

MINUTES

CALL TO ORDER

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

ATTENDANCE

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

Absent: (none)

Present: Town Manger Larry Shaffer

Town Staff: Roy Rosenblatt, Dave Ziomek

Members of the public: Rob Kusner, Larry Ely, John Korpita, Michael Fox, Howard Ewert, Nancy Gregg, Vince O'Connor, Lindsay Intersimone, Julie Johnson, Elisabeth Hamin

OPENING REMARKS/ANNOUNCEMENTS

There were no opening remarks or announcements.

PUBLIC COMMENT

Rob Kusner spoke about the October 29th public meeting to discuss rehabilitation and redesign of the Norwottuck Rail Trail. The meeting is being put on by the Massachusetts Department of Conservation and Recreation, and the engineering firm, Stantec, Inc. It will be held at Hopkins Academy in Hadley. Mr. Kusner also praised the DPW for its work downtown involving the moving of curbs.

Larry Ely read information about the Ballot Question 6 – a non-binding initiative seeking reduction of carbon emissions by 80% by 2020 – and asked that the Select Board take a position on the question. It was decided to take up the issue later in the meeting.

Michael Fox of the Sigma Phi Epsilon fraternity at UMass, invited Select Board members to come to dinner some Monday through Thursday evening at the fraternity house on Olympia Drive. If members would like to attend, they should notify him by e-mail at mgfox@student.umass.edu.

SELECT BOARD'S ACTION

Committee Appointments

VOTED unanimously to approve the Town Manager's appointment of Briony Angus to the Conservation Commission, for a term to expire June 30, 2009 Ms. Angus will complete the unexpired term of Liv Baker, who recently resigned.

VOTED unanimously to appoint Anne Awad to the Nyeri Sister City Committee, for a term to expire June 30, 2011. It was noted that Ms. Awad founded the committee, and that committee membership is not limited to Amherst residents.

VOTED unanimously to reappoint Byron Koh to the Kanegasaki Sister City Committee, for a term to expire June 30, 2011. It was noted that Mr. Koh has served on the committee since 1999. At the October 14, 2008 Select Board meeting, it was determined that limiting appointees to two terms was not

necessary.

VOTED unanimously to appoint Florence Boynton to the Kanegasaki Sister City Committee, for a term to expire June 30, 2011. It was noted that Ms. Boynton has served previously on the committee, from 2000 to 2006.

November 4 Ballot Question 6 – Reducing Carbon Emissions

Mr. Weiss said there had been some confusion as to whether or not Mr. Ely's item would be on the agenda, and apologized for that. Mr. Weiss explained that the Select Board wants to be thoughtful and balanced in taking stands on issues, and tries to become well-informed about the supporting and opposing views. Without the ability to do that, Mr. Weiss said he didn't support the Select Board taking a position, and Ms. O'Keeffe and Ms. Brewer concurred. Ms Stein said that she had done some research and considered the information supplied ahead of time by Mr. Ely to be good and reputable science, and urged the Select Board to support the non-binding initiative in order to express to government officials that more action on climate change is desired. Mr. Ely spoke to the science and urgency of the issue and provided written materials.

No action taken.

Signing the one-article Special Town Meeting Warrant for November 17, 2008

There was discussion about the proposed article for a Special Town Meeting, adding language to a restrictive covenant governing allowed uses at 284 North Pleasant Street. The restrictive covenant was the subject of Warrant Articles 33 and 34 authorized by Town Meeting November 17, 2004. The new language aligns the covenant with State law, which allows educational and religious non-profit uses in any zoning district. There was discussion about whether it would be more desirable to use this opportunity to broaden the covenant so as to allow a broader range of low-impact uses consistent with the original limitation to chiropractic services. Property owner Howard Ewert and several Select Board members felt that making the small change consistent with State law allowed the best chance of passage by this Town Meeting.

VOTED unanimously to sign the single-article warrant for a Special Town Meeting to be held Monday, November 17, 2008 at 7:30 p.m. at the Amherst Regional Middle School.

Approval of Minutes

VOTED unanimously to approve the minutes of the October 20, 2008 Select Board meeting as amended.

Next Steps in Budget Discussion

Ms. O'Keeffe spoke about the value of the October 25th meeting with Department Heads and asked how the Select Board intends to proceed with the information learned there, with a goal of providing guidance about priorities to the Town Manager as soon as possible.

