

MINUTES

CALL TO ORDER

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

ATTENDANCE

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

Absent: (none)

Town Manager Larry Shaffer

Town Staff: David Ziomek, Director of Conservation and Development; Bonnie Weeks, Building Commissioner

Members of the Public: Krisitn DeBoer, Kristen Brumbaugh, Mark Parent, Anne Stanek

OPENING ANNOUNCEMENTS

Ms. O’Keeffe noted that the election warrant for the January 19, 2010 Senate election needed to be signed at the meeting, but didn’t make the agenda.

Mr. Weiss said that the warming shelter would open that evening at the First Baptist Church, and folks who helped make it possible: members of the church, Roy Rosenblatt, Kevin Noonan, Center for Human Development, the Committee on Homelessness. The Select Board expressed appreciation to Mr. Weiss for all his work on that effort as well.

Ms. Stein announced the Zoning Forum to be held Wednesday, 12/16, at 5:00 p.m. in the Town Room, where the Planning Board’s Zoning Subcommittee would discuss and hear input from the public about zoning amendment priorities for spring 2010 Town Meeting.

PUBLIC COMMENT

No one from the public sought to comment.

SELECT BOARD’S ACTION

Sign Election Warrant – January 19, 2010 Senate Election

Action: By consensus, all members of the Select Board agreed to sign and did sign the January 19, 2010 Election Warrant.

Approval of Minutes

VOTED 4 -0, 1 abstention (Brewer) to approve the minutes of the December 7, 2009 Select Board meeting.

Invitation to Planning Board’s Master Plan Meeting

Ms. O’Keeffe said that the Select Board was invited to take part in the Planning Board’s public meeting on January 6, 2010 regarding the Master Plan. Approval of the plan by that board is expected soon after.

Action: By consensus, it was decided to post that as a Select Board meeting, and all members indicated that they expect to attend.

Approval of Conservation Restriction

Mr. Ziomek introduced Kristin DeBoer of the Kesterl Trust, and explained the Conservation Restriction being sought for the Cournoyer property in South Amherst. Details are available in Mr. Ziomek's 12/11/09 memo to the Select Board, titled "Cournoyer Conservation Restriction," and its accompanying map and paperwork. The land has been a priority for preservation, and the Kestrel Trust will hold the Conservation Restriction. The Town has no legal interest in the property but its approval of the transaction is required.

VOTED unanimously, pursuant to Section 32 of Chapter 184 of the General Laws, to approve the Conservation Restriction granted by Sabina Cournoyer to The Kestrel Trust on a parcel of land located at 66 Wentworth Manor Drive, Amherst, Massachusetts, containing 4.07 acres, more or less, as being in the public interest, and to execute an Approval of said Conservation Restriction.

Public Hearing: Appeal Of Portable Sign Decision – Vita Nova

Public Hearing opened at 7:02 p.m.

Public Hearing closed at 7:25 p.m.

Ms. O'Keeffe opened the hearing. Ms. Brumbaugh described Vita Nova and the desire to have signage to make people aware of its presence and activities. Ms. Weeks explained that the Town's Portable Sign Bylaw doesn't allow her to approve a sign at that location, but that the Select Board has the ability to provide a waiver. Mr. Shaffer said a waiver is recommended and requested that Ms. Weeks state for the record her belief that such a sign would not be a threat to public safety, and she did. Board members asked questions about current permits (there are two in Town; there may have been more in the past, but they are not being renewed annually as required by the bylaw,) and enforcement (it is complaint-driven.) Ms. Weeks said a comprehensive review of the bylaw and its enforcement was needed, and the Select Board suggested that such a review seek input from the Town Commercial Relations Committee, Promoting Downtown Amherst, the Chamber of Commerce and other relevant bodies. Mr. Parent said that TCRC had not taken a position on this particular case, but generally supported the idea of simple, clear sign policies. He suggested that a new policy recommendation eliminate the annual renewal requirement, making it easier for the Building Commissioner and others to deal with sign issues as they arise, rather than reconsidering every sign every year. With discussion, the Select Board agreed that it should grant a waiver for this sign, rather than hold the applicant to a higher standard than all those with existing noncompliant signs for whom the current bylaw is not being enforced, and that the eventual reconsideration of the policy should address the totality of the portable sign issue.

VOTED unanimously to approve the following motion: *Based on the Report of the Select Board after the public hearing held on the appeal of Kristen Brumbaugh, for a portable sign at property located at 55 North Pleasant Street, and consistent with the Town of Amherst Portable Sign Regulations, in particular Section 3.4 which states "Waiver. Any provisions of these regulation may be waived or modified by the Select Board for compelling reasons of public safety, aesthetics and the public welfare, in keeping with the purposes of these regulations.", the Select Board hereby waives, for aesthetic reasons, the provision of the subject Regulations that would prevent the requested portable sign being placed in the public way. Said Select Board waiver is contingent upon the grievant satisfying the provision required by Section 2.01 of the subject Regulations requiring Design Review Board review.*

