

## **SELECT BOARD MEETING**

Monday April 12, 6:30 p.m.

Town Room, Town Hall

### **MINUTES**

#### **Attendance:**

Present: Stephanie O'Keeffe (Chair), Alisa Brewer, Aaron Hayden (Clerk), Diana Stein, Jim Wald, Larry Shaffer (Town Manager),

Others presenting: Alan Snow (Tree Warden), Stephanie Ciccarello (Wetland Administrator and Energy Task force Coordinator), Sarah Coffman, Susan Waite (Recycling Coordinator), Peter Jessop (Community Preservation Act Committee Chair), Sonya Aldrich (Town Controller and staff to Community Preservation Act Committee), David Ziomek (Director of Conservation and Planning), Jonathan O'Keeffe (Vice Chair of Planning Board), Daniel Melick, Jonathan Tucker (Director of Planning), Guildford Mooring (Director Public Works), Charlie Moran (Chair of the Public Works Committee)

#### **Call to order 6:30**

#### **Swearing In**

Christopher Pronovost was sworn in as a new Amherst Police Captain

#### **Public Comment**

#### **New Taxi Licenses**

Diana Stein moved to approve the new Taxi Driver/Chauffeur License for Shannon Bazluke, 204 Main Street, Haydenville, MA 01039. Alisa Brewer seconded the motion and it carried with four yes and one absent.

Diana Stein moved to approve the new Taxi Driver/Chauffeur License for Kevin Hanson, 24 Underwood Avenue, Easthampton, MA. Alisa Brewer seconded the motion and it carried four yes and one absent.

Diana Stein moved to approve the new Taxi Driver/Chauffeur License for Charles M. Nakajima, 500 West Street, Unit 17, Amherst, MA. Alisa Brewer seconded the motion and it carried with four yes and one absent.

#### **Street Closings & Parking Requests** – Amherst Sustainability Festival Sustainability Festival

Ms. Ciccarello presented the request: The event is part of a sustainability festival that involves the whole downtown. The organizers have included incentives to shop locally for meals.

Diana Stein moved to approve the reservation of twenty one (21) metered spaces on the west side of Boltwood Avenue from Spring Street to College Street on April 24, 2010 from 10:00 a.m. to 4:00 p.m. for the Amherst Sustainability Festival. Alisa Brewer seconded the motion and it passed with four yes and one absent.

### **Proclamation, Arbor Day**

Alan Snow presented a proclamation about Arbor Day and to announce that we are in our 23<sup>rd</sup> year as a Tree City, a national recognition. He explained that Kendrick Park will be the center of the Arbor Day activities with local vendors, tree care clinics and a tree climbing jamboree.

Stephanie O’Keeffe noted that this is the 23<sup>rd</sup> year the Select Board has approved this proclamation.

Diana Stein read the proclamation and moved to proclaim April 24, 2010 Arbor Day. Alisa Brewer seconded the motion and it carried with four yes and one absent.

### **Voting & Assigning Select Board Positions on Town Meeting Warrant Articles**

Discussion that funds appropriated by TM for one purpose can not be used for another with their approval

#### **Article 17 A– Community Preservation Act**

Diana Stein presented the article for appropriate \$284,100 of Community Preservation Act funding for the projects enumerated there-in;

- Affordable Housing
- Historic Preservation
- Open Space
- Administrative

Diana Stein moved to recommend Article 17 A to appropriate \$284,100 of Community Preservation Act funding for Town meeting approval. Alisa Brewer seconded and the motion passed unanimously.

#### **Article 17 B– Community Preservation Act**

Peter Jessop presented the article to create a bond to purchase the Hawthorne property with future CPA funds.

Discussion:

Stephanie O’Keeffe was concerned that the language of the article might limit the purposes it could be put to. (Town counsel is looking into it.)

Diana Stein moved to recommend Article 17 B– Community Preservation Act to Town for the purchase of the Hawthorne Property for passage. Alisa Brewer seconded and the motion passed unanimously.

