

**SELECT BOARD AGENDA**  
Monday, December 6, 2010 – 6:30 p.m.  
Town Room, Town Hall

**ATTENDANCE**

Stephanie O'Keeffe (Chair), Aaron Hayden (Clerk pro-tem), Diana Stein, Jim Wald, John Musante (Town Manager)

Others presenting: David Burgess (Town Assessor), Claire McGinnis (Town Treasurer), Alan Sewald, Ross Nelson, Mamdon Ndiaye, Bathie Pouye, Hwei-Ling Greeney

**Annual Licenses Renewal:**

Diana Stein moved to renew the attached list of licenses, dated December 3, 2010, for January 1, 2011 to December 31, 2011 subject to the conditions attached to the licenses being renewed.

Aaron Hayden seconded and the motion was accepted unanimously.

**New Taxi Driver/Chauffer License:**

Diana Stein moved to approve the new Taxi Driver/Chauffer License for Jeffrey D. Miller, 7 Standish Court, Greenfield MA 01301.

Aaron Hayden seconded and the motion was accepted unanimously.

**Chair's Report:**

4 members of the Select Board attended a training session on Social Justice and health care. Amherst is 1 of 4 towns that received a State grant to provide education on health care and Social Justice, its importance and its effect.

Ms O'Keeffe met with the Library Trustees to share with them the process for creating goals for the Town Manager, hard work that makes the hard work of doing an evaluation easier in the end.

**Special All Alcohol License – University of Massachusetts;**

Ms. Stein moved to approve the Special All Alcohol Liquor License for the University of Massachusetts for December 6, 2010 from 5:00 – 9:00 PM at the Bernie Dallas Room, Goodell Building, UMass Amherst, for a reception.

Mr. Hayden seconded and the motion passed unanimously.

**Special All Alcohol License – University of Massachusetts**

Ms. Stein moved to approve the Special All Alcohol Liquor License for the University of Massachusetts for Monday, December 7, 2010 from 3:00 – 6:00 PM at the Fine Arts Center Lobby for a reception.

Mr. Hayden seconded and the motion passed unanimously.

**Special All Alcohol License – University of Massachusetts**

Ms. Stein moved to approve the Special All Alcohol Liquor License for the University of Massachusetts for Friday, December 16, 2010 from 3:00 – 5:00 PM at ISOM Atrium, UMass Amherst, for a reception.

Mr. Hayden seconded and the motion passed unanimously.

### **Committee Appointments:**

Ms. Stein moved appoint Rosario Gaddier to the Public Art Commission for a term to expire on June 30, 2013.

Mr. Hayden seconded and the motion passed unanimously.

### **Approve Minutes**

Mr. Hayden moved to approve the minutes as corrected for Select Board meetings held; January 4, April 21, May 20, June 28, and November 10, all for 2010.

Ms. Brewer seconded and the motion passed unanimously.

### **Public Hearing: Annual Tax Classification**

Stephanie O’Keeffe opened the annual public hearing on tax classification at 6:45

David Burgess introduced the members of the Assessor’s Committee present; Carl Mailler, Marilyn Blaustein, Don Mazur and presented his report dated December 6, 2010 that outlined the 3 required decisions for the Select Board to make on whether to split the tax rate and set exemptions:

#### **1. Minimum Residential Factor**

Alisa Brewer noted that commercial properties did include apartments and would not be affected by a split rate for commercial properties.

She also asked how Open Space is defined for the purpose of assigning a split rate to it and noted that Amherst has lots of open space.

David Burgess explained that it is areas that are un-built and are not protected in some way, for example under 61a, so almost no area in Amherst actually would qualify.

#### **2. Residential Exemption**

Stephanie O’Keeffe noted that low income housing would NOT be covered by this exemption which would have the effect of shifting the cost to rental units. This exemption is valuable for communities with a large number of vacation homes. Also implementing this exemption even on a trial basis would require a large and difficult change in the Town’s billing process that would be difficult to change back.

Alisa Brewer noted that the Select Board has never taken this exemption.

David Burgess explained that in communities with a large number of vacation homes tax rates are usually already low enough to benefit homeowners who are residents.

#### **3. Small Commercial Exemption**

Stephanie O’Keeffe pointed out that there are very few properties that fall in this class.

Diana Stein moved to close the public hearing at 7:03, Jim Wald seconded and the motion carried unanimously.

