

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Weiss at 6:31 p.m.

ATTENDANCE

Present: Gerry Weiss, Diana Stein, Alisa Brewer (6:33,) Stephanie O'Keeffe

Absent: (none)

Present: Town Manger Larry Shaffer

Town Staff: Jonathan Tucker

Members of the public: Mary Wentworth, Larry Ely, Rob Crouner, Joel Castleman, Harry Delano, Keith McCormic, Andrew Dawson, Robert Phillips, Phil Jackson, Jonathan O'Keeffe

OPENING REMARKS/ANNOUNCEMENTS

There were no opening remarks or announcements.

PUBLIC COMMENT

Mary Wentworth suggested that the Select Board appoint a Task Force to assess Amherst' ability to deal with a financial or environmental crisis, and to consider how shortages of food, fuel, electricity and medical assistance might be addressed. Mr. Shaffer said that emergency management is a key community concern and one for which significant training and coordination is practiced. Mr. Weiss suggested that a discussion of such plans and consideration of possible gaps in the process be scheduled for a future meeting.

Larry Ely of the Massachusetts Coalition for Healthy Communities presented material to the Select Board regarding a non-binding local ballot initiative about proposed reduction of greenhouse gas emissions in Massachusetts by 80% by 2020. He asked that the Select Board consider a public statement of support for the initiative, which will be Question 6 on Amherst's local ballot November 4th. It was suggested that this be considered for the October 27th agenda.

SELECT BOARD'S ACTION

Puerto Rican Day Proclamation

Ms. Stein read the text of the Puerto Rican Day proclamation, marking November 19, 2008 as the celebration of Puerto Rican day. It was noted that a ceremony in the Town Room will precede the Puerto Rican flag-raising on November 10th, and that ceremony details will be put on the Town web site. **VOTED** unanimously to proclaim November 19, 2008 Puerto Rican Day and to permit the Puerto Rican Flag to be flown from November 10 to November 26, 2008.

Approval of Minutes

VOTED unanimously to approve the minutes of the October 14, 2008 Select Board meeting as amended.

Clarification of TMCC Budget Forum Date

Ms. Brewer said that the flier in the first Town Meeting packet regarding the Town Meeting Coordinating Committee's October 28th forum noted the wrong day of the week, and confirmed that the forum is scheduled for Tuesday, October 28.

No action taken.

Information on Department Head Meeting

Mr. Weiss said that the Select Board would meet with Department Heads on Saturday morning, October 25th at 8:00 a.m. He said that no comments or questions from the public will be taken at that meeting.

No action taken.

Presentation by Question 1 (Repeal of State Income Tax) proponent

Keith McCormic, Republican candidate for State Senator and advocate for Question 1 – repeal of the State's personal income tax – spoke of his background, his job as a teacher, and his reasons for supporting the question. He spoke of the growth in State spending and debt over the last ten years, and said his examination of the budget made him confident that the legislature could cut \$12 billion of waste and excess. He advocated for allocating more State revenue to the poor, and said that only corruption or incompetence would keep the legislators from maintaining local aid if Question 1 passes. Select Board members expressed concern about the details, methods, analyses and projections cited by Mr. McCormic, but expressed appreciation for his calling attention to issues of spending, waste and priorities. Andrew Dawson, a UMass student, and Robert Phillips, a Holyoke Community College student, expressed concern about potential impacts of Question 1 passage. The Select Board took a position opposing Question 1.

VOTED unanimously the following motion: To protect our community and its future, the Select Board urges Amherst citizens to vote no on Question 1, which is the repeal of the Massachusetts State income tax and which is on the November 4th, 2008 ballot.

Halloween Street Closure – Lincoln, Sunset, McClellan

Phil Jackson requested closures of Lincoln and Sunset avenues between Fearing and Amity streets, and McClellan Street between North Pleasant Street and Lincoln Ave., for a couple of hours on Halloween for trick-or-treating. The proposal had already been considered by the Police, Fire and Public Works departments, and recommended for approval with appropriate staffing of the sawhorses. The Select Board approved the request with details outlined in the 10/1/08 memo from the Town Manager. Mr. Jackson also mentioned concerns about a house at the corner of Lincoln and Amity that recently changed ownership and has since had issues of trash and excessive numbers of parked cars. Mr. Shaffer said the Town is aware of the problem and is trying to address it.

