

SELECT BOARD MEETING
Monday, October 24, 2011 – 6:30 p.m.
Town Room, Town Hall

MINUTES

Members Present: Stephanie O’Keeffe, Alisa Brewer, Aaron Hayden, Diana Stein and Jim Wald

Members Absent:

Staff: Acting Town Manager Dave Ziomek

Other: Pat Holland, Reikka Simula Gooden, Melissa Perot, Thondup Tsering, Phil Gosselin, Valerie Cooley, Said Lmaalem, Tom Murphy, Barry Roberts, Jerry Jolly, Jim Brassord, Todd Diacon, Tony Maroulis, Ann Burke, Bill Hart, Abbass Bozorg, Sonia Aldrich (Comptroller,) Guilford Mooring (DPW Superintendent), Jonathan O’Keeffe, Jonathan Tucker (Planning Director)

Meeting called to order by Ms. O’Keeffe at 6:31 p.m.

Public Comment: Pat Holland presented a petition to the Select Board signed by multiple neighbors, asking that Montague Road north of Mill River remain R-N in regarding to zoning use designation.

Reikka Simula Gooden expressed concern about the shelter contract requiring that referrals be made only by licensed social workers, and recommended that Amherst Community Connections continue to be allowed to provide such a service.

Melissa Perot expressed concern about the process and the proposed rezoning of North Amherst.

Thondup Tsering asked the Select Board to consider a resolution in support of Tibet at the next meeting.

Phil Gosselin and Valerie Cooley expressed concern about the proposed North Amherst Village Center rezoning.

SELECT BOARD’S ACTION

New Taxi Business – Grab a Cab

VOTED unanimously to approve the application for a new Taxi Business License for Said Lmaalem of Easthampton MA d/b/a Grab a Cab Taxi at 85 Sunderland Road, Amherst, MA

Board requested without formal vote that the office contact Said Lmaalem of Grab A Cab to make sure it is understood that any changes to drivers or vehicles requires notification to the Select Board office, per standard practice, and the Building Commissioner, per her letter regarding the Site Plan Review waiver eligibility.

VOTED unanimously to approve the new Taxi Driver/Chauffer License for Said Lmaalem of Easthampton, MA on behalf of Grab A Cab Taxi Company.

Stop Sign at Orchard Street

VOTED unanimously to authorize installation of a stop sign on Orchard Street as it approaches the intersection of Woodside Avenue and Hitchcock Road, as requested by Amherst College and recommended by Amherst Public Safety and Public Works Departments.

Extension of Hours for McMurphy’s Tavern

Concern was expressed about the “Kegs and Eggs” event as it relates to St. Patrick’s Day and the atmosphere that creates downtown. However, since that is not known to be a problem for the Homecoming event, the Select Board moved forward with consideration of the request for an early opening.

VOTED unanimously to approve a 10 a.m. opening for McMurphy’s Uptown Tavern on Saturday, November 5, 2011 for UMass Homecoming.

Business Improvement District (BID)

Public hearing opened at 7:02 p.m. Ms. O'Keeffe disclosed that she lives near the northern end of the BID and that Town Counsel advised that this was not a conflict. Mr. Hayden disclosed that he is an employee of Amherst College and had filed written disclosure. Mr. Wald disclosed that his wife is employed by a BID partner entity. Ms. Brewer disclosed that her husband is employed by UMass, and that she works on campus for a union, rather than for the University, and would soon file her written disclosure. Ms. O'Keeffe noted that all the Select Board members are also municipal employees of the Town of Amherst.

The Amherst Select Board declared, pursuant to Massachusetts General Laws Chapter 40, that the Town Clerk has determined and certified that the petition to establish the Amherst Business Improvement District (ABID), dated September 15, 2011 satisfies the purposes set forth, and the establishment criteria of Massachusetts General Laws Chapter 40 O.

Barry Roberts introduced the topic. Jerry Jolly spoke about the history and process of the ABID formation. Jim Brassord, Amherst College Director of Facilities, spoke about Amherst College's support and participation. Todd Diacon, UMass Deputy Chancellor, spoke of UMass' support and participation. Tony Maroulis, Executive Director of the Amherst Area Chamber of Commerce, spoke about the strong partnership among businesses, the colleges and the Town, and the potential benefits the BID holds for all.

