

**MINUTES**

**CALL TO ORDER**

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

**ATTENDANCE**

Present: Aaron Hayden, Diana Stein, Gerry Weiss, Stephanie O’Keeffe

Absent: Alisa Brewer

Town Manager Larry Shaffer

Town Staff: Assistant Town Manager/Finance Director John Musante, Principal Assessor David Burgess, Health Education and Social Justice Assistant Leslie Saulsberry

Members of the Public: Julie Gerstan, Phil Jackson, David Eisenthal, Connie Kruger, Barbara Love

**PUBLIC COMMENT**

Ms. Gerstan presented concerns about chemicals in air fresheners and pesticides at her apartment complex, a response she feels is inadequate by the Health Department, and a desire for Town bylaws regulating chemical use and information disclosures. Mr. Shaffer will follow up on her concerns.

Mr. Jackson inquired about the status of the Lincoln Ave. experiment data and recommendation, and the status of a Town-wide traffic calming study. He was told that both are in process but have been delayed due to higher priorities.

**SELECT BOARD'S ACTION**

**Committee Appointments**

**VOTED** 4 in favor, 1 absent (Brewer) to approve the Town Manager’s appointment of Robert Crouner to the Planning Board, for a term to expire June 30, 2012

**VOTED** 4 in favor, 1 absent (Brewer) to appoint John Thibbitts to the Agricultural Commission for a term to expire June 30, 2012.

**New Long-Term Bond**

Mr. Musante explained the bond sale to refinance debt on multiple projects: Boltwood Parking Garage, Jones Library repair, Atkins Water Treatment Plant construction, Town Hall exterior renovations, Bangs Community Center roof and HVAC replacement, and Plum Brook Recreation Area improvements. He discussed the recent bond rating review that resulted in a rating of AA – Stable from Standard & Poor’s. The borrowing is detailed in a memo dated 12/4/09, titled “General Obligation Refunding Bonds and Municipal Purpose Loan Bonds.” The bond rating process is detailed in the documents: “Presentation to Standard & Poor’s Ratings Services,” dated November 9, 2009; and the Standard & Poor’s Global Credit Portal report, “Summary: Amherst, Massachusetts, General Obligation,” dated November 19, 2009.” Following the vote, much paperwork was signed for the long-term bond; additionally, a short-term Bond Anticipation Note (BAN) in the amount of \$220,000 for the portable classrooms was signed, for which no vote was needed.

**VOTED** 4 in favor, 1 absent (Brewer), that under and pursuant to Chapter 44, Section 21A, of the General Laws, and any other enabling authority, there is hereby authorized the issuance and sale of \$1,915,000 General Obligation Refunding Bonds (the “Refunding Bonds”) of the Town for the purpose of refunding all or any portion of the outstanding principal amount of the Town's (i) \$1,000,000 General Obligation Bonds, Series A dated August 1, 1999 and (ii) \$3,775,000 General Obligation Bonds, Series B dated August 1, 1999

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(collectively, the “Refunded Bonds”) and, in addition, to finance costs of issuance of the Refunding Bonds, any redemption premium and any interest due on the Refunded Bonds.

Further Voted: that the sale of the \$3,080,000 General Obligation Municipal Purpose Loan of 2009 Bonds of the Town dated December 15, 2009 (the “Bonds”), to First Southwest Company at the price of \$3,181,493.27 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2010	\$910,000	2.50%	2015	\$150,000	2.25%
2011	885,000	2.50	2016	150,000	2.50
2012	190,000	4.00	2017	145,000	3.00
2013	180,000	3.00	2018	145,000	3.00
2014	180,000	3.00	2019	145,000	4.00

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 18, 2009, and a final Official Statement dated December 1, 2009 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds, as applicable, for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

### **Tax Classification Hearing**

Public Hearing opened at 7:17 p.m.

Public Hearing closed at 7:43 p.m.

Ms. O’Keeffe introduced the annual classification discussion and explained the decisions to be made regarding a single or split tax rate, a residential exemption and a small commercial exemption.

