

SELECT BOARD MEETING
Minutes
Monday, August 9, 2010 – 6:30 p.m.
Town Room, Town hall

Attendance:

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

Others presenting; Vincent O'Connor, Mr. Musante (Asst. Town Manager Financial Director), Mr. Mooring (Director DPW), Alan Snow (Tree Warden), David Ziomek (Dir. Conservation and Planning)

Call to order:

Meeting was convened at 6:30

Public Comment

Vincent O'Connor wanted made a brief comment on editorials appearing in the paper about divided votes in Town Meeting and on the School Committee – they are not “unseemly” when there is divided opinion in the public. Mr. O'Conner feels that often un-divided votes reflect a committee's uniformity. He recommended the Select Board should not include compromises.

Phil Jackson was curious about the demographics of the homeless population served by the shelter and on how we can help them move from the condition of homelessness. Mr. Jackson had met with Chief Livingstone and learned that last winter there were no major incidents at the shelter and that the number of chronically homeless people that APD dealt with tripled from other years. Mr. Jackson noted that this additional demand for APD's services create additional direct costs to Town. He also noted that some of the guests at the homeless shelter are serious sex offenders who don't already live in Amherst and so raised a concern for nearby neighborhoods.

Request to Close Spring Street Lot – First Day Events, Wednesday 9/1/10

Stephanie O'Keeffe presented the request describing the event which includes the community bringing a picnic dinner to the Common.

Diana Stein moved to close Spring Street Parking Lot from 3 p.m. – 8:30 p.m. on Wednesday September 1, 2010 for the celebration of First Day (of school) Events.

Aaron Hayden seconded and the motion was approved unanimously.

Short-Term Borrowing – Signing Notes: Hawthorne Property and South Amherst Campus

Mr. Musante presented the need for signatures on notes for short term borrowing Town Meeting had approved for purchasing the Hawthorne Property and for improvements to the South Amherst School this summer. Mr. Musante is working to merge this borrowing into a larger bond that is being put together after December. The interest will be 1.1%. He noted the school budget will reimburse the Town for the cost of the work on the interior portions of the work (which are not capital improvements to a Town building).

Alisa Brewer wanted to know if the \$180K covered the interim work and the capital roof repair? (Yes \$100k for interior work and \$80k for the roofing.)

Larry Shaffer noted that the short term borrowing allows us to prepare and understand the actual cost for engaging long term borrowing for the long term costs.

Reserving Parking Spaces for Events – How to Standardize?

Ms. O’Keeffe presented: There are frequent requests for parking spaces to be reserved around the Common for events. There are different ways that spaces have been reserved and not all requests come to the Select Board. Requests could be made at the Collector’s office for up to 10 No Parking bags at \$5 a day.

Do we want all requests to come to the Select Board and what do we want to charge?

Alisa Brewer recalls that Town Council, when asked if we could off load this responsibility said we can’t so we are stuck with changing rules in the long term and dealing with all the requests in mean time. There are permits we don’t process like for street vendors and it is likely these vendors are feeding a meter which is similar to buying a bag. She was concerned, beyond Town Council’s ruling, that people may feel that knowing the right people gets them preferential access to bagging.

Ms. Brewer proposed that we not take on the whole task of changing the rules rather let it be part of Parking Commission’s discussion on fees - She would like to see the discussion go through the Parking Commission.

Diana Stein agreed that the Town Council recommendation is clear and that we are responsible for all the rules and approvals. She also agrees we need to get input from the Parking Commission, for example what to do about parking for funerals.

Jim Wald thought it good to affirm the Select Board’s control of the Public Way and to be consistent as we were about approving the loading zone and 15 minute parking slots.

Stephanie O’Keeffe mentioned that we have records of regular events: We can let the staff know that the Select Board has to maintain jurisdiction of the public way and we should let the Parking Task Force consider the idea and make a recommendation. We have been trying to move processes to the Town Manager for scheduling last minute reservations - Maybe we can delegate the Chair to give authority to approve certain categories of events. She noted that the Select Board has been calling emergency 2 minute meetings to approve other types of permits recently.

