

Minutes

Select Board

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

Absent: None

Staff: Town Manager John P. Musante, Guilford Mooring, DPW Superintendent; Kay Zlogar, Interim Human Resources Director; David Ziomek, Director of Conservation and Development;

Other: Vladimir Morales; Emma Febo; Flo Stern, Chair of the Personnel Board with members Charlie Scherpa and Ron Bell; John Spinetti, President of the Amherst Farmers' Market; Benjamin Coyle, Attorney for Cumberland Farms; Maria Colpack, Manager of Cumberland Farms, Tom Colpack, Regional Manager of Cumberland Farms; Heather Warner, Strategic Partnership for Families and Youth (SPIFFY) Coalition, Marisa Hebble, SPIFFY Coalition; Marvin Spence, owner of Spirit Haus; Lisa Queenin, Co-Chair of Campus and Community Coalition; Ren Gladu; Amir Mikchi; Michael Hanke, Chair of the Historical Commission; Jerry Guidera, Chair of the Local Historic District Study Committee; Tom Ehrgood; Missy Ehrgood; Carlton Brose; Murray Schwartz, Peggy Schwartz; Frank Karras; Alice Swift, Adrienne Terrizzi, Ruth Hooke, Jeff Napolitano, Sarah McKee; and Ben Grosscup.

Meeting called to order by Ms. O’Keeffe at 6:42 p.m.

Public Comment

Vladimir Morales spoke about the Arizona Boycott enacted by the Select Board two years ago and requested a status update at a future meeting on that; in particular, how long it is in effect for, and how new employees are being made aware of it.

Emma Febo spoke in support of Town Meeting Article 29, preventing the sharing of immigration information by the FBI, and presented the Select Board 100 cards signed in support.

Reorganization of the Select Board

VOTED unanimously to reelect Stephanie O’Keeffe as Chair.

VOTED unanimously to reelect Aaron Hayden as Clerk.

After brief discussion, Board agreed without formal vote to maintain the Select Board's standing practice of rotating the Vice Chair position each month, alphabetically by last name.

Personnel Board Recommendations

Flo Stern, Chair of the Personnel Board and Kay Zlogar, Interim Human Resource Director presented and spoke on the two topics before the Select Board. The Select Board acknowledged the April 3, 2012 letter from the Interim HR Director. Ms. Stern reported some on the Personnel Board felt that they wanted to provide a greater increase than recommended, citing FY 11 as a year where non-union employees received less than unionized employees. The Select Board reviewed the recommendation made by the Town Manager regarding an annual cost of living adjustment for non-union employees.

VOTED unanimously to authorize the 2% Cost of Living Adjustment (COLA) for all Non-Union Step Levels, effective July 1, 2012, as recommended.

Ms. O’Keeffe reported the process to date on amendments to the Personnel Procedures Manual, indicating that there had been many meetings to review and incorporate agreed upon changes where concerns were noted involving library staff and trustees. Concern raised by Ms. Stein regarding exclusion of school employees was noted. It was suggested that the words “*municipal non-school*” be added to the coverage section on page one of the manual.

VOTED unanimously to approve the Personnel Board's recommendations for amendments to the Personnel Procedures Manual, as per the memorandum from Kay Zlogar, Interim Human Resources Director dated April 3, 2012, as amended April 9, 2012.

Farmers Market Street Closure and Parking Request

John Spinetti, President of the Amherst Farmers' Market, explained this annual request.

VOTED unanimously to approve the closure of that section of Spring Street within the Spring Street parking lot each Saturday from April 21, 2012 to November 17, 2012 from 7:00 a.m. to 1:30 p.m. for the Amherst Farmers' Market.

VOTED unanimously to approve the reservation of the first five metered parking spaces on the east side of South Pleasant Street originating at Spring Street, moving south towards College Street on each Saturday beginning April 21, 2012 through November 17, 2012 from 7:00 a.m. to 1:30 p.m. for the Amherst Farmers Market, with the exception of Saturday, April 28, 2012, which requires the reservation of the first five metered parking spaces on the east side of South Pleasant Street between the Main Street and Spring Street Parking lots from 7:00 a.m. to 1:30 p.m.

Chapter 61 – Right of First Refusal Option

The Select Board noted receipt of correspondence and minutes provided by the Conservation Commission and Planning Board regarding their review of the notice of Intent to Sell Property of W.D. Cowls, Inc. a parcel of land situated on the westerly side of Flat Hills Road in Amherst, MA for residential use.

VOTED unanimously, in accordance with MGL C61, §8, to NOT exercise the Town's right of first refusal option to purchase Lot 2 as described on a plan of land entitled Plan of Land Located in Amherst, MA (Flat Hills Road) prepared for W. D. Cowls, Inc., dated January 20, 2012 being sold and/or converted to some other use currently classified and taxed as Forest land, in accordance with recommendations provided by the Amherst Conservation Commission and Planning Board.

