

**Minutes**

**Select Board**

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

Absent: None

**Staff:** Town Manager John P. Musante; Finance Director Sandy Pooler; Comptroller Sonia Aldrich and Treasurer/Collector Claire McGinnis.

**Other:** School Volunteer Coordinator Kim Stender; Bill Elsasser; WMECo Representative Walter Chudzik; Larry Kelley and Reynolds Winslow.

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

**Public Comment**

School Volunteer Coordinator Kimberly Stender spoke, inviting the Select Board and the community at large to the Annual First Day Celebration in support of Amherst schools. Bill Elsasser expressed concerns about the Town Hall parking lot repaving and informed the Select Board about a resident who is ill.

**Parking and Street Closure Requests**

**Trash to Treasures Furniture Sale**

VOTED Four in Favor, One Absent (Brewer) to approve the reservation of ten (10) parking spaces on the West side of Boltwood Avenue commencing at the southwest corner of Spring Street from 5 a.m. September 7, 2012 to 4 p.m. September 8, 2012 to facilitate drop off and pick up of sale items from the Amherst Survival Center’s Annual Trash to Treasures Furniture Fund Raiser.

**Apple Harvest Festival**

VOTED Four in Favor, One Absent (Brewer) to approve the request from the Amherst Family Center to bag thirty-five (35) parking spaces between College Street and Spring Street on the west side of Boltwood Avenue and the east side of South Pleasant Street, as marked on the map presented on Friday, September 28, 2012 from 9:00 p.m. through 10:00 a.m. Saturday, September 29, 2012, and to continue to bag up to five (5) meters to accommodate vendors with handicapped parking permits until 5:00 p.m. Saturday, September 29, 2012 for the annual Apple Harvest Festival.

**Taxi/Chauffeur Licenses**

VOTED Four in Favor, One Absent (Brewer) to approve a new Taxi/ Chauffeur Licenses for Benjamin Sullivan of Amherst and Jose Rivera of Florence on behalf of Aarons Taxi.

VOTED Four in Favor, One Absent (Brewer) to approve a new Taxi/ Chauffeur License for Leannette Fuller of Leverett on behalf of Gottago Taxi.

**Special Licenses**

VOTED unanimously to approve Special Wine and Malt Licenses for each of the receptions scheduled on the following dates and premises of the UMass Amherst Campus as listed below; Meredith Schmidt, Campus Center Director:

- September 4, 2012 from 6 – 9:00 p.m. at Durfee Gardens;
- September 5, 2012 from 4 – 7:00 p.m. at Fine Arts Center/Gallery;
- September 7, 2012 from 4 – 5:30 p.m. at Conti Building;
- September 7, 2012 from 3:30 – 6:00 p.m. at Isenberg Atrium;
- October 4, 2012 from 4:30 – 6:00 p.m. at Dubois Library;
- October 5, 2012 from 7-9:00 p.m. at Bowker Auditorium;
- October 11, 2012 from 6:30 – 9:30 p.m. at Fine Arts Center;

October 22, 2012 from 6:30 p.m. – 9:30 p.m. at Fine Arts Center;  
November 1, 2012 from 6:30 – 9:30 p.m. at Fine Arts Center;  
November 8, 2012 from 6:30 – 9:30 p.m. at Fine Arts Center;  
November 15, 2012 from 6:30 – 9:30 p.m. at Bowker Auditorium;  
November 18, 2012 from 6:00 – 9:30 p.m. at Bowker Auditorium; and  
December 1, 2012 from 7 – 10:00 p.m. at Bowker Auditorium

### **Chestnut Street Utility Pole Hearing**

Public hearing opened at 6:45 p.m. WMECo Representative Walter Chudzik explained the request. No one from the public offered comment and the public hearing was closed at 6:47 p.m.

VOTED unanimously to approve the joint petition of Western Massachusetts Electric Company and Verizon New England Inc., to locate one (1) jointly owned pole, numbered 19/2S, T-2, on the North side of Chestnut Street, approximately 285 feet Easterly from the center line of East Pleasant Street, in accordance with field plan #6A220224 submitted upon petition; said pole necessary to serve as a guy stub pole to allow for removal of tree guy.

