

**SELECT BOARD MEETING**  
**Monday, February 6, 2012 – 6:30 p.m.**  
**Town Room, Town Hall**

**Minutes**

**Select Board**

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

Absent: None

**Staff:** Town Manager John P. Musante, Finance Director Sandy Pooler

**Other:** Paul Harvey (Ambassador Taxi); School Committee members: Irv Rhodes, Rick Hood, Katherine Appy and Rob Spence; Candidates to fill the School Committee vacancy: Michael Aronson, Amy Brodigan, Solomon Goldstein-Rose, Larry Kelley, Lawrence O'Brien, Vincent O'Connor, Amilcar Shabazz, Joan Temkin; WMECO Representative Matthew Fuller

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

**Public Comment**

Vincent O'Connor spoke about emergency preparedness plans and suggested that it might be in the Town's interest to assist Ann Whalen Apartments and Clark House with acquiring generators rather than having to deal with alternative sheltering for those residents.

**Taxi Business Licenses**

VOTED unanimously to approve the application for a new Taxi Business License for Paul G. Harvey d/b/a Ambassador Taxi Cab, 400 Amity Place, Amherst, contingent upon submittal of a signed lease for a term totaling one year and removal of the one vehicle permitted during off hours, as the current lease does not provide overnight parking.

VOTED unanimously to approve a new Taxi Driver/Chauffer License for Paul G. Harvey of Montague, MA on behalf of Ambassador Taxi Cab.

**Inn Holders Licenses**

VOTED unanimously to approve an Inn Holders License for 2012 for Birches Bed and Breakfast, 236 Middle Street, Amherst; Julio A. Giarrusso, Owner

VOTED unanimously to approve an Inn Holders License for 2012 for Home Sweet Home Amherst, 57 Berkshire Terrace, Amherst; Randall and Karin Wilburn, Owners.

**Common Victualler License**

VOTED unanimously approve a Common Victualler license for Johnny Dean LLC d/b/a DP Dough, 96 North Pleasant Street, Amherst to be open 10 a.m. to 1:30 a.m.; Manager William Rock.

**Taxi Driver/Chauffeur Licenses**

VOTED unanimously to approve the transfer of an existing 2012 Taxi Driver/Chauffer license for David Thomas of Holyoke, MA from Green Transportation to the Celebrity Cab Company.

VOTED unanimously to approve the renewal of a Taxi Driver/Chauffer license for Orlando Burgos of Easthampton, MA on behalf of Taxi Express.

VOTED unanimously to approve a new 2012 Taxi Driver/Chauffer license for Ibrahima Cisse of Springfield, MA on behalf of Taxi Express.

### **Special Liquor License**

VOTED unanimously to approve a Special Wine and Malt License for Barbara Bilz on behalf of the Town of Amherst d/b/a Cherry Hill Golf Course for the Winter Fest 2012, beverages to be served in the clubhouse, grounds and deck of the Cherry Hill Golf Course, from 12:00 – 7:00 p.m., Saturday, February 11, 2012.

VOTED unanimously to approve a Special Wine and Malt License for Brenda Ryan-Newton on behalf of UMass Catering for Concessions to be sold at the Fine Arts Center February 22, 2012 from 5:00 p.m. - 7:00 p.m. contingent upon approval of the Chief of Police.

VOTED unanimously to approve a Special All Alcoholic License Application for Danielle Laferriere and Greg Wardlaw on behalf of Amherst College Catering for a cash bar Friday, February 17, 2012 from 9:00 p.m. to 12:00 a.m. for a student event at the Keefe Campus Center, Amherst College.

### **Committee Appointments**

VOTED unanimously to confirm the reappointment of Elisabeth Hamin to the Conservation Commission for a term to expire June 30, 2014, as recommended by the Town Manager.

### **Election to Fill School Committee Vacancy**

Ms. O’Keeffe noted that nine individuals had submitted their names for consideration, but that one candidate, Anastasia Morton, had not registered to vote with the Town Clerk’s Office by the end of business today, thus disqualifying her for consideration for appointment at this time.

The eight remaining candidates for the open seat, including Michael Aronson, Amy Brodigan, Solomon Goldstein-Rose, Larry Kelley, Lawrence E. O’Brien, Vincent O’Connor, Amilcar Shabazz, and Joan Temkin, made opening statements describing what each would bring to the interim seat. The candidates then answered eight questions posed by the nine School Committee and Select Board members to each, followed by closing statements.