#### **Article 17 D– Community Preservation Act**

Peter Jessop presented the article to purchase the Swacz property for \$18,000.

Diana Stein moved to recommend Article 17 C– Community Preservation Act funding \$18,000 for the purchase of the Swacz property to Town meeting for passage. Alisa Brewer seconded and the motion passed unanimously.

#### **Article 17 C– Community Preservation Act**

Peter Jessop presented the article to commit \$350,000 of future CPA funds to repair affordable units. The funds will be matched 100% with State funds making \$700,000 available for the work.

Diana Stein moved to recommend to Article 17C – CPA funds of \$350,000 for improving affordable housing to Town meeting for passage. Jim Wald seconded and the motion passed unanimously.

Peter Jessop had much appreciation for Town Staff's support of the CPA Committee's work.

#### **Article 23- Zoning Amendment – Master Plan Compliance**

Jonathan O'Keeffe presented the article with thanks to the Planning Department staff for all their support.

Alisa Brewer moved to recommend Article 23- Zoning Amendment – Master Plan Compliance - to Town meeting for passage. Jim Wald seconded and the motion passed unanimously.

#### **Article 24- Zoning Amendment – Non-Profit Uses**

Jonathan O'Keeffe presented the article.

Aaron Hayden moved to recommend Article 24- Zoning Amendment – Non-Profit Uses - to Town meeting for passage. Alisa Brewer seconded and the motion passed unanimously.

#### **Article 25- Zoning Amendment – University Drive Rezoning**

Jonathan O'Keefe presented the article.

Alisa Brewer noted that the zoning change will not allow encroachment on wetlands.

Diana Stein moved to recommend Article 25- Zoning Amendment – University Drive Rezoning - to Town meeting for passage. Alisa Brewer seconded and the motion passed unanimously.

#### **Article 26- Zoning Amendment – Four Unrelated Amendment**

Daniel Melick presented the article. He feels that the existing by-law discriminates against students. Concerns that were to be addressed by this by-law could be dealt with more appropriately with other by-laws; noise problems, parking problems or over crowding for instance can be dealt with more directly by noise and parking by-laws and health regulations.

Jonathan O'Keefe presented the Planning Board's position for referring the article back to the Planning Board for further review.

Stephanie O'Keefe appreciated Mr. Melick's comprehensive presentation of the amendment and after hearing from a lot of students and is convinced the current law is flawed. It is a complicated problem including enforcement and needs a comprehensive approach.

Diana Stein recalled a Planning Department survey of other town's by-laws and asked after the results. Jonathan O'Keefe acknowledged the Planning Dept's work in gathering this information. The survey found that limits were widely used in communities though in many different ways. The number 4 was the most common limit.

Jonathan O'Keefe noted the state regulations use a volumetric test. Other means include number of bedrooms.

Jim Wald noted that these rules do serve a function, and the amendment answers them reasonably. Although he is in favor of the article he would like to point out the referring back is an act of gratitude and is an effort to make it work well.

David Melick acknowledges the efforts of the Planning Board to meet a mutual arrangement on this article and feels that referral might be a step in a positive direction.

Alisa Brewer appreciates Mr. Melick efforts to create a good amendment and this is a great first step. There is an incredible demand for housing but there aren't a lot of places for students to go until we build more taxable housing in Amherst.

David Melick notes the allowing denser student housing would free up housing for local teachers and fire fighters as much as building additional housing. UMass will be adding thousands to the student rolls so other methods have to be looked for housing students.

Jonathan O'Keefe noted that the Planning Board has limited ability to respond to many of the issues raised in the article. If it gets back to the PB and BoH he encourages that all the issues that pop up are dealt with, like parking and funding.

Stephanie O'Keefe noted that the UMass Community Coalition is taking on a comprehensive look at these issues. It is good that this group will be looking into these issues. It was noted

that this is a good example of how students are working in a constructive way to facilitate change in an appropriate thoughtful way.

