

SELECT BOARD MEETING
Monday, February 27, 2012 – 6:30 p.m.
Town Room, Town Hall

Minutes

- **Select Board**

- Present: Stephanie O’Keeffe, Alisa Brewer (arrived at 6:50 p.m.), Aaron Hayden, Diana Stein, and Jim Wald
- Absent: None
- **Staff:** Town Manager John P. Musante and DPW Superintendent Guilford Mooring
- **Other:** Bill Elsasser; Thondup Tsering and Lobsang Ngodup from the Amherst Tibetan community and Ngawang Gyatso, Co-ordinator for Five-College Students For a Free Tibet; Taiwo Opeoluwa Akinwums of Bendovah Wheels; Mamdou Ndiaye of Tik Tak Taxi; Martha Spiegelman and Kevin Eddings.

- Meeting called to order by Ms. O’Keeffe at 6:32 p.m.

- **Public Comment**

Bill Elsasser offered to help purchase a golf cart with a flatbed attachment for the Town in order to assist with downtown maintenance and clean-up.

- **Parking Request**

- VOTED 4-0, 1 absent (Brewer) to approve reservation of four parking spaces on the west side of the Spring Street Parking lot, as shown on the GIS map entitled “Tapestry Mobile Health Van 3-17-12” from 11:00 a.m. to 5:00 p.m. on Saturday, March 17, 2012 for the mobile health van to provide access to rapid HIV testing to the Amherst community.

- **Taxi Driver/Chauffeur Licenses**

VOTED 4-0, 1 absent (Brewer) to approve a new 2012 Taxi Driver/Chauffeur license for Brian A. Deluce of Florence, MA on behalf of Green Cab.

- VOTED 4-0, 1 absent (Brewer) to approve new 2012 Taxi Driver/Chauffeur licenses for Brian Ketcherside of South Deerfield, MA and Nina R. Pollard of Hadley, MA on behalf of Celebrity Cab.

- VOTED 4-0, 1 absent (Brewer) to approve the transfer of an existing 2012 Taxi Driver/Chauffeur license for Christopher Sheridan of Northampton, MA from Green Transportation to Celebrity Cab.

- VOTED 4-0, 1 absent (Brewer) to approve new 2012 Taxi Driver/Chauffeur licenses for Ivan DeWilde of Amherst, MA, Jesse Allen of Belchertown, MA and Kimberly Russell of Hadley MA on behalf of Green Taxi.

- VOTED 4-0, 1 absent (Brewer) to approve a new 2012 Taxi Driver/Chauffeur license for Jared McPheters of Sunderland, MA on behalf of Aarons Transportation.

- VOTED 4-0, 1 absent (Brewer) to approve the renewal of a Taxi Driver/Chauffeur license for Efrain Maldonado of Florence, MA on behalf of Aarons Transportation.

- VOTED 4-0, 1 absent (Brewer) to approve new 2012 Taxi Driver/Chauffeur license for William Bartow of Sunderland, MA on behalf of Tik Tak Taxi.

- **Committee Appointments**

VOTED 4-0, 1 absent (Brewer) to confirm the appointment of Kathleen Ford, as the Planning Board’s representative to the Design Review Board for a term to expire June 30, 2014, as recommended by the Town Manager.

- VOTED 4-0, 1 absent (Brewer) to confirm the appointment of Brian Yellen of Amherst, MA to the Water Supply Protection Committee for a term to expire June 30, 2014, as recommended by the Town Manager.