Mr. Burgess and Ms. Kruger explained each, and Ms. Kruger provided explanations for the Board of Assessors’ recommendations against any changes to the current classifications. Explanations and recommendations are detailed in the documents: “Tax Rate Impact by Tax Levy Allocation, FY 2010 -- Joint Meeting with the Select Board and Board of Assessors, December 7, 2009” and a recommendation letter from Ms. Kruger to the Select Board, dated 12/7/09. No members of the public offered comment during the hearing. Following the hearing and the votes, Mr. Burgess explained that the average assessed value had dropped from \$355,300 last year to \$334,300 this year, requiring an increase in the tax rate from \$15.82 to \$16.95. He said that this would result in an average tax bill increase of \$46.

These changes are detailed in a memo from Mr. Burgess to the Select Board, titled “Fiscal Year 2010 Assessments and Tax Rate,” dated 12/4/09. There were questions about commercial valuations and the method for determining those, and because this is a complicated subject about which there is much interest, it was decided to pursue this further with a more comprehensive discussion to be scheduled in the near future.

**VOTED** 4-0, 1 absent (Brewer,) to adopt a minimum residential factor of 1 (one), equal tax rate for all classes of properties, for the Fiscal Year of 2010, and that no open space discount be granted.

**VOTED** 4-0, 1 absent (Brewer,) that the residential exemption not be adopted for Fiscal Year 2010.

**VOTED** 4-0, 1 absent (Brewer,) that the small commercial exemption not be adopted for Fiscal Year 2010.

### **Health Insurance Trust Fund Update**

Mr. Musante presented a comprehensive review of the Health Insurance Trust Fund, including financial history and plan details, per the document “History of the Health Insurance Trust Fund – Towns of Amherst and Pelham, and Amherst Pelham Regional School District.” Being self-insured continues to be a better option than the State’s GIC program, and it compared favorably to the Hampshire Council of Government’s offering when that was last considered. Alternatives continue to be evaluated, and any change would need to be approved through collective bargaining. Such negotiated changes have resulted in significant cost savings to the Town, and have enabled the Trust Fund to achieve stability.

**No action taken.**

### **Social Justice Grant Update**

Ms. Saulsberry and Dr. Love reported on the status of the activities undertaken in accordance with the Social Justice grant. Key elements include dialogue sessions with Town staff and with community groups, and the formation of a Town employee Social Justice Committee. Additional details are included in the document “Amherst Health Department Social Justice Project – Meeting with Amherst Select Board.” Mr. Shaffer reported that the grant amount is \$300,000, that approximately \$160,000 has been spent on the project to date, and that a six month extension request has been filed with the Kellogg Foundation, asking to allow the remaining funds to be expended by the end rather than the middle of 2010. Suggested ways in which the Select Board might assist in supporting the program include offering ideas on measuring outcomes, promoting the community dialogue sessions, and consideration of policies that will further the project’s goal of reducing differential health outcomes among different social identity groups. Mr. Shaffer said the project receives no tax support.

**No action taken.**

### **Budget Coordinating Group Update**

Summary points from the recent BCG meeting were explained (per the document “Amherst Budget Coordinating Group Summary Points – December 3, 2009”). It was determined that an additional meeting time should be scheduled in February, in case the ballot language for the override can’t be finalized at the February 8, 2010 meeting.

**Action:** By consensus, it was agreed that a Select Board meeting would be scheduled for Friday, February 12 at 8:30 a.m., for the single purpose of finalizing override ballot language.

### **Liaison and Representative/Other Reports**

**Committee on Homelessness:** Mr. Weiss reported that plans for a warming shelter at Mercy House had fallen through, and that the First Baptist Church had volunteered to fill the need. Details were still being worked out.

**Zoning Subcommittee:** Ms. Stein reported that the Planning Board’s Zoning Subcommittee would hold a zoning forum on December 16 from 5:00 p.m. to 6:30 p.m., to hear from the public and consider priorities for zoning amendments to pursue for Annual Town Meeting in the spring.

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**Committee Procedures:** Ms. Stein reported that the new Citizen Activity Form was now active on the web site, and that there are links to the State's mandatory Conflict of Interest Law information and test. A computer with a printer is available outside the Assessors' Office for filling out the CAF or completing the Conflict of Interest Law training.

**Kanegasaki Trip:** Mr. Hayden reported that he and Ms. Pagano shared photographs, stories and other information about their trip to Amherst's Sister City of Kanegasaki, Japan at the Jones Library on December 5<sup>th</sup>, during the monthly Art Walk.