Diana Stein notes the Town Meeting act can be amended somewhat but we need to know by how much.

Jim Wald considered the threshold as a numbers of slots. There is a lot discussion about transportation and parking in Town though there is agreement that it needs to be managed better. He hoped we can look at the history of parking requests to determine reasonable thresholds for different authorizations.

Stephanie O’Keeffe has always tried to facilitate these events which bring vitality to the Down Town. Generally we have to let the Chamber of Commerce know about requests to get a business perspective on the decision – though some days are more important than others.

Larry Shaffer would like to look at were automation might help out using of the GIS and on-line applications. He noted that it has been a friendly process, and that we have always tried to accommodate wishes and that we should make the process logical.

Alisa Brewer said there have been complaints about the lack of a standard map and that it is tiresome to get some poor presentation rather than a standard application with boxes checked off.

Stephanie O’Keeffe requested that we let everyone know that all requests should come to us, and we will mine the historical information on past requests to make a reasonable process to move ahead and let the Parking Task force consider changes to it.

Vince O’Connor heard the discussion about what we do for funeral calling hours – people who are listening in on TV might wonder how that will be dealt with specifically since it is likely the situation will occur before our next meeting. People should be re-assured funerals will be accommodated.

Diana Stein reminds everyone that we are not changing any policy now but are gathering information.

Stephanie O’Keeffe notes the APD can do what they need to.

Larry Shaffer said it is clear that the Select Board control and regulate and we can set the rules for funerals and the like.

Alisa Brewer suggested as a separate part of the data mining to ask APD what they are doing. We can organize the regulation to match existing processes including those for construction sites that need to close off spaces for equipment arriving.

Sand Hill Road Recommendation

Mr. Mooring presented (Sand Hill is not the worst road in Town; a contest might show some others). This road is a cut through year around, not only for Puffer’s Pond in the summer, but also for people avoiding the North Amherst intersection (which is in the top 100 worst intersections). Originally it was a local road but it is getting more and more use as a commuter route and isn’t designed to handle the load. The repaving project is split in half, the north half has conservation land issues so the south end is being presented tonight. If money is left over a skim coat may be put on the north end.

The south end will be widened from 16 to 20 feet (some sections are wider already since people drive beyond the edges to avoid potholes). At 20 feet it meets subdivision standards but is still not a full width road.

As a compromise they considered adding a sidewalk for only 300’ from Pine Street, to the conservation area trail, since it is not feasible to install sidewalk along the whole length. The sidewalk will require cutting down an additional 4 significant trees.

He noted that the road is a Scenic Road and at the required Scenic Road hearing he was asked to save trees.

Mr. Mooring outlined the process for getting to this recommendation: 1 year ago a public meeting was held with abutters to start the plan (met with Pine Street, Cohousing and Factory Hollow residents) This summer there was a formal hearing for all the boards which have all approved the plan though the Public Shade Tree Committee (PSTC) has some remaining concerns.

Stephanie O'Keefe noted that the current plan is much revised and is a compromise between many boards so the PTB and PWC support it while PSTC and Conservation Committee have concerns (though mostly at north end).

Alan Snow (Tree Warden) noted that the Scenic Road hearing is with Planning Board and the Tree Warden though the PSTC weighs in. The greatest concern is that this is a scenic road and this level of change sets a precedent. Town Meeting afforded these roads special protection, through the Scenic Roads Act, because of its trees and stone walls etc. As the Town moves forward working on scenic roads there have been successful collaborations and cars can travel faster as a result. This road has a combination of issues of public safety and ease of use since it is not a standard road – do we expect driving down tree lined streets or not.

Mr. Snow recommended not removing any of these trees and which would set a bad precedent. He suggested that grinding the road in place would not require cutting the trees rather than moving it as presented.

David Ziomek said the real question for the Conservation Commission is justification for having a sidewalk – it would access a trail that is not well used.

Stephanie O'Keefe wondered why couldn't just repave it as it is?

Mr. Mooring replied that the road does not have a uniform width, Town regulations require a 22' minimum roadway or a 20' roadway with 3' shoulders. It is impossible to make a road within the existing footprint that meets these requirements. Also by shifting the road off private property we cut into the berm along the edge.

