

MINUTES

CALL TO ORDER:

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

ATTENDANCE:

Present: Stephanie O'Keefe (Chair), Alisa Brewer, Aaron Hayden (Clerk), Diana Stein, Gerry Weiss, Larry Shaffer (Town Manager), John Musante (Assistant Town Manager/Finance Director), Claire McGinnis (Town Collector), Keith Hoyle (Fire Chief), Robert Pariseau (Assistant Director, Water & Sewer), Guilford Mooring (Superintendent of Public Works)

Others presenting: Larry Kelley

PUBLIC COMMENT

Larry Kelley asked that the Select Board should consider instituting a local whistle blower protection policy for Town employees.

Mr. Shaffer noted that there are State and Federal laws that do protect whistle blowers .

A proposal to the Personnel Board is one way to start the work to create a local policy.

Larry Kelley also asked that we ask counsel not to use non-disclosure clauses. When a non-disclosure agreement is in place the Town , it prevents a transparent process. Larry Kelley also noted with amazement the amount of litigation against the Town. The list, in the Select Board material this week, didn't include the amount of payouts for cases we lost which will have to come out of the budget.

Mr. Shaffer observed that the only two cases required money be paid out and that payments usually are made by the insurance company. Regarding the Dayton case, Town Meeting did have to appropriate some funds. Any settlement is a public document and available for viewing.

ANNOUNCEMENTS

Tuesday, February 10, 2009 at 5:00 p.m. is the last day for petitions for a seat in Town Meeting; there are open seats in every precinct.

The Founder's Day kick off celebration Friday, February 13, 2009 will be at noon on the Town Hall steps, (weather permitting) followed by reception in the Town Room.

SELECT BOARD'S ACTION

Rate Approval: Water, Sewer & Ambulance

Chief Hoyle presented a report on EMS fees including rates charged by neighboring towns. The proposal does not put Amherst at the top in any category. The increases will add \$185,000 in FY10 and \$30,000 for the balance of FY09. The \$30,000 would become unanticipated revenue in this year's budget.

Chief Hoyle and Claire McGinnis have to go through all the co-payment abatement requests, higher rates will create more requests. In 1999, Amherst fees were in the 50th percentile and eventually rose to be in the 90th percentile and fell back. We might consider setting them to be in the 90th percentile again.

With the increased rates the Town will keep track of extra work to get a read on whether the fees are too high.

VOTED unanimously to approve new ambulance fees as follows:

- BLS rate - \$555.00;
- ALS1 - \$655.00;
- ALS2 - \$800.00;
- BLS mileage- \$18.00/per trip;
- Oxygen- \$60.00 per category;
- Airway- \$140.00;
- Drug IV- \$135.00;
- Cardiac monitor- \$190.00;
- Defibrillation - \$140.00.

Water & Sewer Fees

Consumption this year is much lower than expected: While UMass's usage has gone up, consumption in all other categories has gone down considerably due to large rain fall. Rates are all based on predicted usage that is set using the average of the last three years. These proposed rates reflect that model.

The effluent agreement with UMass has not changed their level of usage of effluent and they are still using more potable water than before because of new buildings coming on line. Amherst water and sewer rates are low compared with nearby towns.

VOTED unanimously, that the Select Board, acting as the Sewer Commissioner as prescribed by the Town Act, hereby increases the sewer rate from \$3.10/100 cubic foot, to \$3.25/100 cubic foot effective July 1, 2009.

VOTED unanimously, that the Select Board, acting as the Water Commissioner as prescribed by the Town Act, hereby increases the water rate from \$3.20 to \$3.30/100 cubic foot effective July 1, 2009.

Budget Discussion

The weekly budget discussion is for our edification and keeping the public informed. While the discussion has been very general, a few topics have been repeating and we will begin to get into details; this week we will discuss the work of the Joint Capital Planning Committee (JCPC) and impact of litigation. (At our next regular meeting, we will discuss vehicle inventory and overtime.)

Litigation update: The last 18 months of litigation is included in the material for our meeting tonight. A few cases are closed, but most remain open.

Ms. Stein and Ms. O'Keeffe both attended the JCPC meeting. JCPC set a goal of 10% (of tax levy) to fund the capital budget. In FY 08, the capital budget received 7.2% and this year it was planned to be funded at the 8% level. Given budget projections, this goal may not be reached. Open questions include details of the stimulus package and how cuts will affect budget increase – the stimulus package could augment or supplant the capital budget. (The JCPC meets every Thursday this time of the year and their schedule is on the Town website.) The JCPC should finalize their budget recommendation by end of March.

Lobbying Letters

Ms Brewer and Ms. Stein presented drafts of letters on behalf of the Select Board lobbying for budget help. Ms. Brewer's letter supported the recommendations of the Mass Municipal Association and Ms. Stein's letter lobbied for the Mass Health Care Trust, a single payer bill. The Select Board made some minor amendments. The letters will be in the Select Board office to be signed.

Select Board Monthly Report

Ms. O’Keeffe presented a draft, which the Select Board approved, of the January Report for the website. It will also be published as a single page, 2-sided paper to be put out for the public in Central Services and other places.

