

## MINUTES

### Call to order:

Meeting called to order by Ms O’Keeffe at 6:30 p.m.

### Attendance:

Present: Alisa Brewer, Aaron Hayden (Clerk), Stephanie O’Keeffe (Chair), Diana Stein, Gerry Weiss, Larry Shaffer (Town Manager)

Others presenting: Ed Cutting, Mike Zlogar (Asst Chief of AFD and Town Emergency Mgr), David Ziomek (Dir Conservation and Development), Epi Bodhi (Town Health Director)

### Public Comment:

Ed Cutting: A recent article in the Gazette about the number of students parking on East Pleasant Street suggested that parking by-laws may not be enforceable. Why weren’t they checked by town counsel and others? What example are we setting for students to have such laws?

Larry Shaffer responded that the by-law is enforceable despite what the article suggests and will be enforced until the court or Town Meeting overturns it.

## SELECT BOARD’S ACTION

### **Town Meeting Dates:**

Town Meeting Coordinating Committee wants more time to prepare for spring Town Meeting. April 29<sup>th</sup> doesn’t give them enough time to schedule all the public events and asked that we move the first night of Town Meeting to May 4<sup>th</sup> (originally 2<sup>nd</sup> night of TM) Moderator is satisfied with the new date change.

Discussion: Alisa Brewer noted that very recently the deadlines for various petitions to Town Meeting was published and it will be disruptive to change them.

Decision: Motion to start April town meeting on May 4<sup>th</sup> was accepted unanimously.

### **6:50 Emergency Preparedness Presentation**

Larry Shaffer introduced Mike Zlogar as the Town’s emergency preparedness officer. Mr. Shaffer had asked Mr. Zlogar to temporarily put down his AFD duties to create an emergency plan. Mr. Shaffer also has asked David Ziomek to (volunteer and) act as public info officer.

Mike Zlogar briefed the Select Board on the Town’s Emergency preparedness plan. Generally the Town is well prepared and practiced at handling emergencies that are within the capabilities of in-Town resources. The Emergency Preparedness Plan will give us the framework to draw on and organize Regional, State and Federal resources for larger situations. Many events that may demand outside resources can be predicted to some extent like; significant weather events, and the time when important sporting events will end. We can have resources staged and ready to go for these.

An important part of the plan is the setting up of an Emergency Operations Center to coordinate the various functions of the response to an emergent event. The intent is to use the Center more often so that our emergency services are familiar and practiced with it when the time comes to handle a larger event.

Mike Zlogar introduced David Ziomek who has volunteered to be the Public information Officer for the Town. The Public Information Officer is an important and can be a difficult role during emergencies and Mr Ziomek is happy to take on the responsibility. Mr Ziomek has been in training and met with UMass on other agencies.

Mr. Zlogar introduced Epi Bodhi who is also on the Emergency Preparedness team since Public Health is a recently understood element of preparedness.

To practice Emergency Preparedness there have been 3 table top drills including the simulation of a major chemical spill and flu epidemic. We have also tested some aspects of the system this summer when there was a possible contamination of the municipal water supply.

### **Town Manager's Report**

Amherst will host the US Census Bureau's examinations for new census takers. The exam will be given on January 20<sup>th</sup>, and 27<sup>th</sup> (Call 866-861-2010 for exam dates and details)

On January 15<sup>th</sup> UMass is sponsoring a forum on Economic Development in the Mullins Center at 3:00. The focus will be Tourism. This forum is part of an ongoing joint initiative to discuss economic development in the area.

On Friday February 16<sup>th</sup> at 10:00 am Mr. Shaffer will be hosting a press conference to announce the Town's budget.

Mr. Shaffer met with the new principal of Wildwood School and Guilford Mooring to discuss the condition of the sidewalks leading to school to puzzle their way through improvements.

Update on the repairs to the Middle School pool: Ron Bohonowicz reports pool is drained and contractor is on site and the work should be done by Wednesday. The epoxy will set in 24 hrs and after refilling the pool it will take about 5 days to stabilize chemistry and everything should be ready by January 26th or 27th. The repair has been approved by the State and the Board of Health.

The Town's pools will be upgraded before they open this summer. The work may be funded from funds used to subsidize LSSE programs.

Mr. Shaffer copied the Select Board on the list of stimulus projects valued at about \$13m sent to the Lieutenant Governor's office as requested.

### **Budget Discussion: FCCC Report**

The Select Board should identify areas in the FCCC's report we think warrant our action.

The scope of the report includes the next 5 years.

Simply cutting the budget will leave us in same place next since inflation outstrips ability to raise funds – we need to consider how to raise revenue so we can hope to keep up with cost inflation like taking advantage of a local meals tax or the closed telecommunications loop hole.

The Select Board should lobby more – it is possible the State legislature will see that towns are in dire straits and will be prompted to act and do something different.

It would have been nice if the FCCC had made more recommendations.

