

**Minutes**  
**Amherst Select Board**  
**7 February 2011**

**Present:**

Select Board: O'Keeffe, Hayden, Stein, Wald; **absent:** Brewer

Town Manager: John Musante

Appearances noted below at the appropriate points.

**Chair O'Keeffe convened the meeting at 6:31 p.m.**

There was no public comment.

**APPOINTMENTS**

Mr. Musante moved, Mr. Hayden seconded, **voted 4-0; 1 absent (Brewer), to confirm the Town manager's appointment of Sue Morello to the Recycling and Refuse management Committee.**

**LIQUOR LICENSES**

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

**Voted, 4-0-1 (Brewer absent), to approve the special All Alcohol Liquor License for the University of Massachusetts** for March 1, 2011 from 5:00 p.m. – 9:00 p.m. at the Goodell Library, UMASS Amherst for a reception/dinner.

**MINUTES**

Chair O'Keeffe moved and Stein seconded **approval of the minutes of the February 3, 2011,** meeting. Vote: 2 (O'Keeffe, Stein) for, 2 abstentions (Hayden, Wald), 1 absent (Brewer).

**TAXI LICENSES**

• **New Taxi Driver/Chauffeur License – Tik Tak Taxi**

**Voted, 4-0-1 (Brewer absent), to approve the new Taxi Driver/Chauffeur License** for Emmanuel Dalomba, 436 Long Plain Road, Leverett, MA 01054; Sarah Madden, #51 279

Amherst Rd., Sunderland, MA 01375; Nicholas Rattner, 85 Sand Hill Road, Shutesbury, MA 01072; and Michael Roberts, 0010 Baker Hall – UMass, 160 Clark Hill Road, Amherst, MA 01545, for Tik Tak Taxi.

• **New Taxi Driver/Chauffeur License – Green Taxi**

**Voted, 4-0-1 (Brewer absent), to approve the new Taxi Driver/Chauffeur License** for Hannah Reinish, 723 Florence Road, Florence, MA 01062, for Green Taxi.

• **New Taxi Driver/Chauffeur License – Gotta Go Taxi**

**Voted, 4-0-1 (Brewer absent), approve the new Taxi Driver/Chauffeur License** for Nikolai James, 110 Sandhill Road, Amherst, MA 01002, for Gotta Go Taxi.

• **New Taxi Driver/Chauffeur License – Aarons Transportation**

**Voted, 4-0-1 (Brewer absent), approve the new Taxi Driver/Chauffeur License** for Don Burelle, 389 Pleasant Street, Northampton, MA 01060; Glenn D. Jubilee, 40 King Street, Holyoke, MA 01040; Joshua Joseph Ocasto, 36 Berkshire Street, 2nd floor, Indian Orchard, MA 01151; and Martin Legg, 21 Sunrise Ave., Amherst, MA 01002, for Aarons Transportation.

(all of the above motions were made by Ms. Stein and seconded by Mr. Hayden)

**PUBLIC HEARING: ALL ALCOHOL LICENSE FOR OLD TOWNE TAVERN**

Convened: 6:45

Appearances: Owner Michael S. McLaughlin; Atty. Joel D. Castleman (Springfield)

There was no public comment.

Closed: 6:54 (moved: Hayden; seconded: Stein)

Mr. Hayden welcomed the return of an active business to the property of the former Charlie's (Old Towne will be leasing it.).

Moved: Stein; seconded: Hayden. **Voted, 4-0-1 (Brewer absent), to approve the new All-Alcohol Restaurant Liquor License** for the one-story premises located at 1-3 Pray Street, Amherst, approximately 1,672 square feet consisting of a bar and dining area, two restrooms and kitchen with walk-in cooler and pantry storage with front exit/entrance, side exit and kitchen exit, under the business name of TMD, Inc. d/b/a Olde Towne Tavern, managed by Michael S. McLaughlin.

## COMMITTEE REPORTS

### • JCPC

Mr. Wald and Mr. Musante reported on hearing from the Police Dept. and Fire Dept. on the sequence of equipment needs (Police Dept.: cruisers and video devices; Fire Dept.: protective clothing, thermal imaging equipment; etc.) plus communication equipment to meet the Federal mandate of 2013 for narrow-band communication.

