

Minutes

ATTENDANCE

Select Board

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

Absent: None

Staff: John Musante, Town Manager; Sandy Pooler, Finance Director; David Ziomek, Assistant to the Town Manager; Police Chief Scott Livingstone; Fire Chief Tim Nelson; Human Resources Director Deborah Radway
Other: Peter Vickery, Helen Berg, Chenghui Zhen, Attorney Tom Reidy, Attorney Kristi Bodin, Leena Matarazzo, Lindsey Broderick, Rasif Rafeq, Al Sax, Joan Tempkin and John Coull.

Meeting called to order by Ms. O’Keeffe at 6:30 p.m.

Public Comment

Peter Vickery of Cherry Lane proposed the Select Board’s consideration of a 48-hour ban on the sale of liquor in the run up to the next pre-St. Patrick’s Day weekend, believing it essential to breaking the tradition of excess.

Amherst police officer Gabe Ting introduced Attorney Terry Coles, Mass Cop Local 431 representative, to speak on behalf of the Police Supervisor and Patrol Officers’ Unions. Attorney Coles urged that any review by the Town and University of incidents that marred the pre-St. Patrick’s Day weekend consider the broader social cultural issues and why the behavior is occurring instead of directing the attention to the Police Department. Officers are faced with these type of events repeatedly, suggesting an increase in staffing, a return to 51 officers, to show officers support and to achieve a more effective response capability.

Helen Berg uttered her belief that police actions incited a riot and the need to reduce drinking age to 18.

Taxi Driver Licenses

VOTED unanimously to approve a new 2014 taxi driver/chauffeur license for Henry Pacheco on behalf of Aarons Paradise Transportation.

VOTED unanimously to approve a new 2014 taxi driver/chauffeur license for William Weye on behalf of Aarons Paradise Transportation.

VOTED unanimously to approve a new 2014 taxi driver/chauffeur license for Gerald Veautoun on behalf of Aarons Paradise Transportation.

Liquor Licenses - Public Hearings

Oriental Flavor – New Annual On Premise Wine & Malt

Opened Public Hearing at 6:45 p.m. Chenghui Zhen, owner, spoke about business operations, but was unable to respond to Select Board questions in regard to staff training. Attorney Tom Reidy came forward and requested continuation of the hearing on behalf of the applicant to ensure his understanding on the level of responsibility the business is taking on and need for staff TIPS training.

VOTED unanimously to continue public hearing to March 31, 2014 at 7:00 p.m.

Russell’s Liquors – Transfer of an Annual Off Premise All Alcohol to Matarazzo & Broderick, Inc.

Opened Public Hearing at 6:58 p.m. Attorney Kristi Bodin and partners Leena Matarazzo and Lindsey Broderick explained their business plan. Ms. Broderick will serve as the manager, citing her experience as a bartender in a restaurant, and has been working in the store for several months with current owner Jerry Russell, who also has agreed to stay on for a period of time moving forward to assist in the transition. Closed Public Hearing 7:03 p.m.

VOTED unanimously to approve the application of Matarazzo & Broderick, Inc., 90 North Valley Road, Pelham, MA for transfer of an Off Premise All Alcohol Package Store Annual Liquor License M.G.L. Chapter 138, Section 15, currently held by Russell's Liquors, 18 Main Street, Amherst, MA, the premises described as a 100 x 24 foot wide room with coolers, shelving, storage space and a cash register area with one entrance exit at the front of the premises and a basement storage area, 100' x 24' which is not open to the public nor included in the total floor space of the premises, as outlined in the floor plan; Lindsey M. Broderick, Manager.

Monkey Business, Inc. – Transfer of an Annual On Premise All Alcohol to Bistro 63 Monkey Bar, LLC
Opened Public Hearing at 7:06 p.m. Attorney Tom Reidy and co-owner and proposed Manager Rasif Rafiq explained the planned succession and related operations, including hearing date for Special Permit approval through the ZBA. Chief Livingstone spoke in regard to his process in approving the application. Attorney Reidy distributed a revised floor plan citing square footage, egresses and storage, sharing Mr. Rafiq's and staff's experience and certifications. Closed Public Hearing at 7:22 p.m.

