

MINUTES

CALL TO ORDER

Meeting called to order by Ms. O’Keeffe at 6:34 p.m.

ATTENDANCE

Present: Aaron Hayden, Diana Stein, Jim Wald, Stephanie O’Keeffe
Absent: Alisa Brewer
Town Manager John Musante
Town Staff: Atty. Shirin Everett, Roy Rosenblatt, Guilford Mooring
Public: Hilda Greenbaum, John Boothroyd

Opening Remarks, Announcements, and Agenda Review by Chairperson O’Keeffe

PUBLIC COMMENT

6:30 no public comment

SELECT BOARD ACTIONS

6:45 appearance not possible, so moved to untimed items:

Re-signed signature pages for TM Warrant (see Ms. Gordon’s note)
Signed warrant for November 2 election

Licenses and Permits

VOTED 4-0 (Brewer absent), in 4 separate votes to approve the following 4 Taxi Driver/Chauffeur licenses

- Joel Jean-Claude - Safari Transit, Inc
- Joseph W. Cohen - Gotta Go Taxi Co
- Hline Logan - Gotta Go Taxi Co
- Richard J. McGaffigan- Gotta Go Taxi

VOTED 4-0 (Brewer absent) to approve the Special All Alcohol Liquor License for Amherst College Catering Services for Saturday, November 13,2010 from 12:00 p.m. - 6:00 p.m. at the Amherst College Coolidge Gym for a Homecoming celebration

Committee Appointments

VOTED 4-0 (Brewer absent) to appoint the following:

- Joseph Swartz, Agricultural Commission, for a term to expire June 30, 2013

Minutes

VOTED 4-0 (Brewer absent), in 4 separate votes, to approve the following minutes:
Aug. 9 (as amended), Sept. 13 (as amended), Sept. 27 (as amended), Oct. 4, Oct. 8

6:55 Consideration of ZBA Conflict of Interest Exemption: MGL c. 268A, s. 19B

Appearance: Ms. Greenbaum

A citizen raised an accusation with the Planning Dept. regarding Ms. Greenbaum’s participation in a ZBA panel involving High Street properties in the vicinity of properties that her family owns. She refers to

exchanges of e-mails between the citizen and Town Hall as well as her phone calls with state legal authorities in Boston. The Ethics Commission determined, and Town Counsel agreed, that she had no direct financial interest. Because the accusation was of a more general nature, she files the standard disclosure regarding appearance of conflict of interest.

Atty. Shirin Everett (as Town counsel) appeared tonight, as well, in order to explain the case and answer questions:

1) A financial interest may arise if a property is merely near the one in question, i.e. not necessarily a matter of being an abutter or an abutter to an abutter. Reasonable people may disagree. In such cases, State Ethics Commission asks that the Select Board to affirm that there is none.

The Select Board asked for clarification of various subsidiary points. Mr. Hayden inquired as to possible outcomes in the event that someone challenges the Select Board decision. Atty Everett: that would go to State Ethics Commission; she is not sure whether our actions could be overturned. Ms. O’Keeffe suggested that, even though she sees no conflict, the wiser course of action would be for Ms. G. to recuse herself Ms. G.: That would mean that no one could serve on panels because everyone knows someone. She finds the complaint frivolous.

Ms. Stein: Such frivolous complaints threaten to manipulate the process.

Some discussion as to whether Special Municipal Employee Status is relevant (Counsel: it is not).

Mr. Musante: summarizes the issue, noting she could probably serve on the panel anyway, but she asks for our verdict anyway. Concludes, “basically a judgment call on the part of the Select Board.”

Motion: Ms. Stein; Second: Ms. Brewer

VOTED unanimously that the Financial Interest of the property located at 13-15 High Street, Amherst, MA is not so substantial as to affect the integrity of the services which the Municipality may expect from Ms. Hilda Greenbaum.

7:25 Olympia Drive Land Development Agreement and Lease Approval

Appearance: Roy Rosenblatt

Ms. O’Keeffe asked whether there was any desire to convene an executive session in order to raise any possible concerns. There was not.

The Town Manager, noting that the document is lengthy and complex, asked Mr. Rosenblatt and Ms. Everett to explain the key features in simple terms:

Town had issued an rfp (request for proposals) for construction of 42 units this spring, and HAP, Inc., responded. The document sets forth the steps that HAP needs to take in order to develop the property, as well as the obligations that the Town must undertake in order to allow the project to go forward. Terms are for a 99-year lease.

Ms. Everett: It makes most sense to address the ground lease now rather than find, in mid-course, that there are problems. This document sets forth the steps that the two parties must undertake in order to ensure that development is viable. The town is committed to significant infrastructure improvements, for example, though they are offset by grant funding and mitigated by the fact that, even if the deal does not go through, the area would be more attractive to any future developer. The town will not be managing the completed project day-to-day, just overseeing the progress up to the point at which it comes online. “This is a very cooperative and symbiotic relationship,” because both parties are committed to increasing affordable housing.