2012 Construction and Paving Plans

Superintendent Mooring presented two memos listing the prominent projects for the Department of Public Works for the upcoming construction season, including the roads to be paved this year.

New Wine and Malt License Application – Cumberland Farms

Public hearing called to order at 7:20 p.m.

Attorney Coyle presented the application and answered questions from the Select Board. There was significant public comment, all expressing concern about or urging rejection of the license; or, urging if granted, that the store participate in the Campus and Community Coalition's Retail Partners subcommittee to address best practices in responsible liquor sales. Public concerns included 24 hour opening heavily trafficked by young people, difficulty monitoring second party sales to minors and opening counterproductive to schools' Social Norms Campaign. An ARPS parent also spoke about density of license holders, noting the store is within five hundred feet of Spirit Haus Package Store and its proximity to Fort River School. The owner of Spirit Haus expressed concern with monitoring underage IDs, noting equipment in use at his establishment to scan and expose fakes, proximity to schools and apartment complexes, increase in traffic in already congested area and peer pressure for after hour sales/theft of alcohol. Former Police Chief noted it was unnecessary to increase convenience of alcohol availability and increased demand/pressure on law enforcement. UMass Director of Community and Regional Legislative Relations and Co-chair of the Campus and Community Coalition expressed concern, noting positive correlation from density of alcohol establishments to high risk drinking, requiring licensee to join Retail Partners Committee. Business owner of adjacent property opposed, echoing safety of young children in environment. Closed the public hearing at 8:09 p.m.

The Select Board deliberated upon close of the public hearing. Members expressed concerns about the suitability of the location due to its small parking lot and difficult exit onto Route 9, and the lack of public need

in a community challenged by the negative impacts of excessive alcohol use for beer and wine sales among non-complementary gas station mini mart products in such close proximity to a full liquor store.

VOTED unanimously, to NOT approve the application of a M.G.L. Chapter 138, Section 15 Package Store Wine and Malt Annual License to Cumberland Farms Store #6704 at 35 Belchertown Road on the premises described as a 3,173 sq. ft. building with 1,727 retail floor with one double-door front entrance, one single side service entrance, with storage and display of beer and wine products to be limited to five cooler doors and separate displays incorporated throughout the retail sales areas as set forth on the plan entitled, proposed merchandise plan dated 1/11/2012, citing poor suitability of location due to its parking and exit issues, and the lack of public need for wine and malt sales at this location.

Following the vote, it was agreed that Ms. O'Keefe would distill the discussion points in a formal letter to the applicant, per the State's requirement. It was also noted that the applicant can appeal the decision to the State's Alcoholic Beverage Control Commission.

Common Victualler License

VOTED unanimously to approve the application for a Common Victualler License for Cumberland Farms, Inc. d/b/a Cumberland Farms #6704, 35 Belchertown Road, Amherst, MA 24 hours a day, 7 days a week; Manager Maria Arlena Colpack.

Permanent Easement – 175 University Drive

Superintendent Mooring presented and explained to the Board that they had accepted this easement previously. However, between the time of vote and filing at the Registry of Deeds they had run into issues involving change of ownership due to a death, delaying finalization until now, though the work is long since completed.

VOTED unanimously accept the permanent easement, "Easement A" from the Amherst Shopping Center Association LLC, as shown on page 24 the current project plans dated July 2010 prepared by Stantec for the University Drive Improvements.

Town Manager Report

Town Manager John Musante reported on Boltwood Place construction, noting occupancy expected early summer and timing for return of the fourteen metered parking spaces used for staging during construction to public use. Parking for residents of the facility will be leased garage spaces or in downtown permit areas.

Mr. Musante invited the Board to a welcome reception planned for newly appointed Building Commissioner Rob Morra and Code Enforcement Officer Jon Thompson scheduled for April 12, 2012.

The Amherst Survival Center groundbreaking on April 13, 2012 and TMCC Warrant Review on April 10, 2012 were also noted.

First mailing for Town Meeting members has gone out. Zoning information will be mailed in a separate packet by April 10, 2012. Final mailing including Finance Committee Report is scheduled for late next week.

Voting and Assignment of Select Board Positions on Town Meeting Warrant Articles

Mr. Musante announced that the Planning Board will review street acceptances at their April 18, 2012 meeting, which would allow the Select Board to accept plans at the April 23, 2012 meeting.

VOTED unanimously to recommend Article 6 – Street Acceptance Altered University Drive to the April 30, 2012 Annual Town Meeting; Aaron Hayden will speak on behalf of the Board.

VOTED unanimously to recommend Article 7 – Harkness Road Sewer Easement Authorization to the April 30, 2012 Annual Town Meeting; Aaron Hayden will speak on behalf of the Board.

Aaron Hayden recused himself, leaving the room during discussion of Article 27 – Local Historic District due to his employment with Amherst College.