As a short cut it is popular, since there are insurmountable problems for people who otherwise would go through meadow Street intersection.

Diana Stein had a lot of questions – going back to the scenic roads act she noticed that many roads now have a lot of traffic. Sand Hill is much more scenic and it should be kept as rural as possible. Do the People with trespass want the road off their property.(Yes) Was this considered in the PP 2020 report (no it only State Street). And what were the costs of various parts of the work including sidewalk and north end?

She wondered about the drainage into individual properties especially when water absorbing trees are cut down (drainage will be improved by the project's work). What about using permeable pavement (costly and doesn't reduce problem). She also noted that taking trees down will allow more erosion to the road. (It may be that the road is too shady causing potholes though the studies finding this were not local). She sees unintended consequences with cutting down trees in absorption. The residents are not considering the extra commuter traffic. She would start by removing sidewalk to save the trees.

Guilford Mooring noted that making it one way was soundly rejected and that Sand Hill is used by people taking the short cut.

Jim Wald noted it is not far to go to the Pleasant St Intersection if Sand Hill was one way. Sidewalk easiest thing to fix – we are stuck with what we’ve got and wondered how easy it would be to put in walk later?

Guilford Mooring felt it would be hard to change our mind if we don’t put it in now though a sidewalk all the way along now is not feasible since it would require cutting too many trees.

Stephanie O’Keefe wondered if one way was established later would we change layout now and whether one way traffic and a sidewalk fit into existing layout?

Mr. Mooring replied that changing it to one way would leave a travel lane at 20’ and put sidewalk in between added curbs – it would be easy to implement if we decided to do it way.

Stephanie O’Keefe noted that a full public process has led to this proposal as it is.

Diana Stein wanted to listen to hear new information

Vincent O’Connor, as member of PWC, stated that this road is an unfortunate victim of a decision made as part of TOPICS program redirecting traffic to east side of Kendrick park to divert as much traffic as possible away from UMass to North Amherst by directing traffic out East Pleasant street. Without knowing this history one can misunderstand the effect of making Sand Hill one way. The area of Federal jurisdiction is not reached until you get to the State Street intersection – it is important that the road doesn’t stay unpaved.

He added that the road was resurfaced without adding drainage and it is important to do the north section correctly not simply regrinding it.

Diana Stein noted that the fire and police departments both have new chiefs since the discussion of the impact of being made one way was completed. She wondered what the life expectancy of the new road is?

Guilford Mooring expects to get 10 years because of new drainage that is part of the program.

Stephanie O’Keefe suggested considering the sidewalk separately from whole motion. Not a lot of strong support of it and some concerns with it.

Alisa Brewer asked to be sure the sidewalk had nothing to do with the bus stop.

Mr. Mooring affirmed that the bus stop and sidewalk are separate.

Diana Stein move to exclude the new sidewalk on Sand Hill Road from the project.

Jim Wald seconded.

David Ziomek, the Conservation Commission considered how people to the east get to Puffer’s Pond, there are cut through trails due north to the Cushman Brook and Kevin Flood trail which may explain why there is not a lot of usage on this particular trail for getting to the pond.

The motion was accepted unanimously.

Approved at the October 18, 2010 Select Board Meeting

Alisa Brewer moved to approve the plan for the first “south” section of the Sandhill Road reconstruction project as shown on the plans “Proposed Roadway Improvement” Sand Hill from Pine Street to Puffers Circle, on the plane dated June 2009, and to grant the waivers from the Town’s Design standards listed on the attachment entitled “Required Waivers”, and to approve the removal of the 5 public shade trees as shown on the plan dated June 2009 as amended by the motion to exclude the sidewalk.

Jim Wald seconded and the motion passed 4-1 (Stein opposed)

Alan Snow noted that about 56 inches of tree diameter is being removed and they need to be replaced in the area.

Stephanie O’Keeffe appreciated all the work that went into creating this recommendation; we spent an hour while they spent a year.