### **Public Hearing: WMECO request for relocation of poles for long stretch of roads assoc. with Atkins Corner project**

Convened: 7:00

Appearances: Jerry Molongoski, WMECO

There was no public comment.

The project has been approved by Mass Highway and our DPW. It involves jointly owned WMECO-Verizon poles:

-39 new poles on West St. (including removal of 34)

-West Bay Road: 4 new; removing 3

-West end of Bay Rd.: other install & remove (each) 3

The distances of the shift vary widely, but WMECO has tried to minimize practical as well as aesthetic impact. They will also take care in tree trimming.

Ms. Stein asked whether they had worked with the tree warden on this issue. Answer: yes, he and Mr. Mooring did consult w. Mr. Snow. Mr. Molongoski explained how they accordingly shifted some pole locations. A good portion of the tree removal will occur as a result of the construction itself rather than the pole work. And they will in addition consult further as the date approaches. Mr. Musante reminded us that the accompanying memo does refer to the extensive consultation on both the tree removal and the new plantings.

Mr. Hayden asked a question about the sketches noting that they are generally not as specific as they should be (e.g. lot lines, tree conflicts, and the like), and commending Mr. Mooring for the thoroughness of his prose description, which helped to compensate for these deficiencies. All of this puts an unnecessary burden on the reader who must deliberate on the matter, especially a plan of this quantity and extent.

He reminded us that we have some great and expensive mapping equipment that is not being used here. Mr. Molongoski responded that he took responsibility and noted that he was not as familiar with the new technology as others were.

Hearing Closed: 7:15 (Hayden moves; Stein seconds)

Two motions were made by Ms. Stein and seconded by Mr. Hayden.

**Voted**, in each case, 4-0-1 (Brewer absent):

1) to approve WMECO's request to locate four (4) jointly owned poles in the northerly side of West Bay Road, as per plan 6AS020238.

2) to approve WMECO's request to locate thirty-nine (39) jointly owned poles on the easterly and westerly sides of West Street, as per plan 6AS020238.

#### **TAXI LICENSES**

- **New Taxi Business: Green Cab Company - The Green Cab Co.**

Appearance: Paul Lemieux

Mr. Lemieux explained that the Green Cab Co is a new business, an offshoot of Peter Pan. He began his business with hybrids in Northampton. He has been using Ford Escapes; noting that it is important to him to use US product. The vehicles are moreover of good size. They have worked well in New York City, for he pointed out that they are ideal for stop-and-start driving.

The fleet consists of 5 vehicles plus a van.

He explained that it has been difficult to do business in Northampton but he does not expect that this will be the case in Amherst; indeed, this was their idea from the start. Because Peter Pan (visible, well known), holds itself to a higher standard, they actually hire and license all the drivers through Peter Pan itself.

The discussion went into some details of parking places required for inspection, the right to keep business records at Amherst Books, and the like.

Chair O'Keeffe asked: Do we do business very differently here from elsewhere?

Answer: No, fairly similar to Northampton. And they in turn had copied from New York City, which greatly increased strict regulation in recent year. He did not see this as a problem: "I like jumping through hoops: the more regulations you throw at us, the better, we want to do it right, and the rules keep the wrong people out." "This town has a reputation for doing things the right way."

Mr. Hayden asked about the interface with bus service.

Answer: Among other things, everyone is digital now, so it is easy to call people to let them know via cell phone exactly when a cab will arrive, etc.

Ms. Stein asks about the company that was taken over in the creation of this one and commends for using hybrid vehicles.

### **Action**

Moved (Stein), seconded (Hayden), and **voted**, 4-0-1 (Brewer absent), **to approve the application for a new Taxi Business License for Peter Pan Bus Lines doing business as The Green Cab Company, 8 Main Street, Amherst, MA 01060.**

Further (again, moved by Ms. Stein, seconded by Mr. Hayden):

