

SELECT BOARD MEETING
Minutes
Monday, June 21, 2010 – 6:30 p.m.
Town Room, Town hall

Attendance:

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

Others presenting; Bob Womboldt, Carol Johnson (with other member of the Amherst Cinema board), Barry Roberts, Judith Federman (Health Director), Lucy Benson (Chair of AC board).

Call to order:

Meeting was convened at 6:31.

Public Hearings

Change of Manager - Bertucci's Restaurant Carp. d/b/a/ Bertucci's Brick Oven Ristorante

The public hearing was opened at 6:30 p.m.

Bob Womboldt briefly presented:

Diana Stein moved to approve the change of manager for Bertucci's Brick Oven Ristorante from Knaley to Robert E. Womboldt, 64 High Street South Hadley, MA 01075.

Aaron Hayden seconded and the motion carried unanimously. (4 – 0 1 absent)

New Seasonal Wine & Malt Liquor License -Amherst Cinema Arts Center, Inc.

The public hearing opened at 6:40 p.m.

Carol Johnson (Dir of the Cinema) presented:

The Amherst Cinema is a premier cultural organization in the Valley showing films that would not be shown anywhere else, they help directors, do poetry readings, and have HDTV of London plays. The Amherst Cinema will be implementing a 3rd grade literacy program to teach student how to interpret images. It is a well established curriculum that will be offered to a wide range of students with many scholarships available.

Why non-profit? The Amherst Cinema is an educational institution. 75% of the budget comes from tickets and concessions. They Feel welcomed in the Valley for the last 3 ½ years.

A beer and wine license will help them be competitive. There are many choices for people to watch movies so it is important to deliver a consistently enjoyable experience. They believe a beer and wine license will help us be competitive as these things are increasingly commonly sold in art theaters to improve the enjoyment of the experience.

People coming to the theater can be identified by what ticket they buy – seniors, regular and students – and less than 15% buy student tickets. The shows are not geared toward students, the films appealing to younger theater goers are showing in the Cineplex. The Amherst Cinema has a more mature audience.

Amherst Cinema sells 85,000 tickets each year.

The management plan: beer and wine will only be sold to movie going patrons between 4 and 10:20 and only after they have shown ID. People will only be allowed to buy one drink. In their experience people buy at the concession before going in and typically don't come back for seconds. All servers will be TIPS trained to keep the situation controlled. The Amherst Cinema owns only the inside of the theater, the patio outside belongs to another business so Amherst Cinema patrons will be forbidden from taking their beverage outside.

Barry Roberts urged us to support the request. He is an abutter and feels we need to show our support since they help support the downtown.

Alisa Brewer; noted there are a number of new documents this evening and encourages us not to close the hearing tonight until we can review them.

Diana Stein noted it is a seasonal license and wondered how the license limitations fit the business.

Carol Johnson would love to have a year around license since the seasonal license cuts them off during their most busy times- but there isn't a full year license available. (Amherst is only allowed a certain number of licenses.)

Stephanie O'Keeffe notes that this license had to be approved by the ZBA since there is a new management plan that includes liquor.

Carol Johnson outlined the process of getting the new management plan accepted including limiting hours.

Dian Stein wondered about the need for a Common Victualler's license as well.

Larry Shaffer spoke with Town Counsel about the ambiguity of the requirement. If concession only served packaged food it is not needed. As selection grows beyond packages at some point there becomes a need for a Common Victualler's license. Amherst Cinema has applied for the Victualler's license and Chief Livingstone sees no problem with granting it.

Stephanie O’Keeffe notes there 5 types of liquor licenses and none match perfectly with the Cinema’s need though the Victualler’s license will bring it more in line.

Carol Johnson spoke with Health department and Amherst Cinema will offer the types of food that help digest alcohol – things that may not be the usual common victualler’s fare.

Judith Federman (Health Director) sent us a letter that describes how serving cheeses and nuts is enough to help people who haven’t eaten before the movie to drink safely. She educated herself on this and spoke with theaters that are doing it for a few years. She spoke with manager of the Sommerville Theater near Tufts and they had no problems even with students nearby – people who want to drink don’t go to an arts cinema and beer and wine sales did help with their bottom line. Neither manager had any problems. The Brattle Theater in Cambridge, where there are many other theaters, also had no problems. She is comfortable with the Cinema’s not offering soups and salads.

Alisa Brewer noted that the threshold for a Common Victualler’s license was crossed by Capt Candy and so the Select Board policy includes the need here as well.

Lucy Benson (Chair of AC board) noted that Cinema Board is completely supportive of the project and hopes we will approve it.

Stephanie O’Keeffe is concerned that in dealing with a liquor license that the Cinema understands the grave responsibility undertaken when serving alcohol. She recommends contacting the CCC C sub-committee that works with bar owners who work on creating best practices. That people will not be allowed to take alcohol outside needs to be strongly enforced.

Special events will be different from their regular service. (Carol Johnson offered that the Cinema would secure a one day license to extend the hours of service.)

Carol Johnson will be taking small steps one at a time. Special events are not frequent and will be planned carefully.

Alisa Brewer suggested that the Cinema give itself plenty of time to get the license. Patrons should demonstrate they are going in by showing a ticket. She also noted that churches and schools within 500’ need to be notified (in this case Hope Church and Grace Church) and the Select Board needs to determine the liquor service won’t be a detriment to their work.

Diana Stein wondered if we need to worry about the Vita Nova?

