; the College's previous financial gift to the Town; and more. Mr. Weiss praised President Tony Marx for appreciating that the College's interests are linked to the Town's success. All expressed appreciation for the Amherst College officials, their efforts, and the lunch.

No action taken.

Election Calendar

Mr. Weiss announced relevant dates for the November 4th Special Election: 10/2 – last day to withdraw name from ballot; 10/15 – last day to register to vote. Ms. Brewer said sample ballots will soon be available on the Town web site, and noted that there will be separate national and local ballots.

No action taken.

TOWN MANAGER'S REPORT

Tourism Summit

Mr. Musante reported that Mr. Shaffer had attended a meeting in Northampton with Northampton city leaders, the President of Smith College, representatives from the Northampton and Amherst Chambers of Commerce, representatives from Hadley, from local cultural institutions and from the local tourism industry. The goal was to seek opportunities for collaboration in the key economic sector of regional cultural tourism, such as Museums10. Mr. Musante said Mr. Shaffer will summarize the meeting highlights in a memo.

No action taken.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:25 p.m.

-- Respectfully submitted by Stephanie O'Keeffe