### **Sunderland Road Utility Pole Hearing**

Public hearing opened at 6:50 p.m. WMECo Representative Walter Chudzik explained the request. No one from the public offered comment and the public hearing was closed at 6:52 p.m.

VOTED unanimously to approve the joint petition of Western Massachusetts Electric Company and Verizon New England Inc., to locate one (1) jointly owned pole, numbered 12/14-1, T-93-1, on the Westerly side of Sunderland Road approximately 375 feet Southerly of Cows Road, in accordance with field plan #6A220494 submitted upon petition; said pole necessary to provide new electric service for #138 Sunderland Road, Amherst Survival Center.

The Select Board requested that the Town Manager's office provide Western Massachusetts Electric Company representative Walter Chudzik a link to the Town GIS maps, so that the company can give better visual representations of their pole requests in the future.

### **Annual Town Election and Annual Town Meeting Dates**

VOTED unanimously to schedule the 2013 Annual Town Election for Tuesday, April 9, 2013 with polls open from 7:00 a.m. to 8:00 p.m. and the Annual Town Meeting May 6, 2013, with additional sessions reserved for May 8, May 13, May 15, May 20, May 22, May 29, June 3, June 10, June 17 and June 19, 2013.

### **Olympia Oaks Land Development Agreement**

VOTED unanimously to approve the extension of the deadline by which the conditions of the Land Development Agreement between the Town of Amherst and HAP, Inc. must be satisfied from November 11, 2012 to June 30, 2013.

### **Appointments**

VOTED unanimously to appoint Veronica Wagner to the Agricultural Commission; Emily Jung and Liam Brodigan to the Human Rights Commission; and Olivia and Victoria Feyre Febonio and Mary Santiago to the La Paz Centro, Nicaragua Sister City Committee; all with terms to expire June 30, 2015.

VOTED unanimously to reappoint Vincent O'Connor to the Nyeri Sister City Committee with a term to expire June 30, 2015.

VOTED unanimously to confirm the Town Manager's appointment of Julie Marcus to the Board of Health with a term to expire June 30, 2015.

#### **4<sup>th</sup> Quarter Budget Report**

Finance Director Sandy Pooler reviewed the memo presented with year end statistical reports to the Select Board. The Select Board expressed their thanks to staff for the extent of useful information tracked and the manner in which it was presented.

#### **Advance of Funds in Lieu of Borrowing**

Finance Director Sandy Pooler explained the process of utilizing cash on hand in advance of borrowing as a less expensive alternative than short-term borrowing; he also reviewed the approved capital projects for which the borrowing was being requested.

VOTED unanimously to approve the advance of funds totaling \$1,071,000 in lieu of borrowing, as presented by Treasurer/Collector Claire McGinnis in her memo of August 24, 2012 for the purpose of funding capital projects including Police Department Communications Equipment, Repairs to Central Fire Station, Large DPW Truck, and Trees and Tree Equipment, having previously authorized debt for these purposes at Annual Town Meeting, Article 18, on May 16, 2012.

#### **Parking Regulation Change**

Public Hearing opened at 7:37 p.m. Larry Kelley spoke in favor of standardizing the end time for all parking enforcement. Appreciation was expressed that the Business Improvement District was dealing with these issues comprehensively and promptly. Public hearing closed at 7:55 p.m.

Mr. Musante reviewed his memo to the Select Board outlining his recommendations based on discussions with the Amherst Business Improvement District's Parking Subcommittee, which he chairs, recommending elimination of Sunday fees in the Boltwood Garage and postponing consideration of a variety of other potential changes pending further study and consideration.

VOTED unanimously to approve the elimination of the \$0.50 an hour fee in the Boltwood Garage parking lot on Sundays, effective immediately.

