

**Minutes**

**ATTENDANCE**

**Select Board**

*Present:* Diana Stein, Jim Wald, Alisa Brewer, Aaron Hayden

*Absent:* Stephanie O’Keeffe

**Staff:** John P. Musante, Town Manager; Sandy Pooler, Finance Director; Jonathan Tucker, Planning Director; David Ziomek, Director of Conservation and Development; Guilford Mooring DPW Superintendent; and Susan Waite, Recycling Coordinator.

**Other:** Recycling and Refuse Management Committee members Laurel Dickey, Brenda Kennedy-Davies, Sue Morrello and Kristina Cox-Fernandez; Rob Crowner, Planning Board; Hwei-ling Greeney, Gerry Weiss, Kevin Noonan, Jim Oldham

Meeting called to order by Ms. Stein at 6:30 p.m.

Ms. Stein explained that Ms. O’Keeffe would not be present this evening, as her father John Coull was hospitalized after a very serious bicycle accident on Saturday, asking for a moment of silence, and offering the Board’s best wishes for a speedy recovery.

**Public Comment**

None.

Mr. Musante summarized the prepared November 19, 2012 Special Town Meeting Warrant, noting it had been approved as to form by Town Counsel. The Select Board approved it as presented and signed it.

**Taxi/Chauffeur Licenses**

VOTED three in favor, two absent (Wald, O’Keeffe) to approve a new Taxi/ Chauffeur License for Christopher Babineau of Springfield, MA on behalf of Celebrity Cab.

VOTED three in favor, two absent (Wald, O’Keeffe) to approve a new Taxi/ Chauffeur License for Timothy Bowman of Amherst, MA on behalf of Ziqui Taxi.

**Layout of Olympia Drive as a Public Way**

Mr. Musante provided an overview of the documents presented, summarizing the action necessary by the Select Board prior to Town Meeting consideration. It was noted that the Planning Board reviewed and positively recommended support of the layout, as presented at their October 3, 2012 meeting. David Ziomek, Conservation and Development Director, Rudy Perkins from HAP, and their Attorney David Bloomberg presented in support of the action, as this is a precursor to the planned development of 42 affordable housing units on Town land at the end of Olympia Drive. Included in the effort is upgrading of the road to the level necessary for Town acceptance, part of which requires transfer of state land and needs a concurrent action of special legislation which is underway.

VOTED three in favor, two absent (Wald, O’Keeffe) that the Select Board, having determined that common convenience and necessity require the layout of Olympia Drive as a public way, adopt an Order of Layout, laying out Olympia Drive as a public way as shown on a plan entitled “Roadway Acceptance Plan Olympia Drive and Authority Way, Amherst, MA,” dated August 23, 2012, prepared by Doucet & Associates, Inc., and forward said layout and plan to the Town Clerk for filing.

**First Quarter Budget Update**

Finance Director Sandy Pooler presented and reviewed results of the report on Town’s operations for first quarter of FY 13 for the period July 1 – September 30, 2012. Mr. Pooler noted we are right on target for major revenue and expenditure categories, finding nothing out of the ordinary that might serve as a warning of a possible issue. Other excise reflects meals and hotel taxes coming in strong with the re-opening of Lord Jefferey Inn. Mr. Pooler explained the effects of the stock market on the Town’s cash situation.

Mr. Wald arrived at 6:58 p.m.

## **Voting & Assigning Select Board Positions on Special Town Meeting Warrant Articles**

Ms. Stein explained that some of the materials were not available in time for the meeting packet and therefore no votes would be considered regarding the November 19, 2012 Special Town Meeting Article 3 Other Post Employment Benefits (OPEB) Trust Fund; Article 4 Transfer to Stabilization Fund; Article 7 Olympia Drive Street Acceptance; Article 9 General Bylaw - Ban of EPS Foam in Restaurants; Article 10 Zoning Bylaw - Public Water Supply Protection; Article 11 Zoning Bylaw - Lodging/Boarding House Definitions and Article 15 Zoning Bylaw - Residential Zoning Definitions. However, overviews of each were provided with the ability to question staff present this evening. Select Board positions would be considered at a later meeting date prior to the November 19, 2012 Special Town Meeting. It was also noted no discussion would occur on Article 7, as its acceptance would be deferred to the Spring Town Meeting.

Mr. Pooler provided historical reference for Article 3 Other Post Employment Benefits (OPEB) Trust Fund, noting the prior vote of Town Meeting accepting the local option that allows the Town to set up a trust fund for the liability calculated from actuarial studies. The funding is available through additional state aid that was made available in excess of the amount anticipated for revenues in the current fiscal year. Authorizing the funds at this time provides the opportunity for growth through investment as well.

Mr. Pooler indicated that for Article 4 Transfer to Stabilization Fund, Town investment policies state that combined free cash and stabilization should be maintained between five and fifteen percent of general fund operating revenues. The policies also state that if free cash exceeds five percent, any excess may be appropriated to the stabilization fund, providing historical reference over a number of years. Free cash was certified last week and provides the funds recommended for transfer to stabilization in Article 4. Mr. Pooler noted if the article is approved, it would bring the Town's reserves to approximately 9.3% of our budget. It was noted the Town's savings potentially supports a better bond rating which would reduce future borrowing costs.