We are doing a lot of the things the report suggests but the financial problems are built into system and some can't simply be legislated out: Employees have long term costs and need long term budgets to support them.

The report is a good summary of budget situation, though not a lot of solutions are offered. This gives a good idea of what is going on with the budget.

There is lots of data in the report including the new information identifying unfunded liabilities for pensions. The core budget is critical, difficult to define and an on-going concern that resonates with people.

FCCC wanted feedback from the citizenry and chose to use a questionnaire. The results from the questionnaire seem to bear out the idea that we should do everything we can first to save money before we even consider an override.

It is possible that more budgeting transparency and itemization will help us make judicious cuts – including what some may identify as “core services” – if the Select Board chooses to take on this new level of responsibility.

From the questionnaire it was clear people preferred level services not level funding.

### **Town Manager's Response to Annual Evaluation**

Mr. Shaffer will be implementing new processes to improve his relationship with personnel. He is hopeful that he can more effectively communicate his value set.

Mr. Shaffer is glad to provide all the communication the Select Board needs, the weekly reports are part of this effort. He noted these are challenging times with dramatic changes ahead and if we are to be successful we all, Town Meeting, the Select Board and the Town Manager, need to work effectively together with a sense of mutual purpose – Mr. Shaffer is committed to reach those mutual goals.

Discussion: The Select Board appreciates Mr. Shaffer's willingness to work through evaluation process. It has been a little hard because we are trying to improve it – dealing with direction from five separate Select Board members is a challenge. The Goals for the Town Manager is a tool to help coalesce the disparate evaluations from this year, and to provide a basis for next year's evaluation.

### **Goals and Expectations for Town Manager, to coalesce future evaluations.**

Stephanie O'Keeffe presented a memo with compiling points raised by Select Board members in recent documents and discussions pertaining to performance, expectations and the budget..

Discussion:

Some wording should be changed to improve the clarity of the purpose; item #3 to be sure it is clear the goal is to get Human Resources help to support staff, item #6 to be sure it includes our scrutinizing the budget.

Ultimately there may be 4 main categories for evaluating the Town Manager; Budget, Personnel, Negotiations, and communication.

We will work with the document and maybe set up interim reports. The current system makes it hard offer anything between a glowing recommendation and condemnation.

We should analyze outcomes and to move to clarity - concise and clear outcomes make it easy to transmit goals to the balance of the organization. The goals and expectations are not for the Town Manager only but for the whole of our municipal government: We need to decide what resources will be provided to achieve an outcome and then check to see what outcomes was achieved. (The guru in this field is Dr. Edward Deming who wrote on how most review systems don't work since they didn't focus on outcomes for the organization.)

We need to begin to work on improving the description of these goals directly, the current memo includes; goals, strategies and expectations. Gerry Weiss and Aaron Hayden will work toward drafting instrument in time for our meeting in 2 weeks.

Decision: Aaron Hayden made a Sense of the Board motion to accept the 8 goals as presented with amendment language and with the considerations of the discussion as input to creating the final instrument for reviewing Town Manager.

Gerry Weiss Seconded the motion and it was accepted unanimously.

#### **Liaison Assignments**

Send your updates to on committee liaisons to Judith.

#### **MMA Annual Meeting**

We get to vote on issues at conference that will direct the MMA's actions.

Amherst has not attended this conference regularly in the past – it is a valuable conference gathering together officials of towns across the state to meet though we should. We can make valuable contacts and there are important conferences on current challenges facing municipal governments across the state.

Included in this year's conference are updates on; on personnel, binding arbitration, municipal retirement and health insurance, a proposal on energy policy (to get the state to assist towns more in locating energy plants), other Green issues, and water supply infrastructure.

Decision: Voted unanimously to authorize the Chair to vote in favor of the MMA proposals at the MMA Annual Meeting.

Discussion: This conference is very important to helping the Select Board and Town Government be more effective. The budget for professional development is always first on cut list. Maybe we should budget for 2 each year. This year there are still funds available for some of us to attend this conference.

#### **Approve Minutes**

With the various amendments and updates to the minutes of Select Board meetings of *December 1, December 8, December 15, all in 2008* and of *January 5, 2009*

Alisa Brewer moved to accept the 4 sets of minutes as presented, Gerry Weiss Seconded and it was unanimously accepted.

### **Committee Appointments - Select Board**

Gerry Weis moved to appoint Lewis Rudolf to the Commercial Development Committee until June 30 2012, Diana Stein seconded and the appointment was unanimously accepted.

### **Liaison & Representative Reports**

250th Anniversary Committee meeting is Wednesday, check website on details. The Decamera Singers' kick-off concert was moved to February 4<sup>th</sup>. Check [www.Amherst250.org](http://www.Amherst250.org) for details of events.

Gerry Weiss announced the annual Martin Luther King breakfast is this Saturday 8:30 at ARMS.