Action: Without a vote, it was agreed to schedule the remaining departmental presentations for November 3rd, and to have budget process discussions beginning November 10th.

Staff Questionnaires

There was a question about what to do if more Staff Questionnaires for the Town Manager's evaluation are received now that the deadline has passed. Mr. Weiss agreed each Select Board members' input was due to him Monday November 10.

Action: Without a vote, it was agreed to continue to accept Staff Questionnaires for another day or so, and that Mr. Weiss would copy and distribute any that are received.

WARRANT ARTICLES

November 10, 2008 Special Town Meeting Articles

Article 6 – Establishment of a Municipal Housing Trust

Nancy Gregg, Chair of the Housing Partnership/Fair Housing Committee, explained the intent of a Municipal Housing Trust and its proposed organizational structure. Such a Trust would be an appropriate entity for receiving donations specially meant for affordable housing. She said that the proposed formation includes all nine of the potential powers afforded to Municipal Housing Trusts under Massachusetts General Law. She said a brochure would be provided at Town Meeting. Vince O'Connor raised some questions about potential Town liability, and decisions about distribution of Community Preservation Act funds for affordable housing. Mr. Shaffer said such a fund would be an important tool for the Town's pursuit of affordable housing.

VOTED unanimously to recommend Article 6 – Establishment of a Municipal Housing Trust. Ms. O'Keeffe will speak to the article. Town Counsel will be present at Town Meeting.

Article 11 – Larch Hill Article 97, Hitchcock Center

Julie Johnson, Executive Director of the Hitchcock Center for the Environment, explained the vision for designing, funding and building a LEED-certified education center, to better fulfill the organization's mission. She explained the kinds of environmental features they want to incorporate into a larger Hitchcock Center, for sustainability and for educational purposes, and said that fundraising feasibility is the next key study element if the warrant article passes. Elisabeth Hamin of the Conservation Commission explained that the article is the first legal step needed to make the Hitchcock Center project possible: transferring the land from conservation use to conservation and environmental education use, requiring approval by the State legislature; and allowing a long-term ground lease to the Hitchcock Center for this purpose. She said the Conservation Commission voted unanimously to endorse this article October 22. Mr. Shaffer said that there will be many legal and technical issues to address as the project moves forward, because of the complications of having a privately-owned building on Town-owned land. He said that none are insurmountable because the Town and the Hitchcock Center both want to make this happen. Select Board members asked if this vote committed the Town to further actions and were told that it did not. Mr. Shaffer said at some point the state may ask for a mitigation payment. Ms. Johnson said that with successful passage of Article 11, the project has a three-year timeline.

VOTED unanimously to recommend Article 11 – Larch Hill Article 97. Ms. O'Keeffe will speak to the article. Town Counsel will be present at Town Meeting. This article requires a 2/3 vote by Town Meeting.

November 17, 2008 Special Town Meeting Article

Article 1 – Revising Restrictive Covenant for 284 North Pleasant Street

Discussion about the merits of this article were part of the discussion (see above) about calling a Special Town Meeting for this purpose.

VOTED unanimously to recommend Article 1 of the November 17, 2008 Special Town Meeting. Ms. Stein will speak to the article.

LICENSES AND PERMITS

Taxi Driver's License – Lindsay Intersimone

VOTED unanimously to approve the new Taxi Driver's License for Lindsay Intersimone, 68 Russell Street, Hadley, MA.

Special All Alcoholic Liquor License – Amherst College

VOTED unanimously to approve the Special Wine & Malt Liquor License for Amherst College for November 8, 2008 from 11:00 a.m. to 3:00 p.m. at the Coolidge Cage Gym for a reception.

Special All Alcoholic Liquor License – UMass

VOTED unanimously to approve the Special All Alcoholic Liquor License for the University of Massachusetts for November 1, 2008 from 5:30 p.m. to 11:00 p.m. at Memorial Hall for a reception/dinner.

Current License Holder – Amherst Brewing Company

Voted unanimously to approve the Alteration of Premises for Amherst Brewing Company, Inc., d/b/a Amherst Brewing Company Inc., 24-36 North Pleasant Street, Amherst, MA.

CHAIR’S REPORT

Liaison to Human Rights Commission

Mr. Weiss said he had been asked to be liaison to the Human Rights Commission, and had agreed, pending Select Board approval. The Select Board approved.

