

MINUTES

CALL TO ORDER

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

ATTENDANCE

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

Absent: (none)

Present: Town Manger Larry Shaffer; Assistant Town Manager/Finance Director John Musante

Members of the public: Walter Chudzik, Jeff Brown

OPENING REMARKS/ANNOUNCEMENTS

Ms. Stein announced an energy workshop to be held at the World War II Club in Northampton, on Tuesday, November 25th from 2:00 p.m. to 4:00 p.m. She also announced a Public Hearing on December 3rd at 6:30 p.m. in Room 101 at Bangs Center, to discuss past, present and future Community Development Block Grant activities and the Town's community development strategy.

Mr. Hayden announced a Planning Board public meeting at 7:00 p.m. on December 10th, location to be announced, to review and hear public comment on the Master Plan. He said that the Planning Board formally received the document last week, and that the public meeting would be the second step in its acceptance and implementation. It was decided that the meeting should be posted as a Select Board meeting, so that all members might attend and participate.

PUBLIC COMMENT

There was no one from the public seeking to comment.

SELECT BOARD'S ACTION

Liaison Report – Disability Access Advisory Committee

Mr. Weiss reported on issues being considered by the Disability Access Advisory Committee: how the Town's reverse-911 phone call system would be received by a deaf person; the committee's approval of a variance for the North Amherst School, to not require a front entry ramp because a ramp at the rear of the building is close to the parking area; accessibility issues at Kendrick Park; accessibility issues for the temporary sidewalk that on the Town Common during the Lord Jeff renovation; and accessibility issues at the train station platform. Per the latter, Mr. Shaffer said that the issue is being studied by the DPW Superintendent and Town Engineer, and that the question of who holds title to the property is being pursued.

No action taken.

Cable/Pole Hearing – WMECO

Public hearing opened at 6:45 p.m.

Closed public hearing at 7:02 p.m.

WMECO representative Walter Chudzik explained the need to re-feed electrical service to some houses

on Farview Way, due to the overhead lines on Governor's Drive being removed. He said that after consultation with Tree Warden Alan Snow, it was determined that running the wiring in conduit underground was the best option, because it prevented tree removal which would have been necessary with new overhead lines. Mr. Chudzik explained the plans and answered questions for several of the neighborhood abutters in attendance. There was discussion about Town rights and what entity properly decides about details of where to dig the trench to make this work possible.

VOTED unanimously to approve, pending permit from the Department of Public Works, the petition from Western Massachusetts Electric Company and Verizon New England, Inc., to install 235' or more as needed of Primary Cable Underground between poles 6 & 7 on Farview Way, at the request of the University of Massachusetts in order to remove overhead facilities on Governors Way; also that permission be and thereby is granted to construct and maintain a line of poles, wires and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the planned marked 6A810365; also that permission be and thereby is granted to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitions may desire for distributing purposes.

Ride Buzz Proposal

Mr. Brown discussed his ride sharing program and the proposal to launch an employee rideshare network, via a password-protected section of the RideBuzz network and with a link from the Town web site. He recommended this to the Public Transportation and Bicycle Committee, and they recommended unanimously that he bring the proposal to the Select Board. It was determined that he would discuss the proposal further with Mr. Shaffer, because employee programs are not in the Select Board's purview.

Action: No action taken.

Dog Hearing Process

Mr. Shaffer discussed a packet of information he had provided regarding the Town's bylaw and Mass. General Laws on animal complaints, Town Counsel's recommended hearing procedure, as well as information about an active dog complaint. His recommendation was for the Select Board to designate the Police Chief as a hearing officer for the active complaint, with the Select Board receiving a report and recommendation by the end of December. The Chief's initial request for the Select Board to hold a hearing and to banish the dog from town was cited as a concern with that process. Designating the Town Manager as hearing officer was suggested instead, with discussion about the pros and cons of the Select Board versus the Town Manager handling the process.

VOTED: unanimously that, consistent with the Town of Amherst general bylaws and with MGL Chapter 140, Section 157, we designate the Town Manager to conduct a hearing relative to the behavior of the German Shepherd dog owned by Karen Eddings, and to issue a report and recommendation to the Select Board prior to December 31st, 2008.

Montessori School Sign Request

The Montessori School is requesting a "Slow Children" sign on Pomeroy Lane. Mr. Mooring doesn't recommend the sign, but is willing to put one up if the Select Board approves it. There was discussion of best practices and safety concerns.

VOTED: unanimously to approve the sign request and to ask that Mr. Mooring discuss other safety and traffic calming options with the Montessori School administration.