VOTED unanimously to approve the application of Bistro 63 Monkey Bar, LLC, 61A Main Street, Amherst, MA for transfer of an On Premise All Alcohol Restaurant Annual Liquor License, M.G.L. Chapter 138, Section 12, currently held by Monkey Business, Inc., 63-67 North Pleasant Street, Amherst, MA, the premises described as consisting of a 2 story brick building with a front entrance on North Pleasant Street; offices on the second floor and restaurant, bar, dining and conference and pool room located on the first floor with deck in rear of building for seasonal dining; storage area located in basement; Rasif Rafiq, Manager.

All Things Local Cooperative Market, Inc. – New Off Premise Wine and Malt
Opened Public Hearing at 7:25 p.m. Attorney Tom Reidy and General Manager Al Sax reviewed the license packet outlining the experience of the proposed manager and the details of the operations, a mercantile cooperative made up of members with interest of the license held by the Board of Directors. Ms. O'Keeffe disclosed her friendship with one of the Directors, stating for the record that it would not influence her deliberation on the license. Closed Public Hearing at 7:36 p.m.

VOTED unanimously to approve the application of All Things Local Cooperative Market, Inc., 104-106 North Pleasant Street, Amherst, MA for an Off Premise Wine and Malt Package Store Annual Liquor License, M.G.L. Chapter 138, Section 15, the premises described as 3,685 square feet of space on the first level of 104-106 North Pleasant Street, containing four means of entrance and egress; Alan C. Sax, Manager.

Select Board Positions on March 19, 2014 Special Town Meeting Warrant Article Petition Article – Minimum Wage Increase

Ms. O'Keeffe noted she had received notice from the lead petitioner that he was not able to attend this evening's meeting, however indicating his intent to provide in his motion an exemption from the act for those employers with less than fifty employees, also noting he was open to compromise on the actual percentage increase. Documentation of impact to businesses and Town was included in packet, as were written comments received from the Amherst BID and Amherst Area Chamber. Joan Temkin, Acting Director of the Chamber, urged a no vote. John Coull, retired Chamber Director, spoke in favor of a minimum wage enactment statewide or ideally at the federal level. Andy Steinberg, Finance Committee Chair, summarized the Finance Committee report on this article released today, which is not recommending the article. Select Board members outlined their positions on the topic. Aaron Hayden agreed to write a position paper on behalf of the Select Board.

VOTED unanimously to not recommend Article 1 – Petition – Special Act to Raise the Minimum Wage; Aaron Hayden to speak on behalf of the Select Board.

Pre-St. Patrick's Day Disturbance and Next Steps

Mr. Musante reported on the pre-St. Patrick's Day disturbances on March 8 and outlined planned next steps by the University and the Town. Mr. Musante indicated as a community leader and as a proud UMass alum, he

shared the frustration, embarrassment, and anger over the events of last weekend. Mr. Musante thanked public safety first responders (APD, AFD, MSP, UMPD), noting they did a tremendous job under very difficult circumstances, calling out Chief Livingstone and Captains Pronovost and Gundersen for their professional, calm, and orderly handling of personnel and resources. Mr. Musante cited his belief that the police acted appropriately, trying multiple times to disperse the large and growing unruly crowds in response to their destructive and riotous behavior, to help prevent more serious personal injuries and property damage from occurring. A social media and alcohol-fueled series of disturbances on Saturday, March 8 resulted in 240 police calls for service, approximately 20 EMS calls related to this so-called “event” and overtime costs of approximately \$16,000 over the two day period of March 8-9: Police: \$12,504.88; Dispatch: \$1,288.56; Fire: \$2,091.01.

Mr. Musante noted he very much appreciated UMass Chancellor Subbaswamy’s and President Caret’s strong messages condemning the behavior and also their commitment to punishing those responsible while continuing to work with the Town on strategies to prevent this from occurring in the future. He said that all of us (Town, UMass, business community, and others) need to redouble our efforts to find solutions, noting the issue goes way beyond UMass and the Town of Amherst. Mr. Musante stated the Chancellor and his leadership team are working tirelessly and creatively on these issues and the Town is and will continue to be a partner in this effort. He applauded the University’s hiring of retired Boston Police Commissioner Ed Davis and his team and partner with the Town to seek solutions in a multi-pronged comprehensive approach. The review is not intended as a review of police action last Saturday, but rather as a broader examination of how to prevent such crowd disturbances from occurring and how to handle them if they do occur was applauded. A task force of UMass students, faculty, and staff will recommend policies and practices to discourage unruly behavior, consulting with experts in the field of psychology of crowd behavior and will develop improved crowd management strategies and explore expansion of a bystander intervention program to discourage bad behavior by others at large social gatherings. UMass, Town, students are all looking for better outcomes going forward.

