

MINUTES

ATTENDANCE

Select Board Members: Stephanie O’Keeffe, Alisa Brewer, Aaron Hayden and Diana Stein
Staff: Town Manager John Musante; Human Resource Staff Eunice Torres and Kay Zlogar; Senior Center Director Nancy Pagano; Conservation and Planning Director David Ziomek.
Personnel Board Members: Flo Stern, Tony Butterfield, Pat Brock, and Sarah McKee.
Council on Aging Members: Jack Wollensak and Joel Gordon.
District Advisory Board Members: Carolyn Holstein, Town Clerk Sandra Burgess, GIS Coordinator Michael Olkin and Bonnie McCracken;
Others: Chez Albert Owner Paul Hathaway; Attorney Kristi Bodin; Go-Berry co-owners Molly and Alex Feinstein; Youth Action Coalition Executive Director Stacey Lennard and Katie Richardson.

Meeting called to order at 6:32 p.m.

FY12 Non-Union COLA’s

Personnel Board Members and Human Resource personnel presented and spoke on behalf of their recommendation for 2% COLA. Select Board members requested future recommendations provide greater detail beyond a cover memo summarizing the request, to include up to a five year history of cost of living adjustments approved.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to authorize a 2% Cost of Living Adjustment (COLA) for all Non-Union Step Levels, effective July 1, 2011, as recommended by the Personnel Board at their April 19, 2011 meeting.

License Location Change – Edible Atoms, Inc. d/b/a Chez Albert

Public hearing opened at 7:00 p.m. Paul Hathaway, Chef and Owner presented. No one from the public offered comment. Public hearing closed at 7:04 p.m.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the change of location petition for an existing Section 12 Restaurant All-Alcoholic Beverages Liquor License for Edible Atoms, Inc. d/b/a Chez Albert, as outlined in Alcoholic Beverage Control Commission License #002400093-11, from 27 South Pleasant Street, Amherst Massachusetts to 178 North Pleasant Street, Amherst, MA, contingent upon approval of applicable zoning relief, Manager Paul Hathaway.

Common Victualler License

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the Common Victualler’s License for Edible Atoms, Inc. d/b/a Chez Albert, 178 North Pleasant Street, Amherst, MA to be open from 11:30 a.m. to 11:30 p.m. Sunday through Saturday, Manager Paul Hathaway.

License Location Change – Amherst Gourmet, Inc. d/b/a Ginger Garden

Public hearing opened at 7:12 p.m. Attorney Kristi Bodin presented to represent the applicant. Ms. Bodin delivered an updated application without any substantive changes for consideration. No one from the public offered comment. Public hearing closed at 7:21 p.m.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the transfer of a Section 12 Restaurant All Alcoholic Beverages Liquor License currently held by China Dynasty Inc. for the premises located in a single story building at 351 Northampton Road, Amherst, Massachusetts, consisting of two dining rooms, a sushi bar and lounge area with a total seating capacity of 208 persons, the main entrance from the front parking lot and three rear entrances, one in each of the two

dining rooms and one from the kitchen, a basement to be used for storage and for employee changing rooms, as outlined in ABCC License #002400059-11 TO Amherst Gourmet, inc. d/b/a Ginger Garden with its principal offices at 351 Northampton Road, Amherst, Massachusetts, with Wei Hua Hsu, as Manager.

Common Victualler Licenses

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the Common Victualler’s License for Amherst Gourmet, Inc. d/b/a Ginger Garden at 351 Northampton Road, Amherst, Massachusetts to be open from Sunday to Thursday, 11 a.m. to 10 p.m. and Friday and Saturday 11 a.m. to 11 p.m., Manager Wei Hua Hsu.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve a Common Victualler’s License for GoBerry L.L.C. d/b/a GoBerry at 28 Amity Street, Unit 1E, Amherst, Massachusetts to be open from Sunday to Saturday 11 a.m. to 11:30 p.m., Manager Molly Feinstein.

Public Way Approval

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve, with cleanup requirements to be coordinated through the Town Manager’s office, and as long as all public ways remain passable, the use of sidewalk chalk on any downtown sidewalk and use of the red fence in the small pocket park, shown on the map titled, “Boltwood Pocket Park, dated 5/17/11, for short-term temporary art projects to include performance or interactive art, wheat pasted posters and sculpture from repurposed materials, by the Youth Action Coalition (contact: Stacey Lennard) in collaboration with the 21st Century After School Program and ARHS Summer School, over a three-week period, July 5 – 21, 2011, Tuesday, Wednesday and Thursdays 1 – 4 p.m.

