

SELECT BOARD MINUTES

Date: Monday, October 4, 2010 – 6:30 p.m.

Location: Town Room Town Hall

Attendance of Select Board and Town Manager (mark if present)

Alisa Brewer	X
Aaron Hayden	X
Stephanie O’Keefe (Chair)	X
Diana Stein	X
Jim Wald	X
John Musante (Town Manager)	X

Others Present and Speaking:

David Robertson (Student), Joseph Wronka (Professor), Jim Lescault and Frank Gatti (for ACTV), Vladimir Morales (Puerto Rican Day), David Ziomek (Dir. Conservation and Planning)

CALL TO ORDER at : 6:30 p. m.

Public comment:

None

Paste relevant portions of agenda in chronological order including the reports of the Town Manager, Members and Chair. Keep discussion to a summary of four sentences; use Chair’s summary notes where possible. Copy any motions from the motion sheet but show modifications to it.

Chair’s Report- Report on Coffee Hour with UMass Representatives.

Stephanie O’Keefe reported on the Coffee Hour with UMass representatives which had preceded the meeting at 5 p.m. She said that about three dozen people attended including Chancellor Holub, and it was a good opportunity to forge ties between the Town and the University, and in particular, with UMass student leaders. She thanked all who participated. A yellow sheet was provided that had contact information with the Town leaders on one side and those from the University on the other.

New Taxi Driver/Chauffeur Licenses

The Select Board **VOTED** unanimously to approve the new Taxi Driver/Chauffeur License for Charles Laamanen, 31 Converse Street Palmer, MA.

Special Liquor Licenses

Special All Alcoholic Liquor License – University of Massachusetts

The Select Board **VOTED** unanimously to approve the Special All Alcoholic Liquor License for University of Massachusetts for October 9, 2010 from 1:00 p.m. – 7:00 p.m. at the Renaissance Center, UMASS Amherst, for a reception.

Special All Alcoholic Liquor License – University of MassachusettsThe Select Board **VOTED** unanimously to approve the Special All Alcoholic Liquor License for University of Massachusetts for October 19, 2010 from 6:00 p.m. – 9:00 p.m. at the Bernie Dallas Room, Goodell Library UMASS Amherst, for a reception.

Appoint Representative to PVTA Advisory Board

Stephanie O’Keeffe noted that Larry Shaffer had been on the PVTA Advisory Board, which meets in Springfield and that we needed a replacement. John Musante said this is a high priority, and he would be willing to serve. The Select Board **VOTED** unanimously to appoint John Musante as the Select Board's representative to the PVTA Advisory Board.

Select Board Committee Appointments

The Select Board VOTED unanimously to appoint Trisha Smallman, to the Public Arts Commission for a term to expire June 30, 2013.

Announcement: Diana Stein reported that October is Energy Awareness Month and urged people to go to the Town web site to learn about all the scheduled events.

Town Bylaw Violations – Alternative Penalty Ideas

Dave Robertson, UMass SGA Secretary for Policy and External Affairs, introduced himself to the Select Board and the community and noted his desire to help create more positive images of students in the community and to find ways to curb bad student behavior. He said that he would be doing some research intended to ultimately lead to a recommendation to the Select Board to consider allowing community service to be substituted for the \$300 fine incurred as a first violation of several Town bylaws. A couple of members suggested they might be amenable to such a change, that it could be more effective in changing student behavior and it was suggested that Mr. Robertson bring the idea to the Campus and Community Coalition. Stephanie O’Keeffe will get an update at some point about the enforcement data related to the recent bylaw violation fine increases (keg, noise and open container)

Proclamation on Day to Eradicate Extreme Poverty – October 17th

The Proclamation was read aloud by Joseph Wronka (PhD), Professor of Social Work, Springfield College and Permanent Representative to the UN in Geneva for the International Association of Schools of Social Work.

The Select Board voted unanimously to recognize October 17, 2010 as the International Day to Eradicate Extreme Poverty.

Puerto Rican Day Proclamation

Frank Gatti noted that he is a member of the Human Rights Commission and although they did not meet in time to support this, he personally was doing so. He noted that poverty in the US is the highest since 1959.

Vladimir Morales read the Proclamation aloud. He noted this is the 14th year Amherst has recognized Puerto Rico Day. He was also proud of our own Wilma Ortiz, who was voted Teacher of the Year in Massachusetts.

The Select Board voted unanimously to proclaim November 19, 2010 Puerto Rican Day and to permit the Puerto Rican Flag to be raised on November 8, 2010 (at a time between) from 4 to 5 pm and to fly until November 25, 2010 .

Update on ACTV Issues

Frank Gatti, President of the ACTV Board and Executive Director Jim Lescault spoke about the organization's change of name to Amherst Community Media (Amherstmedia.org), which better reflects their broad range of work. Frank Gatti and Jim Lescault also explained the situation with needing to vacate their current location by the end of August 2011 so that WMECO can take back its building. They explained that Amherst Community Media will not be closing, but will seek a new location that will be closer to downtown. They have grown in the number of interns from two to 20 per semester and have numerous new programs. One item that is especially useful is the ability to watch old meetings by using the “On Demand” feature.

