

MINUTES

Call to order:

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

Attendance:

Present: Stephanie O'Keeffe (Chair), Alisa Brewer, Aaron Hayden (Clerk), Diana Stein, Gerry Weiss, Larry Shaffer (Town Manager), John Musante (Assistant Town Manager/Finance Director)

Announcements:

Town Meeting Deadlines: February 9, 2009 is the last day for Citizen Zoning Petitions for the 2009 Annual Town Meeting Warrant.

February 10, 2009 is the last day for nomination papers for elected offices.

Three candidates for the position of Superintendent of the Amherst Regional School System are being interviewed and are participating in public forums in the High School Library followed the next morning by a drop-in breakfast at the High School.

Winterfest is this Saturday, February 7, 2009 at Cherry Hill Golf Course. This is a joint event sponsored by the Amherst Area Chamber of Commerce and the Town of Amherst. Winterfest starts at noon ends with fireworks at night.

SELECT BOARD'S ACTION

Appoint Select Board member to the School Regionalization Committee:

Ms. Brewer announced that the State is pushing Towns to regionalize elementary schools and, in order to get ahead of State and keep control of our local process, a committee is being formed to work out the details of regionalization in the area. Ms Brewer would like to volunteer to be the Select Board representative to this committee, which will also have representatives from the School Committee and Finance Committee. Ms. Brewer is familiar with the issues and people involved as she was on the School Committee before serving on the Select Board and has children previously enrolled in Marks Meadow and in the Amherst Regional Middle School.

VOTED unanimously to elect Alisa Brewer as the Select Board representative to the Regional School Study Committee.

Appoint Select Board member to the Budget Audit Committee:

The Audit Committee needs a representative from the Select Board. The committee meets a few times each year. Mr. Weiss would like to be our representative if the meeting can accommodate his schedule. It was agreed to have Mr. Weiss be the Select Board representative to the Audit Committee.

Lobbying Effort Regarding the Governor's Budget

The Select Board needs to send letters to Governor Patrick, State Representatives, and the Speaker of the House which describe the urgent need for a number of pieces of legislation to be completed quickly and to support the Municipal Partnership Act, Part II. Supporting the Governor's initiative where it helps us seems a productive way to use our energies for lobbying. Ms. Brewer will be preparing a draft of a letter in support of the Municipal Partnership Act for next Monday.

The Board also needs to lobby for legislation that is only starting to make its way through the legislature, especially getting flexibility in health insurance choices for the Town. Ms. Stein will draft a letter in support for health plan flexibility and for single payer legislation for next Monday.

Mr. Hayden will work to connect with regional groups that will lobby with us trying to correct the lack of tax support for the western part of the State.

Deter Parking Meter Feeding:

The Parking Task Force has drafted a plan on the meter feeding for the Select Board to review, consisting of an educational campaign first, with flyers being placed on offending automobiles as a way to make the bylaw and the consequences of its enforcement known. After a period of time, the bylaw will be enforced to its fullest extent. The flyer emphasizes the use of alternate transportation, ride sharing, and describes the permit system. The Parking Task Force is seeking Select Board's endorsement and publicity. The policy should provide more parking for customer's downtown and will support downtown merchants. This step is an important component in solving parking problems. The plan has already been endorsed by the Town Commercial Relation Committee. (Representatives of the Chamber of Commerce and other committees sit on the Task Force).

Mr. Weiss expressed appreciation of the work of the Parking Task Force. There are other issues the Task Force will be addressing, including increasing cost of street parking, decreasing the cost to park in lots and otherwise encourage the use of the lots and the parking garage.

Mr. Shaffer said enforcement measures may include; chalking tires, and new, digital cameras that note the time. Also the Parking Enforcement Officers recognize many of the meter feeder's cars already and should be able to identify violators. Mr. Shaffer also noted that the Parking Task Force is working with other groups on a proposal of a new fee structure that encourages use of off street parking.

Ms. Brewer suggested minor changes to clarify the instructions on the flyer and noted that the Chamber of Commerce supports the new policy in it newsletter this month. Ms. Brewer asked if there were simple clear parking maps that could be made available on the back of the flyer, since there are many different types of meters around Town.

Ms. O'Keeffe noted the recent parking study recommended this approach. Mr. Hayden noted the flyer used language from the Master Plan.