**Voted**, 4-0-1 (Brewer absent), to approve the **new Taxi Driver/Chauffeur License(s)** for Peter L. Tear, Jr., 9 Sunset Ave., Easthampton, MA 01027; Stanley Rock, 690 So. East St., Amherst, MA 01002; Catherine Jean Sanderson, 491 Bridge Rd., #2413, Florence, MA, 01062; John Rennau, 219 Coles Meadow Road, Northampton, MA, 01060; Stephen Howes, 153 Batchelor Street, Granby, MA, 01033; Christian Helman, 96 Pleasant Street, #304, Northampton, MA 01060; Ellen Dickinson, #8 139 West Street, West Hatfield, MA 01088; Cindy Lou Breen, 397 Main Street, Easthampton, MA 01027; Orlando Burgos, 124 Cottage Street, Easthampton, MA 01027; and Timothy LaFlamme, 314 Acrebrook Drive, Florence, MA 01062, for The Green Cab Co.

### **LIQUOR LICENSES**

#### **Special License to Sell Wine at Agricultural Event – Green River Ambrosia**

Chair O’Keeffe explained that the license is to sell and provide samples of mead at the North Amherst farmers’ market. It therefore differs somewhat from the usual license request (but has all proper state authorizations). We decided to take up this long-postponed item even in the absence of the applicant because to wait longer would cost more of the season.

Mr. Hayden cited the Police recommendation but raised questions of enforcement in serving, etc. Ms. Stein stated her view that all is in order. Mr. Musante elaborated on the case and state law, explaining that all the requisite paperwork is taken care of.

Chair O'Keefe aptly summarized the foregoing and got in the best line of the evening, thereby proving that even bureaucracy can be fun: "This is not a place where some college kid is going to go to score some easy mead."

Action:

Moved (Stein), seconded (Hayden), and **voted 4-0-1 (Brewer absent), to approve a Special License** for the sale of wine produced by or **for *Green River Ambrosia, LLC of 26 Grinnell Street, Greenfield, MA*** to be sold in sealed containers for off-premise consumption and, provide, without charge, samples of wine to prospective customers at the North Amherst Farmers Market, an outdoor agricultural event certified by the State Department of Agriculture Resources at 11 Meadow Street, Amherst, MA on Saturdays from 10 a.m. to 2 p.m. from this date through April 30, 2011 in sealed containers for off-premise consumption in accordance with Massachusetts General Laws Chapter 138, Section 15F.

### **Gateway Update**

Appearances: Todd Diacon, Deputy Chancellor, University of Massachusetts-Amherst

Mr. Musante reported on the most recent ARA mtg. of 31 January, at which he and Deputy Chancellor Todd Diacon of the University presented to the ARA and the public. The aim was "to clarify for the community what the town's and the University's objectives are and to bring some clarity in the process" in light of public dissatisfaction and criticism (focused on undergraduate housing and the presumed threat to neighborhood character).

Mr. Diacon enumerated 3 main themes: willingness to partner with town (it's their land), preferably through ARA, to transform tax-exempt property into taxable property, and create "a district that people could live, work, and shop." He also made clear that the University had no preconceptions about the nature or extent of residential housing. He wants a visioning process, to determine best what is wanted and needed.

Mr. Musante cited 4 main benefits: (1) to create a development that the community wants (additional steps will be needed; to come through visioning process); (2) to strengthen the neighborhood: the goal is a thriving mixed-use development that makes area an attraction for residents as well as the outside world; (3) this is one of the few opportunities to target infill development (vs. sprawl); (4) the Town is to have a significant say in what happens on

these large parcels near our downtown—for we technically do not have much of an official say regarding zoning.

The next step will be to engage a consultant over an 8- to 10-week period, leading to a visioning statement with some detail, and a series of action steps. The ARA reviews bids this Wednesday, and hopes to choose a firm by the end of the month.

Mr. Hayden (who is also a member of the ARA) stated that he appreciated the joint appearance. Another important thing he heard from Mr. Diacon was: making the University attractive.

Chair O’Keeffe expressed the opinion that the recent ARA meeting was a real turning point in the conversation, given all the concern previously expressed by the public. Mr. Musante slowed down the process, thereby helped to regain public trust. People no longer speak of being “for or against Gateway,” for it is now clear that there is nothing specific there to support or oppose—we are just beginning to determine what will go there.

Mr. Hayden sought to clarify: ARA had always intended a full-blown public process, but it is now clearer.