Mr. Rosenblatt and Mr. Musante thanked Town staff and counsel for preparing the deal

Mr. Musante: We can be very grateful that we received a sizeable federal grant (nearly \$1 million)—“this is huge”—plus CDBG through mini-entitlement status (\$ 200K reallocated from the previous 400K), and \$150K from CPA).

[Note: will invest c. \$1 million in on-site improvements through developer's due diligence; developer pays anything above that.]

Motion: Stein; Second: Hayden

VOTED unanimously to approve and execute a Land Development Agreement with HAP, Inc. for the development of affordable rental housing on the Town-owned property on Olympia Drive pursuant to the authority granted under Article 18 of the May 3, 2010 Annual Town Meeting, as continued, and approve the Ground Lease attached to said Agreement, with the Ground Lease to be executed upon the satisfaction of the conditions stated in said agreement.

7:48 "Safe Routes to Schools" Project Recommendation

Appearance: Mr. Mooring

Public Works Director Guilford Mooring explained the nature of this federal program administered by state dept. of transportation. Several Wildwood area residents applied for the grant. The Design engineer supplied five recommendations; the DPW proposes to modify two (e.g. crosswalk materials or demarcation), as detailed in the appended letter to Select Board and Town Meeting; Public Works likewise made some minor changes. There is also some extra state money, so it should be possible to complete this project next year.

Motion: Stein. Second: Hayden

Safe Routes to Schools Project Recommendation

VOTED unanimously to accept the recommendation of the DPW and the Public Works Committee with respect to the above project and to send these comments and recommendations to Mass Dot as the Town's official response to the Wildwood School Safe Route to School Proposal preliminary assessment.

7:58

WARRANT ARTICLES

November 8, 2010 Special Town Meeting Articles

(Mr. Mooring and Mr. Musante explain)

Article 3 - Atkins Corner Project Easements

This is a housekeeping article; basically just states all the issues in the form preferred by the current Town Counsel.

Motion: Stein. second: Hayden

VOTED unanimously to recommend Article 3 - Atkins Corner Project Easements.

⇒ Ms. O'Keeffe will speak to it at Town Meeting.

Article 5 - Capital Program Bond Authorization

Mr. Musante explained the rigorous process of approval by numerous Town bodies, which unanimously recommend (the most concise description is the one-page proposal from JCPC: \$ 5 million for road improvements, deriving from a comprehensive inventory of all streets based on a rigorous pavement improvement analysis.

Borrow \$ 4.5 million to improve the main roads first, and bring them up to an acceptable level. Then leverage that with Chapter 90 ([=from gas tax;] c. \$ 500K/yr.), TIP [TIP=Transportation Improvement Plan=fed. money w. state match]), etc. to undertake further improvements.

"A large and growing problem" of a backlog of \$ 19 million (3 years ago was \$ 14 million). The ultimate cost to taxpayers far outweighs the seeming short-term savings of postponement.

Unprecedented opportunity due to historical record-low interest rates, permitting us also to begin to address needs of neighborhood side streets: “makes operational sense, addresses our most heavily traveled roads that are in worst condition first, and do so “very cheaply.”

c. 5% of total budget (but still 6% of tax levy) allocated to capital plan: fund within this portion of the plan so as not to disturb the desired balance.

However, it does reprioritize roads within the existing capital budget.

Hope is to put out to bid in winter, begin very intensive road improvement schedule in the spring when the weather turns.

Ms. O’Keeffe asked for an explanation of the logic of prioritizing Rolling Ridge and Cherry Lane, which are not roads to other areas.

Mr. Mooring: these are main/only entries into neighborhoods. (Some similar roads in Amherst Woods will left off list until improvements to roads can be coordinated with necessary sewer work.)

Mr. Musante reminded us that TM votes only on the appropriation, not the choice of roads.

Further explanation of funding: The Town is applying for grants for priority areas of Pine & Main Sts. If the grants don’t materialize, these roads might supplant others on current list.

In response to a question from Ms. O’Keeffe re: Rte. 116, Mr. Mooring explained that the Town had received c. \$ 2 million in stimulus money for Rte. 116, which frees up that amount for work elsewhere.

Motion: Stein. Second: Hayden

VOTED unanimously to recommend Article 5 - Capital Program Bond Authorization.

⇒ Mr. Wald will speak to this article at TM

Article 6 - Acceptance of MGL c. 32B s. 20 - to Create OPEB Trust Fund

Ms. O’Keeffe explains: details are readily available in the broadcast of the Four Boards meeting.