Historic Commission Chair Michael Hanke and Local Historic District Study Committee Chair Jerry Guidera spoke on behalf of the Article. Written statements presented by property owner in proposed district for review. Many property owners in the proposed district expressed concerns with the new regulations, specifically process and related expense they would incur if altering their homes/businesses should this article pass.

VOTED three in favor (O’Keeffe, Stein and Wald) one opposed (Brewer) and one absent (Hayden) to recommend to the April 30,2012 Annual Town Meeting, Article 27 – Local Historic District; Jim Wald will speak on behalf of the Board.

Petitioners Alice Swift and Adrienne Terrizzi spoke in favor of Article 28.

VOTED unanimously to recommend Article 28 – Petition Article Reversing Citizens United v. FEC to the April 30, 2012 Annual Town Meeting; Diana Stein will speak on behalf of the Board.

Petitioner Ruth Hooke, Ben Grosscup, and Jeff Napolitano of the AFSC of Western MA spoke on Article 29. Board deferred discussion on Article 29 - Petition Article – Bylaw Regarding Sharing of Information with Federal Agencies until additional information from Town Counsel and Police Chief Livingstone was available.

Taxi Licenses

VOTED unanimously to approve a new Taxi Driver/Chauffeur License for Wynema Phillips Horve of Amherst, MA on behalf of Ambassador Taxi Cab and Transportation.

VOTED unanimously to approve the transfer of a Taxi Driver/Chauffeur License for Emmanuel Dalomba of Leverett, MA on behalf of Ambassador Taxi Cab and Transportation.

Special Liquor Licenses

VOTED unanimously to approve an All Alcoholic Special License for Brenda Ryan-Newton on behalf of UMass Amherst for a reception in the Fine Arts Center, University of Massachusetts Amherst from 5:00 p.m. to 11:00 p.m. April 13, 2012.

VOTED unanimously to approve an All Alcoholic Special License for Brenda Ryan-Newton on behalf of UMass Amherst for a reception in the Fine Arts Center, University of Massachusetts Amherst from 5:00 p.m. to 8:00 p.m. April 19, 2012.

VOTED unanimously to approve a Wine and Malt Special License for Nathan Day on behalf of R & P Liquors for a Spring Jam to be held on the lawn of the Hampshire College Library, Amherst, MA from 12:00 p.m. to 6:30 p.m., Saturday, April 21, 2012.

PVPC District Local Technical Assistance

Postponed discussion on the agreement related to Pioneer Valley Planning Commission scope of work for Amherst’s local technical assistance grant until the next meeting date, as well as review of minutes, parking and street closure requests and FY 13 Budget discussion, specifically the Town Manager’s unfunded list due to the lateness of the hour.

ADJOURN The meeting adjourned at 11:10 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
Reorganization Policy
Memo on Cost of Living from Interim HR Director
Explanation and other Adjustments in Compensation and/or Benefits
COLA Chart FY 1978 to 2013
Memo on Procedures Manual Change from Interim HR Director
Memo on Approval of Changes to Personnel Manual from Personnel Board
Personnel Procedures Manual with changes through March 2012
Amherst Farmers Market Request and Map
ABCC Advisory on three store limit increase dated 1.1.12
Letter from Cairns on Cumberland Farms License Application
Letter from Campus and Community Coalition Re Cumberland Farms Application
Liquor License Quota Report 04.06.12
Cumberland Farms Off Premise Wine and Malt License
Cumberland Farms Common Victualler License
Memo on DPW Summer Projects from Superintendent
Preliminary Paving Schedule 3.2012
Local Historic District Summary Points
Local Historic District Power Point
Letters from Citizens on Local Historic District Proposal
Amherst Bulletin Editorial on Local Historic District
Proposed FY 13 Prioritized List of Budget Restorations and Additions
Memo on Finance Committee Budget Actions from Finance Director
Memos from Conservation and Planning Re Cowls Notice of Intent to Sell
Planning Board Minutes re Chapter 61 ROFR Consideration
Cowls Notice of Intent Lot 2
Estimate of Rollback Taxes due on Cowls Lot 2
Decision Form for Change in Use of Classified Land
Extravaganja Parking Proposal and Map revised
Community Fair Parking Proposal and Map
Taxi Driver License Applications and Transfer Requests Phillips Horve and Dalomba
Draft Minutes 03.05.12, 03.26.12, and 03.30.12
Special All-Alcohol License Requests UMass Amherst
Kopelman and Paige Correspondence on Considerations in Granting Liquor Licenses
Memo regarding Article 29 from Police Chief
BCG Summary 04.05.2012
Letter of Agreement for PVPC DLTA
Special Wine Malt License Request R and P Liquors
Checklist for Public Streets Layout and Acceptance Procedures for Town Ways
Letters of Support for proposed legislation re anti-secure communities
Letter re Secure Communities Program from EOPS
Plan re Easement for 175 University Drive
Petition to Amend Article 29
Statement from Tom Ehrgood re Local Historic District
Handout Re A28 Petition to Reverse Citizens United
Letter Re Cumberland Farms from Spiffy Coalition