

SELECT BOARD MEETING

Monday, March 1 – 6:30 p.m.

Town Room, Town Hall

MINUTES

Call to order:

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

Attendance:

Present: Stephanie O’Keeffe (Chair), Alisa Brewer, Aaron Hayden (Clerk pro-tem), Diana Stein, Gerry Weiss, Larry Shaffer (Town Manager), John Musante (Asst. Town Manager)

Others presenting: John Thibbets (Proj. Mgr for Atkins), Lee Pratt, Nathan Day, Paul Hodgkins, Chief Livingstone (APD), Chief Whitehead (UMass PD), Charlie Moran (Chair PWC), Guilford Mooring (Dir DPW), John Coull (Chair ARA)

Public Comment

No comments this evening

New Wine & Malt Package Store Liquor License-Atkins Fruit Bowl, Inc.

Stephanie O’Keeffe opened hearing at 7:00pm

This is an off-premises license for wine and malt license not an all alcohol license. Town can grant 7 and only 2 are in use.

Diana Stein noted that a State ballot initiative to allow beer and wine at food stores failed – how can Whole Foods be selling wine? (In 2006 any store was allowed only 3 licenses in the state the initiative wanted to increase that number – it doesn’t affect the number of licenses a town is allowed to grant.)

Stephanie O’Keeffe asked if there would be a separate check out for liquor sales?

John Thibbets noted that baggers and check out personnel have to be 18 to handle liquor so some lines will be labeled when there are under age cashiers.

Alisa Brewer noted that some stores scan driver’s license at register and expects Atkins’ cashiers will be properly trained.

John Thibbets stated that they will err on the side of safety and compliance and that the cash registers software can handle ID scanning.

Len Pratt (R&P Liquors) is concerned with Atkins getting a license especially as 10 day notice of the public hearing may have been violated. He has been 42 years in town, and had a liquor license for 32 years. He is concerned with Atkins’ experience, noting the need for having someone with experience.

Nathan Day (R&P Liquors) stated that we have 2 stores within 2 miles of Atkins and listed a number of stores nearby. Atkins is a destination for people preparing for thanksgiving dinner not going into Amherst, and there are 2 full stores just over the border. Atkins is very near Hampshire College, Mr. Day takes 30 IDs away each year at the beginning of the school year. Atkins' cashiers are too young, and it is not their bread and butter. No public need for it (another liquor store). He also noted that if there really had been 10 days the room might have been packed full.

Paul Hodgkins (Atkins Farms) has owned a license for ten years and dealt mainly with students.

Stephanie O'Keefe closed hearing at 7:17

Alisa Brewer noted that the paper published the notice on the 22nd which may have been appropriate enough.

Gerry Weiss stated that we don't know if notice has had the full 10 days. He asked if we have a need for another store – it is not our job to discourage competition. This license is not a proforma event; we do need to keep the public good in mind.

Alisa Brewer wondered if is this a technicality or is it a judgment call.

Diana Stein is concerned about granting a license when there is a question of the 10 day notice.

Stephanie O'Keefe explained, since we hadn't actually given a full 10 days notice, that we would need to start the hearing from scratch.

Larry Shaffer noted the 10 days are needed, not 7 days, so the advertisement was not put in early enough.

Stephanie O'Keefe apologized for "screwing up" on our end.

Police Plans for Spring Party Season:

Chief Livingstone/Chief Whitehead presented.

Stephanie O'Keefe wondered whether the State Police are helping out?

Chief Livingstone said that the school calendar helped this year by starting earlier - He expects the last 2 weeks of April will be the worst. The State will send a CAT (Community Action Team) of 5 to 12 officers and an OUI team of 4 to 10 officers then.

The Town will fill OT slots on Thursday, Friday and Saturday nights starting right after Spring Break and until graduation.

Chief Whitehead said there is no time off and the full staff is on duty. He may add staff depending on weather and will support the town as needed - Chief Livingstone concurred.

Stephanie O’Keeffe learned at a leadership conference of the need to maintain the right balance to protect the safety of the students as well as the harmony of the neighborhood. She wanted to let the Town know we take it seriously. Ms. O’Keeffe asked how the Nuisance House by-law is it working?

Chief Livingstone stated that pretty consistently, for the last 5 years there, are 900 – 1100 noise complaints, 200 tickets, and about 100 arrests. He would like to increase fines to help with the (only) 300 people who have to be dealt with punitively. APD issued 15 tickets at 6 Nuisance house citations and there has been no second response at these houses.

Alisa Brewer wondered if the neighborhood specific patrols, where officers are assigned to specific areas, is working?

