

**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; Health Trust Manager Kay Zlogar.

**Other:** Hope Crolius and Bob Irwin, Public Shade Tree Committee.

Meeting called to order by Ms. O’Keeffe at 6:33 p.m.

No public comment was offered.

Announcements were made about the upcoming Hawthorne property public meeting and the Zoning Forum, as well as the success of the recent Taste of Amherst.

**Tax Title Custodian**

VOTED unanimously to appoint Claire McGinnis, Treasurer/Collector to serve as Tax Title Custodian of properties on behalf of the Town of Amherst in accordance with the provisions of MGL c60, §77B.

The Select Board requested a list of the acquired properties to be handled by Ms. McGinnis as Tax Title Custodian.

**Fall 2012 Town Meeting**

VOTED unanimously to schedule the fall 2012 Special Town Meeting on November 19, 2012, with additional dates of November 26, November 28, December 3 and December 5, 2012 reserved.

The Select Board requested the dates be supplied to the Town Meeting Coordinating Committee.

**New Off Premise Wine and Malt License – Hess Express**

Public hearing called to order at 6:48 p.m.

Ms. O’Keeffe explained that the office had received notice from the applicant that the applicant’s local attorney who was to represent them this evening had been hospitalized this morning and therefore they were requesting a continuance.

VOTED unanimously to continue the public hearing to July 16, 2012 at 6:45 p.m. at the request of the applicant.

The Select Board requested a copy of the denial letter sent to Cumberland Farms on their application for a wine and malt off premise license in advance of the July 16, 2012 consideration in regard to the application of Hess Express.

**Local Historic District Commission**

VOTED unanimously pursuant to the authority granted under Article 27 of the April 30, 2012 Annual Town Meeting, to establish and accept the charge and solicit nominees for a Local Historic District Commission under the provisions of Massachusetts General Law Chapter 40C.

VOTED unanimously to grant Special Municipal Employee status to the Local Historic District Commission.

The Select Board requested advice from legal counsel regarding any experience the firm may have in regard to how Special Municipal Employee status has been applied with regard to other Local Historic District Commissions in the State. If Counsel does not have any specific experience from which to draw, the Select Board requested an updated legal opinion on application of the statute.

**Proclamation in Honor of Hope Church’s 100 Anniversary**

Mr. Wald presented and read aloud a draft proclamation for the Select Board’s consideration. The Select Board expressed their appreciation to him for initiating and scribing this important recognition.

VOTED unanimously to endorse the proclamation in honor of the Hope Church’s 100<sup>th</sup> anniversary.

### **Parking and Street Closure Requests**

VOTED unanimously to approve the reservation of thirteen parking spaces on the east side of South Pleasant Street and twenty one on the west side of Boltwood Avenue, both bordering the South Common, from 9:00 p.m. Friday, July 13, 2012 to 9 a.m. Saturday, July 14, 2012 and on Saturday, July 14, 2012 from 4:30 p.m. to 7:30 p.m. for artisan unloading and clean-up AND to reserve the Town Hall parking lot from 6:00 a.m. – 8:30 a.m. Saturday, July 14, 2012 to provide for vendor registration for the Annual Big Brothers Big Sisters Crafts on the Common event.

VOTED unanimously to approve a street closing for Blue Hills Road on Saturday, July 21, 2012 from 12:00 p.m. to 8:00 p.m. and a rain date of July 22, 2012 for the Blue Hills Road 11th Annual Block Party.

VOTED unanimously to approve a street closing for that portion of Spring Street within the public parking lot from the intersection of South Pleasant Street to the intersection of Boltwood Avenue on Wednesday, August 29, 2012 from 5:30 p.m. to 7:00 p.m. to ensure the safety of attendees for the Amherst/Pelham Regional School District's Annual First Day Celebration.

VOTED unanimously to approve the reservation of three metered parking spaces at 48 North Pleasant Street on Wednesday, June 20, 2012 related to a construction project at the Tucker Taft Building at a cost of \$5.00 per meter for that one day.