VOTED unanimously to support the Parking Task Force's plan to deter meter feeding in order to make prime parking spots more available to customers of downtown businesses

State budget cut implications:

FY 09 Mid-Year Cuts and FY 10 Budget Discussion

Mr. Musante reported that the Budget Coordinating Group made two recommendations for dealing with the 9.7% mid year cut to lottery aid and additional assistance to Amherst in FY 09:

1. Apply un-anticipated revenue against cuts (\$550,311 from the Wildwood School re-roofing reimbursement) recently awarded and received.
2. Take a Health Trust Fund premium holiday for one month. (Possible because of a surplus above the \$2 million balance the Trust is required to carry.)

FY 10 will have to accommodate a state aid cut of \$2.8 million cut (16%). The Governor is working to replace lost lottery funds with a new meals tax but it needs legislative approval.

The Fire Department is applying for a \$635,000 grant towards the purchase of the Quint fire truck. If this is approved, the funds could free the money Town Meeting appropriated to buy the truck last spring, and could potentially be used in place of the health premium holiday, saving that option for FY 10.

Mr. Shaffer noted that they are looking at a three year budget horizon and are currently trying to line up solutions for FY 10 and FY 11. The Stimulus Package may also play a role in this time frame by funding shovel ready projects.

Mr. Weiss expressed the Select Board's appreciation for Mr. Shaffer getting on this so quickly.

Ms. Brewer thought it would be helpful for Town Meeting to see a comparison of the final budget, after the mid year cuts, and the budget they saw in May 2008.

Mr. Musante noted that in the past managing the Health Care Trust Fund has given us flexibility and budget savings so layoffs and cutting services can be avoided. The cost of health care remains a big issue.

VOTED unanimously to support recommendation of the Town Manager and Assistant Town Manager/Finance Director to close the gap created by the State's mid-year FY09 cuts as outlined: by using one-time revenues reimbursing already-appropriated funds, i.e. the grant from the Wildwood roof project and funds from the health care trust OR possible grant money for fire apparatus or possible stimulus money from the Bangs Center roof project.

Mr. Musante noted that they are looking the effects that the economy will have on all revenues; motor vehicle excise tax is expected to decline due to fewer new automobiles, investment earnings have decreased, property tax from new construction will be reduced, so the 10 year average used in the past won't be a good estimate. In any event, estimating any tax revenue or cut is difficult for the State to do accurately.

The Budget Coordinating Group is discussing how revenue cuts will be distributed given that State Aid for some programs will not be cut such as Chapter 70 funds. They are working with the assumption that State Aid in general will be cut \$2.8 million for FY 10. Recommendations by the School Committee and the Library Trustees will be considered in March of 2009. The Budget Coordinating Group is debating whether the traditional methods of allocating cuts still makes sense.

Town Manager's Report

Mr. Shaffer was a waiter at the Empty Bowls Fund Raiser (as were Ms. O'Keeffe and Ms. Stein), and he felt the event showed the true heart of Amherst.

Mr. Shaffer attended the Personnel Board meeting on January 27, 2009. A new job description at the waste water plant, improving life insurance benefits, and a cost of living increase proposal were discussed. Their next meeting is on February 24, 2009

Mr. Shaffer met with David Ziomek, Director of Conservation and Planning, and Bonnie Weeks, Building Commissioner, to discuss a particular rental property and ways the Town will enforce codes and by-laws there. The problems include possible excess occupancy and improper disposal of trash. The bylaws are not well equipped to get to a quick fix to these problems.

The July 4th Parade Committee's permit has been issued. Mr. Shaffer will reschedule a meeting with the July 4th Parade Committee to discuss logistics when the alternate parade is better defined.

Mr. Shaffer will be speaking with the Rotary Club this week on the budget.

Mr. Shaffer is meeting with the Council on Aging this week to talk about the budget.

Fire Chief Keith Hoyle announced his retirement effective August 1, 2009, which Mr. Shaffer accepted with regrets. Chief Hoyle started his career as student fire fighter at UMass Amherst, then became the Deputy Chief of call force in the Town of Amherst (while he was the UMass Fire Safety Officer). He served as Fire Chief in Franklin, Massachusetts until 1999 when he returned to serve as Chief to the Amherst Fire Department.

The contract to provide Hadley with ambulance services has been executed and a copy has been sent to the Select Board. It is a three year agreement that fixes the dollar amounts (\$100,000 rising to \$110,000) Amherst receives for providing the service. The contract compels clear communication on performance and administration of the service. The value of the contract is a critical part of our budget picture.