Susan Waite, Recycling Coordinator, spoke in favor of Article 9 General Bylaw - Ban of EPS Foam in Restaurants regarding the proposed ban of polystyrene foam. Ms. Waite introduced members of the Recycling and Refuse Management Committee present including Laurel Dickey, Brenda Kennedy-Davies, Sue Morrello and Kristina Cox-Fernandez. Ms. Waite referenced the recent success of the Taste of Amherst with all restaurants that participated helping to make all refuse entirely compostable. She also discussed the possibilities of a zero waste initiative on the future waste stream. Ms. Waite reported on work that has occurred with local restaurants, working in conjunction with the League of Women Voters and the Hitchcock Center, provided information on alternatives available and assistance including group procurement of alternate supply. It was noted the effective date provided six months for change to occur. Mr. Musante provided thanks to Ms. Waite and the Committee for their work and outreach bringing this article forward.

Planning Director Jonathan Tucker and Planning Board member Rob Crowner provided an overview of Articles 10, 11 and 15. Article 10 Zoning Bylaw - Public Water Supply Protection is a technical fix, adding language of State law to existing bylaw. Article 11 Zoning Bylaw - Lodging/Boarding House Definitions adds a definition for a lodging or boarding house for clarification, as the use already exists in the Town's zoning. Concerns noted at public hearings were incorporated into the final product. The intent of Article 15 Zoning Bylaw - Residential Zoning Definitions is to bring definitions up to date including family, habitable space, principal residence and resident manager. Appreciation was expressed by the Select Board to the Planning Board and staff, knowing the level of time and work involved in bringing these articles forward.

## **Chapter 61 Right of First Refusal (ROFR)**

Ms. Stein noted both Conservation Commission and Planning Board had reviewed the notice of intent and recommended that the Select Board not act on the Town's right of first refusal. Mr. Crowner of the Planning Board spoke about his vote which precluded a unanimous vote.

VOTED four in favor, one absent (O'Keeffe) in accordance with MGL c61 §8, to NOT exercise the Town's right of first refusal to purchase Lot 4 as described on a plan of land entitled *Plan of Land Located in Amherst MA* (Flat Hills Road) prepared for W. D. Cows, Inc., dated January 20, 2012, land currently classified and taxed as Forest Land being sold and/or converted to some other use.

## **FY 14 Budget Guidelines Draft**

Ms Stein reviewed the additions/changes proposed to the budget guidelines by Ms. O'Keeffe. Mr. Hayden thanked Ms. O'Keeffe for her success in synthesizing members' thoughts in the process.

The following public comment was provided regarding loss of CDBG Funds: Hwei-Ling Greeney suggests a CDBG Advisory Committee charge change to add back administrative oversight of human service funding allocations and also suggests the need to set out proposed guidelines and alert agencies to consider submitting requests for funding if a human services agency line item budget is restored in the future. Gerry Weiss echoed statements in the draft guidelines in regard to addressing this critical need, disclosing his connection as a Board member of shelter operator Craig's Doors. Jim Oldham spoke also noting appreciation of recognition of the need in updated guidelines but suggests it go further by not endorsing a disproportionate cut to human services. Resident Maria Kopolous spoke and expressed appreciation for the care of community shown in process and funding. Kevin Noonan supports revised draft and offered to help in any way.

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

The Town Manager provided his report. A draft of taxi regulations is in process. Mr. Musante provided a summary of the changes included and process to date including meeting with owners and how their comments were incorporated. Ms. Brewer requested an explanation of livery versus taxi plates. It was also noted a need to make change in driver's clothing to be gender neutral. A downtown signage update was presented, the first priority is the installation of wayfinding signs to public parking etc. Comments were provided for update.

Mr. Musante provided notice of renewal of discussion with the Town of Pelham related to the Town of Amherst providing property assessment services for a fee. He reported mutual interest and summarized a draft agreement in process. An application for a Community Innovation Challenge Grant is in process to assist with technical enhancements necessary with great promise for funding.

### **Member Reports**

Members provided brief update on various committee liaison assignments.

**ADJOURN** The meeting adjourned at 8:52 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 and Draft Motions

FY 13 Municipal Budget/Actual Reports for Quarter Ending September 30, 2012

Proposed Plans for FY 13 Budget, Reserve Funds and OPEB

Article 9 Documentation on Toxicology, reasons to avoid and alternatives available

Assessors Notice of Rollback Taxes related to Notice of Intent on Cows Lot I

Conservation Recommendation on Notice of Intent Cows Lot I

Planning Board Recommendation on Notice of Intent Cows Lot I

Notice of Intent to Withdraw Cows Lot I

FY 14 Budget Policy Guidelines – Timelines and Discussion

Downtown Directional Signage Plan

Proposed Taxi Business Regulations and Timeline

Amherst Budget Coordinating Group Summary Points

Special Town Meeting Assignment Sheet

Special Town Meeting Warrant

Intention to Lay Out Town Way

Lay Out of Town Way – Olympia Drive

Olympia Drive – Roadway Plans 08-23-12

Planning Board Recommendation

Taxi Driver Applications Babineau and Bowman