CDBG Application Process and Recommendations

Dave Ziomek presented the current status of the CDBG application process, with considerable updates having been made to the web site, a new form for non-social-service applications, and much more accessibility to the process and the eligibility details than had existed previously. Reikka Simula recommended additional changes to the process: direct outreach from the Community Development Committee to its eligible constituencies and the committees that serve them; more oversight and review by the Select Board and the filling of three vacancies on the CDC. Hwei-Ling Greeney made additional recommendations, including: earmarking money for projects that aren't yet far enough for the formal CDBG application process; providing public access to all the submitted funding applications; and evaluating the effectiveness of previously funded projects. Because the deadlines have been moved up this year, the process has to be rushed. The SB decided by consensus to allow CDC and staff to proceed with their process and continue to incorporate improvements as practical and appropriate. The Select Board agreed, without a vote

- * To continue to let the Community Development Committee and Town staff coordinate the current cycle of the CDBG application process, incorporating feedback on improvements from the public, the Committee on Homelessness and others as appropriate and
- * To allow the Community Development Committee to finish this application cycle with vacancies in its membership, which the Select Board will seek to fill during the committee's "downtime," rather than bring in new folks in the middle of the process.

Finalize FY11 Town Manager Performance Goals

A new eighth goal was proposed by Diana Stein and is as follows: "The Town Manager shall help Amherst become a greener, more sustainable community by initiating and advocating for new "green" efforts and programs, and he shall inform the Select Board and the community about these efforts and their results." The Select Board voted unanimously to approve this language for a "green goal," which incorporated elements of other draft suggestions. The goal setting process is now complete; Stephanie O'Keeffe will issue the formal goals memo on 10/5.

Budget Policy Guidelines: Review FY11 and Revise for FY12 Including public comment on the budget guidelines is a good idea. The reduced expectation of capital expenditures from the goal of 10% to that of ca. 6.23% is a mark of our distressed economy. It was noted that the money one would save on alcohol and the reduced sales tax would likely result in higher property taxes. Economic development should provide new revenue. Stephanie O'Keeffe will try to incorporate the various tweaks and clarifications to the FY11 Budget Policy Guidelines as discussed, and present them as the first draft of the FY12 guidelines for further consideration on 10/18. These will include language and organizational suggestions, as well as an effort to weave in reference to the Town's Financial Policy Guidelines. The 10/18 discussion will also consider NEW guideline ideas.

Voting Select Board Positions on Fall Town Meeting Warrant Articles

11/8 Warrant Articles:

- **The Select Board voted unanimously to recommend Article 1** -- Reports of Boards and Committees -- to Town Meeting. Aaron Hayden will speak to it.
- **The Select Board voted unanimously to recommend Article 2** -- Transfer of Funds for Unpaid Bills, if there are any; or to support dismiss the article if there are not. Alisa Brewer will speak to it.
- **The Select Board voted unanimously to recommend Article 4A, B, and C** -- Amendments to FY11 Operating Budget, Parts A, B and C. (Consideration of Part D awaits proposed language.) Stephanie O'Keeffe will speak to it.

Town Managers Report

John Musante reported on the following:

- He appreciated the abundant support and good wishes he has received from the community.
- Some details of his transition plan are that Judith Arcamo has resigned; Libby Lass will take her place temporarily until a replacement is hired; Maria Racca will return to the IT Department; Claire McGinnis has been named acting Treasurer and work is underway with the Personnel Board to make her permanent.
- He is reintroducing himself to staff at meetings with Department Heads and employee groups. The messages he is giving are the Town should be a leader in all it does, delivering professional high-quality services; that collaboration with each other, committees and the wider community is encouraged; that we want to be utilizing best practices in order to grow the reputation of Amherst's Town government; that Town employees are valued, and that those closest to the service delivery are often best equipped to recommend improvements to how that gets done.
- He is looking forward to the adoption of the Performance Goals so that he can work with staff to start taking action to address them.
- He spoke at the Rotary Club last week; looking forward to addressing more groups as part of community outreach
- He provided an update on Ballot Questions 1 & 3: he recapped the Mass.Taxpayers' Foundation's projections for impact if the questions pass: \$2.5 billion revenue shortfall to the State in FY12, on top of already-projected \$2 billion gap translating to about \$4 million each for the Town and the Region; mid-year impact for FY11 would be roughly half the total. The MMA is slightly less dire in their projections, suggesting an 18% cut to the "discretionary half" of the State budget, rather than 30%. He said that either way, impacts would make last two years of Town/School/Library cuts pale in comparison.
- An RFP has been issued for the Town's downtown parking system, worded broadly to encourage responders to be creative with their responses rather than simply replace aging equipment. He and staff will review; the Parking Task Force will consider; and recommendations will ultimately be brought to SB as policy changes and via budget proposals.
- He attended the reception celebrating Big Brothers/Big Sisters new space in the Bangs Center, which better serves their needs and provides money to the Town. He's in discussions on a lease agreement with Center for New Americans for the adjacent space; this would create a harmonious social services suite. He thanked the Bangs staff for working to re-imagine how space and resources are shared in that building, and thanked the facilities folks for handling the space renovations.
- He provided a Hawthorne Property update and gave assurances that the demolition request with the Historical Commission is only the beginning of the public process on determining the specifics of how that property gets used, within the framework of recreation and affordable housing. Due diligence on the farmhouse has shown it to be in poor condition for rehab as affordable housing; there will be a site visit and tour in November for those interested. There is no rush to demolish the farmhouse, regardless of the ruling on the permit; the Town is committed to public process. Amherst Biennial begins officially 10/9; new temporary art is already showing up in different places (Bank of America building, Kendrick Park.) There is a reception for the Kendrick Park sculpture Thursday, 10/7 at 5:00 p.m.