VOTED unanimously, consistent with the Amherst Town Government Act, Section 3.244, to authorize the closure of Sunset Avenue from Fearing Street to Amity Street; Lincoln Avenue from Fearing to Amity Street; and McClellan Street from North Pleasant Street to Lincoln Avenue, on Friday, October 31, 2008 from 5:15 p.m. to 7:30 p.m. to facilitate a safe and enjoyable Halloween celebration.

Liaison Reports

Ms. Stein said she has been attending the meetings about the Zoning articles for Fall Town Meeting.

Ms. O'Keeffe said that she and Ms. Brewer, along with APD Captain Mike Kent, Kate Seaman from the Select Board office, and Martha Nelson Patrick from the Campus and Community Coalition, attended a seminar for liquor license authorities and regulators, put on by the Alcoholic Beverage Control Commission, October 17th in Easthampton. She said that she learned about Ms. Seaman's extensive licensing knowledge, and all the details Ms. Seaman and the Police Department handle before sending a

license application or renewal to the Select Board for approval. Ms. O’Keeffe and Ms. Brewer intend to combine their notes on the meeting and do more research to present a summary of the process to the Select Board so that members better understand their role and responsibility.

WARRANT ARTICLES

November 10, 2008 Special Town Meeting Articles

Ms. O’Keeffe noted that she has a disclosure on file with the Town Clerk’s office, stating that she does not face a conflict from her husband’s service on the Planning Board, and that she believes she can be fair and impartial in considering recommendations on zoning articles.

Article 7 – Zoning Bylaw - Duplexes in R-G & R-VC

Planning Board member Jonathan O’Keeffe and Planning Director Jonathan Tucker presented the details of the proposed zoning bylaw change to allow duplexes by Site Plan Review in the General Residence and Village Center Residence districts. The proposal seeks to encourage residential density in already-developed residential areas, in keeping with the priorities expressed during the Master Plan process. The proposal calls for new duplexes to go through the design review process with the Design Review Board, so that their appearance and construction are in keeping with the character of these areas. Select Board members expressed concerns about exacerbating student rental problems, which was deemed to be an issue of code enforcement rather than of zoning.

VOTED unanimously to recommend Article 7 – Zoning Bylaw – Duplexes in R-G & R-VC. Ms. Brewer will speak to the article.

Article 8 – Zoning Bylaw – B-G & B-VC Residential Density

Mr. O’Keeffe and Mr. Tucker presented this proposed bylaw change which would allow for increased mixed-use density in the business districts by eliminating the lot area requirement. Instead, the number of units would be controlled by factors including health and building codes and market demand. The building envelope would still be regulated by existing dimensional requirements such as setbacks. This article encourages expanded residential options above ground floor businesses and increases the viability of growing current one- or two-story downtown buildings upwards. Mr. Shaffer said that increasing downtown housing would increase the downtown’s strength and taxable value, and he said the proposed change is timely and important.

VOTED unanimously to recommend Article 8 – Zoning Bylaw – B-G & B-VC Residential Density. Mr. Weiss will speak to the article.

Article 9 – Zoning Bylaw – Recreation Facilities

Mr. O’Keeffe and Mr. Tucker explained this proposed bylaw change which seeks to require 1,000 square feet per dwelling unit -- for multi-unit dwellings of four or more units -- of open space for active or passive recreation, and allows eligible nearby recreation space to count toward that requirement. They explained that this was following up on a proposal referred back to them at a previous Town Meeting. It helps to balance encouragement of increased density with the need for open space. It also brings development of town houses, apartments and converted dwellings into line with the open space requirements for multi-unit dwellings in Planned Unit Residential Developments (PURDs) and cluster developments. The article also seeks to provide guidance to regulatory bodies by providing definitions of active, outdoor and passive recreation, and it clarifies existing language related to private recreation and “usable” open space. A suggestion from the original proposal to allow paying a fee to the Leisure Services Commission in lieu of providing open space is still under consideration.