Ms. O’Keeffe went around in round robin fashion to each Select Board and School Committee member, asking them to voice their first choice, noting the winning candidate must receive five (5) votes, a majority, to win the seat.

First round of roll call voting: Rhodes: Shabazz; Brewer: Brodigan; Hood: Goldstein-Rose; Hayden: Goldstein-Rose; Appy: Goldstein-Rose; Wald: Temkin; Spence: Brodigan; Stein: Temkin; O’Keeffe: O’Brien. Totals: Brodigan (2); Goldstein-Rose (3); Shabazz (1); Temkin (2); and O’Brien (1).

Second round of roll call voting: O’Keeffe: Goldstein-Rose; Stein: Temkin; Spence: Brodigan; Wald: Temkin; Appy: Goldstein-Rose; Hayden: Goldstein-Rose; Hood: Goldstein-Rose; Brewer: Brodigan; Rhodes: Shabaz. Totals: Brodigan (2); Goldstein-Rose (4); Shabaz (1); and Temkin (2).

Third round of roll call voting: VOTED by majority (five) roll call vote Appy: Goldstein-Rose, Rhodes: Brodigan; Hayden: Goldstein-Rose; Wald: Temkin; O’Keeffe: Goldstein-Rose; Stein: Temkin; Brewer: Goldstein-Rose; Spence: Brodigan; Hood: Goldstein-Rose, to select Solomon Goldstein-Rose, a registered voter of the Town of Amherst, to perform the duties of a member of the Amherst School Committee until the next annual election scheduled for April 3, 2012.

### **Pole Hearing – Spring Street**

Hearing opened at 8:59 p.m. Mr. Hayden disclosed that Amherst College is his employer, and the undergrounding of electrical wires in the proposal would be beneficial to the Lord Jeffery Inn. Matthew Fuller presented the plans for placing underground wiring on Spring Street. No one from the public offered comment. Hearing closed at 9:06 p.m.

VOTED unanimously to grant permission for installation and maintenance below the surface of the ground in the public way entitled Spring Street, as part of the Spring Street Underground Project for the Town of Amherst, a line or lines for the transmission of electricity consisting of conduits located as shown upon the plan marked 6A020094, together with the necessary wires, cables, transformers, switches, protective devices and other appurtenances, and likewise the manhole and vault construction connected with said lines as indicated by said plan.

**Town Flag Update:** Ms. Stein provided an update on cost and funding sources for the production of the Town Flag. The per-flag cost decreases with larger quantities, and anyone interested in purchasing a flag should contact Ms. Stein. The flag to be displayed in the State House could be brought there for a ceremony, or could be given to Representative Ellen Story at a Select Board meeting -- probably scheduled for a Thursday or Friday, to accommodate her availability.

**FY 13 Budget Discussion:** Finance Director Sandy Pooler reviewed a document listing questions and providing answers to a variety of budget questions that had been submitted by Mr. Hayden and Ms. O’Keeffe, and he and Mr. Musante answered additional questions.

**Town Manager's Report:** Mr. Musante provided a written report in addition to his usual oral update, which was noted as very much appreciated by the Select Board.

Super Bowl: Mr. Musante’s report provided information on the large gathering in the Southwest area of the UMass campus after the Patriot’s loss in the Super Bowl last evening and details of the Amherst Police Department's assistance. The District Attorney's office will be processing those arrested. It was noted UMass made much effort to educate students about celebrating safely in an attempt to deter destructive and dangerous behavior. No off-campus problems followed the event.

Personnel Update: Mr. Musante noted he was very pleased to announce the hiring of Shutesbury resident Jon Thompson to fill new the Local Building Inspector/Code Enforcement Officer position. The Search Committee comprised of David Ziomek, Julie Federman, Ron Bohonowitz and Don MacKay recommended Thompson after reviewing many applications and conducting a rigorous review/interview process. Mr. Thompson comes to the Town of Amherst with close to forty years of experience in all aspects of carpentry and construction management and is highly regarded as a local builder.

Thompson will begin training with staff from Inspections, Health and Fire with a primary focus on the Safe and Healthy Neighborhoods Initiative while finishing up a house renovation project in Amherst, which has already been permitted. Thompson will work 15-20 hours/week until June at which time he will begin full-time.