- VOTED 4-0, 1 absent (Brewer) to confirm the appointment of Meg Vickery, Amherst, MA to the Historical Commission for a term to expire June 30, 2014, as recommended by the Town Manager.
- VOTED 4-0, 1 absent (Brewer) to approve the appointment of Bernard Brennan, Amherst, MA to the Agricultural Commission for a term to expire June 30, 2014.
- VOTED 4-0, 1 absent (Brewer) to approve the appointment of James Scott, Amherst, MA to the Amherst Cultural Council for a term to expire June 30, 2014.
- VOTED 4-0, 1 absent (Brewer) to approve the reappointment of John Fox, Amherst, MA as the citizen representative to the Audit Committee for a term to expire June 30, 2014.
- **Inn Holders Licenses**
- VOTED 4-0, 1 absent (Brewer) to approve an Inn Holders License for 2012 for Sunrise Annex Bed and Breakfast, 1330 South East Street, Amherst; Peg Holcomb, Owner.
- VOTED 4-0, 1 absent (Brewer) to approve an Inn Holders License for 2012 for Stone House Farm Bed and Breakfast, 649 East Pleasant Street, Amherst; Candace Talley, Owner.
- **Common Victualler License**
- VOTED 4-0, 1 absent (Brewer) to approve a Common Victualler license for Pioneer Valley Pizza, LLC, 20 Belchertown Road, Amherst to be open 11 a.m. – 1 a.m. Sunday through Wednesday, 11 a.m. – 2 a.m. Thursdays and 11 a.m. – 3 a.m. on Friday and Saturday; Managers Joseph R. Bowman and Brian M. Covell.
- **Proclamation - Tibet Day**
- Mr. Tsering and the two other representatives from the local Tibetan community spoke about the significance of March 10th and expressed appreciation for the Board's consideration of the proclamation and flag raising. It was noted there would be a solidarity march from the Amherst Town Common to Northampton beginning at 10:30 a.m. on March 10th and invited Select Board members and the community to join in. The proclamation was read aloud.
- VOTED unanimously to proclaim March 10, 2012 as Tibet Day in the Town of Amherst, for every March 10th in the future to be declared as Tibet Day, and to permit the Tibetan National Flag to fly under the United Nations flag on the North Common from March 10, 2012 through March 31, 2012.
- **Land Acquisitions**
- VOTED unanimously pursuant to the vote taken under Article 9 of the November 7, 2011 Special Town Meeting, as continued, to accept on behalf of the Town, for water supply protection purposes, a deed from Alphonse Plaza, Rita Plaza, Nathaniel Plaza, Carol Plaza, and Maria Bonsavage to two parcels of land located in the Town of Shutesbury, one located off of West Pelham Street and containing 7.19 acres more or less, and the other located on Baker Road and containing 10.6 acres, more or less.
- VOTED unanimously, pursuant to the vote taken under Article 10 of the November 7, 2011 Special Town Meeting, as continued, to accept on behalf of the Town, for water supply protection purposes, a deed to a parcel of land located off Boyden Street in the Town of Pelham, containing 14 acres, more or less.
- **Class 3 License**
- Public Hearing Opened 7:00 p.m. No one from the public offered comment. Public Hearing closed at 7:05 p.m.
- Mr. Akinwums emphasized that all transactions would be over the Internet, with him never taking physical custody of the cars that will be purchased and shipped to Nigeria. The Select Board confirmed that no on-site storage of such vehicles will be permitted under the license or zoning of his home business address.
- VOTED unanimously to approve the issuance of a Class 3 license to Taiwo Opeoluwa Akinwums d/b/a Bendovah Wheels at 200 South East Street, Apt. 187, Amherst, MA for purchase and sale of salvage second hand motor vehicles and or parts, with no storage of vehicles or parts at the home business location.

