

SELECT BOARD MEETING

Monday, June 7 – 6:30 p.m.
Town Room, Town Hall

MINUTES

Call to order:

Meeting was called to order by Ms. O’Keeffe at 6:33 p.m.

Attendance:

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

Others presenting: John Musante (Asst Town Mgr), Tony Maroulis, Vladimir Morales, Mike Monjau , Bob Ackerman, Vincent O’Connor, T Kartacian, Dan Melick, Mike Monjau, Steve Braun (Chair PWC), Guilford Mooring (Dir DPW)

Public Comment

Sign notes – Short-Term Borrowing

John Musante described need for the Select Board to borrow \$220k (of the \$300 TM approved) for purchase of the portable classrooms. The Select Board now needs to sign notes to roll-over borrowing. The low bid on the loan has an interest rate of 1.1% .

The School declared the trailers are surplus so they become the responsibility of the Town.

6:50 Parking and Street Closure Request – Taste of Amherst

Tony Maroulis presented the request as a wonderful annual event that brings many people to Downtown.

Alisa Brewer moved to approve the following street closing and parking request from the Amherst Area Chamber of Commerce for their annual "Taste of Amherst" event:

1. Place "No Parking" bags on parking meters around the perimeter of the Town Common, including the North and South sides of the Spring Street lot,

Thursday, June 17, 12:00-9:00 p.m.

Friday, June 18, 5:00 -10:00 p.m.

Saturday, June 19, 12:00 -10:00 p.m.

Sunday, June 20, 12:00 - 4:00 p.m.

To accommodate vendor parking

2. Grant permission to restrict the East side of Boltwood Avenue to taste vendors

3. Grant permission to close Boltwood Avenue from Route 9 to Spring Street on Friday, June 18, 2010 and Saturday, June 19, 2010 from 7:00-9:30 p.m. For pedestrian crossing

Jim Wald seconded and the motion passed unanimously

7:00 Proposal to take a position on the Arizona Immigration Law

Vladimir Morales presented: He noted that there was little need for a presentation on this proposal since it is very clear what has gone on in Arizona. He noted that under the Arizona law it is possible that even teachers with an accent could be stopped. He declared that Amherst is 90% better than the rest of the country (about immigrants). We are living in an uncomfortable time and politicians play on our fear to ask for immigration control at our borders. We need to prevent the erosion of fundamental civil rights when this happens. Mr. Morales grew up in Puerto Rico and speaks for other immigrants who are comfortable living with “you” and wonders why “you” (Caucasians) can’t get along with us. It is a matter of classism not necessarily racism. For 6 decades he has been working for social justice and wants us to have an open mind.

Tanya Kartacian is a resident immigrant from Guatemala and a community organizer, she stated that it is important for our Town to take a position. There is a group of concerned residents in the area and we need to follow the national movement. Amherst needs to take on the boycott.

Diana Stein thought we might use the Boston version of the petition.

Ms. Kartacian wanted us to use Mr. Morales letter.

Dan Melick stated he wanted to say something which had become irrelevant when struck the last sections from the petition for our consideration and then went on: He wanted to urge that the decriminalization of drugs is not enough. The drug war that takes place in other countries is destructive and is a direct result of prohibition; similar problems were caused during the prohibition of alcohol. We need to legalize drugs and improve the living environment in other countries.

Bob Ackerman, Town Meeting precinct 10, wanted to make a “single small point”: The Media put a context around thinking about fellow citizens who might be stopped on a cop’s whim. He finds the idea deeply offensive. It seems likely that Supreme Court will strike it down but now is a time to demonstrate.

Jim Wald noted that even the Forefathers of our country could be considered illegals under this law. And (rhetorically) wondered why shouldn’t we want to enforce laws of sovereignty and borders – Mr. Wald is happy to be in a country that people are dying to get into and not out from. SB 70 is a long complicated law, 16 pages, and the debate turns on interpretations of the words “require people to produce papers confirming status” and “detain people” who can’t. The law won’t avoid the problems of profiling even if it is forbidden. The law will lead to a divided country and reduce public safety since minority groups will be less likely to report crimes or seek help.

Alisa Brewer wondered what the procedure should be since petitioners are not asking us to sign anything.