Diana Stein move to support the PB recommendation to refer Article 26- Zoning Amendment – Four Unrelated Amendment – back to the Planning Board and the Board of Health for further review and takes no position on the article itself. Jim Wald seconded and the motion passed unanimously.

### **Article 31 – Authorize the Select Board to Accept Right of Way on University Drive**

Guilford Mooring presented the article.

Aaron Hayden moved to recommend Article 31 – Authorizing the Select Board to Accept Right of Way on University Drive – to Town Meeting for passage. Diana Stein seconded and the motion passed unanimously.

### **DPW Updates**

Mr. Mooring presented several items some needing action by the Select Board;

#### **Approving Land Takings & Easements – Atkins Corner Project**

Bidding on Atkins corner project will start after TM approves taking and the work could start later this summer.

Alisa Brewer would like all the arrangements be captured so TM could review the status of their appropriations.

Alisa Brewer moved to accept the land takings from the following property owners as authorized by the 2007 and 2009 Annual Town Meetings:

David Kelly and Allan McNeely  
Hampshire College  
Valley Properties  
Atkins Fruit Bowl  
Pauline Lannon  
Michael and Ashleigh Moriarty  
Apple Brook West  
Richard Konicek and Kathleen Moran  
Dorothy Lashway

Aaron Hayden seconded and the motion passed with four yes one absent.

#### **Proposal: Formalized Project Approval Process**

Guilford Mooring presented the new formalized approval process for road work: The proposal mimics somewhat the Mass Highway process and takes advantage of the Public Works Committee charge to hold hearings on projects.

Charlie Moran noted the PWC voted unanimously to propose the plan.

Diana Stein would like the Conceptual Plan to come to the SB in time for us to amend as needed.

(Mr. Mooring would notify the SB at each stage of the plan).

Jim Wald noted the liaison would report on pending work.

Stephanie O’Keeffe liked the idea of following the planning process without gumming up the works, rather like the Planning Board process where the Select Board is invited to any meeting for comment. Appreciated the quality of the proposal to formalize and make the process more effective.

Alisa Brewer, asked whose policy this is and how is it to be enforced –

Mr. Mooring replied that it is DPW policy to be approved by the Select Board.

Larry Shaffer also noted that it is DPW policy and that the Select Board may want to add other components.

Larry Shaffer commends the PWC for coming up with this process since it gets boards and committees outside the PWC involved early in the process.

Aaron Hayden moved the endorsed the DPW policy for Approval of Major Transportation or Roadway Projects of April 12<sup>th</sup>. Diana Stein seconded and the motion passed unanimously.

Status Report on Pending Projects:

Atkins Corner – waiting for final permits  
Sandhill Road (South end) – Conceptual Plan approved

Mr. Mooring presented a status of the project including moving the road into the right of way and including cutting trees. If this narrower road gets approval without any real hiccups paving can start this summer. The project includes adding drainage.

Pomeroy Center – Conceptual plan approved  
University Drive and Big Y intersection – Preliminary plan approved  
Spring Street – Preliminary Plan approved

Governor’s drive – plan pending  
Lincoln Ave traffic report – study and proposal pending next month (after review by AFD)  
offers some partial solutions

Alisa Brewer thinks a month is fine but would like to know of the other projects that are also pending.

Guilford Mooring further reported;

Eastman Lane and North Pleasant, initial presentation scheduled for May  
Sandhill Rd (north end), soon  
University Drive late June  
Spring St very soon  
Amity and University Drive this summer  
Pine Street (driven by PRP) including sidewalk issues and utility issues  
Pomeroy Village this winter or next year

### **Town Manager's Report**

#### Recent & Upcoming Activity

Employee Idea Program (winners got \$100 and a day off)

Rent space for ATM in parking garage or any Town facility (R Bohonowicz)

Rent space on existing cell Tower for co-location (R Bohonowicz)

Expanded use of Cherry Hill – like winter Farmer's Market (J Coelho)

Citizen's guide to all functions of Bldg, Cons and Planning Depts. (N Malloy, J Bagg, D Waskiewicz, S Ciccarello, S Krzanowski)

Alisa Brewer on the Cherry Hill project thought we might consider looking at one of the outdoor outfitters to bring in ski equipment to demonstrate and use.