Chair O’Keeffe: people have been asking our position, but as she says, there isn’t really one to have. We could, however, take a stand by encouraging residents to take part in the visioning process, etc.

And this also fits the Town Manager’s performance goals regarding economic development and the like.

Ms.. Stein underscored that this is our way to have a voice.

Mr. Hayden: not sure whether he (as ARA member) should vote, but he would appreciate that sort of endorsement.

Mr. Musante likewise expressed appreciation for the gesture of support.

Action steps: draft the language of a motion for the next meeting.

## **Litigation Update**

Mr. Musante offered an overview of current litigation in which the Town is involved. He explained that the accompanying document omits costs, which can be added. Although it is labeled, "Confidential—Not a Public Document," the descriptions of the individual cases are in fact worded in a way that does not compromise any information covered by attorney-client privilege, he explained. All in all, he said, "It's been a remarkably quiet year, knock wood." There are no active cases with the exception of some ongoing labor cases (some listed are open for technical reasons, but in fact inactive).

## **TOWN MANAGER PERFORMANCE GOALS**

Mr. Musante summarized the memorandum on progress that he sent us on 6 February:

### **1) Develop specific proposals to deal with the revenue crisis**

a) New sources of revenue:

- Creation of a solar array at the former landfill (significant property tax value as well as reducing school and other energy costs)
- Long-term: Gateway and other projects involving rezoning (North Amherst and Atkins Corner)

b) Reduce expenses through efficiencies:

- including regionalization (status: concluding stages of identifying partners in a communication center for regional dispatch)
- The Town's new website has been very well received. It is now much more interactive (this includes subscription to information, access to forms, ability to pay), which is better for citizens and reduces workload at the office.
- Control of health-care costs; actual reduction in the utilities budget

c) Negotiate sustainable contracts: in active bargaining now with each of the units (SB has learned of details in executive session).

d) Increase the tax base through appropriate development: Gateway, solar energy again; work on Business Improvement District (BID) with the local community.



We are moreover becoming active in the Western Massachusetts Economic Development Council, which will give us a voice in that forum. He is also an active member of the PVTA Advisory Board.

## **2) Strengthen relations with the colleges**

-Gateway again, plus joint initiatives with UMass to stabilize neighborhoods, deal with nuisance issues

-Olympia Drive housing (since UMass owns the road)

-Amherst College is collaborating on the Lord Jeff renovation, Spring St. work, the BID, and the new Science Building (e.g. building itself and code issues)

-Hampshire College: this is part of the Atkins Corner roadway and rezoning, which allows for appropriate development

## **3) Engage community to share info and receive feedback**

-The annual budget process (provides a 10-year snapshot of fiscal condition and trends and challenges)

-The budget proposal this year offers prioritized list of spending as well as prioritized list of additions or deletions depending on outcome.

-Visibility: reaching out to various civic groups; helped to wrap up and celebrate Social Justice event series (and continue that work); not to mention ARA, Kendrick Park.

-Plus: local cable and radio appearances (generating a lot of feedback throughout the Valley)

## **4) Staff morale (SB placed great weight on an improvement in this area)**

Mr. Musante says that he can't honestly be the judge of results, but the effort has been to meet in small groups with all town employees in order to discuss expectations: the Town wants to be a leader in all ways, and each employee has a valued part in that effort. Also shared with them these performance goals that we assigned him (a first for the Town).

Summary: "I try to be positive, I'm an optimistic person by nature."

## **5) Seek a professional outside assessment of the strengths and weaknesses of Human Resources Dept.**

He has not been able to give it a great deal of attention so far—but has been active in recruitment, filling the crucial vacancies: in TM office (Debra Roussel as Assistant to the TM) and Finance Director (Sandy Pooler).

## **6) Communication between Manager and SB**

Among the examples: the fall discussion of CDBG before submitting the grant application; Executive Session explanations of collective bargaining; consultation, updating on Shelter; immediate notification of emergencies such the potential problem with the water supply

## **7) Comprehensive assessment of Town buildings**

He is in the process of carrying out; pace will intensify as approach summer and fall.

## **8) Help community to become greener and more sustainable**

Solar Landfill: meaningful and not symbolic action (could possibly supply 90-100% of municipal and school power)

Goal should be to make Amherst be a leader and pace-setter in sustainable practices.