**Census Complete Count Committee:** Ms. O'Keeffe reported that the local committee is working out details and areas of responsibility with the national and local Census Bureau employees. A Five College meeting to consider student census issues is planned.

**No action taken.**

### **Approval of Minutes**

**VOTED** 3 in favor, a abstention (Hayden,) 1 absent (Brewer) to approve the minutes of the August 24, 2009 Select Board meeting.

### **Chair's Report**

O'Keeffe reported on the following topics:

- The special Senate primary election the next day – December 8<sup>th</sup> – reminding folks to vote, and thanking the Town Clerk staff and election workers for putting it together; she also noted that the State would be reimbursing towns for the election costs
- The 250<sup>th</sup> Gala, held on Saturday, December 5<sup>th</sup>, attended by Mr. Weiss, Ms. Stein, Ms. Brewer and Ms. O'Keeffe; she praised the event and expressed appreciation for the work of the Gala Committee and the 250<sup>th</sup> Committee; and noted that top officials from UMass and the colleges were among the attendees;
- A meeting held with Kate Seaman, Chief Livingstone and Mr. Shaffer, to discuss recent issues regarding taxis; recommendations from Ms. Seaman and the Chief will be brought to the Select Board in the new year;
- The public hearing to be held at the December 14<sup>th</sup> Select Board meeting, to hear the appeal of the Building Commissioner's decision to deny a portable sign request for a downtown business; information will be provided in the packets for that meeting.

**No action taken.**

### **Calendar Preview**

Mr. Weiss noted that the public hearing for the Community Development Block Grant would be held Tuesday, December 8<sup>th</sup>, in the Town Room at 5:30 p.m.

**No action taken.**

## **LICENSES AND PERMITS**

### **New Taxi Driver/Chauffeur License – Ababacar Seck**

**VOTED** 4 -0, 1 absent (Brewer,) to approve the New Taxi Driver/Chauffeur License for Ababacar Seck, 16 Damon Road, Northampton, MA 01060.

### **New Taxi Driver/Chauffeur License – Jared McCarthy**

**VOTED** 4 -0, 1 absent (Brewer,) to approve the New Taxi Driver/Chauffeur License for Jared McCarthy, 5 Chapman Avenue, Easthampton, MA 01027.

**Annual License Renewals**

The list of annual license renewals had been prepared by Ms. Seaman and recommended for approval by the Police Chief. Ms. Seaman included a separate memo attaching the two liquor violations and decisions as determined by the State's Alcoholic Beverage Control Commission (ABCC.) Mr. Weiss said that having additional info about violations found by the Police Department would be helpful for the future, and Ms. Stein agreed. Ms. O'Keefe said that a more comprehensive review of license renewals was being undertaken by Ms. Seaman and Chief Livingstone, and that such information would be included next year.

**VOTED** 4 -0, 1 absent (Brewer,) to renew the attached list of licenses, for January 1, 2010 to December 31, 2010, subject to the conditions that are attached to the licenses being renewed.

**TOWN MANAGER'S REPORT**

The Town Manager reported on the following:

- His participation in a recent MASSPIRG event, advocating for continued rail service in Amherst and for high-speed rail service in the region
- Annual community Thanksgiving meals put on by the Amherst Survival Center, and by Senior Center Director Nancy Pagano; his praise for those events and thanks to all who made them possible;
- The Fire Chief Search Committee will assess six candidates individually under three scenarios each: a fire problem, an interview and a management situation. It was noted that there had been 22 applicants for the position, and that the intent is to hire a new Chief by March. Mr. Shaffer said this timing allowed Acting Chief Stromgren (who did not apply for the permanent job) to get more experience in the role, to better prepare him if he should want to seek the Chief position here or in another town in the future.
- The weekend fire at Townehouse Apartments, resulting in one ruined apartment and six others needing to be vacated. A firefighter was injured falling down stairs, but did not break any bones.
- His meeting with Amir Mikhchi regarding his mixed-use development plans for the Village Center-Business district at the intersection of College and South East Streets;
- Meetings are being held with Town employees to bring them up to date on the FY11 budget situation, to provide information, get their feedback and answer questions;
- Discussions are taking place with collective bargaining units regarding FY11 cost of living adjustments (COLAs); there is no news to report on that issue at this time.

**No action taken.**

**ADJOURNMENT**

The meeting adjourned at 9:46 p.m.

-- Respectfully submitted by Stephanie O'Keefe