After-School Issues – Students in Jones Library, maybe pressure on Library (mis-)use could be reduce with activities at the Bangs Center. Mr. Shaffer will be getting a report from Nancy Pagano and Linda Chalfant in parallel with re-organizing Bangs Center.

Stephanie O'Keeffe noted the need to check before adding a new program to Bangs Center

Jim Wald cautioned that moving the students might be like squeezing the balloon where the problem bulges out somewhere else.

Aaron Hayden said that it is an issue that can't simply be discouraged by enforcement though could be encouraged in other ways and maybe outside the Bangs Center.

Save Our Stop meeting in Palmer again tomorrow.

### **Member Reports**

BCG Update – Stephanie O'Keeffe presented BCG Summary Points. BCG met post-override to identify what was done and could be done better including key points. Coordinating budget calendars, summary points, and each home board having a regular BCG summary in their

agenda were found to be very helpful. She re-confirmed that they recommend NOT taxing to the full amount allowed by override since there is some positive budget news since the vote. We will emphasize that the "extra money" in the override is not simply available to add to contracts in the future. Need to develop sustainable and prudent budgets – can't emphasize that point enough.

Diana Stein gave the JCPC update – they have almost reached closure on their recommendation. Mr. Musante discussed with APD vehicle purchasing and will reduce purchasing from 4 cars each year to 3 cars each year the savings allow adding insulation in the Jones, purchasing IR camera for AFD and video equipment for APD.

Stephanie O'Keeffe added that the SB will have the full report on the 26<sup>th</sup> – the last meeting is Wednesday at 4:30. About \$2.5m recommended leaving 800k to be funded later. JCPC is asking for \$100k additional funding beyond \$500k for Chapter 90 to try to catch up with pavement work. They are also considering a bond issue to catch up on resurfacing. South Amherst Campus issues not resolved where Regional School will be combing ALP – need to yet consider \$100k for sub-dividing space. Future years usually a 1 year budget with a 5 year plan, the out years are not currently balanced because of the large issues of road work and new fire station. JCPC will start Next Fall with administrative issues and organization before usual start of their work in the winter.

#### Liaison & Representative Reports

Aaron Hayden reported that the TMCC attended a demonstration of an electronic voting system that was well received. The Moderator may adjourn a session of ATM early for a demonstration of the system. Several issues will have to be resolved, changing rules of TM to include electronic voting instead of cards, to have rules for voting if the system fails and we don't have cards, and the cost to purchase, as much as 8 years worth of green and red cards and with huge savings for the Registrar's time and general improvement of TM.

Diana Stein reached Terry Rooney (Chair of Arts Commission) and offered that the SB would like their help to judge designs. In Oct or Nov they will have an art show of art from W Mass. They will repeat the successful installation "Illumination" next winter.

Diana Stein reported that the Agriculture Comm. was meeting this week.

Census update, Stephanie O'Keefe reminded us that the forms are due by April 21<sup>st</sup>. If you don't send it in someone will come to visit you which costs money. The Census has a website that shows percentage of population reporting. You can call the census with your information.

Ms. O'Keeffe noted the Community Coalition is stepping back from fines to evaluate their effectiveness and better ways to enforce nuisance by-laws: what are the biggest problems out there and the best solution. The by-law sub-committee and the coalition is an excellent example of the collaboration between UMass and APD

#### Other Items



Diana Stein moved to approve the reservation of 4 spaces by the UMass Cannabis Reform Coalition, 2 on the south side of Spring Street and 2 on the west side of Boltwood Ave., the exact location to be determined with APD, on April 17<sup>th</sup> from 8:00am to 8:30 . Alisa Brewer seconded and the motion carried unanimously.