Ms Kartacian wanted to know if she needed to come to Select Board for a vote? (Yes) So she would like to have the Select Board vote on the actual resolution.

Diana Stein proposed adding “knowingly” into section a.

Alisa Brewer wanted to know how the Town Manager would interpret what happens if there is something that has some Arizona content?

Larry Shaffer is not aware of any company we use from Arizona. He has the Financial Officer doing a zip code search. First we would check with Town Counsel to be sure the resolution squares with procurement laws of State and community. With in all our contracts we would put in language to assure the product provided is not from or passed through Arizona along with all the other assurances we ask of vendors.

Stephanie O’Keeffe is happy with the proposals sections a-c but doesn’t know how town could enforce sections d or e – how would we notify Major League Baseball for instance. She recommended we strike d and e.

Mr. Morales noted that the congressman from the South Bronx introduced legislation to forbid MLB from having final game in Arizona. And we might have rephrased the resolution if he had known of Congress’ action.

Stephanie O’Keeffe noted we have to sign on to something and preferred acting on things that are under our control, and noted that clauses d-e are not.

Alisa Brewer hates resolutions but in this case would like to recommend this one’s parts that are in our scope. We can direct the Town Manager to do section a and we can talk to the media about b and c. We can’t be as effective on d and e. The newspaper has not reported that Amherst did not vote against language immersion, and would keep in-state tuition for immigrants. Amherst supports this stuff.

Aaron Hayden hoped these sort of proclamations would help the typical Arizonian understand that everyone who doesn’t look like them is a criminal and that they would take a closer look at the crimes that are actually going on rather than the ones they suppose.

Mike Monjau is bothered by xenophobic origin. People supporting the law are tied to racist organizations and he hopes the boycott can effect Arizona is some fashion.

Aaron Hayden moved to endorse sections a thru c with the added “ knowingly”.

Alisa Brewer seconded.

Discussion:

Diana Stein would propose an alternative motion found in the Democratic Committee's resolution which states what is insulting about the law.

Jim Wald likes Mr. Morales' words since they are simpler and have general concerns

Aaron Hayden also likes that this resolution is homegrown.

The motion carried unanimously:

Whereas, the State of Arizona has enacted into law, az SENATE bill 1070, a requirement that all state, county and municipal police officers ascertain the citizenship status of any person about whom they have reasonable cause to believe is an illegal alien and arrest and detain those without proper identification; and,

Whereas, that law will have the practical effect of requiring that every resident of and visitor to the State of Arizona, including children, tourists and Native Americans, carry a birth certificate, visa, or other such form of identification;

Now, Therefore, Be It Resolved, that the Amherst Select Board:

- a. directs the town manager to insure that from this day forward until the Arizona law in question has been repealed or set aside by court action that no Town of Amherst funds shall *knowingly* be expended for any goods or services originating in the State of Arizona, said prohibition to include travel to or from the State of Arizona on any official business or travel for official town business upon any transportation carrier headquartered in the State of Arizona; and,
- b. urges Amherst residents to encourage whatever business, professional, academic, fraternal, religious and other organization to which they may belong to take actions similar to section "a" above, including the cancellation of any organizational meetings, conferences, gatherings or events scheduled to take place in the State of Arizona; and,
- c. asks Amherst residents to consider altering any plans they may have to travel thru or stay in the State of Arizona until the Arizona law in question has been repealed or set aside by court action; and,

Recommendation on Eastman Lane/North Pleasant/Governor's Drive Intersection

Guilford Mooring presented a design created by the Town and UMass for a round about as an alternative to controlled intersection at the intersection of Eastman and North pleasant and compared the merits of a signalized intersection with those of a roundabout.

Jason Venditti (VHB) Joseph Wanat (VHB) presented a PowerPoint slide show.

Steve Braun, Chair of PWC, came forward to answer any questions:

Vincent O'Connor (PWC) presenting minority report (and announced that he was a supporter of the Atkins Corner round-about). He felt that there are other isolated intersection that would benefit from a round-about but not this highly trafficked one. He noted that signalized intersection can be built in the same time frame. He stated that there have been no accidents during the study period, and that this it is a "safe" intersection that should simply get an enhancement to its signals. Mr. O'Connor feels that the safety of a round-about is questionable for this location and that there are 2 problems with better solutions;

the early morning back-up would be more than adequately solved with improved signal and the back-up after events is better solved by enhanced signal and police officer at the intersection (the officer is needed in any case) and he felt that implementing an on-the shelf plan for discharging traffic directly to 116 North - even though there are problems with wetlands - via an exit only connection was better still.