Alisa Brewer noted that it is completely outside the Select Board purview. The abutters list is created and parcels are identified by the owners’ primary purpose – Vita Nova is located over a bar.

Jim Wald quoting the law “a church is not a chapel that is primarily devoted to other purposes.”

Alisa Brewer wondered why anyone would not think this is a good idea, though there were some strong opinions in the paper against it. Maybe they feared competition, an issue that was well dealt with by presentation.

Diana Stein moved to close public hearing at 7:26, Aaron Hayden Seconded and the motion passed unanimously.

Alisa Brewer would like to add the manager information and mention the dates to the motion - to approve the new Seasonal Wine & Malt Liquor License for Amherst Cinema Arts Center, Inc

Larry Shaffer agrees there is value to the additions.

Diana Stein would like to add a contingency on the Common Victualler's license:

Diana Stein moved to approve the new Seasonal New Seasonal Wine & Malt Liquor License, April 3 through Jan 15, for Amherst Cinema Arts Center, Inc. 28 Amity St, Holly Greeley Manager, consistent with Town Select Board policy.

Jim Wald seconded.

Discussion:

Alisa Brewer asked about cost of the license, each license has a different cost, including the Cherry Hill license is \$700 rather than the \$1,000 the others charge. What is out intent for this license?

Larry Shaffer noted that there has been no conversation but expected it would be in line with other licenses - \$700. Offered an amendment to give the Amherst Cinema the approval so they can get started with the ABCC

The motion was approved unanimously.

Select Board Committee Appointments

Diana Stein moved to reappoint the following members of the 250 Anniversary Celebration Committee for a term to expire December 31, 2010 with an appropriate extension to the Committee's charge:

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|----------------------|------------------------|
| 1. Isabelle Callahan | 12. Lorna Peterson |
| 2. Lyle Denit | 13. Mareen Raab |
| 3. Robert Grose | 14. Janice Ratner |
| 4. Ann Grose | 15. Barry Roberts |
| 5. Caroline Hanna | 16. Fiona Russell |
| 6. Carol Johnson | 17. Adrienne Terrizzi |
| 7. Dolly Jolly | 18. John Thibbitts |
| 8. Wendy Kohler | 19. Michele Tourangeau |

9. Joan Logan 20. Patricia Wagner
10. Richard Mathews 21. Stan Ziomek
11. Martha Nelson-Patrick

Aaron Hayden seconded and the motion carried unanimously. (4-0 1 absent)

Town Manager Committee Appointments

Diana Stein moved to accept the Town Manager's appointing:

- Lynda Faye, Historical Commission, for a term to expire June 30, 2013
Anurag Sharma, Historical Commission, for a term to expire June 30, 2013

Aaron Hayden seconded and the motion carried unanimously.(4-0 1 absent)

Diana Stein moved the following committee appointments and re-appointments be made:

Appointments;

- Eve Vogel, Public Transportation and Bicycle Committee, for a term to expire June 30, 2013
Christine Gray Mullen, Public Works Committee, for a term to expire June 30, 2013

Reappointments;

- Touria Eaton, Agricultural Commission, for a term to expire June 30, 2013
Janet Winston, Design Review Board, for a term to expire June 30, 2013
Denise Barberet, Hampshire Regional Emergency Planning Committee, for a term to expire June 30, 2011
Katherine Vorwerk Feldman, Hampshire Regional Emergency Planning Committee, for a term to expire June 30, 2011
Anne Stanek, Nicaragua Sister City Committee, for a term to expire June 30, 2013
Ed Stanek, Nicaragua Sister City Committee, for a term to expire June 30, 2013
Robert Kusner, Norwottuck Rail Trail Committee, for a term to expire June 30, 2013
Frances van Treese, Norwottuck Rail Trail Committee, for a term to expire June 30, 2013
Terry Rooney, Public Art Commission, for a term to expire June 30, 2013
Stephen Braun, Public Works Committee, for a term to expire June 30, 2013
Eric Beal, Zoning Board of Appeals, Associate, for a term to expire June 30, 2013
Thomas Ehrgood, Zoning Board of Appeals, Associate, for a term to expire June 30, 2011
Hilda Greenbaum, Zoning Board of Appeals, Full, for a term to expire June 30, 2011
Mark Parent, Zoning Board of Appeals, Associate, for a term to expire June 30, 2011
Thomas Simpson, Zoning Board of Appeals, Full for a term to expire June 30, 2011

Aaron Hayden seconded and the motion passed unanimously.

Licenses and permits

Diana Stein moved to approve the Special All Alcohol Liquor License for the University of Massachusetts for June 24, 2010 from 6:00 p.m. -11:00 p.m. at the Berkshire Dining Hall for reception.

Aaron Hayden seconded and the motion carried unanimously

Diana Stein moved to approve the Special All Alcohol Liquor License for Michalene Ebelrbach for June 26, 2010 from 6:00 p.m. -10:00 p.m. at the Lewis Sebring Commons for a wedding reception.

Aaron Hayden seconded and the motion carried unanimously

Adjournment

Motion to adjourn at 7:48 was unanimously accepted.

Changes and comments encouraged.

Respectfully submitted

Aaron Hayden

Calendar Preview

6/28 SB meeting: summer Project Plans; FY 11 Calendar Overview; Committee on Homelessness Report; Sign Atkins TIF; Consider Parking Request process; Update on Spring St Construction plans and timing

6/29 Four Towns meeting

7/12 SB meeting: Finalize Spring St plans

7/26 SB meeting: Council on Aging report