#### **Discontinuance of Portions of County Ways**

VOTED unanimously pursuant to MGL c82, §32A to request the Hampshire Regional Council of Governments, formerly Hampshire County Commissioners, to discontinue the portions of Hampshire County ways located in Amherst and described below, as follows:

A. WEST STREET (by county layouts established from 1732 through 1964) as shown on sheets one through seven of plans prepared by Foresight Land Services December 2011 to be recorded in the Hampshire Registry of Deeds " Beginning at a line normal to Sta 106 + 00 and running northerly through West Bay Road and Bay Road to a line normal to Sta 120 + 59.91 for a total distance of about 1460 feet;"

B. WEST BAY ROAD (by county layouts 1732 and following , formerly known as Bay Road, the Bay Road and other names ) from a line normal to Sta 403+00 easterly into the county layout of West Street ( described above ) for a distance of about 300 feet;

C. BAY ROAD (by said county layouts of 1732 and following ) from a survey point Sta 500 + 00 within the above described county layout of West Street easterly about 200 feet to a line normal to Sta 502 + 00 being depicted on plans described above; and

D. EASTMAN LANE (an 1883 county layout #92) running easterly from North Pleasant Street to East Pleasant Street through a width of 33.00 feet for a distance of about 3200 feet.

### **Commemorative Flag Policy**

Ms. O’Keeffe recapped the history of the issue, reporting on the 2007 Town Meeting vote, subsequent Select Board votes and why compromise has been the Select Board’s choice. Larry Kelley voiced his request relative to adding 9/11 to the list of holidays on which the commemorative flags are annually flown. Mr. Kelley spoke to the definition of “commemorative,” believing that flying the flags only every five years sends the wrong message regarding the importance of marking the occasion. Members spoke about appreciating both sides of the issue, some not seeing the harm in flying them annually while others believed it set the wrong tone to commemorate the event in this manner, believing more somber options create better teaching options for children, and further, that compromise honors the community’s divergent views and does not force a majority Select Board view one way or the other. Ms. O’Keeffe noted letters of support received in favor of flying every year on 9/11. Reynolds Winslow, Chair of the Human Rights Commission, urged the Select Board’s reconsideration in the future, allowing the opportunity for greater public input and perspective. The Board took no action, leaving the current policy of every fifth year on September 11th in place, citing the need to respect feelings in opposition.

### **Library Trustee Vacancy**

The Board approved the plan for filling the Library Trustee vacancy at the September 24, 2012 meeting, instituting a deadline of 4 p. m. Thursday, September 20, 2012 for applicants to submit letters or emails of interest. Ms. O’Keeffe will coordinate with the Trustees President Austin Sarat regarding publication of election information and any other key information regarding the position that the Trustees would like included.

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

The Select Board reviewed the draft composite Town Manager’s Evaluation memo, agreeing without formal vote to accept as presented this evening. Musante’s work was noted with gratitude and praise. Mr. Musante expressed continued appreciation for the opportunity to serve as Town Manager and to work with such talented and dedicated Town staff.

The members further agreed without formal vote to defer the FY 13 Goals discussion and the evaluation process itself to the September 10, 2012 meeting date.

### **Town Manager Report**

In Staff News, Mr. Musante reported the hiring of Leslie Saulsberry for twelve hours a week as a Human Rights Coordinator to assist the Human Resource Director and to serve as staff liaison to the Human Rights Commission. Mr. Musante shared the recognition of Principal Assessor David Burgess by his professional association for the assistance he provided to the Town of Monson in the wake of last year’s tornado.

Mr. Musante informed the Board of the signing of a power purchase agreement with Blue Wave and Smart Energy Capital for the solar array to be located at the old landfill. Musante also reported working on a similar agreement with both entities for the Town to purchase electricity from a solar array located in a nearby town, which will both help Amherst meet its power needs and provide flexibility in the final layout and scope of the array at the old landfill site. The next step will be to meet with residents of the neighborhood to talk about ways to mitigate the visual impacts of the array and preserve access for walking, etc., as well as pursuit of Zoning Board of Appeals and Department of Environmental Protection permitting.

A copy of a form letter sent to all property owners in Amherst in an effort to update information on rental properties for the Safe and Healthy Neighborhood Initiative was presented. Musante indicated updates will be forthcoming monthly in an attempt to better inform the community of the efforts both the Town and the University are taking to address neighborhood issues.

A timeline for draft taxi regulations was provided, noting the opportunity for company owners to provide feedback prior to Select Board review and adoption. A metered system is to be part of the new regulations; zoned systems will no longer be accepted. The plan calls for implementation in the new calendar year forthcoming for inclusion with annual license renewals.

Safe Routes to School project is complete with great pedestrian and accessibility improvements noted, as well as a new bicycle parking area at Wildwood Elementary School.