### **Consider Procedural Changes re: Taxi and Special Liquor Licenses**

Stephanie O’Keeffe – in a nutshell we are rubberstamping these permits. The people applying for taxi licenses don’t even need to come in even though we are the permitting body. We are not adding to the process, there isn’t anything we would do to change the outcome – the APD does all the work of checking the background and rejects more requests than are accepted. We can ask Town Council whether we can delegate the Town Manager to act on our behalf.

Diana Stein was reluctant to consider changing until after Town Council has reported. Would like to know our options and what APD is looking at.

Alisa Brewer noted we have to give full 48 hour notice even for special 3 minute meetings to grant licenses.

### **Crescent Moon Gardens – Adoption of North Amherst Traffic Island**

Larry Shaffer presented the planting plans and agreement for Crescent Moon’s adopting and beautifying the traffic island just north of the intersection of Meadow Street, Pine Street and North Pleasant Street.

Diana Stein moved to accept Crescent Moon’s plan for their occupancy of the Town’s Right of Way as described in a letter from the Superintendent of Public Works to the Town Manager, April 7<sup>th</sup> 2010. Alisa Brewer seconded and the motion carried four yes one absent.

### **Special Liquor Licenses**

#### **Special All Alcohol Liquor – Hampshire College**

Diana Stein moved to approve the Special All Alcohol Liquor License for the Hampshire College Dining Services for May 1, 2010 from 5:00 p.m. – 11:30 p.m. at the Red Barn for reception. . Alisa Brewer seconded and the motion passed four yes and one absent (Mr. Wald recused himself from the vote).

#### **Special Wine & Malt License – Amherst Area Chamber of Commerce – Taste of Amherst**

Diana Stein moved to approve the Special Wine & Malt Liquor License for Amherst Area Chamber of Commerce for beer and wine tasting *at the Amherst College property on Boltwood across from the Common for the Taste of Amherst* on the following dates:

- June 17, 2010 from 5:00 p.m. to 9:00 p.m.
- June 18, 2010 from 5:00 p.m. to 10:00 p.m.

- June 19, 2010 from 4:00 p.m. to 10:00 p.m.
- June 20, 2010 from 12:00 p.m. to 4:00 p.m.

Alisa Brewer seconded and the motion passed four yes one absent.

### **Calendar Preview**

- 4/13 TMCC/LWV Warrant Review Meeting, 7:30 p.m. Town Room (7:00 p.m. – New Member Orientation)
- 4/14 Agenda meeting 3:30
- 4/14 Chamber After 5 – 5:00 p.m., New England Environmental
- 4/18 TMCC Town Meeting Bus Tour – 2:00 p.m. – 4:00 p.m., meet at ARMS parking lot
- 4/21 SB Meeting: (Wednesday meeting – Police Department Community Room,) Vote Positions on Warrant Articles; Progress Report – Town Manager FY10 Goals
- 4/25 – 4/29 TMCC Precinct Meetings (schedule available on Town web site)
- 4/26 SB Meeting: Vote Positions on Warrant Articles; FY10 3rd Quarter Budget Update
- 4/27 TMCC Info Forum: How Public Works: Purse Strings to Pot Holes; 7:30 p.m. at ACTV
- 4/28 Chamber After 5 – 5:00 p.m., Kuhn-Riddle Architects
- 4/30 Celebration for the Fight Against Child Violence – Flag Raising and Ceremony, 12:00 noon
- 5/3 Annual Town Meeting Begins

### **ADJOURNMENT**

Meeting was adjourned at 10:39 p.m.

Comments and corrections encouraged;

Respectfully submitted;

*Aaron Hayden*