Ms. O'Keeffe read into the record the basis for determining the ABID annual fee schedule pursuant to section seven of MGL c40 O:

- a. Commercial properties will have a fee equal to the assessed value multiplied by .005.
- b. Commercial components of mixed-use properties will have a fee equal to the assessed value multiplied by .005, and residential components will have a fee equal to the assessed value multiplied by .001.
- c. Public/academic and non-profit properties will have negotiated fee agreements with contributions of cash and/or in-kind services.
- d. Hotels/Inns/B&Bs will have a fee of \$200 per room per year, which may be increased annually by a percentage not greater than the percentage by which the real estate tax rate in Amherst for commercial properties has increased over the prior fiscal year.

The process for property owners who elect not to participate in or benefit from the ABID was also read into the record:

Any property owner within the BID may, within thirty calendar days after the declaration of organization by the Amherst Select Board, elect not to participate and not be subject to the BID fee. Such property owner shall notify, in writing, the Town Clerk of the intent not to participate in the BID. Such property owner shall not receive benefits or services from the BID. Property owners who chose not to participate in the BID may, at a later date, elect to participate in the BID by notifying the Town Clerk, the BID board of directors, and the management entity in writing.

Ann Burke of the Economic Development Council and Attorney Bill Hart answered questions from Select Board members. It was noted that the Town's Memorandum of Understanding, outlining its participation as BID member, was separate from the process of establishing the district. No one expressed opposition to the BID plan.

Public hearing closed at 7:42 p.m.

VOTED unanimously to approve the petition pursuant to Massachusetts General Laws Chapter 40 O to establish the Amherst Business Improvement District, dated September 15, 2011, within the District boundaries described in the petition, and declare the Amherst Business Improvement District to be organized.

FY 12 1st Quarter Budget Update: Comptroller Sonia Aldrich presented the budget update, reviewing the memo provided, noting both revenue and expenses are tracking as expected, with no current concerns.

Sewer Extension Master Plan

Ms. O’Keeffe provided a recap of the process she led to this point, noting the draft plan had been released for public comment in September, with presentation by Superintendent Guilford Mooring and Finance Director Sandy Pooler at the September 26, 2011 Select Board meeting, and a special meeting on October 11, 2011 that included a presentation by the consultant, Mooring and Pooler, allowing time for public comment.

Mr. Mooring summarized his memo, recommending that the master plan be accepted and that the Board vote to proceed with extension of public sewer in the Harkness and Wildflower areas, Harkness in 2012 and Wildflower in 2013 and 2014; to maintain long-standing policy of private ownership of sewer services and requiring connection fees.

Ms. O’Keeffe summarized a memo submitted by Town Manager Musante recommending funding for the extensions through sewer fees rather than betterments, as retiring debt from the previous expansion makes it practical, due to negligible change in sewer bills expected from the expansion recommended.

Support was expressed, no one on the Select Board or from the public expressed opposition. Ms. Brewer noted that past precedent does not obligate future action, and must be considered in the context of current circumstances.

VOTED unanimously to accept the Sewer Extension Master Plan dated August 2011, as presented.

VOTED unanimously to proceed with developing plans to sewer sub-area 2, Harkness Road area and sub-area 6, Wildflower Drive areas, as recommended by the Superintendent of Public Works and to recommend appropriation of \$3,559,000 to pay costs of designing, and constructing sewer lines, including the payment of all costs incidental and related thereto; and to fund the appropriation by taxation, transfer, borrowing, or by any combination of the foregoing.

Mr. Ziomek noted a correction in the amount was necessary, after receiving notice from Superintendent Mooring. The Select Board amended their vote as follows:

VOTED unanimously to amend the vote taken to proceed with developing plans to sewer sub-area 2, Harkness Road area and sub-area 6, Wildflower Drive areas, as recommended by the Superintendent of Public Works, by amending the recommended appropriation to \$4,201,500 for the costs of designing, and constructing sewer lines, including the payment of all costs incidental and related thereto; and to fund the appropriation by taxation, transfer, borrowing, or by any combination of the foregoing.

Article 11 Capital Sewer Extension Project:

VOTED unanimously to recommend November 7, 2011 Special Town Meeting Article 11 Capital Sewer Extension Project. Mr. Hayden will speak to the article on behalf of the Select Board.

Article 16 Official Zoning Map Conversion

VOTED unanimously to recommend November 7, 2011 Special Town Meeting Article 16 Official Zoning Map Conversion. Mr. Hayden will speak to the article on behalf of the Select Board.

Article 17 Village Center Zoning

VOTED 4 in Favor, 1 abstention (Stein) to recommend November 7, 2011 Special Town Meeting Article 17 Village Center Zoning. Mr. Wald will speak to the article on behalf of the Select Board.

Article 6 Transfer of Funds - Stabilization

VOTED unanimously to recommend November 7, 2011 Special Town Meeting Article 6 Transfer of Funds to Stabilization. Ms. Stein will speak to the article on behalf of the Select Board.