Board members asked that the approved projects be signed in such a way as to uniquely identify the group’s work. Ms. Lennard and Richards were requested to contact the Town Manager’s office for further permissions for use of other Town properties proposed. The Board also suggested they contact the Public Art Commission for potential future long-term art opportunities. The Board also requested the Town Manager notify Department Heads and the Chamber of Commerce so everyone is aware of the permission granted to YAC to create temporary public art projects during July to avert complaints of nuisance or tagging property.

Voting Precincts

District Advisory Board presented and provided their recommendation for boundaries of Ten Precincts. VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the Districting Plan for Ten Precincts, as recommended by the Districting Advisory Board and represented on a map/plan entitled, “DAB Endorsed Voting Precincts”, dated June 7, 2011.

Conservation Land Deeds and Affordable Housing Restrictions

Mr. Ziomek presented documents relative to formal acceptance of two deeds by the Board and a letter of understanding, which provides a guarantee for continuance of Affordable Housing restrictions.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the acceptance of the parcels of land, as described in a deed from the Kestrel Land Trust, located off South East Street, Amherst, as voted by the Amherst Conservation Commission June 8, 2011, said property to be administered, managed and controlled by the Amherst Conservation Commission under the provisions of Massachusetts General Law c.40 §8C.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald), pursuant to the vote taken under Article 7A of the November 8, 2010 Special Town Meeting, to accept a parcel of land, as described in a deed from John J. Stosz and Susan M. Stosz to property located on East Leverett Road,

Amherst, which property is to be administered, managed and controlled by the Amherst Conservation Commission under the provisions of Massachusetts General Law c.40 §8C.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to authorize the Letter of Understanding to the Amherst Housing Authority stating the Town of Amherst understands that the twelve housing units on Bridge, Market Hill, Jenks and Stanley Streets, are currently operating under the requirements of an Affordable Housing Restriction in accordance with Chapter 705 State-aided Program, and further, that the units shall remain so, unless the DHCD approves their removal.

Trial Senior Center Parking Policy

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve a Trial Senior Citizen Sticker Parking Program for the period July 1, 2011 through December 31, 2012, as recommended by the Council on Aging and endorsed by the Parking Task Force, as presented to the Select Board at its June 13, 2011 meeting.

Board requested that Council on Aging or senior representatives track participation of those individuals currently holding free Senior Center parking placards, as part of the program participation data to be tracked for the Trial Parking Program.

New Liquor License Availability

Members agreed without vote to require ABCC standard liquor license application(s), as opposed to a letter of intent for parties interested in applying for the wine and malt license to be reviewed July 18. Ms. O’Keeffe to coordinate with staff for release of a news announcement for the Town website.

Ms. O’Keeffe will incorporate Members’ suggestions for edits to the draft policy for dealing with such instances of new availability and forward to Town Counsel for review prior to presentation at a future meeting for approval.

Street Closings/Parking Requests – Blue Hills Road

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve a street closing for Blue Hills Road on Saturday, July 23, 2011 from 12:00 p.m. to 8:00 p.m. and a rain date of July 24, 2011 for the Blue Hills Road 10th Annual Block Party.

Taxi Driver

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve the new Taxi Driver/Chauffer License for Joseph Guillen 38 Greenleaves Drive, Apartment #80, Hadley Massachusetts on behalf of Green Transportation.

Special Wine and Malt Liquor Licenses –

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to authorize issuance of a Wine and Malt Special License to Brenda Ryan-Newton on behalf of UMass Amherst for a reception to be held at the Southwest Café and Southwest Beach from 5 p.m. Thursday, June 16, 2011 to 1 a.m. Friday, June 17, 2011.

Board requested confirmation that continuing to issue Special Licenses to different named applicants on behalf of UMass is allowed once another individual has reached the annual 30-license limit.

Board also requested review of the liquor license fee schedule in advance of end of year renewals, with information on data relative to term at current level and limits set by statute.

Appointments

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to appoint Madeline Drake, 160 Clark Hill Road, Amherst to the Human Rights Commission effective June 13, 2011 for a term to expire June 30, 2013.