Chair O’Keeffe thanked the Town Manager for his detailed report. One of the most important things we have done is to develop these goals, which are not just the work of the SB, but also reflect community priorities.

The next best thing after creating the goals was sharing them with staff: “I think that’s brilliant,” she remarked. “I really commend you for that.”

Mr. Hayden noted that we, for our part, revise the goals to keep them up to date and make them clearer.

Chair O’Keeffe: among the goals, those relating to the colleges and staff morale are among the most important: There is as yet no rigorous way to measure them, but anecdotally, we have all heard very positive reactions. She further noted that TM has been accomplishing a lot while—until just recently—continuing to fill the office of Finance Director, as well.

She praised his excellent reports to SB, saying that she feels up to date and better informed than ever previously.

Buildings: We don't want to be reactive. (Such was the case with the East Street School last time. We should be ready when the Survival Center leaves North School.)

The green goal is intrinsically very important (he acknowledged Ms. Stein's role in adding it), and moreover notably reflects town values.

The Chair then asked about Patterson Project, involving the long-discussed plan for a professional research park in North Amherst.

Mr. Musante: he has met with owner along with former Town Manager Laurence Shaffer as the latter was transitioning out. There is not much activity on that front. Focus has been instead on Gateway, BID, Kendrick Park, rezoning, and other large in-town projects. It's been mainly a matter of time. But it is still an opportunity to consider.

The Town Manager concluded: "I'm enjoying the work immensely."

#### **TOWN MANAGER'S REPORT**

- **The Hiring of Sanford M. Pooler as Finance Director**, beginning 14 February (refers public to the recent press release). Mr. Musante praised Mr. Pooler (whom he has known for many years) as a leader in the municipal finance field. He noted that Mr. Pooler has great strengths in strategic planning, collective bargaining, and other key areas, all of which will be invaluable as we go forward—not just finances in the narrow sense. The community, he assured us, will like his skills and temperament.

- **Regional Dispatch**: as noted earlier, we are still negotiating w. potential partner towns. Thus far, we have received affirmative from Hadley, Belchertown, and Pelham. We are still waiting for Sout Hadley; will see what happens with the University, which is in a different situation. "I remain convinced that regionalization is the way to go to improve service even further." It will "save money on the operating side," and keep future costs in check (benefit from state subsidy)

Mr. Musante reminded us that we do not need the vast number of such offices that we have now. Whereas Massachusetts has 262, Maryland needs only 6.

- **Winter storms:**

We have turned to new techniques to cope with the heavy snows. He hesitates to use the term, 'never,' but never in living memory have we had to cope with such a situation.

The big “blower” hitherto used mainly downtown is now being used in other areas in hopes of reducing the narrowing of roads. A small portion of the override went to beef up budget, so there was about \$ 68,000 remaining as of last week (somewhat better than expected). We still hope to get some federal reimbursement for December (up to \$ 51,000).

The Town Manger reminded residents of winter storm tips on the Town website.

Chair O’Keeffe reported that she continues to hear from the public about what a good job DPW is doing.

• **Recent and Upcoming Activity**

In the latter category, the Town Manager has been working on the Solar RFP: a meeting with should take place bidders in the course of the next 2 weeks.

- Kendrick Park Design Study Committee: trying to meet again this Thursday after postponement hope to get grant over summer, so can start work in fall).
- Tomorrow: DPW hearing on traffic calming on Lincoln Ave.
- Considering attempting to become a Green Community: we will start with a public process to explain the program and what it would require (and we would in any case eventually need Town Meeting approval). (24 February)

**FY12 Budget**

There will be a standard slot on the agenda from now until Town Meeting. This is the first since we have received the budget book: none of us has questions prepared yet. Reminder: it is helpful to send Mr. Musante questions to in advance

**Offer Feedback on Pioneer Valley Planning Commission “Valley Vision 3” Materials**

Chair O’Keeffe will relay earlier feedback to them. See the material contained in the Planning Board minutes in the packet. These are complicated issues, and we may well need more information. We can pass on it, defer to next time, or simply endorse what PB says.