- It was suggested that materials provided for future requests for licenses such as a Class 3 license include information as to any other license or registration that may be required of the applicant, such as a d/b/a certificate as well as a way of notifying the Town that there may be taxable personal property/equipment involved.
- **Tik Tak Taxi – Sanctions for Insurance Cancellation**
- Public hearing was called to order at 7:00 p.m. No one from the public offered comment. Public hearing closed at 7:05 p.m.
- Mamadou Ndiaye apologized for the insurance payment oversight, which he said was a result of his being out of the country recently. He indicated payment had been made and he was under the impression the Select Board office had been notified by the insurance agency. It was emphasized that proof of a valid insurance certificate was required. The Board recommended Mr. Ndiaye bring the form into the office on Tuesday. It was explained that the license would be suspended until the proof of insurance was provided; Mr. Ndiaye acknowledged his understanding.
- VOTED unanimously to suspend Tik Tak Taxi’s License to Operate a Taxi Business in the Town of Amherst, MA until such time as the licensee shall file a valid certificate of insurance with the office of the Select Board; if the licensee fails to file such certificate on or before 4 p.m. March 28, 2012, the license shall be deemed to be revoked without further hearing.
- **Special Liquor Licenses**
VOTED unanimously to amend the Special Wine and Malt License previously approved for Peter Sylvan on behalf of the Hurricane Booster Club for a Monte Carlo Night Fundraiser to be at the Valentine Hall, Amherst College from 6:30 p.m. – 12:00 a.m., on Saturday, March 10, 2012 to a new date of Saturday, March 17, 2012, same times and location.
- VOTED unanimously to approve four All Alcohol Special Licenses for Brenda Ryan-Newton on behalf of UMass Catering for a dinner to be held at the Bernie Dallas Room, Goodell Library, UMass Amherst, from 5-9 p.m. on March 7, 2012; for a dinner to be held at the Eric Carle Museum, Amherst, MA from 5-11 p.m. on March 13, 2012; for a reception/dinner to be held at the W.E.B. Du Bois Library, UMass Amherst from 5-10 p.m. on April 14, 2012 and a reception/dinner to be held at Memorial Hall, UMass Amherst, from 6-11:30 p.m. on April 14, 2012.
- **Minutes**
Board reviewed minutes as presented, noting appreciation to Debra Roussel, Assistant to the Town Manager for the work involved in producing the minutes and getting the Board caught up to date.
- VOTED unanimously to approve the Select Board meeting minutes of July 12, 2010, August 30, 2010, September 20, 2010, August 22, 2011, September 26, 2011, October 7, 2011, October 11, 2011, November 9, 2011, November 16, 2011, November 21, 2011, January 13, 2012, January 20, 2012, January 23, 2012 and February 6, 2012, with amendments as noted.
- Board members agreed without formal vote to a start time of 10 a.m. for the Select Board meeting scheduled for Friday, March 30, 2012 for signing the Annual Town Meeting warrant.
- Board reviewed and authorized the warrant for the Annual Town Election on April 3, 2012 with polls open from 7 a.m. to 8 p.m. at the ten precinct polling locations.
- **Parking Request Approval Notification**
Mr. Musante informed the Select Board of a parking reservation request received for a Red Cross blood drive, which he had approved last week because it could not wait for this meeting, per the Select Board's policy for such circumstances.
- **Request for Ballot Question**
Ms. O’Keeffe summarized the process under MGL Ch. 53, Section 18A for placing non-binding advisory questions on a local ballot, noting that there had been some confusion over a signature requirement. The

request from Martha Spiegelman and Kevin Eddings for a ballot question proposing an amendment to the U.S. Constitution regarding corporate personhood in the wake of the Supreme Court Decision on election financing (*Citizens United v. Federal Election Commission*) missed the petition deadline of ninety days prior to an election and therefore was a request for ballot placement by means of Select Board vote.

- Discussion focused on the process and precedent for such a request utilizing the Select Board's option to place a question on the ballot 35 days prior to a local election and the relative value of dealing with such an issue at a Town Meeting versus the ballot under current circumstances. Select Board members expressed support for the sentiment behind the request but unwillingness to approve, given process and timing concerns, though Ms. Stein indicated that she felt that the negative impacts of the Supreme Court decision justified making an exception to more standard process expectations. The request was rejected based on expressed majority sentiment, without a vote.
- **Annual Litigation Update**
Mr. Musante reviewed Town Counsel's annual litigation update report. There were some questions noted as to the current status of a couple of cases, due to wording. Legal costs were confirmed to be tracking closely to the budgeted amounts.
- **FY 13 Budget Discussion**
No questions were submitted in advance of the meeting. Mr. Musante reported on the continuing lobbying efforts by Massachusetts Municipal Association to have the \$65 million currently proposed for a supplemental appropriation contingent on meeting revenue targets be instead incorporated into the baseline appropriation, and he talked about the calendar for the State's budget process. It was suggested and agreed that the Select Board should send a letter supporting MMA's position on the \$65 million, and Ms. O'Keeffe will present a draft for consideration at the March 5th meeting.
- **Town Manager's Report**
Planned PVRTA Fare Increase: Mr. Musante reported the PVRTA Advisory Board has decided to invoke the public hearing process for providing info and obtaining feedback on proposed fare increases, with two such hearings scheduled in Amherst on March 29th at the Bangs Center. It was suggested that notice of the hearing be a news item on the Town web site and that notification be given to the Council on Aging and the Disability Access Advisory Committee, due to the potential impact on paratransit rates.
- DCR Funding - Snell St. Norwottuck Rail Trail Pedestrian Bridge: Mr. Musante noted plans are advancing for reconstruction work on the Snell St. Bridge, as part of the improvements to the Norwottuck Rail Trail.
- Business Improvement District: Mr. Musante reported on the Amherst BID's recent organizational meeting, where a Board of Directors was established, with one seat being for the Town Manager or his designee. Mr. Musante noted he agreed to serve with the first Board meeting scheduled for later this week.
- Recent & Upcoming Activity: Mr. Musante reported on events he had attended or participated in recently, including the League of Women Voters "State of our Town" luncheon, the Four Towns Meeting, the Love Notes Concert, and the memorial service for Mary Pittman Wyatt.
- War Memorial Pool: Mr. Musante reported that bids for the reconstruction and repair work for the pool have been received and an action plan is in place with a Grand Opening celebration planned for June 23, 2012.
- Issuing New Bonds: Mr. Musante reported that new bond notes will be presented for the Board's authorization at the March 5, 2012 scheduled meeting. Musante noted, as part of that process, the Town's credit rating has been reaffirmed as AA with a stable outlook. The written report from Standard & Poor's is expected in the next several days.
- IT Dept: Mr. Musante reported completion of a major project of scanning all the Town Reports going back to 1861, with them available and searchable on the Town web site.
- **Member Reports**
Select Board members provided updates on the activities and schedules of the following committees:
 - Ms. O'Keeffe reported on Budget Coordinating Group, Campus and Community Coalition, Conservation Commission and Council on Aging.
 - Ms. Stein reported on JCPC, Kanegasaki Sister City Committee, CPAC and Board of Health.
 - Mr. Wald reported on JCPC and CPAC/Historical Commission.