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to appoint Dorie Goldman, 8 Hedgerow Lane, Amherst to the Public Transportation & Bicycle Committee effective July 1, 2011, for a term to expire June 30, 2014.

Post Town Meeting (TM) Wrap Up Discussion

Budget process suggestions included better notification of meetings related to budget issues by all relevant boards and committees; utilizing News Announcement on the Town website to assist Town Meeting Coordinating Committee (TMCC) in their goal of helping Town Meeting Members (TMM) be more involved and informed; TMM subscription to calendar notification of meetings; TMCC to organize people at precinct level to attend budget meetings on specific committees and/or budgets to report back to the larger group; that the end of year 4th quarter budget memo presented to Finance Committee and Select Board be sent to TMM, to provide a greater connection to the overall budget picture. Procedural and administrative: Single master script and motion sheet were hailed as valuable improvements; Select Board’s completion of pre-town meeting work in April was appreciated, providing ability to be responsive to new issues as they arose; suggested staff in attendance, available to speak to an article should sit and remain at the front of the auditorium for duration of their subject matter to save valuable time; agreed SB Members need not make courtesy procedural motions on behalf of individuals or committees, such as changing the order of process, as any TMM can and should make motion on his or her own; clarity is needed on which reports are timed and which are not, so all are aware of expectations. General – length of TM and uncertainty of specific time of consideration for each article complicates planning and participation, particularly for non-TMM who are a proponent/opponent and need/wish to speak to an article; scheduling of articles for a time certain is helpful, but should be done in moderation, as it can create timing complications as well. Audio/Visual – Suggested that TMCC might provide guidance on how to optimize visuals for best viewing in the auditorium, i.e. using fewer words and large text; both the projector and microphones may need repair and/or replacement and should be considered for a capital request; providing a standing microphone in each aisle for speakers to line up at who wish to speak to an articles might be more efficient than bringing to the speakers with accommodation for those unable. Ms. O’Keeffe to provide suggestions raised this evening to the appropriate bodies specified.

Town Manager's Report:

Train derailment: situation reviewed, noting cause still under investigation by National Transportation Safety Board. Station Road closed longer than originally anticipated to accommodate scheduled resurfacing.

Tornado Warning Response and Preparedness: summary of coordination of preparedness by Chief Nelson and Dave Ziomek during the severe weather conditions that presented on June 1st and June 8th provided.

Decision to not use the reverse-911 system for June 1st event, as tornado cells were considerably south of Amherst communicated. Post-event incident analysis produced a plan that provides for flexibility in regard to future use of the reverse-911 system, consideration of a "watch" versus "warning" status, emergency alerts at UMass and Amherst College, as well as need for improved coordination of internal communication to staff d. Town public safety, public health and administrative staff are providing immediate and ongoing services to the areas impacted by the tornadoes.

Reports of unconfirmed funnel cloud citing prompted the decision to use the reverse-911 system in the June 8, 2011 weather event. Feedback from the public was generally positive on its use and included suggestions for improving such notifications for the future. Members suggested designating and

publicizing a specific number for the public to call in to broadcast emergency situations. Suggestion to inform people about their ability to sign up for the UMass alerts. The three dispatchers on duty during the storm were praised for the manner in which they handled an enormous volume of informational and emergency calls. Dave Ziomek was also cited for his handling of the train and emergency weather situations, acting in his capacity as Acting Town Manager.

Solar Project: Negotiations are ongoing on the Power Purchase Agreement, special legal and financial counsel retained to assist. Regrading of the old landfill site to begin soon, noting not the beginning of the solar project, project was mandatory and permitted separately. He referenced the lawsuit that has been filed against the Town, which suggests that a deed restriction prevents the Town from pursuing the project, and emphasized that the Town is committed to a project that is safe and fully compliant with State environmental and safety requirements and with State law, however is also committed to pursuing solar and other alternative energy projects that have the potential for significant cost savings to the Town.

Town Gown conferences: Highlights of International Town Gown Association conference in Boulder, CO attended by Mr. Musante and several officials from the University of Massachusetts were provided, noting how some Town-Gown relationships were built, including partnerships on sustainability issues and on redevelopment projects, and how campus technology research gets spun off to the marketplace, and neighborhood relations. Musante to provide links to online conference materials.

Ms. O’Keeffe reported on the Northeast Regional Town Gown conference she attended in Worcester, participating in the Campus and Community Coalition presentation, and learning about different municipal and campus approaches to off-campus behavior issues at Boston College and Salve Regina.