A letter was received on January 26, 2009 from the Lieutenant Governor, asking us to pick three projects from the stimulus package letter that would be our top priority. We had sent a list of 25 projects that included work to support public works in the Town of Amherst, the Schools, and the Jones Library. Mr. Shaffer is working on repackaging the projects from the first letter to realize a greater benefit from any stimulus package. He is also doing due diligence to get the most from available grants.

The Board of Health has allowed the Amherst Regional Middle School pool to open. The water temperature is 61 degrees and increasing about 2 degrees a day – for most swimming programs the temperature needs to be 81 degrees. Swimming programs will be extended into May and lessons will start February 7, 2009 to include Saturday sessions to help catch up.

Mr. Shaffer confirmed that the dog Leah is no longer in Town. Ms. Stein noted that the fine we could have levied against the owner of the dog would've been small, on the order of \$50. The Select Board will get a report of a dog bite only when the Animal Welfare Officer makes a report. Until then the Select Board has no jurisdiction.

Alisa Brewer noted that the Winterfest signs are being affected by the 1939 bylaw controlling political signs. Mr. Shaffer reported that the law puts the authority over any signs in the public way onto the Select Board and gives the Town Manager authority over Town-owned property (but not the public way).

Warrant Article Regarding the Select Board's Role in the Collective Bargaining Process

Mr. Weiss noted that the budgets come to the Select Board without our say in Collective Bargaining. 80% of the budget is personnel costs. As leaders we are expected to come up with long term plans for budget. Without input into the cost of personnel, we are only playing at the margin.

The School Committee is allowed a deeper role in bargaining; what is it and is it appropriate for the Select Board to play a similar role especially since the Select Board is required to sign off on contract greater than one million.

Ms. Brewer spoke with members of the School Committee about bargaining: Massachusetts General Law gives School Committees authority to bargain while Select Boards doesn't have direct authority to be part of bargaining with unions. She is researching whether Select Boards in other communities are part of the bargaining process.

Ms. O'Keeffe suggested that that we could be kept informed well enough (maybe even to give a sign off at some level) to have an effective participation that is not directly at the bargaining table.

Mr. Shaffer's career includes a long history of bargaining that often needed final approval by an elected body: but not in Amherst. Typically, he would meet in executive session to discuss goals and develop guidelines and if the final agreement is within guidelines the board will simply endorse it.

How would our participation comport with Town Act? Mr. Shaffer is very comfortable with a more direct communication to Select Board but he needs to bargain in good faith. To bargain in good faith everything must be on the table - any limitation could violate the principle of good faith.

Mr. Weiss would like to find out from Town Counsel about the one million dollar contract authority (probably not intended to be labor contracts) and what may be done to allow the Board to have a voice in the bargaining process. What other bargaining models are out there? MMA and Town Council can help figure it out.

Ms. Brewer would ask Town Council, what degree the Board could be informed on bargaining without violating good faith requirements.

Ms. O'Keeffe warns that simply because we are allowed to have a bigger part in the bargaining doesn't mean we should. We should get more information before we take significant action on this.

Town Manager Goal Language

Ms. O'Keeffe presented a memo with a series of goals for the Town Manager (a condensation of our discussions to date) to revise.

VOTED unanimously to approve the Town Manager goals for FY09, as amended.

Liaison & Representative Reports

The Committee on Homelessness is meeting regularly. They are working on long term housing and emergency housing with Northampton.

Chair's Report

Ms. O'Keeffe had been contacted by an individual seeking Town assistance in preserving land, and suggested the person talk with Mr. Ziomek, Mr. Shaffer, the Conservation Commission and citizens active in advocating for land preservation.

Ms O'Keeffe suggested that the Select Board do a monthly report of its activities, and proposed a draft report for January. Such a report would inform the public about the work the Select Board is doing on its behalf. It could be made available on the Town web site and perhaps published in the Amherst Bulletin (she will check with the Bulletin about this.)

Mr. Weiss asked that the new non-discrimination language changes be brought to the Select Board next week.

ADJOURNMENT TO EXECUTIVE SESSION

VOTED unanimously by role call to adjourn to Executive Session at 9:22 p.m.; the open meeting *did not* reconvene at the conclusion of Executive Session.

Respectfully submitted;

Aaron Hayden