Mr. Musante: “This is a big deal for the town, even though it’s pretty boring.” Even with the steps we have taken (employee contributions, changes in plan design), post-employment benefit costs (insurance, but mostly health care) getting more expensive and consuming an ever larger portion of the budget. This measure allows us to invest in such a way that costs are significantly reduced in the long term. The difficulty lies in the near term, with the need both to meet the pay-as-you-go portion as well as begin to set money aside for the trust fund.

TM is being asked to authorize simply the creation of the trust fund: no money is being appropriated at this point; merely permits us to return to ask for it once a funding strategy has been created.

Ms. Brewer, echoing this: It is true, as someone argued at the Four Boards meeting that, even if state eventually will have to intervene, it is far better to be prepared now; can always adjust as conditions change.

Ms. Stein, agreeing—and confirmed by Mr. Musante—the money in the fund would then not be lost, could be reallocated.

Motion: Stein. Second: Hayden

VOTED unanimously to recommend Article 6 - Acceptance of MGL c. 32B s. 20 - to Create OPEB Trust Fund.

⇒ Ms. Brewer will speak to the article at TM

8:26 Budget Policy Guidelines: Review Revised Draft Guidelines, Consider New Ones

Ms. O’Keeffe explained that these are basically similar to preceding ones (still need to craft new overall philosophy).

Expense reduction: clarifies issue of reassigning services outside general fund (desire to add caveats and concerns), affirms need for sustainable labor contracts.

New paragraph on economic development: as crucial source of new revenue, requires a section of its own. Includes not just the philosophy and new revenue sources, but also the need to explain the rationale to the public and affirm its conformity to the Master Plan. “We need to be very mindful . . . that not everyone accepts that economic development is a net benefit to the town.”

SB made a few minor amendments to wording rather than substance.

SB also discussed two new goals—Budget Prioritization and Excess Taxing Capacity—offered by the SB Chair:

(1) Continue to have Town Manager offer “a prioritized list of expenditures that would be included at different revenue levels,” and

(2) Affirm our desire not to include in the budget the excess taxing capacity arising from last year’s override. (Because we secured favorable labor contracts and the state revenue picture turned out to be more favorable than anticipated, the full amount authorized was not needed.)

Hence the two fit together very closely.

Mr. Musante confirmed that this is all true, but reminded us that, even in best-case scenario (including failure of ballot propositions), we are still looking at a serious shortfall for next year, and we should therefore perhaps be wary of creating a hard-and-fast policy. It makes sense to qualify by adding a clause to the effect “if there is offsetting revenue.” “Do you really want a guidelines that causes us to cut 2.6 million out of the budget rather than only 2.1 million?” It might make more sense to consider phasing in the increase, if necessary.

Ms. O’Keeffe: As written, the measure does not tie our hands: “important that we give very careful consideration to spending that extra half-million dollars.”

Mr. Musante: “Are we really going to recommend to TM that we stay below our levy limit when we’re facing a double-digit state revenue cut?”

Considerable debate on the nuances of formulation (if not the general intent) ensued. Upshot: we are still on the same page but will revise some phrasing. Chair will send new language.

Mr. Hayden wondered whether we should recommend investment to mitigate negative future effects of long-term obligation.

Ms. O’Keeffe: This is not really part of the current budget; more a form of budget philosophy or contextual discussion. (Opening paragraph. Same might apply to some of our discussion of excess tax capacity.)

The Town Manager found the discussion very helpful, not least because it conveys our desire to other town bodies such as Finance Committee, Library, School Committee, etc.

Motion: Stein. Second:

Budget Policy Guidelines

VOTED unanimously.

9:18 Town Manager’s Report Mr. Musante

· Transition Update

Met w. Personnel Board, which accepted his recommendations on 3 job positions discussed last time: combination of Collector-Treasurer offices; update to Comptroller description (more active budget involvement), ditto for Finance Director (reassign Treasurer role to Collector).

Chair also noted that Veterans’ Agent Kathy Pollard has retired. (Regional office in Northampton will provide services now, but still full-time access via phone and e-mail even when agent is not physically present here.)

Have advertised: Asst. to Town Manager (due 29 Oct.), Finance Director (due 26 Nov.)

Very productive meeting today with Chancellor Holub and his senior team: everything from economic development to neighborhood safety. A very promising outlook for active partnership.

· **Winter Shelter Update and other news**

See press release: upon unanimous recommendation of screening committee, contract awarded to Milestone Ministries of Indian Orchard.

Poised to have a full-service shelter this winter rather than just a warming shelter, and means to help people find permanent help, transition to regular housing.

Town—not the Committee on Homelessness—is responsible for the direct oversight of the operation, but much gratitude due to the Committee for its assistance throughout this process.