Musante and O’Keeffe both emphasized the value of learning best practices from others in similar situations, and the value of furthering the relationships with the participating UMass representatives.

Regional Dispatch: South Hadley has made the decision to not participate; plans are moving ahead with Memorandum of Understanding between Hadley, Belchertown and Pelham, and accessing pre-development grant money. Annual savings to Amherst expected to be around \$250,000 - \$300,000 per year, with the potential for additional cost savings if additional towns join later.

Middle School Pool: Public announcement for agreement for use of Middle School pool for public lap swimming and lessons forthcoming. Once hours and arrangements are finalized, there will be a concerted effort to publicize. The Superintendent of Schools, LSSE staff and Facilities staff were recognized for working together to make this happen.

Recent and Upcoming Activity: Report on presentation for workshop on budgeting basics at the recent MMA Leadership Conference for New Selectmen, in addition to speaking at the 6/17 Chamber Breakfast on the Common. Kendrick Park Design Committee meeting June 16, 2011 to reveal final plan recommendation. Grand opening event for Butternut Farms affordable housing development on Longmeadow Drive scheduled for June 17, 2011.

Fourth of July Parade

VOTED Four in Favor (O’Keeffe, Brewer Hayden and Stein) with One Absent (Wald) to approve “official” participation of Select Board members in the July 4th parade.

Member Reports

Members were asked to be prepared to offer final revisions or approval on sections 1 through 4 of the Appointed Committee Handbook for the next meeting; Ms. Stein to provide current version in advance of meeting.

Ms. O’Keeffe distributed draft town manager performance evaluation documents for review, including a timeline, public solicitation process, memo to staff, questionnaire, and Select Board evaluation form, all for consideration at the June 27, 2011 meeting.

Ms. Brewer announced the Wednesday Farmers Market at Kendrick Park to begin June 15, 2011 to run through the fall.

Ms. Stein announced a Zoning Forum to be held June 15, 2011 by the Zoning Subcommittee for feedback on future zoning bylaw amendment priorities.

Ms. O’Keeffe reminded Board members of the need to completed outstanding minutes for approval.

Ms. Brewer reported on Open Meeting Law seminar attended; agreed that clarity would be helpful on matters altered or decided by the Attorney General’s office since last July, i.e. remote participation.

Executive Session

VOTED by ROLL CALL VOTE O’Keeffe “yes”, Stein “yes”, Wald “absent”, Brewer “yes”, Hayden “yes” to enter into Executive Session, in accordance with Massachusetts General Law Chapter 30A, section 21, part a, subset 3: to discuss strategy with respect to collective bargaining and litigation, as an open meeting may have a detrimental effect on the bargaining and/or litigating position of the Town. The Board will NOT reconvene in Open Meeting following the close of Executive Session.

ADJOURN

The meeting adjourned at 9:47 p.m.

Minutes Prepared by John P. Musante and Debra A. Roussel

List of Documents Presented at the Meeting

Proposed timeline for Town Manager’s FY 11 Evaluation and FY 12 Goal Setting
Updated application for Ginger Garden submitted by Attorney Bodin
Personnel Board 04-19-2011 Meeting Minutes
FY 12 Non-Union Salary Scales
Chez Albert – Application for Change of Location
Chez Albert – Common Vic Application
China Dynasty Application to Transfer
China Dynasty Common Vic Application
Go Berry, LLC Common Vic Application
Request for Use of Public Way
Street Art Flyer
District Advisory Board Email Request
District Advisory Board Memo with Recommendation
District Advisory Board Talking Points
11 x 17 map of DAB Endorsed Precincts
11 x 17 map of Precinct Change Impact
8.5 x 11 map Redistricting Final Revisions
Conservation Director Email Request
8.5 x 11 map Lawrence Swamp Parcel – Kestrel Trust
8.5 x 11 map East Leverett Road – Stosz
Housing Authority Request for Affordable Housing Confirmation
Select Board Letter of Confirmation for Affordable Housing
Proposed Senior Citizen Parking Program
Senior Parking Draft Sticker

Senior Parking Draft Map
New Liquor License Capacity Draft Policy
Road Closure Request – Blue Hills Road Block Party
Taxi Driver License Application – Joseph Guillen
Special License Applications UMass June 16, 2011