### **Committee Reappointments**

VOTED unanimously to reappoint Michael Hanke to the Design Review Board; Kathleen Woods-Masalski to the Kanegasaki Sister City Committee; Stephen Schreiber as Amherst's representative to the Pioneer Valley Planning Commission; Margaret Hankinson to the Public Arts Council; and Sandra Burgess as a Registrar of Voters, all with terms to expire June 30, 2015.

VOTED unanimously to reappoint Mark Parent, Keith Langsdale and Carolyn Holstein as Associate Members of the Zoning Board of Appeals with terms to expire June 30, 2013.

### **New Committee Appointments**

VOTED unanimously to appoint Rachel Mustin to the Amherst Cultural Council for a term to expire June 30, 2015.

VOTED unanimously to appoint Thomas Ehrgood as a Full Member of the Zoning Board of Appeals with a term to expire June 30, 2015.

VOTED unanimously to appoint Yuri Friman as an Associate Member of the Zoning Board of Appeals with a term to expire June 30, 2013.

Ms. Brewer and Ms. Stein noted they are looking into the role of the Select Board's appointee to the Amherst Media Board of Directors, specifically related to whether or not the appointee is meant to be a source of information for the Select Board, prior to recommendation for reappointment/appointment.

### **Minutes**

VOTED unanimously to approve the minutes of May 7, 2012, May 9, 2012, May 14, 2012, May 21, 2012 and June 1, 2012, as amended.

The Select Board noted their thanks to the Assistant to the Town Manager for keeping the minutes up to date.

### **Public Shade Tree Committee Charge**

Current members Hope Crolius and Bob Irwin of the Public Shade Tree Subcommittee presented and spoke to the request for a change to a stand-alone committee, having served as the longest standing subcommittee on record.

VOTED unanimously to authorize a change in the charge of the Public Shade Tree Committee from a seven member subcommittee of the Conservation Commission to a seven member stand alone committee appointed by the Select Board, duties to include providing recommendations and information to the Tree Warden on planting or removal of trees within the public right of way or on Town of Amherst property, and providing information and communicating the benefits of good tree cover to the general public and working to restore a bountiful tree cover for the Town of Amherst.

Select Board members noted the wording and format of the charge submitted will be revised to conform to the standard and is not expected to need to come back to the Select Board for further approval.

VOTED unanimously to grant Special Municipal Employee status to the Public Shade Tree Committee.

### **Teacher Retirees Health Insurance**

Mr. Musante and Ms. Zlogar provided explanation of the recommendation before the Select Board this evening. The proceedings of the June 13, 2012 public hearing held jointly by the Amherst and Pelham Select Boards and the Regional School Committee were summarized and discussed. The advisory vote by retired teachers in attendance in support of the change was noted. Of the ninety (90) retirees in attendance, sixty (60) voted in the affirmative and twenty-three (23) voted no with seven (7) undecided or no vote cast.

VOTED unanimously to terminate acceptance of Chapter 32B, Section 11e, thereby transferring all eligible retired teachers and their dependents from the Commonwealth's GIC health and life insurance plans to the local Amherst-Pelham Health Claims Trust.

### **Town Manager Evaluation and Goal Setting Process**

Mr. Musante presented and summarized his FY 12 self-evaluation memo. The Select Board expressed appreciation for his useful and detailed response.

The Select Board reviewed the documents presented by the Select Board Chair including the summer timeline, updated Select Board evaluation form, staff questionnaire and cover memo for the Town Manager evaluation and goal setting process. The documents were discussed and approved as revised per the discussion. Ms. O'Keeffe will forward the Word version of the Select Board's evaluation form to members. The FY 12 goals were reviewed and discussed with regard to their applicability to FY 13. The Select Board agreed to maintain the FY 12 goals as written as FY 13 goals without revision. It was noted the goals may still be revised in subsequent goal discussions.

### **Town Manager's Report**

Mr. Musante reported on the PARC grant application being prepared for this year for much needed improvements to the North Common. The Select Board noted their support for the application.