Open Meeting Law Update: Comments for Submission to State

Ms. Brewer presented: We are all looking for clarity on the Open Meeting Law about certain provisions. We have an electronic bulletin board and items that are too long to fit on it will be posted in the lobby.

Diana Stein was told the person taking the minutes couldn’t incorporate changes outside a full meeting - which makes no sense. There seems to be more of a concentration on the issue of deliberation – if three of us show up at a meeting it is OK even to speak. And what about “in a timely manner”? It would be remarkable to get minutes done quickly given all of the requirements.

On not being allowed to have an executive session for other issues beside professional competence wondered if it meant we can’t have an executive session to speak to professional competence and so needed to discuss it in public?

Stephanie O’Keeffe notes that most of the onerous elements fall to the Town clerk’s office. Requiring the posting of the Topics List is a really good thing - It seems so obvious to let folks know when issues they want to get involved with are coming up. Also there may be problems with our interpretation; it would be nice if they put back Saturday as part of the 48 hours especially as we are putting so much more information out.

Alisa Brewer felt it has been the practice in some committees to meet regularly – if they don’t put up a list of topics can they not meet? And on Professional competence the Attorney General seems to have a different interpretation than she has. It is difficult to reconcile OML with personnel issues - How can private information be kept private? People have questions about evaluations all the time.

Stephanie O’Keefe noted that posting well in advance still leaves the responsibility of posting a list of topics to us. The web calendar is not official at all, yet who goes to the bulleting board outside the clerk’s office? We should continue to post our unofficial stuff anyway. About performance records; those we create in the public session need to be public all the other documents can be confidential.

Alisa Brewer wondered what can trigger confidentiality and noted it is important to be clear on that. She feels we can communicate in a letter with requests on the new OML and we don’t need another meeting since we aren’t deliberating.

Town Manager's Report

- **Economic Development Update:**

Patterson, large parcel with some commercial zoning that the owners have been peddling for a long time unsuccessfully because the Town is not involved. Mr. Shaffer approached the owner to establish Town as a crucible to help sell it. A complicated pre-option agreement was drafted and was to come to Town Meeting this Spring but he wanted to work out some weaknesses in the draft and it was withdrawn. He met with Mr. Patterson and though they did not reach a conclusion he was generally wanting to collaborate with the Town. One issue is the proposed long term lease which had many critics - the easiest solution is to have a simple purchase and sale agreement which would remove any restrictions on the nature of the final lease. To move forward Mr. Shaffer will work on a Purchase and sale agreement. A 2nd issue is the idea that there was no interest in the property at the large size considered: Mr. Shaffer has reviewed offers from various entities and has seen; a lease or buy 200k for mfr of PVs, 60 Acres for development, 150k to mfr wind turbines, 750k Ft2 for braking systems for wind turbines, 150k for IT offshoot. It maybe that none of these would select Amherst but there are many such offers out there though we can attract no offer without the property. The project may not be possible in Amherst but not because there aren't people looking. We need to pursue more Pubic Work grants which might help with the concern of the cost to the Town.

Another concern is that there was too much money for the Pattersons, but with a purchase and sale we will negotiate the cost at closing. With any agreement with the Town the third leg of the stool is the development agreement including infrastructure improvements. Usually they are very detailed with repayment schedules, performance bonds and the like.

Some work to do on the project but it is very valuable to the Town, though it probably won't be ready to Fall Town Meeting.

Stephanie O'Keeffe recommendations that we don't push to offer this for Fall TM

Gateway Project, to redevelop several parcels along North Pleasant St. The ARA is shepherding the project and the University has agreed in principle to conveying the properties to the ARA. Last week the ARA visited Hanover to discuss and inspect a collaborative project between the Dartmouth and the Town, that is similar to our project.

Boltwood Place is a private development by Dave Williams and Kyle Wilson that is out to bid. Construction will start before the end of the season.

There are two other projects in the Downtown that don't need any zoning changes.

- Mr. Shaffer visited with the Vermont DOT re: Central Corridor. Met in Montpelier and pointed out that the Central Corridor can put a lot more passengers on trains to the point that VT might not need to subsidize the RR any more since the students it would serve would use the service. Next he will meet in Portland ME to discuss their success with getting rail service form Portland to Boston. Hopes to get some recommendations from them.