Thompson has already passed one of three required Certification exams and will study for the others under the direction of the new Building Commissioner. His experience in the field of residential construction and his familiarity with local builders and owners of property will be incredibly helpful as he acclimates to this new position.

FY 13 Inspection Services Performance Objectives call for his active participation in the Safe and Healthy Neighborhoods program to enhance the quality of life in Amherst residential neighborhoods. The emphasis in FY 13 will be the rental housing and multi-family housing stock in Amherst. The goals include documenting all rental housing in Town, setting a periodic inspection schedule for all multi-family housing that is not on the current schedule, increasing enforcement of zoning and code violations, working with other departments and boards as well as the colleges and university to develop methods to mitigate common problems with rental housing units to target higher risk areas, and working with owners to improve the housing stock. The second major objective is to move the joint meetings of Fire, Health, and Inspections toward joint review of plans and projects to provide contractors, developers, and designers with earlier notice of the code concerns with a project, from pre-permitting to occupancy.

#### Western Mass Network to End Homelessness Leadership Council Quarterly Meeting January 25

Mr. Musante provide information included in this evening's meeting packet on background of organization and a press release from the event. Mr. Musante noted he had agreed to become a member of the Leadership Council, whose mission is to create collaborative and innovative solutions to end homelessness through a housing first approach that prioritizes prevention, rapid re-housing, and housing stabilization. Membership includes those in faith, business, education, state agencies and non-profit leaders and elected officials. Concerns from elected officials involved the number/cost of families in hotels including transportation from motels to the home school, need for additional supportive housing and coordination with human service support networks.

#### Status Update on Ongoing Projects

**Safe Routes to School Project near Wildwood School and ARMS:** The schedule has not yet been approved and released by MassDOT. The contractor is looking to start in March. Further information will be available when the schedule is released. The project completion date is October 2012.

**Train Derailments:** A summary of action steps by New England Central Railroad for track safety improvements in response to 2011 derailments was provided in a document prepared by Fire Chief Tim Nelson.

The first derailment occurred due to a soft rail bed and rail expansion due to heating. The expansion couldn't go through the Station Road crossing because it's a fixed structure thus transferring force north along the tracks. With a soft bed due to proximity to the swamp and the wet spring the expansion of the rails displaced the rail bed causing a misalignment of the tracks.

The second derailment was a result of repairs for the first one. Expansion due to heating occurred again transferring force further north where it found another area of soft rail bed leading to another misalignment and derailment.

The rail company has added over 8,000 rail anchors, 400 new ties and 2,200' of new rail line in the 2 miles that traverses the swamp going upgrade northbound to the top of the grade. At that point the base is granite thus more solid.

They are challenged in their efforts in the swamp area due to the line being in protected land. The rail bed has been stabilized to allow for expansion/contraction along the longitudinal axis. They continue to emphasize monitoring of that particular section of track.

**Kimball House Mitigation/Compensation Status:** Mr. Musante provided a brief history on the project, noting five years ago the Town entered into agreements with the Cherewatti family to preserve the Kimball House at 575 North East Street, which was achieved through a Historic Preservation agreement

on the brick Federal building. To save the house, the Town was asked to release approximately 1.7 acres of land to be placed under a Agricultural Preservation Restriction (APR). Town Meeting voted in favor of the release and the Town entered into agreements with the Massachusetts Department of Agricultural Resources (MDAR) to Mitigate and Compensate for the loss of the APR farmland. Late in 2011 the Town of Amherst sent a check to MDAR for \$128,000 from Community Preservation approved funds, which completed our compensation obligations under this agreement.

Director of Conservation and Development David Ziomek has been working diligently with staff at MDAR to fulfill the requirements under the Mitigation Agreement. Terms were to pay MDAR \$100,000 or preserve an additional 10 acres of prime farmland. MDAR has granted a conditional extension into 2012 to allow some APR land projects time to develop. The Town of Amherst is working to fulfill the Mitigation by preserving additional farmland, including an offer to MDAR for five acres of Town-owned land at Wentworth Farm as part of the ten acre requirement, which Town Meeting had voted to support in 2011; survey and due diligence work on this is ongoing. Appraisals are underway to develop plans for a new APR(s) to be completed with the Town of Amherst paying for an additional 5 acres to complete the Mitigation, which will occur in 2012.