Chief Livingstone read a prepared statement, thanking the Town, University administration and citizenry for their support, as well as the officers. APD Press Release and arrests/custodies is included in tonight’s meeting packet

Ms. O’Keeffe noted her appreciation and the pride elicited by the response by Amherst police after listening to her scanner. Additionally, the University’s acknowledgment, taking responsibility for the situation and working with the Town to break the cycle of what’s occurring is a welcome change and is greatly appreciated.

Mr. Hayden wanted it noted there were students that did work to improve their citizenship in Town, by picking up litter and working with the walk this way campaign, etc.

Ms. O’Keeffe emphasized that bars do not open early for the event. State law provides for on premise licenses to open at 11 a.m. and the Select Board would have to grant permission for an earlier opening, which has never occurred for this event.

FY 15 Budget Discussion

Mr. Musante reviewed a summary from the Mass Municipal Association regarding adoption of an early joint legislative resolution for state aid, establishing an anticipated amount for Chapter 70 School Aid and Unrestricted General Government Aid, representing an increase of \$202,000 for Amherst. The elementary school budget was recommended at \$100,000 less than anticipated and the Regional School budget increase is recommended at a 2.15% increase to the Amherst assessment, which is below the overall anticipated. All of these factors combined eliminates the projected \$300,000 budget gap. Any remaining available funds will be recommended to address capital needs, including roads.

Town Manager Report

The Town Gown Study Steering Committee has issued a recommendation for the hiring of a consultant. Mr. Musante is meeting with the Chancellor and anticipates engagement of a consultant as early as next week.

The Public Works Committee meeting on April 7, 2014 is devoted to design options for the Mill Street Bridge and Pine Street.

The Community Preservation Act Committee will be recommending to Town Meeting \$750,000 bonded over twenty years to provide affordability at Rolling Green Apartments in perpetuity.

Mr. Musante once again noted his appreciation to police, fire and dispatch as well as UMass and State Police for the outstanding work dealing with Blarney Blowout disturbances.

Mr. Musante reported he volunteered as a waiter for the Survival Center's Empty Bowls fundraising event. Discussions with Amherst BID for a successor MOU to be effective July 1, 2014 are underway. DPW to conclude installation of LED streetlights within the week. Upcoming events included the warrant review meeting to finalize the warrant for Annual Town Meeting, which will be presented to the Select Board at their next meeting.

Mr. Musante publically thanked Diana Stein and Stephanie O'Keeffe for their service on the Select Board, noting it was a personal and professional pleasure to have worked with them both, believing the Town was in a better place as a result. Members thanked those involved in putting forth a celebration for the two departing Select Board members.

Mr. Hayden commented on his recent attendance at the Public Works Committee public meeting, appreciating their work on the Pine Street project, including their hosting a guest moderator, Town Moderator Jim Pistrang, for the event.

Member Reports

Ms. Stein reported on a Board of Health meeting, including among other issues deliberation on continuance of Town policy to fluoridate drinking water. Mr. Hayden noted his appreciation for TMCC getting information out on the Special Town Meeting; additionally, Recycling and Refuse Management Committee organizing a presentation on the changes in regional compost. Mr. Wald reported on Joint Capital Planning Committee meeting, including discussion on purchase of a Town electric vehicle and their pending recommendation to increase expenditures to equal 7.5% of the property tax levy for capital projects.

Mr. Pooler indicated there will be a recommendation from JCPC, which will come to Town Meeting through the Town Manager's budget recommendation.

Ms. Brewer reported on a PVTA Public Hearing to be held in Amherst regarding potential service changes.

Chair's Report

Ms. O'Keeffe reported on fundraisers for Council on Aging and recent meetings she participated in as a member of the Town Gown Study Steering Committee.

Special Liquor Licenses

VOTED unanimously to approve special wine and malt licenses for 21 and Over Pub Nights to be held from 7:00 p.m. - 1:00 a.m., April 3, 10, 17, and 24, 2014 and May 1, 2014 on the premises of Schwemm's Coffee House, Keefe Campus Center, Amherst College; Charles Thompson, Dining Services Director.

VOTED unanimously to approve a special wine and malt license for Biodynamic Farmland Conservation Trust Inc., d/b/a Brookfield Farm to be held from 8 p.m. to 12:00 midnight March 29, 2014, for a benefit Dance Party

on the premises of the Jewish Community of Amherst Social Hall, 742 Main Street, Amherst, MA; Dan Kaplan, Manager.