Mr. O'Connor believes the design assumes that people will respond optimally. The design fails to address timid drivers who will not enter an unsignalized intersection with any traffic near by. This includes students who are new drivers at the University.

"Finally" if the Select Board approves the round about all the liability of this remarkably safe intersection falls on the Town and we should check with Town Counsel to be sure of Town's liability to replace a proven intersection with an unproven one.

Also recommendation did not address DAAC's request for control of intersection. Roundabouts don't have controls, only an enhanced signal has control.

"Finally" there are safety problems that have to be addressed: A problem the occurs on other raised crosswalks in town which have the effect of making any headlights into a high beams as they go over them. He insists the raised cross walks be taken out.

"Finally" in the presentation to the PWC it was noted the pitch of the roadway was outward to encourage slowing the traffic but which could fool new drivers in ice and snow to slide to the edge - like Cushman Common at Bridge St where people end up on the common in bad weather.

"Finally" he announced he had to leave to pick up children at a baseball game.

Steve Braun (Chair of PWC) noted the PWC voted 4-1 for the proposal. His colleague brought up some good points most of which were addressed. Safety is not the only benefit of the round-about, it is also very efficient. The assertion that a signalized intersection will improve the safety over a roundabout is refuted by national studies, which DO include less than optimal behavior and tests people who are being people. Members of the community believe that timid drivers will learn pretty quickly. And pedestrian safety was well addressed, the round-about clearly improves safety. The headlight concern was dealt with by a design change lowering angle of raised walk ramps. Also the roundabout pitch is for drainage and to ease the clearance of snow.

Guilford Mooring noted that this is the first time we have gone through the review process. The DAAC letter to the PWC is in the Select Board's packet and it notes the pros and cons on the controls for intersection. We have the PTBC committee's report and comments from the public.

Aaron Hayden wondered what the comparative reliability of signal is vs a Round-about?

Guilford Mooring noted that the current enhanced signals in Town aren't always reliable and are set to blinking yellow at times.

Diana Stein asked about the pictures presented of roundabouts which few cars. This roundabout will handle 450 cars per hour at times and she wondered how pedestrians cross during these peak times – how well will the intersection work then.

Joe Wanat has photos with high rates of flow. They counted cars and pedestrians and found the roundabout would be at about at 65% capacity. An all stop condition with a signal reduces the capacity for both vehicles and pedestrians. Other crossings on campus were considered for roundabouts but this was one that would work.

Jim Wald noted that he and Aaron Hayden attended the PWC hearing and saw the animations which were effective in showing how it works. The process seems to be working well and even this abbreviated presentation is very helpful.

Alisa Brewer stated that there is a lot of information on the website including a letter responding to the letter against the proposal. It is not clear, in the letters, whether all the DAAC concerns were dealt with or could be dealt with.

Jason Venditti explained that the DAAC concern was for an ample shoulder width for a bike lane, pavement markings and that signs are clear where the bicyclists could disembark, lighting and raised crossing aid safety.

Alisa Brewer said the DAAC notes that this design does not create the shortest or most direct.

Jason Venditti explained that he measured the actual length and it is 5' shorter since there isn't an extra (left hand turn) lane to cross even though the diverter island adds back the length.

Guilford Mooring noted that an enhanced signal intersection would add another 15' for an extra lane and shoulder. With this design the crossing is before the road widens into the round about. The PTBC added the "chicken" ramp with the wide sidewalks – a typical condition on the UMass Campus sidewalks where cyclist and pedestrians are encouraged to share the walkways.

Stephanie O'Keefe pointed out that we are not looking for committees to find solutions but to raise issues for engineers to solve and asked about liability.

Larry Shaffer had not spoken to Town Counsel on the subject. But, he was struck by the enhanced safety of the round about so it may be that a signalized intersection, rejected by the Dir of Pub Works and PWC, would INCREASE liability. He will check in with Town Counsel on this issue.