Sewer design plans for the Harkness Road area have been altered after feedback from affected residents was received/reviewed, delaying installation until spring of 2013. Plans for the Wildflower Drive area will not be impacted by the change and are still scheduled for 2013.

Annual paving contracts bids have been awarded and work will begin soon. A less-expensive and more environmentally friendly method that allows reclamation to be used in the paving process will be tried for the first time in Amherst on several streets including Sunderland Road and South Pleasant by the Town Common. Additional updates were provided on the status of the Cottage Street drainage work, Cherry Lane, lower Main Street and for the next phase of paving, Lincoln Avenue, Atkins Corner and the Town Hall parking lot.

Report on meeting with State Secretary of Transportation Richard Davey as part of the Pioneer Valley Planning Commission gathering with local municipal leaders; will meet with him privately next week in advance of his meeting with the Pioneer Valley Transit Authority Advisory Board, noting this is part of the Secretary's outreach to cities and towns regarding transportation and infrastructure needs.

### **Member Reports**

Members provided updates on the activities and schedules of their respective committees. Ms. Stein report on the Kanegasaki Sister City Committee; Mr. Hayden on Town Meeting Coordinating Committee and Recycling and Refuse Management; Mr. Wald on Public Art Commission and Historical Commission; Ms. Brewer on Community Development Committee and Housing and Sheltering; and Ms. O'Keeffe on Campus and Community Coalition activities.

Ms. Brewer noted the recent clarification on Remote Participation and Intentional Violations, included in the Open Meeting Law article is enclosed in packets for this evening.

Ms. O'Keeffe presented a document listing recent meetings and events she had participated in on behalf of the Board.

### **Executive Session**

VOTED by ROLL CALL VOTE: O'Keeffe, Yeah; Brewer, Yeah; Hayden, Yeah; Stein, Yeah; and Wald, Yeah to enter into Executive Session, in accordance with Massachusetts General Law Chapter 30A, section 21, Part 2: to conduct contract negotiations with non-union personnel, Town Manager John P. Musante, and will not reconvene in Open Meeting following the close of Executive Session.

**ADJOURN** The meeting adjourned at 9:51 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**

Final Agenda

Draft Motions

Pole Hearings for Chestnut Street and 138 Sunderland Road

Request for Extension of LDA Olympia Oaks Project

FY 12 End of Year Report

Advance of Funds in Lieu of Borrowing Reports

Treasurer's Memo on Internal Borrowing for Debt Funded Items in FY 13 Capital Plan

Notice of Public Hearing for Change in Parking Regulations

Parking Regulation Recommendations from the Town Manager

Draft History of Parking Regulations Voted 1999 to present  
DPW Superintendent's Request for Road Discontinuances  
Surveyed Bounds for Road Discontinuances  
Maps for Road Discontinuances  
MGL relative to Discontinuance of Public Ways C82 s32A  
Emails/Letter of support for Change in Commemorative Flag Policy  
History of Commemorative Flag Policy to 2003  
Select Board Minutes of September 08, 2008 regarding Flag Policy  
National Day of Remembrance Proclamation 2009  
Select Board Minutes September 02, 2010 Flag Policy  
Process for Filing Elected Board Vacancies  
Individual Board Members' FY 12 Town Manager Evaluations  
Composite Evaluation Final  
Revised Draft Memorandum regarding Evaluation  
Final Memorandum regarding Evaluation  
FY 13 Goals Discussion 08-27-2012  
Power Purchase Agreement Annotated Table of Contents  
Power Purchase Agreement Press Release Final  
Power Purchase Agreement Signed  
Safe and Healthy Neighborhood Initiative Letter to Property Owners  
Timeline for Taxi Regulation Update  
PVTA Administrator Report August 22, 2012  
Chair's Report 08-27-12  
Letter to Editor from Chair re UMass Gazette Article  
Campus and Community Coalition Student Letter August 15, 2012  
Attorney General's Announcement of Finalization of New Open Meeting Law Regulations  
Gazettenet 8-23-2012 Article on Open Meeting Law  
April – June 2013 Calendar  
Survival Center Annual Trash-To-Treasures Sale  
Family Center Annual Apple Harvest Festival  
Taxi Driver Applications: Sullivan; Fuller; and Rivera  
Special Licenses UMass Amherst 09-14 to 12-1-2012  
Recommendations for Appointment 08-27-12