Alisa Brewer moved to adopt a Minimum Residential Factor of 1 (one), equal tax rate for all classes of properties, for the Fiscal Year of 2011 and that no open space discount be granted. Diana Stein seconded and the motion passed unanimously.

Diana Stein moved that the Residential exemption not be adopted for Fiscal Year 2011, Jim Wald seconded and the motion passed unanimously.

Diana Stein moved that the Small Commercial exemption not be adopted for Fiscal Year 2011, Jim Wald seconded and the motion passed unanimously.

John Musante explained that these voted changes will be in the net tax bill and that this year's increase will be less than the approved override allows which will allow some room next year if the budget needs it.

### **Signing Notes**

Claire McGinnis presented the financial instruments the Select Board has to sign to implement the borrowing approved by Town Meeting. These notes are for borrowing through March when we will bundle them together with the large borrowing package Town Meeting approved for road repairs. In March when we go to the market for the loan we will be rated and fully expect to get the highest rating again, AA Stable, and so will have access to the lowest cost loans.

### **Member Reports**

Alisa Brewer reported that we received a memo from Kopelmann and Page that clarified the definition of "Remote Location"

Diana Stein had attended the celebration of the completion of the project on social justice in Amherst.

Ms Stein also reported that the Human Services Network was distributing free smoke detectors and batteries through the Health Department at Julie Federman's office.

She later reminded us of the celebration on Dec 11<sup>th</sup> from 10 – 2 of the 62nd anniversary of the declaration of Human Rights Day.

She also announced that the Energy Task Force is sponsoring a program by Western Mass Saves which encourages Amherst residents to sign up on the web and volunteer to reduce their energy consumption. If enough people sign up and reduce their energy use the Town will receive a photovoltaic array as a prize. WMECo customers can get a free home audit to help the find opportunities for saving by calling 866-527-7283.

And the Winter Farmer's market will be held Saturday from 10-2 in the Middle School Cafeteria.

Alisa Brewer told us the Human Rights Day declaration itself would be read on Friday the 10<sup>th</sup> on the Common.

Jim Wald announced a public session on the proposed use of the Hawthorne Property to be held at the Bangs Center this Thursday at 7:00pm.

Also the Historical Commission in a joint session with the Design Review Board will be considering the flag designs.

### **New All-alcohol License, Fresh Side Inc, Public Hearing**

Alan Sewald presented the application for an alcohol license by the Fresh-Side Inc. d/b/a Fresh Side.

Diana Stein had a question whether the building had passed all its inspections yet.

Alisa Brewer pointed out that the final issuance of the permit is dependent on the building getting its certificate of occupancy.

John Musante noted that the inspections occurred every year.

Alisa Brewer asked if the churches had received the appropriate notification as part of determining the suitability of the location for this license (they had received the abutters notice).

Stephanie O’Keeffe noted that the Chamber of Commerce approved of Fresh Side’s getting the license.

Diana Stein moved to close the public hearing at 7:23, Jim Wald seconded and the motion passed unanimously.

Diana Stein moved to approve an all-Alcohol Liquor License for Fresh Side Inc. doing business as Fresh Side located at 39 South Pleasant St between 11am and 11:30 PM. Mr. Hayden seconded and the motion passed unanimously.

### **New All-alcohol License, Lumberyard Restaurant, LLC, Public Hearing**

Ross Nelson presented his plans for a new restaurant on Main Street as a “bistro,” a place for people to come together.

Stephanie O’Keeffe reported that the Chamber of Commerce was favorable to the idea.

Diana Stein moved to close the public hearing at 7:30, Jim Wald seconded and the motion was unanimously approved.

Diana Stein moved to approve a Common Victualler’s License for the Lumberyard Restaurant LLC, located at 383 Main Street and open from 4 to 11:30pm, managed by Ross Nelson. Aaron Hayden seconded and the motion was unanimously approved.

Diana Stein moved to approve an All Alcohol License for the Lumberyard Restaurant LLC, located at 383 Main Street open from 4 to 11:30pm, managed by Ross Nelson. Aaron Hayden seconded and the motion was unanimously approved.

Diana Stein moved to approve a Live Entertainment License for the Lumberyard Restaurant LLC, located at 383 Main Street open from 4 to 11:30pm, managed by Ross Nelson. Aaron Hayden seconded and the motion was unanimously approved.