Mr. Hayden noted additional student interns will be assisting the Public Works Committee and the School Committee, through Amherst College's Center for Community Engagement.

Ms. Brewer reported on LSSE, CDBG Advisory Committee, Housing and Sheltering Committee, and the Regional School District Planning Committee.

Open Meeting Law Update

Ms. Brewer is attempting to obtain further information on the Attorney General Office's advice and interpretations regarding Remote Participation and then recommend a schedule and process for the Select Board to consider for soliciting input to help us set a local policy by the end of the fiscal year.

Flag Update

and Mr. Wald are coordinating the next steps for flag production.

Ms. Stein

Chair's Report

Ms. O'Keeffe reported on meeting with students and individuals on a variety of topics, noting that March marks four years of holding weekly office hours at Black Sheep. Ms. O'Keeffe indicated she had established a regular meeting time with the Town Manager before each agenda meeting and plans to accept an invitation to speak at an Applewood luncheon at the end of April.

The meeting adjourned at 9:16 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

Draft Motions Revised
Agenda - Revised
Tibet Day Resolution
DPW Memo Re Watershed Land Acquisition
Atkins Watershed map
Beaulieu Drinking water supply areas map
Beaulieu Topo map
Pelham Watershed
Plaza DW supply areas map
Plaza Topo map
Class 3 license application- Bendovah Wheels
Building Commissioner and Zoning Department comments on Class 3 license application
Town Manager Memo to SB re Class 3 for internet sales
MGL c140, s58
MGL c140, s59
Town Manager Memo re available options for insurance sanctions
Petitions for a public policy advisory ballot questions
Town Counsel Litigation Status Report
Amherst Business Improvement District handout
Notice of Pioneer Valley Transit Authority considers fare increase
DCR February 15 2012 Presentation on Snell Bridge
DCR notice of Snell St Bridge public meeting follow-up
MSA meeting agenda
Newspaper article: Amherst shade tree panel seeks stand alone status
BCG Summary Points 2.9.12
Conservation Commission Charge 07-26-11
Newspaper article: Leverett may need to seek override vote
Public Shade Tree Committee Charge 10-28-11
Tapestry Health Van Parking Request
Tapestry Health Van - 3.17.12 map of reservation request
Taxi Driver Applications
Draft Minutes 2010-07-12
Draft Minutes 2010-08-30
Draft Minutes 2010-09-20
Draft Minutes 2011-08-22

Draft Minutes 2011-09-26
Draft Minutes 2011-10-07
Draft Minutes 2011-10-11
Draft Minutes 2011-11-09
Draft Minutes 2011-11-16
Draft Minutes 2011-11-21
Draft Minutes 2012-01-13
Draft Minutes 2012-01-20
Draft Minutes 2012-01-23
Draft Minutes 2012-02-06
Special One Day - Hurricane Booster Club Revised
Special One Day Licenses - UMASS
CV License PV Pizza, LLC
Innholder License - Sunrise B and B
Innkeeper - Stone House Farm B and B
Design Review Committee Charge
Planning Board representative on Design Review Board
Water Supply Protection Committee Recommendation