Recent and Upcoming Activity: Mr. Musante noted he had attended a meeting of the Campus and Community Coalition to Reduce High Risk Drinking on January 25, 2012, at which fall semester data presented by Amherst Police and Fire Departments, UMass Police Department, BASICs, and Dean of Students were reviewed.

A February 1, 2012 meeting was convened to explore Amherst Farmers Market opportunities for Amherst-area farmers.

Mr. Musante will offer the "State of Our Town" remarks at the Amherst League of Women Voters Annual Luncheon On February 11 and the first Business Improvement District (BID) membership meeting is scheduled for February 16.

**Member Reports:** Members reported on the activities of the following committees:

Ms. O'Keeffe on Budget Coordinating Group; Council on Aging and Campus and Community Coalition; Ms. Stein on Joint Capital Planning Committee, CPAC, Board of Health, Kanegasaki Sister City Committee; Mr. Wald on Joint Capital Planning Committee; Mr. Hayden on Amherst College student interns assisting several committees; and Ms. Brewer on the Regionalization Study Committee.

Upcoming events including the Four Towns Meeting, Winterfest, and the Town's Founder's Day Celebration, all to be held Saturday, February 11, were noted.

### **Liquor Licenses Change of Managers**

VOTED unanimously to approve a Change of Manager from Wei Hua Hsu to Hsiu Hui Chiang for Amherst Gourmet, Inc. doing business as Ginger Garden, ABCC License #002400059.

VOTED unanimously to approve a Change of Manager from Chet Satiempoch to Kanit Boonnag for Thai Corner Inc. d/b/a Thai Corner Restaurant, ABCC License #02400090-11.

The Select Board agreed without formal vote that for technical changes to liquor licenses which don't require public hearings, such as manager changes, the Board will not require the applicant to come in and the matter can be dealt with as an untimed item.

### **Presidential Primary Warrant**

The Select Board agreed without formal vote to sign the warrant for the Presidential Primary scheduled for Tuesday, March 6, 2012.

### **Keno License – Stackers Pub**

The Select Board agreed without formal vote not to take any action regarding the ability to offer comment on the application of Stackers Pub 57 North Pleasant Street, Amherst for a Keno license from the Massachusetts State Lottery Commission.

For future Keno applications, the Select Board requests greater context, including what are the State's criteria for license consideration, should the Board consider issues like whether such licenses are "in the community's interest," similar to our consideration of local liquor license applications, and whether Kopelman and Paige provides a guidance memo on this issue.

### **Minutes**

Consideration of minutes postponed to the next meeting due to lateness of the hour.

The meeting adjourned at 10:39 p.m.

Respectfully Submitted,

John P. Musante, Town Manager

### **List of Documents Presented at the Meeting - Available in the Online Packet for the Meeting Date**

02-06-2012 Draft Motions

Ambassador Taxi Cab Fare Sheet; Commissioner Recommendation and Application for Business

Taxi Driver - Harvey for Ambassador

Town Clerk Certification of Eligibility

Election Process to fill School Committee Vacancy

General Laws CHAPTER 71, Section 38M

Notice of Vacancy Press Release

Notification of School Committee Open Seat

Policy BBA Purposes and Responsibilities; BBAA Member Authority and Duties and JIB Student Involvement in Decision Making

SB Memo on Process

Letters of Interest from candidates Aronson; Brodigan; Goldstein-Rose; Kelley; Morton; Obrien; OConnor; Shabazz and Temkin.

Budget Questions and Answers

Pole Hearing - Spring Street

Local Mayors Function

Network To End Homelessness Press Release

WMNEH Leadership Council 1 26 12

BCG summary

Presidential Primary 2012 Warrant

Flag Information 2 February 2012

Notice of Keno License Application

Innholder - Birches Bed and Breakfast and Home Suite Home Amherst  
Change of Manager - Ginger Garden and Thai Corner Inc  
Common Victualler - DP Dough  
Taxi Driver - Ibrahima Cisse\_Redacted  
Taxi Driver Renewal - Burgos  
Taxi Driver Transfer - Thomas  
Draft Minutes 2010-07-12; 2011-09-26; 2011-10-07; 2011-11-09; 2011-11-16 and 2011-11-21  
Special One Day - Amherst College; Cherry Hill Golf Course and UMASS Top of the Campus