Mr. Hayden explained some of the context: e.g. Valley Vision 2, from 2006—although SB failed to endorse it—contained many ideas that have since been incorporated into the Master Plan, such as density and infill, etc. Valley Vision 3 in some ways just fills in details: for example, one thing we need to look at isTDRs, (Transfers of Development Rights), a concept only briefly spoken of in the Master Plan and not fleshed out.

What is represented on the maps may or may not be what we want, but he would suggest (and thinks it in keeping with the spirit that PVPC intended) endorsing the general ideas, recognizing that the specifics are hypotheticals at this point.

Renewable resources: there is not much for us in this area (no suitable wind sites; few solar, no water).

Chair O’Keeffe noted that she would like us to be an endorser, but that this will require a big presentation and public input.

There followed considerable deliberation on our course of action.

Action steps: Mr. Hayden will consult with Mr. Musante and then let us know whether the SB can still weigh in, and if so, whether we can receive more information about it, and better maps.

## **MEMBER REPORTS**

### **• Four Towns Meeting**

The entire Select Board and the Town Manager attended this important gathering devoted to the regional school system and its budget.

As Chair O’Keeffe explained for the benefit of the viewing audience, the Select Boards, Finance Committees, and School Committees of the towns and region hear financial news and share local status updates. State Representative Ellen Story reported on budget issues as well as leadership changes in the House. We further heard joint concerns among the towns about the need to negotiate fiscally sustainable collective bargaining agreements.

Mr. Hayden noted that he found the session very informative: (1) it is good to see we all have same problems; (2) despite some complaints, we generally accept the division of costs. Chair O’Keeffe noted that last year’s meeting was very good, especially constructive in its discussion of the override and its consequences. Mr. Wald noted that strategic and long-range planning made a big difference. Further, a more humane approach to staffing entailed not issuing “hit lists” for possible job termination and raising anxieties; instead administrators would wait until budget figures harden up a bit.

Mr. Musante observed: despite what one might hear about some of the histrionics involving relations between the various school committees, the system has on balance functioned well. He praised Interim Superintendent Geryk for complete revision of way budget is presented—

that for the first time there is a good overview of the long term. In addition, the preliminary bottom line presented was fiscally sustainable: so far, only a 1.1% increase

### **COMMITTEE LIAISONS &C.**

- Ms. Stein:

- meeting regarding the flag for Design Review Board & Historical Commission tomorrow; she herself is trying to get more information from flag design company and the Rotary Club.

- Community Preservation Act Committee met and discussed a multi-use bike path, which could go through North Amherst, a Habitat for Humanity 4<sup>th</sup> house, a feasibility study for Hawthorne farmhouse (but proposal for restoration was deferred).

- The Board of Health met but did not get through the full agenda because Ms. Federman was ill.

- BCG: just about to get underway again after hiatus since November.

### **Calendar Preview**

SB on 14<sup>th</sup> only brief and if needed (though does not appear that will be needed)

### **CHAIR'S REPORT**

- Ms. O'Keeffe & and Mr. Musante met with Amherst Media regarding their quest for new space.

- Ms. O'Keeffe attended the very valuable economic development meeting regularly arranged by Ellen Story for the sharing of information about the state budget and trends.

- Occasionally, she sits in on other meetings with Mr. Musante or in less formal sessions with him and constituents regarding new projects: she has no formal authority there, and wishes simply to be informed.

- ZBA meeting Thursday for Amherst Brewing relocation to former Leading Edge Gym site on University Drive. She is considering speaking in her capacity as representative of the Campus and Community Coalition. Will we endorse this? Yes.

### **ADJOURN: 9:31 P.M.**

Respectfully submitted,  
James Wald

## **Documents**

2011.02.07 Town Manager Performance Goals Progress

Amherst liquor License Quota Report

Application for Taxi Business License The Green C

Gateway Project Update

Litigation Status Report updated

New all alcoholic liquor license Old Towne Tavern

Pole Hearings Atkins Corner project

Press Release New Finance Director Appted.

PVPC Resolves and Vision

Special Liquor License for Winery product sale at

Town Mgr. Performance Goals Review

Untimed Taxi and Special Liquor License

Winter Storms Update

<http://www.amherstma.gov/DocumentCenterii.aspx?FID=642>