Diana Stein requested that consideration be given to having Select Board minutes be a responsibility of the next Administrative Assistant to be hired.

Member Reports

- **JCPC Update:** Diana Stein reported that JCPC unanimously voted to recommend a \$4.5 million bond authorization to address about 25% of our accumulated paving backlog. The timing allows for favorable interest rates on borrowing and the ability to begin work with the spring construction season. This work would concentrate on main and major roads, and would allow the annual work funded by Chapter 90 to address neighborhood roads. Grants are also being pursued for some road work, to allow the bond money and the Chapter 90 funds to go further. John Musante emphasized that the bond authorization, which will be on the STM warrant, does not compel borrowing, so if the ballot questions pass and our

economic outlook were to worsen, we could choose not to pursue the borrowing now. It was requested that the Public Works Committee's recommendations on the bond authorization for roadwork be appropriately labeled to reference Article 5 in the warrant, to avoid confusion, now that an article number has been assigned. Diana Stein said JCPC also decided not to designate the money that had been previously recommended for the Patterson Project last spring (that article was referred back for further consideration) and will instead wait to see if other appropriate economic development opportunities are identified that would have a need for such money next spring. It was noted that not spending that \$120K for FY11 will artificially decrease the percentage of the budget allocated to capital -- something to be mindful of when using or comparing that resulting percentage.

- **Board of Health:** Diana Stein reported that they declined to create regulations related to urban livestock, due to lack of perceived health risk. The issue now returns to the Planning Board's Zoning Subcommittee. The Board also passed new tobacco regulations to take effect in February of 2011, requiring rental properties with three or more units to clearly specify a smoking policy and, if permitted, smoking locations for the benefit of incoming tenants.
- **CPAC:** Diana Stein reported that an e-mail seeking funding proposals had been sent to staff and committees, and that the state match was expected to be 28% this year, for about \$500,000 total. Due to the favorable borrowing environment, a bond issue could be utilized for an appropriate project if there weren't sufficient CPAC dollars to cover it this year. Alisa Brewer recommended that the CPAC web site be updated to reflect then new proposal request.

OML Update: Alisa Brewer reported that she has corresponded with Town Counsel and MMA to seek better updates to municipalities about the status of the law. She said that it has been decided that web postings of meetings and agendas has been determined to be adequate and compliant, and that no ruling has come forth yet on remote participation in meetings.

Response to Open Meeting Law Complaint.

OML Violation Complaint: Stephanie O'Keeffe explained the complaint the Select Board had received from Hwei-Ling Greeney suggesting that we had violated the OML at our 9/13 meeting by making a decision about an issue that was not on our agenda. Stephanie O'Keeffe summarized her draft response, and it explains that she believes Hwei-Ling Greeney is mistaken in believing the situation to have been a violation. It was agreed that we would run the response by Town Counsel before sending it, and verify appropriate response procedure with them. John suggested including draft minutes with the response. The Select Board **VOTED** unanimously that Stephanie O'Keeffe will show the draft OML violation response to Town Counsel before sending it, and will verify the appropriate response procedure.

Items for Some Future Meeting:

- Consideration of voting to reaffirm support for the Town's Financial Policy Guidelines, as a reminder of their continued relevance and application
- Consideration of STM Article 4, part D (language not yet available)

CALENDAR PREVIEW

10/8 SB Mtg: 8:30 a.m. meeting just to sign Fall Town Meeting warrant

10/14 – Four Boards Meeting, 7:00 p.m. Town Room

10/15 – Two Legislative Breakfasts: Chamber (7:15, Courtyard by Marriott) and MMA (8:30, Hadley Senior Center)

10/18 SB Mtg: Take positions on Fall TM Warrant Articles; Recommendations: Safe Routes to School and Sunderland Rd. Sidewalk; Budget Policy Guidelines Discussion

10/25 SB Mtg: Take positions on Fall TM Warrant Articles; FY11 1st Quarter Budget Update; Public Comment on Budget Policy Guidelines

10/28: AEF Trivia Bee 7:00 p.m., ARMS Auditorium

Adjournment

Motion to adjourn at :

10:23 p. m.

unanimously accepted.

Respectfully submitted,

Diana Stein

Acting Clerk