Diana Stein moved to approve changing the signalized intersection at Eastman Lane and North Pleasant Street to a one lane Roundabout as proposed by the Amherst Department of Public Works and the University of Massachusetts and shown on the plans prepared by Vanasse Hangen

Brustlin, Inc. dated June 1st, with the understanding that final Landscaping plans, Lighting plans and crosswalk material plans will be developed with input from the Design Review Board.

Aaron Hayden seconded and the motion carried unanimously.

8:25 Town Manager's report

Recent and upcoming Activity

Town Counsel's report on Delegation of Some Select Board License Responsibilities found that the responsibility of the Select Board in these matters can not be transferred. Select Board must approve liquor licenses, parking places in the public way and taxi licenses.

Mr. Shaffer met with a taxi cab operators who have received verbal warnings and tickets about blocking the public way, soliciting customers, failing to display rates, failure to have licensed drivers, as a result of APD's increased enforcement. The APD Chief will meet with all the operators in August to notify them that enforcement will be increased. Bonny Weeks will be present at the meeting to let them know of the zoning by-laws that affect them. There is a new enforcement environment that is being matched with a new education environment. The Select Board will get a report of operators receiving tickets when we consider renewing their licenses next year. Some operators who try to comply with the law feel they have a disadvantage compared with those who don't comply.

Palmer Rail Summit is on June 15th at 6 pm at the Steam Tender, an old beautiful depot. Larry Shafer and Jonathan Tucker will be there with representatives from most the towns that are along the rail line from Brattleboro to new London. State representatives have been invited as well. The summit is organized as a discussion on the status of the existing rail service and the for the communities along the corridor to replicate the success of the other side of the river where grants have been given to repair the tracks.

Stephanie O'Keeffe wondered whether we were to be invited – we have not seen an invitation.

Larry Shaffer was to send an invitation by e-mail to save postage etc.

Emergency operations and storm update. The May 26th storm was responsible for damaging as many 50 trees with many more limbs blocking roads. The Emergency Operations Center was opened to organize clearing the roads so emergency services could get through. 15 people spent 10 hours of OT to clear the roads, and the wastewater plant was on emergency generators. The EOC was open for 15 hrs, the 3 chiefs where there with Guilford Mooring and Ron Bohoniewicz. Town Hall was without power while WMECo made repairs so it was closed for the day (even though power came back 3 hours later). We learned some things: IE we hadn't called in the health department which was a problem since vaccine doses needed to be moved. We are now looking to put emergency generation into Town Hall. Also The DPW radio repeater didn't work without emergency power. Mr. Shaffer has filed an emergency declaration with the State but the threshold of \$8M of damage was not reached. No major injuries reported.

Mr. Shaffer met with President Marx, of Amherst College to talk about the Lord Jeff Inn project and synchronizing the Spring Street improvements with it. The road work will be completed before the inn's opening. There was some concern that the new process for design approval might pull the two project out os synch hurting each. We have a good system with the 25% and 75% approvals and we should follow it though with the Lord Jeff Inn we may not be able to get all the approvals in time for the expedited schedule of this process.

Stephanie O'Keefe noted that coordination is important and the approval process should be followed as much as possible maybe with approvals in parallel with construction and that we have already made some approvals on this project.

Alisa Brewer felt that it would be an administrative problem if it doesn't get done. There is no reason for any one to hold up the process unless we drop the ball.

Stephanie O'Keefe asked about the time frame.

Larry Shaffer said that Lord Jeff is opening in less than a year and that the water and sewer in Spring Street will start in the middle of this month.

Stephanie O'Keefe asked that we get a timeline at our next meeting of the process and project so that we can keep the process on track.

Bangs Center renovation project has a a report from the 3 dept heads there; LSSE Senior Center and Department of Health with a plan to consolidate some services - The plan was endorsed by all three. The COA was also pleased with the outcome so the plan will be put into action as soon so we can see the benefits as soon as possible.

Stephanie O'Keefe also had learned from the COA that they liked the plan.