- Bangs Center Sidewalk Plans, Mr. Shaffer met with the Senior Center to discuss sidewalk at the Boltwood Place entrance. The interlocking brick pavers there are uneven and difficult to negotiate. The plan is to take up the bricks and put in concrete to create a more even surface. The plans were reviewed with the Senior Center for an hour and half and changes made so it can get underway before winter.

Stephanie O’Keeffe noted the plans should go through a similar process as Public Works projects. The area is larger than just a sidewalk.

- Community Development Block Grant Hearing Update 8/24 5:30 1st flr mtg room. To get ideas for the re-programming of \$450k that was originally earmarked for permanent housing for the homeless. Given the timeline we may not be able to spend it before losing it so it needs to be reprogrammed now. The Town will file a grant proposal for the same amount for housing next time around. Some projects include architectural work at Hawthorne Property, architectural services of the Survival Center, and purchase land for affordable units.

Stephanie O’Keeffe clarifying that the money won’t be lost to the Committee on Homeless since it will be replaced next year –without reprogramming it will be lost to the community.

Larry Shaffer said the issue is that we couldn’t spend it on permanent homeless solution this round and needed to reprogram it to keep it.

Alisa Brewer noted that the Committee on Homelessness understands the situation that the reprogramming is about changing the priority of the permanent shelter - It takes a long time to pull this type of plan together and so has solicited ideas on what to do with the money now. CDBG money is for capital projects and it is difficult for some to understand that it can’t simply be spent on social programs.

Summer Project Plan Update

- Town Manager FY10 Evaluation, public input deadlines are Wednesday and Monday.
- Committee Handbook Update; 1st 5 pages Stephanie O’Keeffe appreciated Alisa Brewer and Diana Stein’s efforts on re-writing the handbook.

Alisa Brewer noted that every look seemed to warrant a change – it is a policy document. We should send revisions to Diana Stein by the end of the week.

- FY11 Town Manager Goals Discussion: Review Draft Goals, Discuss New Goals:
Stephanie O’Keeffe discussed the latest minor revisions we are preparing to accept as the final 7 goals.

Member Reports

Invitation Letter to Kanegasaki Mayor to Address Town Meeting -

Mr. Hayden presented and requested the Select Board approve offering an official invitation to Mayor Takahashi to visit in November and address Town Meeting.

Alisa Brewer noted the CDBG's discussion on reprogramming this year's funding as well as programming for next year to meet the new State deadlines. Currently there are only 4 members on CDC – just enough for a quorum so they need more members to work better. The current CDC charge requires Select Board to act on their recommendation so we need to consider the process. The Committee on Homelessness brings up an issue for handbook – how to deal with member conduct - What should the chair do when a member becomes disruptive. Also how does staff liaison fit into proceedings? The RFP for the warming shelter has gone out and 2 members of will help evaluate responses, possibly for multiple sites.

Diana Stein is attending ZSC meetings re: Atkins corners rezoning. They are getting ready to propose to Planning Board getting a consultant to help implement Master Plan. Many neighbors attend meetings to help develop their neighborhoods. They are also considering the Form Based Code like used at Saratoga Springs.

Jim Wald noted: that the TCRC is a happy well functioning committee which is merged from two committees, The Historical Commission has restored the Civil War memorial tablets and they are ready to be put away until they can be displayed. Also the Historical Commission is continuing work on the historical district, dealing with concerns of how zone will interfere with maintenance. A recent questionnaire received mostly positive comments. Public attending meetings and support seems to be growing as they are clearer on what is being done.

Diana Stein reported that the Wind Turbine Sighting Legislation didn't get through joint committee so there is nothing to do.