Will need to review some remaining issues before (presumed) opening date of Nov. 1 (code, safety). Would seek 35-day temporary permit, which would allow it to open as improvements are carried out.

Ms. Brewer wanted to make clear to public that this is a target date: details have to be in place. If it opens slightly later, it is due to circumstances beyond our control, rather than want of trying.

* Press release on **Dept. of Justice grant to Police re: violence against women**

* **Workshops on social justice coming**

* **North Amherst** will host **police info session** (Lutheran Church) on 20th re: both recent break-ins and general quality-of-life issues.

* **Construction issues at [Longmeadow Drive](#)**: public concern over sediment runoff &c. (esp. lead and arsenic from soil of former orchard). Resident John Boothroyd, author of a string of e-mails on the subject, said that the soil is toxic and the Board of Health was not involved in the permitting process.

* **Report on Four Boards Meeting**

As reported, reviewed a 10-year snapshot of the town's fiscal health and in particular the next three years (some good news and some bad news), with focus on FY 12.

Some discussion of maximizing process efficiency as well as substance.

9:00 Vote Select Board Positions on November Ballot Questions

Ms. O'Keeffe

- Question 1 – Eliminating the State Sales Tax on Alcohol
- Question 3 – Reducing the State Sales Tax to 3% from 6.25%
- Advocacy Plan

The obvious and dramatically depressing, which we have discussed on several occasions. These measures would terribly exacerbate an already gloomy national and state revenue outlook (see minutes of previous SB, JCPC report, Four Boards meeting, etc.).

Passage would result in a total shortfall of c. \$ 3.7 million for the town.

Vote Select Board Positions on November Ballot Questions

Motion: Stein. Second: Hayden

VOTED unanimously, to recommend no votes on both Questions 1 and 3: Eliminating the State Sales Tax on Alcohol, and Reducing the States Sales Tax to 3% from 6.25%, respectively.

Chair will draft a position piece for the *Bulletin*. She and Town Manager will appear on Mr. Ben Ezra's who on public-access television.

9:10 Member Reports

· Liaison and Representative Reports (All)

Mr. Hayden

ARA: Mr. Hayden reported briefly on signing the rfp for the visioning process for the Gateway Project, which will allow for broad-based and representative public input.

Ms. Stein

AgComm: Ms. Stein reported on winter farmers' market at middle school cafeteria
CPAC will recommend money for consultant to try to preserve affordable housing at Rolling Green

Ms. Brewer

Community Development Committee: CDBG grant applications due 29th

Mr. Wald

Public Arts: heard about Biennial last time

DRB has not had to meet in 2 month

TCRC had not met recently, but just began to meet again

HistComm:

-Demo delay on both Hawthorne and Rooster's tomorrow evening

-UMass/DCAM problem regarding University purchase of 93 Fearing St. (see earlier meetings): the application did not meet state requirements re: historical inventories, etc. In addition: turns out the application was inaccurate because it did not correspond to UMass's actual intentions. Could we ask for a new, accurate letter of intent?

Mr. Musante: topic came up at UMass meeting today (see above); there was willingness to convene meeting of appropriate town and Univ. staff

Ms. O'Keefe

Council on Aging will hold fundraising dinner on 21st at Amherst Alumni House (same night as Warrant Review); will also report to Town Meeting under Article 1 on recent survey of seniors

Campus & Community Coalition:

-chairs and police rep. in Washington, DC, reporting on how to deal with drug and alcohol issues;

-efforts to re-route student nocturnal traffic away from residential neighborhoods thus far successful

ConComm: attempting to formalize use policies, e.g. agricultural leasing, place of dogs on conservation land, etc.

· Open Meeting Law Update (Ms. Brewer)

Not a great deal new.

Chair's Report (Ms. O'Keefe)

· Town Meeting Update/Reminders

Warrant Review is 7:00 Thursday, 21 Oct.

10:24 Consider a Template for Minutes (Ms. Stein)

Desire for simplicity for all parties.

Ms. Brewer: chronological order may not always be ideal; Ms. Stein: easier to follow.

Discussion of need to include document list under new Open Meeting Law.

Responsibility of notetaker to include list of documents—including items distributed after formal packet list goes out.

Calendar Preview Ms. O'Keefe

Adjourn: 10:30

Submitted by Jim Wald

List of Documents Presented at Meeting

Consideration of ZBA Conflict of Interest
Olympia Drive Land Development Agreement
Voting SB Positions on Fall Town Meeting
MTF Report on Question 3
2010 Information for Voters
Draft Budget Guideline Suggestions
SB Motions 10-18-10
Minutes for Approval
Committee Appointments
Template for Minutes
New Taxi Driver Licenses
Press Release
November 2, 2010 State Election Warrant
Special Liquor Licenses
Working Draft – Budget Guidelines