Article 18 Create Committee on Homelessness

VOTED unanimously to not recommend November 7, 2011 Special Town Meeting Article 18 Create Committee on Homelessness. Ms. O’Keeffe will speak to the article on behalf of the Select Board.

Special Town Meeting

Board authorized the Special Town Meeting warrant for Wednesday, November 9, 2011 to begin at 7:30 p.m. at the Amherst Middle School, as presented.

Annual Halloween Street Closure Request – Lincoln Avenue

VOTED unanimously to approve the closing of Lincoln Avenue and Sunset Avenue on Monday, October 31, 2011 from 6:30 p.m. – 8:00 p.m. with the agreement that at least one resident will be stationed at each barricade wearing a traffic vest, with a flashlight, and a cell phone, and that the police department be given the names of individuals that can be contacted during the period of the closure should any issues arise.

Acting Town Manager's Report: Mr. Ziomek reported on the following:

Town Manager Update: Mr. Musante is back in the office part time and doing well.

Shelter Update: Close to finalizing contract; expect all to be set for a November 1 Shelter opening.

Grants: Expect to hear shortly on three grant applications: MassWorks for improvements to Pine Street and the two PARC grant applications -- for War Memorial Pool and Puffer's Pond.

Member Reports:

Community Preservation Act Committee: Ms. Stein indicated the Request for Proposals soliciting new projects is nearing completion. The Committee has approved an expedited release of \$25,000 for the North Amherst Community Farm for urgent barn roof repairs with a limited deed restriction.

Stan Rosenberg's 25th Anniversary Celebration: Ms. Stein reported the event was well-attended and included many dignitaries praising Senator Rosenberg's work.

Budget Coordinating Group: Ms. O'Keeffe reviewed summary points provided; no feedback from Board members offered for the Committee.

Chair's Report: Ms. O'Keeffe reported on the Select Board's 3rd annual Coffee Hour with UMass student leaders and the administrators who work with them, which had preceded tonight's meeting. Approximately 40 people attended with the Student Government Association, Fraternity and Sorority leadership, top administration representatives and Town staff represented. Ms. O'Keeffe indicated it was an enjoyable event and an important opportunity for all to become acquainted and establish good lines of communication. She reported she had learned at the event that new Dean of Students Enku Gelaye would be moving into the house UMass recently purchased on Fearing Street, and she praised that as a smart and valuable decision by the University, one of many efforts UMass is making to address neighborhood issues.

Taxi Licenses

VOTED unanimously to approve the new Taxi Driver/Chauffer License for Andre D. Campbell of Chicopee, MA on behalf of Taxi Express.

VOTED unanimously to approve the new Taxi Driver/Chauffer License for Paul G. Harvey of Montague, MA on behalf of GottaGoTaxi Company.

VOTED unanimously to approve the new Taxi Driver/Chauffer License for John D. Rennau, Northampton, MA on behalf of The Green Cab Company.

Deferred discussion and action on Tibet Resolution, FY 13 Budget Policy Guidelines, Sheltering/Housing Committee Charge to the next meeting date.

ADJOURN

The meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Debra A. Roussel, Assistant to the Town Manager

List of Documents Presented at the Meeting

10-24-2011 Draft Motions

Redacted Application for New Taxi Business “Grab a Cab Taxi”

Amherst Business Improvement District Map

Amherst Business Improvement District Petition

Requirements and Notice of Declaration for BID

Town Manager Memo Recommendations Regarding Amherst BID

FY 12 First Quarter YTD Budget Report

DPW Recommendation on Sewer Expansion Plan

Public Comments Sewer Expansion

Additional Public Comments on Sewer Expansion

Bart Q Hollander of 23 Alyssum Drive Letter to Board as Sewer Commissioners

Town Manager Recommendation on Sewer Extension

Attachment for Town Manager Memo Regarding Sewer Rate and Per Household Impact

Planning Board Report on Official Zoning Map Conversion

Finance Director Memo to Select Board Regarding Stabilization Fund Transfer Request

Assignment Sheet for Special Town Meeting November 7 and 9, 2011

Chair Report – BCG Summary Points 10-20-2011

FY 13 Budget guidelines – 10-24-2011

Petition to Select Board re Proposed Village Zoning

Special Town Meeting Draft Warrant

Orchard Street Stop Sign Request

Public Safety Response to Stop Sign Request

Proposed Charge for Housing Sheltering Committee (SHC)

Halloween Street Closing Request

Taxi Driver Applications Campbell, Harvey and Rennau