### **Transfer of Ownership – Tik Tak Taxi**

Mamdon Ndiaye and Bathie Pouye presented their application to receive the transferred ownership.

Stephanie O’Keefe told the applicants of a recent meeting with the Chief of Police and all the taxi owners in Amherst to remind them of the rules they need to operate under in Amherst. The meeting was in response to reports that the regulations were not being followed by some taxi operators which puts the law abiding owners at a disadvantage. Ms. O’Keefe also noted that the Select Board had received a letter of concern from a taxi company’s owner and reminded the applicants of the importance to know and follow the regulations.

Diana Stein moved to approve the transfer of ownership of Tik Tak Taxi from Sana Ndiaye to Mamdou Ndiaye and Bathie Pouye. Aaron Hayden seconded and the motion passed unanimously.

### **Report for Committee on Homelessness**

Hwei-Ling Greeney read a statement from Riekka Simula (who was not able to attend on account of illness). She presented the semi-annual report from the Committee on Homelessness which included a report on the operation of the Homeless Shelter, a request for an improved process for allocating CDBG moneys, and a request to change the dates the committee’s report is due from March and November to May and September so that an accounting for the full winters operation of the shelter could be given as part of the earlier report.

Alisa Brewer supported the idea of changing the dates.

John Musante appreciated the help the Committee on Homelessness gave the Town in setting up and running the shelter and suggested that the contractor, Milestone Ministries be invited to the next Committee on Homelessness meeting. He also appreciated how well the Town staff discharged their responsibility and clarified that Town staff were responsible for the shelter’s daily operation. The staff had regular meetings with the principle contract holders and will review the operation of the shelter when it is closed in the spring.

Stephanie O’Keefe started the discussion on whether Open Meeting Law would allow the Select Board to act on the request for changing the reporting dates of the Committee on Homelessness immediately since it was not explicitly on the list of issues for this meeting – which seemed to be acceptable in this case.

Diana Stein wanted to be sure the change would be included in the committee’s charge (yes).

Diana Stein moved that the Select Board approve a change in the charge for the Committee on Homelessness stating that they would prepare their reports for May 1<sup>st</sup> and November 1<sup>st</sup>. Jim Wald seconded and the motion passed unanimously.

### **Town Manager’s Report**

John Musante reported on

- Preparations for the FY 12 budget, meetings with staff to develop budget recommendations to present to the Finance Committee.
- Status of the efforts to create a Regional Dispatch for emergency services; the process is moving to the next stage to make a Needs Assessment and the likelihood for a second Pre-construction Grant from the State. As the process moves forward more towns are expressing their wish to be part of the new system.
- Operations at the Winter Shelter are going well and it is likely the sprinkler system will be complete next week so the shelter can be operated full time. It has been operating near capacity the whole time.

- Bangs Center Sidewalk has had the dangerous areas fenced off and the work to complete the repairs will start this spring.
- Amherst Media (ACTV): John Musante met with ACTV to brainstorm about finding a new home since they have lost their lease at the WMECo sub-station building.
- Farmer's Market: Mr. Musante met with the president of the Farmers Market and will meet again after the holidays to deal with the issues of the market's disruption while the Spring Street parking lot is being repaired. He will ask Guilford Mooring to present the current plan for the Spring Street repair at a future meeting.

Alisa Brewer noted that it was no one's intent, and especially not the Select Board's, to "destroy" the farmer's market.

- The Center for New Americans has signed a lease for space in the Bangs Center right next door to Big Sisters and Big Brothers and will provide lessons in ESL and Citizenship.
- The Hawthorne Property is the subject of a public meeting December 12<sup>th</sup> at 7pm in the Bangs Center Glass Room where its future use will be discussed.
- The new website for the Town will be rolled out at the next Select Board meeting.
- Mr. Musante was pleased to announce that Debra Roussel had accepted the position as Town Manager's Administrative Assistant.

### **Budget Coordinating Group**

Stephanie O'Keeffe presented the BCG's latest summary points memo.

Alisa Brewer made a motion that the Select Board hold a one agenda item meeting on February 14<sup>th</sup> to take action on the budget. Jim Wald seconded and the motion passed unanimously.

The meeting was adjourned at 8:56

Comments and corrections encouraged, respectfully submitted;

*Aaron Hayden*