Chief Livingstone said it will be interesting to see results from the change of philosophy with intent to build familiarity with residents in an area. The system allows the cop to do active problem solving. He is trying to educate people in what to expect.

Gerry Weiss had concerns about process: how does a call turn from a visit to an arrest. There are people in the community who want to hear the answer. 10% end up as arrests, from public comment it seemed a much greater number.

Chief Livingstone noted an arrest doesn’t usually involve one person but involves everybody present. Police want to arrest only as a last resort since it takes them off patrol for a while.

Gerry Weiss noted that 1000 complaints were not from 1000 different locations, maybe 3 or 4 arrests at each address. Mr. Weiss would like there to be a community process to educate the public that the APD is doing is the right thing.

Chief Whitehead noted the various campaigns to help educate students about how to stay out of trouble.

Gerry Weiss wondered how many arrests occurred after ticketing?

Chief Johnstone noted it is rare that a first call becomes a ticket.

Gerry Weiss wanted to know the compliance rate for paying tickets?

Chief Johnstone said most are paid and very few go to criminal enforcement – judges don’t want to give a kid a record for a noise violation

Alisa Brewer would like to get some of this material into the Town Meeting packet; some of the statistics would help people understand that the police aren’t about hauling people off in handcuffs.

Gerry Weiss asked for similar material on open containers and kegs.

Stephanie O'Keeffe wondered what number does a neighbor call to complain?

Chief Livingston prefers they call 259-3000 but 911 operators are also trained to take care of them - noise complaints are not-life threatening emergencies.

Public Works:

Mr. Mooring presented easements and Right-of-Way takings for Atkins Corner Reconstruction as approved by Town Meeting which includes donations and some work swaps.

Decision

Gerry Weiss moved to accept Easements and Right-of-Ways for Atkins Corner Reconstruction as approved in Town Meeting from: Hampshire Village II Community Corp, Balderwood Realty Trust, National Yiddish Book Center, Ronald and Deborah Jacque, and Michael Lesy and Lisa Stoffer. Diana Stein seconded and the motion was approved unanimously.

Guilford gave an update on various PWC projects, Governor's Drive, Sand Hill, Lincoln Ave study, general traffic calming, and PWC project approval process.

Sidewalk Snow Plowing Recommendation:

Charlie Moran presented the new sidewalk plowing plan. The plan includes sidewalks between walks that are already being plowed and school walks, about 7 more miles that will cost \$650 more to plow per storm.

Downtown is all hand shovel work and very expensive and is not included.

Alisa Brewer appreciated that the list is on the PWC website for the public to see.

Gerry Weiss wondered if the walks were to be plowed once per storm?

Guilford Mooring replied the policy is for DPW to go through once only. He noted that cuts next year might end that policy.

Larry Shaffer advocated for municipal clearing of walks to enhance safety. It is tradition in New England to have citizens shovel even though many aren't able. Philosophically is a legitimate safety concern, and if there was lots of money, we would do all the walks.

Alisa Brewer suggests we accept this plan and adjust next year. Plowing is an awkward budget item since it is difficult to get right, it is hard to predict snow fall and it involves money and people. We thought these things were important to view.

Larry Shaffer thinks this is a good time to test the template on snow attack process and to experiment with moving personal around and testing sand and salting process. Crews did a

terrific job over the years and improve all the time. The snow Attack Team takes it very seriously.

Diana Stein agrees to move forward should there be a significant snow storm. Different question about Strong Street where students walk to school – how is it cleared? What is the process since the walk is bumpy and curved?

Guilford Mooring, there are 3 machines that go out at different times, a snow blower, a “vee” plow and an angle plow (a “Bombardier” and a “Holder”).

Alisa Brewer noted that from North Village to UMass the plowing is done by UMass; we appreciate it.

Guildford Mooring mentioned that Amherst College and UMass do clear some Town walks.

Stephanie O’Keefe recommended to approve the plan and try it out this year but asked how it would be funded?

Larry Shaffer noted the snow budget is in good shape, for now, so it is a good year to try since we have an opportunity. DPW will report back results of experiment.

Decision

Dian Stein moved to approve the Public Works Committee's recommendation on sidewalk snow plowing January 26, 2010. Alisa Brewer seconded and the motion was approved unanimously.

Town Manager's Report Mr. Shaffer

Recent & Upcoming Activity
Gateway Redevelopment District

Gerry Weiss noted the possible taking of two churches mentioned in an article about the Gateway district caused a stir in the community.

Larry Shaffer noted the idea hasn’t gone far enough to consider taking anything. The first threshold issue is getting UMass approval for its parcels. Then there are zoning changes that need to be completed – “there are 1000 steps to the top one step to the bottom.”