Chair's Report

- First Day of School events on Thursday Sept 2nd (first day) are at the school and that we might participate in.
- Stephanie O'Keefe participated in the Final Interviews for the UMass Community Relations position.
- Update: Waiver Request for EIR on Norwottuck Rail Trail Reconstruction – DCR request for waiver was withdrawn.
- November Select Board Meeting Dates (Clarification from 7/26 Meeting): We will meet on November 1st, 8th (First night of TM) and now should meet on the 22nd
- Reminder: Article Deadlines for Fall Town Meeting, Citizen zoning articles September 7th at noon and for committee's zoning articles September 13th at noon.

UNTIMED ITEMS

Discussion: The need for a New Approach to Taking Minutes: It is difficult to take effective minutes since our meetings are long and complicated. Taking the minutes impedes the participation of the minute taker. Having good minutes are crucial, other committees have staff who are intimately involved in the subjects and can effectively take minutes – it is difficult to take minutes without that intimate knowledge.

Stephanie O'Keefe noted that there is some judgment about what needs to be included.

Alisa Brewer noted that minutes need to be written and don't need to be pretty. Committees with staff administrators have an easier time. Rotation among minute takers is not great idea.

Stephanie O'Keefe noted that we don't have enough staff to cover – with the 2 people we have we lose the staff time as compensatory time and their efforts during the day while they compile minutes.

Larry Shaffer noted that other communities have the Town clerk taking the minutes – usually the clerk is well acquainted with the issues and the desires of the Board. Other communities aren't as good at taking minutes and don't have the accuracy or completeness. The best way to do minutes outside of staff is to hire someone to do it. They can become expert at it. This current process precludes participation in the meeting.

Stephanie O'Keefe suggested rotating alphabetically between the four members of the Select Board.

Alisa Brewer suggested the Town Manager might get a cost estimate to hire someone to consider for the budget.

Larry Shaffer said that a rule of thumb is that it takes two hours for each hour of meeting – so 12 hours for each of our meetings would cost on the order of \$120.

Alisa Brewer moved that the Select Board no longer Require Taxi/Chauffer Driver's License Applicants to appear.

Stephanie O'Keefe suggested we make it the same process as the special liquor licenses and that new business license would still come before us.

Diana Stein seconded and the motion passed unanimously.

Proposal: To Create a Policy Recommendation re: Scheduling Meetings on Religious Holidays – Jim Wald will consider draft policy.

Setting Spring 2011 Annual Town Election and Annual Town Meeting Dates:

Alisa Brewer moves to schedule annual town Election to March 29

Jim Wald seconded and the motion passed unanimously.

Alisa Brewer moved to set Town Meeting dates to Mondays and Wednesdays from 5/2 through 6/22

Aaron Hayden seconded and the motion passed unanimously.

Special Liquor Licenses

Diana Stein moved to approve the Special Wine & Malt Liquor License for the University of Massachusetts for August 13, 2010 from 9:00 p.m. – 12:00 a.m. at the Fine Arts Center Lawn, UMASS Amherst, for a reception.

Aaron Hayden seconded and the motion passed unanimously.

Diana Stein moved to approve the Special Wine & Malt Liquor License for the University of Massachusetts for August 14, 2010 from 9:00 p.m. – 12:00 a.m. at the Fine Arts Center Lawn, UMASS Amherst, for a reception.

Aaron Hayden seconded and the motion passed unanimously.

Select Board Committee Appointments

Diana Stein moved to appoint the following:

- Derek Noble, Design Review Board, for a term to expire June 30, 2013.
- Sandra Anderson, Community Preservation Act Committee, as the Planning Board voting representative, for a term to expire June 30, 2011.
- David Webber, Agricultural Commission, as the Planning Board non-voting representative, for a term to expire June 30, 2013.

Aaron Hayden seconded.

Alisa Brewer appreciated the distinction of voting and non-voting which is part of the committee's charge..

The motion passed unanimously.

Diana Stein moved to appoint Charles Milch, La Paz Centro, Nicaragua, Sister City Committee, for a term to expire June 30, 2013.

Aaron Hayden seconded and the motion passed unanimously.

Stephanie O'Keefe suggested that Select Board members can request delivery of their packet on Friday by APD if they need.

Meeting was adjourned at 10:30

Comments and corrections encouraged (in open meeting of course)

Respectfully submitted;

Aaron Hayden