Gerry Weiss reported that the Budget Coordinating Group had some harsh news; there may be mid-year cuts in Aids to Towns and Cities as big as 10% in FY 10. The good news is that there is progress in tightening the overall budget with relief from the health insurance trust fund and from reorganization and un-filled positions that will remain unfilled. Things are being done to offset potential huge cuts.

Word from the School Committee has much less good news on budget fixes.

Diana Stein reported the Agriculture Committee and Kendrick Park Committee met to discuss building a Farmer's market in the park.

The Zoning Subcommittee of the Planning Board has put together an agenda including some zoning amendments for Spring Town Meeting. Citizen articles for zoning are due February 9th (date on webpage). The Zoning Subcommittee meets next on February 4th and 18th.

Stephanie O'Keeffe reported the Public Transportation and Bicycle Committee wants to know the status of bus shelter requests to the PVTA. PVTA suggests we make a few requests for shelters each year – this year the request was for a shelter near Kendrick Park and at the lower Main St. bus Stop near St Brigid's church we should include room for wheel chair access.

PTBC has also suggested implementing new parking rules: the suggestion will be referred to the Parking Task Force for their review and recommendations.

The next Parking Task Force meeting not scheduled yet.

Discussion: The PTF makes significant decisions though does not follow open meeting law and so the process may not be transparent enough, should this be the way PTF operates? Right now all the recommendations of PTF have to go in front of Select Board which is appropriate for now.

Alisa Brewer reported the School Committee has organized a on the possible reconfiguration of elementary schools. Ms Brewer will act as liaison to this meeting. (This is different then the regionalization discussion on the Regional School Committee.)

Community Preservation Act Committee has received Kingston letter on using CPA funds for green projects.

### **Approve Formal Motion Language on Dog Recommendation**

Stephanie O'Keeffe reported on the status of dog hearing motion as it reflects on last week's sense of the board vote.

Since then the dog has been moved to a more open property and better place.

Discussion: There is a question how Amherst would react if tables were reversed and we we're receiving such a dog. Of course new dogs are coming in to Town every day and each with a potential to inflict damage without warning, a risk we already accept.

Decision: Gerry Weiss moved to have Mr. Shaffer communicate to the police of the new town the issues with this dog. Diana Stein seconded and it was accepted unanimously.

Discussion: Citizens need to report all dog bites to APD to allow us to pursue action to prevent future bites. A police incident report allows us to collect the data and take appropriate action.

Discussion: It seems that in the future the Select Board should have dog hearings. It will increase the public exposure to the issues and bring the responsibility back to where it belongs.

Decision: Alisa Brewer moved that -

Pursuant to the provision of MGL Chapter 140, Section 157, and the Town of Amherst Animal Bylaw, the town of Amherst, through its Town Manager as authorized by the Select Board, conducted a dog complaint hearing on December 11, 2008. Eight (8) exhibits, which are incorporated into this decision by reference, were presented. A memoranda dated December 12, 2008, incorporated into this decision by reference, summarizes detailed facts relative to three complaints of dog bites on July 1, 2006, November 18, 2006, and September 12, 2008 by a spayed female mixed-breed dog named "Leah" owned by Karen Eddings of 84 Blackberry Lane in Amherst. On January 5, 2009, the Select Board found that the dog "Leah" creates a nuisance to the community by biting, and endangers the safety of Town residents, and the Select Board ordered that Karen Eddings comply with the set of stipulations she signed January 5, 2009, incorporated into this decision by reference, violation of which will result in "Leah's" immediate remand to the custody of the Amherst Animal Welfare officer for either relocation outside the Town of Amherst or euthanasia. Karen Eddings may appeal the January 5, 2009 decision to the District Court within ten days pursuant to MGL Chapter 140, Section 157.

Diana Stein seconded and the motion carried unanimously.

### **Chair's Report**

We expect Stan Rosenberg's Special Commission on Municipal Relief to release its report several weeks, maybe after the State budget is announced.

Work continues on the website, the packet now is a series of smaller PDFs not just one huge one.

### **LICENSES AND PERMITS**

#### **New Taxi Business License – Tik Tak Taxi**

Decision: Gerry Weiss moved to approve the new Taxi Business License for Tik Tak Taxi, 150 Fearing Street, Manager Sana NDiaye. Diana Stein Seconded and the motion was unanimously approved.

#### **New Taxi Driver's License – Baka Niang**

Aaron Hayden moved to approve the new Taxi Driver's License for Baka Niang, 892 Westhampton Road, Northampton, MA 01069. Diana Stein Seconded and the motion was unanimously approved.

**Next meetings:**

January 21<sup>st</sup> (1<sup>st</sup> flr mtg room solely to consider budget), 26<sup>th</sup> (quarterly budget update)

February 2<sup>nd</sup>, 9<sup>th</sup>, 23<sup>rd</sup>

March 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>

April 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>

Adjourned 9:53 p.m.

Respectfully submitted;

*Aaron Hayden*

Approved at the January 26, 2009 Select Board meeting.