Anticipated Reductions to Date for FY11 Budget

Mr. Shaffer presented his current plans and expectations for addressing the FY11 budget gap and the different scenarios requested in the Finance Committee Guidelines. They include reduction of approximately 14 FTE positions, to include public safety and public works staff; transfer of appropriate

staff and program costs from general fund revenue to grant revenue; reduction of the projected health insurance rate increase to from 6% to 3%; and eliminating up to 50% of the current street lights. These measures total approximately \$1.2 million, and additional reductions still need to be identified. He said that there are no plans to eliminate the Senior Center's social services, and said that clerical support might be shared between the Senior Center and another department. He announced that the Police Union had that day agreed to forego the FY11 COLA increase in exchange for clarified Quinn Bill language, and expressed appreciation for that agreement and hope that it might encourage other unions regarding COLAs. (The Town's General Fund COLA obligation for FY11 was projected at \$435K or about one-third of the Town's \$1.3M "share" of the \$4M shortfall; this figure does not include COLAs paid by the enterprise funds.) Mr. Shaffer anticipates retirement of the Community Development Director and elimination of that position, with duties to be divided among several members in the Planning/Conservation/Inspections office, and explained the reasonably high likelihood of maintaining eligibility as a mini-entitlement community in the Community Development Block Grant program, which funds that work and helps to fund those positions. It was noted that there are no plans to close the Mill River pool and no plans to restart Town use of the Middle School pool; and that water and sewer rates are not expected to increase in FY11. Mr. Shaffer said the FY11 budget would contain no dramatic changes, and that services would be compressed rather than eliminated. Additional details are anticipated at the January 4th meeting.

No action taken.

Progress Report on FY10 Town Manager Goals

Mr. Shaffer outlined his progress to date on the eight goals the Select Board identified as priorities for FY10. Details are available in his memo to the Select Board titled "FY10 Town Manager Performance Goals – Six Month Review," dated December 11, 2009. It was agreed that the Select Board would need to give more attention to its expectations for Goal 3 – creating a plan to improve employee morale. It was further agreed that the Select Board considers Goal 4 – ensuring that the Town's Human Resources needs are met – a high priority and needing more attention.

No action taken.

Liaison Reports and Other Member Reports

Board of Health: Ms. Stein reported that the new Health Director was introduced and discussions took place about core values for a good Health Department.

Public Shade Tree Committee: Ms. Stein reported that the committees' recommendation to the Tree Warden is that the Jones Library elm tree remain. The committee also looked at and was not happy with the trees slated for removal as part of the Atkins Corner project, and wanted to have had input earlier in the process. With discussion, all agreed that input from all appropriate committees is important for all road projects, and that a check list might help as a reminder. Mr. Shaffer said that complications with wetlands and bike lane issues late in the process may have complicated this reality, but that he would look into the potential to address the Public Shade Tree Committee's concerns.

Agricultural Commission: Ms. Stein reported that the group's charge is being revised in accordance with the Town Meeting action that created the commission as a replacement for the Farm Committee. Also, the group has significant concern about the planned development of the Andrews-LaVerdiere property on Meadow Street, believing that it isn't in keeping with the agricultural surroundings.

Four Towns Meeting: Ms. Brewer, Ms. Stein and Ms. O'Keeffe reported on Saturday's (12/12) Four Towns Meeting, hosted by the Regional Schools. The info provided at the meeting was reported as specific, compelling and helpful. Reps from the other Towns were reported to have been supportive of

Amherst's intention to seek an override; and interested to know the amount and its shared implications for the Regional budget.

No action taken on any of the above.

Community Preservation Act Committee: Ms. Stein and Ms. Brewer provided updates on the status of the CPAC application process to date: applications were due December 10th, and some of those proposals were mentioned, with a more complete discussion planned for the next Select Board meeting. After discussion, it was determined that for the next meeting, we need info re: an assessment from Ms. Aldrich on CPA eligibility of capital plan projects; a summary of the proposals CPAC received (possibly to be posted on the Town's web site); a summary of any proposals that were brought to the "feeder" committees (Historical Commission, LSSE Commission, Housing Partnership/Fair Housing, Conservation Commission) that were not brought forward to CPAC; and the CPAC hearing schedule and their final decision date, so that the Select Board knows when we can offer comment, should we desire to do so.

Action: Agreed to proceed as described.

Annual Report Update: Ms. Brewer reported that the FY08 Annual Report would be completed by the end of the week (12/19); and that letters were going out to committees with a 1/15/10 deadline for submission of their individual FY09 reports. She said that she would check in with the folks who expressed interest in volunteering to handle the FY09 Annual Report, to clarify needs and expectations, and see if someone might be well-suited for the project.

Chair's Report

Ms. O'Keeffe reported on the following:

- That the Town Commercial Relations Committee would come before the Select Board in January with a report on its activities and recommendations for the Select Board
- That the Norwottuck Rail Trail Advisory Committee would meet December 17th at 6:15 p.m. at the Hitchcock Center to discuss the status of the planned reconstruction of the Rail Trail, and that the public is invited

LICENSES AND PERMITS

License Renewals

VOTED unanimously to renew the licenses listed below, for January 1, 2010 to December 31, 2010, subject to the conditions that are attached to the licenses being renewed.

- Plato's Closet, 181A University Drive -- Secondhand Sales
- Sean Timothy Lynch, 722 Bay Road -- Taxi Driver

TOWN MANAGER'S REPORT

Mr. Shaffer reported on the following:

- That the LaPazCentro mailing cost about \$130 and that the Town provided 433 envelopes, plus staff time in using the postage meter; the negligible impact was considered to be reasonable but worth having looked into, in response to citizen and Select Board inquiries;
- That he met with Amherst College regarding the Lord Jeff reconstruction: they hope to get through the regulatory process this winter, begin construction in early spring, and complete the project in a year and a half
- The recent (Saturday, 2/12) H1N1 vaccination clinic held at Wildwood Elementary, in cooperation with the Town's Health Department and UMass Health Services; 1,250 vaccine doses were administered by Town EMTs and UMass nursing students

- That he gave a lecture on looking ahead to Amherst's future, as part of the 250th anniversary celebration, and he attended the Human Rights Day ceremony on the Common

ADJOURNMENT

By consensus, the meeting was adjourned at 9:35 p.m.

-- Respectfully submitted by Stephanie O'Keeffe

Approved at the January 4, 2010 Select Board meeting.