Alisa Brewer said, considering the Baptist Church parcel in the proposal doesn’t do anything to the buildings – there is value in considering synergies between uses of various projects. There are many steps to be considered.

John Coull (Chair of ARA) noted that this project speaks to many issues we have considered in the past like student housing and UMass not contributing to the tax roles. It is important to explore these issues now. The Redevelopment Authority is on board with this project, it is a many step process. Land is vacant now and a satisfactory project could be completed there.

Access to State Funding requires a Plan that can include a wide scope beyond. ARA wants to be a useful part of the Town machinery.

Gerry Weiss stated that conversation will not produce calm: what would the process be to involve the first Baptist Church.

Larry Shaffer stated that the conversation will start with the church directly. Similar conversations are being entered into with all the owners involved.

Alisa Brewer, appreciates learning of this early so people can start thinking about the bigger issues.

Municipal Hearing Officers/Municipal Fine Collection Update: Local option to accept new system which adds another administrative step in the fine process. Now many fines don't get paid and there is no remedy – this change allows fines to be leined and taxed. It includes a Municipal Hearing Officer and process to change an unpaid fine into a lein. Amherst has an officer, Bill Letendre, working on Fire Code violations who may be able to handle the rest of the violation types: Language being prepared for Town Meeting.

Member Reports

Recommendation on “exit interviews” Mr. Weiss, postponed.

Liaison & Representative Reports All

Diana Stein: The Board of Health is working on tobacco regulations to prevent smoking at outdoor seating areas with service and on the Town Common when there are events. Large numbers of people attended the meeting, most from the Cannabis reform group and some restaurant owners. They were concerned that visitors might not know local restrictions in a public place, and the policy might keep people away from restaurants (though the opposite has been shown to be true). The Chamber of Commerce is concerned that charitable groups on Town Common would stop holding events on Common if rule went into effect.

Alisa Brewer noted that enforcement of no smoking on the Common is difficult – it is much easier for restaurant owner serving on a patio to enforce.

Gerry Weiss is working on a reorganization of the Social Services committees; the Committee on Homelessness is looking for a date to meet with the other two groups – a difficult task. Not a lot of support among the groups. Mr. Weiss plans to attend even after his term on the Select Board ends.

Stephanie O’Keeffe:

BCG scheduled for Thursday 11:30.

JCPC 8:30 meets Fridays in the Town Room and hears department requests. Recently they heard from DPW and Public Safety. Next they'll hear from IT, Planning, LSSE, Town and School Facilities.

CPAC's final report has a draft on website.

Complete Count Committee: March is Census Month, it is crucial we get everybody counted since it determines congressional seats, and grant money.

Other Issues and Updates

Diana Stein noted the Amherst Family Center invited anyone to drop in Tuesdays 9-1 at North Pleasant Street in the Unitarian Mtg. house, enter in the rear. 256-1145

Discussion on putting an editorial into paper:

Stephanie O'Keefe presented a rough draft of top 10 reasons to support an override. There was a general discussion on details and wording.

Diana Stein and Stephanie O'Keefe will take comments and "tweak" the editorial.

Committee Appointments -

Diana Stein moved to appoint Liz Etheridge to the La Paz Centro, Nicaragua Sister City Committee, for a term to expire June 30, 2013. Gerry Weiss seconded and the appointment was accepted unanimously.

Chair's Report Ms. O'Keefe

There is a new Citizen petition with zoning by-law changes regarding 4 unrelated people living together.

Library Certification waiver of tax support (recall we promised to call a special TM if the waiver failed) was accepted.

Stephanie O'Keefe spoke at a leadership conference for fraternities and sororities sponsored by Iseinberg School of Management. Spoke on Select Board outreach program and got good feed back on how to improve it. (Especially after low turn out at hearing on alcohol by-laws):

She met with a taxi company that was worried certain taxi regulations are not being enforced regularly.

She will be talking on WMUA Sunday with John Musante on the program "Focus"

Maria Rocca is coordinating on the '08 and '09 Annual Reports

Calendar Preview

3/15 - SB Meeting: (preceded by 5:30 Reception for Gerry Weiss); Conservation Planning Grant Updates; Commercial Tax Assessments Discussion, Audit Report

3/23 - Annual Town Election

3/27 - Senator Rosenberg's Annual Legislative Breakfast

April SB Meetings: 4/5, 4/12,4/19,4/26

Adjourn to Executive Session: 9:40

For the purpose of dealing with Open Session Minutes

Roll call vote:

Stephanie O'Keeffe, Aye

Alisa Brewer, Aye

Aaron Hayden Aye

Diana Stein, Aye

Gerry Weiss, Aye