VOTED unanimously to recommend Article 9 – Zoning Bylaw – Recreation Facilities. Ms. Brewer will speak to the article.

Article 10 – Zoning Bylaw & Map- Professional Offices in Light Industrial District

Mr. O’Keeffe and Mr. Tucker explained that this article is a continuation of recent successful efforts to expand zoning areas in which technical and professional offices are allowable uses. There are only two Light Industrial zones, and for the one off of North Whitney Street, this article also normalizes the zoning boundary with the property lines. It was explained that earlier Planning Board proposals to expand the allowable location of such offices had included the Light Industrial zone, but that the zone was removed from the Fall 2007 Professional Research park article due to past opposition. The change would allow for a wider range of potential uses for the remaining Light Industrial parcels.

VOTED unanimously to recommend Article 10 – Zoning Bylaw & Map- Professional Offices in Light Industrial District. Ms. Stein will speak to the article.

LICENSES AND PERMITS

Public Hearing opened at 6:52 p.m.

Public Hearing closed at 6:53 p.m.

This item began with discussion at 6:45 p.m., as scheduled, without the formal opening of the public hearing. Receipts from the certified abutters’ notices were provided to the Select Board. Attorney Joel Castleman described the requested transfer of liquor license from the Jardel Corporation, doing business as Delano’s, to Mugsy’s Pub, doing business as Stacker’s. He explained the background of Manager Brian Stahl; the alcohol service training and age verification methods that will be in place; and new owner Thomas Murphy’s record and reputation as owner of McMurphy’s. The hearing was formally opened, no one from the public offered any comment, and the hearing was closed. With license approval, Stacker’s is expected to open in early January of 2009.

VOTED unanimously to approve the Transfer of License from Jardel Corp d/b/a Delano’s (Manager: Harry Delano) to Mugsy’s Pub d/b/a Stacker’s (Manager: Brian Stahl), 57 North Pleasant Street.

TOWN MANAGER’S REPORT

Senior Center Celebration

Mr. Shaffer spoke about attending the October 19th celebration of the Senior Center’s 40th anniversary. He said that Ms. O’Keeffe and Assistant Town Manager John Musante had also attended. He praised past and present staff and Council on Aging members for the Senior Center’s creation and success.

No action taken.

Regionalizing Emergency Dispatch

Mr. Shaffer said that he had met with representatives from the State’s 911 initiative program, which distributes cell phone surcharges to communities for improving their emergency response through regionalized dispatch. He said that Amherst, Hadley and UMass had agreed to collaborate on a grant application to fully-fund a feasibility study to evaluate the creation of a regional emergency dispatch system, and said additional grant money is available to assist with the regionalization. He said other towns will be contacted to see if they are interested in participating as well. The grant application to fund the feasibility study is due December 15th.

No action taken.

October 25th Department Heads Meeting

Mr. Shaffer said he had met with Department Heads in preparation for Saturday’s budget meeting with the Select Board. He said they are preparing their presentations and written submission, with the latter expected to be distributed to Select Board members on Thursday. Breakfast will be from the SAFE program pancake breakfast at North Fire Station, which Ms. Brewer will pick up before the meeting.

No action taken.

CHAIR'S REPORT

Mr. Weiss and Ms. Brewer spoke about the Massachusetts Municipal Association Selectmen's Conference they had attended on October 18th in Sturbridge. There were presentations about: the global economic crisis and bailout; the State's projected budget shortfall and its potential impact on communities; implications for the loss of income tax revenue if Question 1 passes; civilian flaggers at construction zones; structural deficiency of State bridges; and downtown revitalization ideas. Ms. Brewer said she spoke to colleagues from other communities about having public comment occur at the end of meetings, and not recognizing the public at other times. Mr. Weiss said he had discussions about Select Board members' pay, ranging from zero to \$3,000 annually among people with whom he spoke. **No action taken.**

ADJOURNMENT

VOTED unanimously by roll call vote to adjourn to executive session for the purpose of discussing contract negotiations at 9:18 p.m. It was announced that open session would not reconvene following the executive session.

-- Respectfully submitted by Stephanie O'Keeffe