An update to the 2012 paving plans in addition to the Main Street project was provided. Mr. Musante noted the Main Street paving and improvements cannot be fully covered with available CDBG funds; the Town may need to seek additional funding through Chapter 90 funds, however that is dependent on the outcome and timing of the Transportation Bond Bill pending before the state legislature. Use of Chapter 90 funds, if available, would require breaking the project into different phases. The Select Board requested that DAAC and the Community Development Committee be made aware of the financing situation for Main Street and that DACC's input be sought related to setting of priorities should the project need to occur in phases. Lincoln Avenue and other high-need street repaving were discussed in the context of last year's paving bond and current related infrastructure needs and fund availability. The Select Board requested a report on the current status of paving to include what streets were covered under last year's bond, what streets had been included in the original plan but were not able to be completed and the current prioritized paving list.

UMass Strategic Partnership Agreement has been extended under the current terms for one year to allow for the transition in leadership at UMass. Items for consideration for future agreements will include water related issues, compensation for school-age children in non-taxable housing post-Marks Meadow closure, among other items.

War Memorial Pool opening is to be delayed several days with the formal celebration to take place later in the summer. Mr. Musante reviewed the reasons for delay, which included the State's delay in award of the grants, as work completed prior to award would not have been considered reimbursable. Musante also noted that weather related delays also contributed to extension of the completion date despite valiant efforts by the contractors and the Department of Public Works crew.

### **Member Reports**

Ms. Brewer reported on and provided copies of clarifications to the Open Meeting Law related to the Attorney General's decision on Remote Participation and Intentional Violations, noting comments on both were being accepted until mid-July.

Select Board members provided updates on the activities and schedules related to their respective liaison appointments, as follows: Ms. Brewer reported on LSSE Commission, Housing and Sheltering Committee, Community Development Committee and the Regional School District Planning Board; Ms. Stein on Agricultural Commission and Zoning Board of Appeals; Ms. O’Keeffe on Zoning Board of Appeals and Campus and Community Coalition and Mr. Hayden on Town Meeting Coordinating Committee and Zoning Subcommittee.

Ms. O’Keeffe reported on the recent celebration for the 50<sup>th</sup> Anniversary of the Pioneer Valley Planning Commission that she and Mr. Wald attended. She also reported on an upcoming lunch with Amherst College student volunteers that she and Ms. Brewer will attend.

### **Executive Session**

VOTED By roll call vote: O’Keeffe – Yes; Stein, - Yes; Wald – Yes; Brewer – Yes; Hayden – Yes; to go into Executive Session per MGL c30A, §21a, subsection 6: to consider the purchase, exchange, lease or value of real property, as an open meeting may have a detrimental effect on the negotiating position and open session will NOT reconvene at the conclusion of the Executive Session.

**ADJOURN** The meeting adjourned at 9:34 p.m.

Submitted by John P. Musante, Town Manager

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

Agenda

Draft Motions

Hess Mart Application for Wine and Malt Off-Premise Liquor License

Letters urging denial of Hess Mart Application

Public Shade Tree Committee Draft Charge

Health Trust Manager Memo re Retired Teachers Hearing

IAC Recommendation and Town Manager Response

Notice of Hearing re Retired Teachers Insurance Change

Frequently Asked Questions (FAQ) on Retired Insurance Change

Draft Cover Memo for FY 13 Staff Questionnaire SO’K

Revised Draft FY 12 Cover Memo for FY 13 Staff Questionnaire DS

Draft FY 13 Goals Discussion

Draft New FY 12 Select Board Evaluation Form

Draft FY 12 Staff Questionnaire

Town Manager Self-Evaluation Performance Goals Progress Report

Press Release War Memorial Pool Opening Delay

Attorney General’s Notice of Regulation Remove Participation

Attorney General’s Proposed Amendment Definition of Intentional Violation

Attorney General’s Open Meeting Law FAQ on Remote Participation

Treasurer’s Memo on need for appointment of custodian

MGL c60, §77B

Draft v2 Local Historic District Commission Charge

Proclamation for Hope Church Centennial, 1912-2012

Parking Reservation Requests Crafts on the Common, Blue Hills Road Block Party and First Day Celebration

Draft Minutes of May 7, 9, 14, 21 and June 1, 2012

FY 13 Select Board Appointments 06-18-2012