Discussion of Select Board Reorganization Policy

There was discussion about whether the de facto reorganization policy/practice was that it occurs after each Annual Town Election or after any election, such as the recent Special Election. Ms. Brewer said

that all five members should choose the leadership, and suggested that a reorganization vote after every election made the most sense. Ms. O’Keeffe concurred, and said she would like to offer herself as Chair for the Board’s consideration, praising Mr. Weiss’ leadership and the improvements he had brought to the running of the meetings. She said that more time and effort put into board management might increase the board’s effectiveness; that more time could not reasonably be asked of Mr. Weiss; and that she has additional time to give. Mr. Weiss acknowledged the challenge of the time requirement, particularly coupled with a full-time job and grandchildren, and said he would graciously cede the Chair position. He suggested creating a reorganization policy first. After much discussion, it was determined that the policy should be to have an agenda item for reorganization at the first regularly-scheduled meeting after every election, after a voluntary resignation and with a majority vote of the board, with the offices being Chair and Clerk, and maintaining the rotating Vice Chair role. It was agreed that a reorganization vote would occur at the next meeting.

VOTED: 3 in favor, 1 opposed (Stein,) and 1 abstaining (Hayden) to adopt the reorganization policy as described.

FY10 Budget Policy Discussion

Mr. Shaffer gave an update on the internal budget process, and said it is well underway. There was discussion of the ideas submitted by the Select Board members. Mr. Shaffer emphasized that the Board’s focus should be policy, and that authority rests with the Board speaking as a body and not as individuals. It was decided that broad areas of agreement should be identified and compiled from the lists submitted, with more discussion on further specifics. Additionally, it was noted that the upcoming presentation of the report from the Facilitation of Community Choices Committee would inform the discussion and policy creation.

Action: Compilation of the Select Board submissions would be attempted for the next meeting.

Approval of November 12th Meeting Minutes

VOTED unanimously to approve the minutes of the November 12, 2008 Select Board meeting.

Discussion and Approval of November 17th Meeting Minutes

Mr. Weiss said that he had given additional thought to the discussion held at the 11/17 meeting, and that he appreciated the concerns Ms. O’Keeffe had expressed, but doesn’t agree with them, and feels he was within his authority to assist citizens who came to him with concerns about an amendment to an article. Ms. Stein said that she wanted this meeting’s minutes to reflect that she also felt it was within the authority of individual Select Board members to assist a citizen with an amendment. She had e-mailed the Town Moderator for an opinion, which she read, and he concurred that Select Board members could reasonably and confidentially offer advice to citizens in this regard. Ms. Brewer said she agreed, but that her concern was directing Town Counsel to perform work on behalf of an individual situation, rather than that request originating from the Planning Board, Zoning Subcommittee or Select Board. There was discussion about the necessity of Select Board openness and accessibility to citizens, and appropriate channels for working with Town Counsel. Ms. O’Keeffe spoke to the intricacies and legalities of the zoning process, and said that her objection was that assisting the citizen with an amendment to a zoning article went outside that process instead of supporting it, particularly by involving Town Counsel. Mr. Weiss said that he disagreed, and that the ideal of how things perhaps should work and the reality of how they do work are not always the same; additionally, he said the outcome was valuable for having saved time. Ms. Stein agreed. Mr. Hayden said that he agreed with assisting citizens but that at a certain point, such a matter should go back to the Planning Board. Ms. O’Keeffe said that all were free to disagree. Ms. Stein said she wanted this discussion to be noted in the minutes as expressing different opinions than those expressed at the 11/17 meeting. Mr. Weiss and Ms. Stein both said they felt the draft 11/17 minutes were accurate for that meeting.

VOTED: unanimously to approve the minutes of the November 17, 2008 Select Board meeting.

Liaison Assignments and Committee Appointments

Mr. Hayden was introduced the committee liaison list and encouraged to choose several from among those that had been Ms. Awad's assignments. Also, Ms. Stein explained that Mr. Hayden would take a two-month turn as Committee Appointment Clerk, overlapping the first month with her.

No action taken.

LICENSES AND PERMITS

Special Wine & Malt Liquor Licenses - UMass

VOTED unanimously with a single vote to approve the Special Wine & Malt Liquor License for the University of Massachusetts for December 10, 2008 from 5:00 p.m. – 7:00 p.m. at the Studio Arts Building for a reception, and to approve the Special Wine & Malt Liquor License for the University of Massachusetts for December 18, 2008 from 3:00 p.m. – 7:00 p.m. at the School of Management Atrium for a reception/dinner.

Special Wine & Malt Liquor License – Hitchcock Center

VOTED unanimously to approve the Special Wine & Malt Liquor License for the Hitchcock Center for March 29, 2009 from 5:30 p.m. – 8:30 p.m. at the Lewis Sebring Commons, Valentine Hall, at Amherst College for a fundraiser.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:26 p.m.

-- Respectfully submitted by Stephanie O'Keeffe