Encourage Other Committees to Publish Minutes on the Website

It is important for the public to see the work of the various boards, commissions and committees in Town. The Board should encourage them to get their minutes on the website (filing minutes is required as part of the Open Meeting Law; posting them on the web site is not;), as well as agendas (not required but helpful for interested citizens to know what is coming up). Committees with a staff liaison rely on the liaison to put the minutes on the website; the others need to be informed of the process so they can get it done. This would be a good addition for committee handbook.

Posting minutes and agendas is an important part in improving participation in the Town’s government.

Ms. O’Keeffe will draft a letter stating the Select Board’s expectation that agendas and minutes will be posted and some directions on how to get it done, for approval at the next meeting.

Consider Goals Language Revision

The Board discussed whether to make further modifications to the Town Manager goals that we established at our last meeting. It was decided to leave them alone this year and work on the modifications for next year’s review.

Approve Minutes

VOTED Stein, Weiss, Hayden “Aye”, O’Keeffe abstained, Brewer absent, to approve the minutes of the January 21, 2009 Select Board meeting, as amended.

VOTED O’Keeffe, Stein, Weiss, Hayden “Aye”, Brewer absent, to approve the minutes of the January 26, 2009 Select Board meeting, as amended.

VOTED O’Keeffe, Stein, Weiss, Hayden “Aye”, Brewer abstained, to approve the minutes of the February 2, 2009 Select Board meeting, as amended.

Committee Appointments

VOTED unanimously to approve the appointment of Thomas Ehrgood to the ZBA as an associate member, for a term to expire June 30, 2009

VOTED unanimously to approve the appointment of Michael Jacques to the Town/Commercial Relations Committee, for a term to expire June 30, 2012

Town Manager’s Report

WinterFest was a fantastic day with beautiful weather. Cherry Hill couldn’t have showed itself better.

Friday, February 13, 2009 is the kick off for the 250th Celebration at noon. 250th Celebration Committee volunteers did a great job and show what a caring community can provide.

Amherst College sent a gift of \$90,000 to the Town (their total gifts for FY 09 are \$130,000 and last year (FY 08) it was 120,000). We appreciate the gift, especially as it is given in spite of economic down turn, which has affected the College’s endowment so significantly.

Meter feeding notices are being prepared by Captain Kent and should be ready next week for distribution.

Letters to the Presidents of three Unions with contracts, requesting reopening their contracts to discuss decreasing COLA for FY 10, have been sent out.

Mr. Shaffer has sent a note to the Co-Superintendents of schools to establish a process for setting aside the Amherst Regional Middle School auditorium for the traditional Monday and Wednesday dates for Town Meeting and asking that Thursdays be held in reserve.

Mr. Shaffer spoke with Town Counsel regarding a role that the Select Board can have in the Collective Bargaining process; The Town Act makes the Town Manager the bargaining agent for the Town. Some Towns have a Select Board representative acting on its behalf. We need to discuss how the Select Board in Amherst can proceed most effectively. The Town Act grants (in section 3.253) the Select Board the right to "review" contracts of a million dollars or more, but not approving or disapproving those contracts. Whether the labor contract is greater than one million depends on whether the total contract is being considered or only the raises being negotiated.

Town Counsel is addressing the language in our non-discrimination policy. Town Meeting adopted the by-law so they should amend it. All the administrative documents from the Town can simply be updated with the recommendation of the Human Rights Commissioner. Mr. Weiss will draft a bylaw for Town Meeting's approval with the Human Rights Commission.

Mr. Shaffer has been exchanging messages with St. Brigid's church regarding keeping their sidewalk clear. Mr. Shaffer has made a tentative arrangement with a neighbor to help out with a plow. It is a large task. Also getting the walk sanded is important since the Cowles lane sidewalk is often icy. The Public Works Commission should consider a range of options for keeping the walks clear when they can.

The Community Preservation Act (CPA) meeting dealt with eight Civil War tablets and the need for \$25,000 to clean two of them. No funds have been found for project to clean them yet.

Liaison & Representative Reports

Council on Aging (COA) found the emergency funds from Amherst College invaluable to resolving emergencies for some families in Town this winter.

The COA learned of a group that is organizing and getting ready to implement their program "Stay at Home" to help people to stay at home rather than become institutionalized when they become infirm. This is a completely volunteer organization.

LICENSES & PERMITS

Special Liquor Licenses - UMASS

VOTED unanimously to approve ten (10) Special Wine & Malt Liquor Licenses for the University of Massachusetts according to the dates, times and locations listed below:

- February 13, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
- February 19, 2009 from 6:30 – 10:00 at Memorial Hall for a Reception/Dinner
- February 23, 2009 from 5:30 – 8:00 at the Fine Arts Center for Concessions
- February 27, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions

March 9, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
March 27, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
April 5, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
April 19, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
April 23, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions
May 13, 2009 from 6:30 – 10:00 at the Fine Arts Center for Concessions

Special All Alcoholic Liquor License - UMASS

VOTED unanimously to approve a Special All Alcoholic Liquor License for the University of Massachusetts for March 6, 2009, from 5:00 p.m. – 6:30 p.m. at the Computer Sciences Building for a reception.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:19 p.m.

Next meetings

2/23 Land Gifts to Town, Budget discussion, vehicle inventory and OT
2/25 FY 10 Budget only

Respectfully submitted;

Aaron Hayden