Action: Without a vote, it was agreed that Mr. Weiss would be liaison to the Human Rights Commission.

Meeting with the Governor

Mr. Weiss reported that he, Mr. Shaffer and John Musante had attended a meeting with the Governor on Thursday, October 23rd in Belchertown to discuss how the State can assist communities during the current state budget crisis that required midyear cuts. Also present were municipal officials from Belchertown, Granby, Palmer and Ludlow. Mr. Weiss and Mr. Shaffer spoke of conveying Amherst’s desires for the State to create incentives for regionalization of services, and to allow local-option taxes. There was some discussion about what kind of a position the Town should take on the issue of creating a pool for sharing meals tax revenue with towns that lack restaurants, an idea that might make allowing the tax more attractive to those communities. No decision was made on the issue. Mr. Shaffer said he had expressed appreciation to the Governor for coming out here to meet with the smaller towns. Ms. Brewer requested that the Select Board be notified about such meetings in the future, and be provided with a brief a memo afterwards of issues addressed. Mr. Weiss and Mr. Shaffer agreed, and noted the short-notice leading to this particular meeting. Mr. Shaffer said he would send the Select Board the agenda he had created for the Governor’s meeting.

Action: Without a vote, it was agreed that the Town Manager and the Chair would notify the full Select Board about such meetings in the future, and provide brief written summaries afterward.

Assisting a Business

Mr. Weiss said that he had been asked by a representative of a non-profit organization to sit in on their private meeting with Mr. Shaffer and Jonathan Tucker regarding the organization’s interest in relocating to Amherst.

No action taken.

Assisting a Former School Employee

Mr. Weiss met with a former School employee who felt s/he was a victim of bullying and unfair treatment by the school administration. He said that there was no additional request for assistance on his part.

No action taken.

TOWN MANAGER'S REPORT

Election Update

Mr. Shaffer talked about the preparations for the November 4th election, and the expectations for record voter turnout. He said 10 additional election workers had been hired. He said that there would be two workers assisting with check-in and check-out at each precinct, and said that Line Facilitators would inform people about wait times and would answer questions. He said a key unresolved issue is parking at the Bangs Center, and that free dedicated election parking in the lower level of the garage was being considered. Ms. Brewer recommended that Mr. Shaffer contact UMass regarding parking for buses bringing students to the polls. Ms. Stein said she had learned that Select Board members could be election workers for local elections, but not State elections. Earlier in the meeting, Ms. Brewer had announced that the Town Clerk was urging anyone for whom standing in long lines at the polls would be a hardship to vote via absentee ballot. The deadline to obtain an absentee ballot is Monday, November 3 at noon.

No action taken.

Impact of Newton SJC Decision on Plum Brook Athletic Fields

Mr. Shaffer said that the local impacts are not yet known of the recent ruling by the Massachusetts Supreme Judicial Court on the Newton case regarding use of Community Preservation Act funds for improving recreation land. He said that Town Council had noted that the facts of the Newton case are different than Amherst's situation with the Plum Brook athletic fields.

Action: Mr Shaffer said he has been in touch with Town Counsel, who is formulating an opinion on the matter, and it is expected soon. Ms. O'Keeffe said it would be great to have that ready for November 10 Town Meeting.

Nuisance House Bylaw Implementation

Ms. Stein mentioned a recent assault situation that she had been informed about, and asked if the Nuisance House bylaw would be applied.

Action: Mr. Shaffer said that the bylaw approved by 2008 Annual Town Meeting was recently approved by the Attorney General, and suggested asking Amherst Police Department Captain Mike Kent to update the Select Board on its implementation status at a future Select Board meeting.

Halloween Street Closure – Lincoln, Sunset, McClellan

Action: Ms. O'Keeffe asked Mr. Shaffer to ensure UMass had been advised of the Halloween Street Closure voted at the October 20 Select Board meeting.

Annual Committee/Board Volunteer Service Recognition at Fall Town Meeting

Ms. Brewer wondered why the annual recognition of volunteer committee and board members was based on completing two full three-year terms since some people served on committees/boards for six years or more but their terms were not for three years each.

Action: Ms. Brewer asked Mr. Shaffer to discuss this with staff to see if it could be adjusted in time for the November 10 Town Meeting.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:15 p.m.

-- Respectfully submitted by Stephanie O'Keeffe