VOTED unanimously to approve a special wine and malt license for Top of the Campus, Inc. for concession sales in Bowker Auditorium, UMass Amherst from 6:30 p.m. – 7:30 p.m., March 12, 2014; Judy Bardwell, Clerk.

VOTED unanimously to approve special wine and malt licenses for Top of the Campus, Inc. to be held from 6:30 p.m. to 7:00 p.m. March 26, 2014 and from 5:00 p.m. – 7:00 p.m. April 15, 2014 for receptions to be held in the Fine Arts Center/Museum of Contemporary Art, UMass Amherst; Judy Bardwell, Clerk.

VOTED unanimously to approve a special wine and malt license for Top of the Campus, Inc. to be held from 5:00 p.m. – 6:30 p.m., April 17, 2014 for a reception to be held in the Isenberg School of Management Atrium, UMass Amherst; Judy Bardwell, Clerk.

VOTED unanimously to approve a special all alcoholic license for Top of the Campus Inc. from 5:00 p.m. – 7:00 p.m. on May 8, 2014 for a reception to be held in Herter Hall, 2nd floor Annex, UMass Amherst; Judy Bardwell, Clerk.

VOTED unanimously to approve a special wine and malt license for the Cherry Hill Golf Course, 323 Montague Road, Amherst March 22, 2014 from 12:00 p.m. to 8:30 p.m. for a Disc Golf Classic Tournament; Barbara Bilz, Manager.

Minutes

VOTED unanimously to approve the minutes of September 30, 2013, November 16, 2013, November 18, 2013, December 3, 2013, December 4, 2013 and December 5, 2013, as amended by Ms. Stein.

ADJOURN - The meeting adjourned at 9:40 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

2014-03-17 Agenda - final revised

2014-03-17 Draft Motions

2014-03-17 Draft Motions Revised

645 New Application Wine and Malt - Oriental Flavor

645-700 Liquor License Quota - 03.17.14

650 Application for Transfer All Alcohol Package Store – Russell’s Liquor

650 Correction to Application for License Transfer - Russell’s Liquor

655 Application for Transfer All Alcohol - Bistro 63 Monkey Bar

700 New Application Wine and Malt Package Store - All Things Local

715 Petitioner Comments

715 Warrant for STM - Master 3.19.14

715A SMP Memo on Minimum Wage Article

715B BID Minimum Wage Statement

715C Amherst Area Chamber of Commerce on Minimum Wage

715D Cinda Jones email on impact of proposal to raise minimum wage

735 O’Keeffe ltr to Globe

735A APD Custodies March 8 2014 0800 hrs to Sunday March 9 2014 0800 hrs

735B APD Press Release Saturday March 8 2014 at 815 pm

735C Chancellor on Blarney Blowout

735D Davis release
750 Legislative leaders agree on increase in local aid
800 TM Report - Public Works Committee - Mill Street Bridge + Pine Street Designs Status
815 Citizen Comments on Committee Handbook
815 Committee Handbook 9-14-11 Version
UTI2 Taxi Driver Application - Pacheco, H Aarons Paradise Transportation
UTI2 Taxi Driver Application - Weye, W_Redacted 1489
UTI2 Taxi Driver Application Veautour, G - Aarons Transportation_Redacted
UTI3 Special One Day All Alcohol - UMass 5.8.14
UTI3 Special One Day Wine and Malt - Amherst College 4.10.14
UTI3 Special One Day Wine and Malt - Amherst College 4.17.14
UTI3 Special One Day Wine and Malt - Amherst College 4.24.14
UTI3 Special One Day Wine and Malt - Amherst College 4.3.14
UTI3 Special One Day Wine and Malt - Amherst College 5.1.14
UTI3 Special One Day Wine and Malt - Brookfield Farm 3.29.14
UTI3 Special One Day Wine and Malt - Cherry Hill 3.22.14
UTI3 Special One Day Wine and Malt - UMass 3.12.14
UTI3 Special One Day Wine and Malt - UMass 3.26.14
UTI3 Special One Day Wine and Malt - UMass 4.15.14
UTI3 Special One Day Wine and Malt - UMass 4.17.14
UTI5 Draft Minutes 2013-09-30
UTI5 Draft Minutes 2013-11-16
UTI5 Draft Minutes 2013-11-18
UTI5 Draft Minutes 2013-12-3
UTI5 Draft Minutes 2013-12-4
UTI5 Draft Minutes 2013-12-5