Member's reports

Diana Stein discussed options for Town Flag design process – she had a request for a letter to the Rotary to get their support in the flag effort. And wWould like to have the OK to write it. (Accepted without objection)

Aaron Hayden reported that the Mayor, members of the city council and other VIPs from Kanegasaki will be visiting Amherst in the fall. They would like to be part of formal programs, a Select Board meeting, Town Meeting, a formal meeting with the Town Manager and Select Board chair, a meeting with the Kanegasaki Sister City Committee and the like. The request is very recent and the KSCC will convene a meeting next week to learn the details and start making some plans.

Jim Wald announced that the Historical District meeting is on June 15 at 7pm

Chair's Report

Our next meeting is for two liquor licenses on June 21st.

The next BCG meeting is on June 24th to discuss process.

The July 4th parade committee agrees with all the arrangements of last year.

The dedication of S Ziomek scoreboard last Friday was very nice affair.

Ms O'Keefe will be meeting next week with the Selectboard Office to work out communication and information flow. Any board questions should go to Stephanie O'Keefe in these regards.

APD is working to maintain its accreditation which includes an annual 3 day assessment process. Capt Gunderson is the coordinator of our process and we are the second department in the State to gain accreditations.

Summer plans; goal setting, Town Manager evaluation, Master Plan implementation, Safe Routes to school and others. We are scheduling to meet less and accomplish more this summer.

Other Business

Town Meeting Review – How the Select Board process went and how it might improve:

There was a concern that we appeared to be rushing through Town Meeting business.

Jim Wald noted an appearance that Town Meeting doesn't have much to do since so much is done by boards and committees beforehand.

Alisa Brewer wondered if the Finance Committee could discuss the format of their report so they don't have to read whole thing Town Meeting's role is the last step in long processes and members need to pay attention year around.

Diana Stein reinforced the idea that the Finance Committee booklet is superb but to hear it word for word is not necessary.

Stephanie O'Keefe liked our staying seated for our short speeches since it speeds things up. She also noted that it is difficult to arrange people from outside to come to the meeting since the time of various articles is so fluid- it is more like a Town Meeting season than a series of meetings.

Aaron Hayden noted that the TMCC's electronic voting survey is due in today.

Jim Wald felt Town Meeting needed to get involved with open meeting rules and with their explicit rational rather than explicit ways of doing things.

Stephanie O'Keefe noted that Open Meeting rules are good to follow.

Larry Shaffer's biggest disappointment was on the University Drive re-zoning. He kept quiet because he had knowledge of the specific project and wanted to maintain the integrity of Town Meeting – he wishes Town Meeting would come to understand that zoning can be tied to specific development and that losing this project now will delay tax base increases. Mr. Shaffer is considering what level of advocacy is appropriate and will be consulting with boards to find out.

Parking and Street Closure Request -Big Brothers Big Sisters of Hampshire County

Diana Stein moved to approve the request to close the North Common parking lot on July 10, 2010 from 6:30 am - 8:30 a.m. for the 30th Annual Amherst Crafts on the Common Fair. Aaron Hayden seconded and the motion carried unanimously.

Minutes:

Diana Stein moved to approve all the minutes with typographical corrections Aaron Hayden seconded and the motion was accepted unanimously.

March 15 as amended.

April 5 as amended

April 12 as amended.

May 3 as amended

May 17 as amended.

Licenses and permits

Diana Stein moved to approve the Special All Alcohol Liquor License for the Amherst College Catering for June 12, 2010 from 5:00 p.m. -12:00 a.m. at the Lewis Sebring Commons for wedding reception. Aaron Hayden seconded and the motion carried unanimously.

Calendar Preview

SB mtgs; June 21st 2 liquor licenses, 6:30 Bertucci's change of mgr, 6:40 new seasonal license for Amherst Cinema, June 28, July 12, 26, August 9, 30

Towns tentative 6/8

PVPC mtg 6/10

6/15 Rail summit

6/18 Chamber Breakfast, 7:15 – Taste of Amherst at 5:00

Adjournment

SO moved to adjourn at 9:55 to executive session for the purpose of discussing personnel matters was unanimously accepted. DS seconded.

Brewer - aye

Hayden - aye

O'Keefe - aye

Stein - aye

Wald – aye

Changes and comments encouraged.

Respectfully submitted

Aaron Hayden