

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Awad at 4:00 p.m.

**ATTENDANCE**

Awad, Hubley, Weiss, Kusner

Greeney absent

Musante, Seewald, Hochman, Brighty, Rhodes, Chalfant, O'Connor, Mosakowski, Rosenblatt, others.

**SELECT BOARD'S ACTION**

**Meeting Schedule**

VOTED unanimously to hold another Work Meeting, 4-6 PM, July 12, 2005, Town Room, Town Hall. (Please post)

**Restrictive Covenant**

VOTED unanimously to execute the Restrictive Covenant relative to the property located at 284 North Pleasant Street, owned by Howard T. and Barbara A. Ewert, in accordance with the vote under Article 33 of the Special Town Meeting held on November 8, 2004.

**Special Town Meeting, June 22, 2005, Article 2, Petition - Land Acquisition - Hobart Lane/Rolling Ridge Road**

Agreed to make *Ad Hoc* Committee appointments, July 25, 2005.

Asked Alan Seewald to discuss how he would recommend and anticipate that the Ad Hoc Committee should proceed.

He pointed out that the role of Town Meeting, the Select Board (SB) and Ad Hoc Committee is reactive; introduced by the development plans presented by the developers—JPI Student Development (JPI), of Texas. JPI started by suggesting a "friendly Chapter 40B 'LIP' program". JPI wants to work cooperatively with the SB, recognizing that Amherst and the SB, with sufficient "affordable housing", are in a legal position to turn down the JPI project.

The SB has the right to consider the merits of possible uses for the land designated under Article 2, for JPI's plans, or other municipal or private uses.

Mr. Seewald recommended that the SB allow the JPI or other proposals to go through the regular course of committees and regulatory boards. The process should avoid any suggestion of intent to frustrate the development of affordable housing, or of malicious interference between the owner and the developer.

The Select Board must take care to act as a Board, with no single-member proclamations, no unilateral actions. A SB member could be appointed to the *Ad Hoc* Committee as a voting member as long as the person had no conflict of interest, and voted on behalf the SB. It is more usual for the SB to assign liaisons who do not vote on motions of the Boards or committees to which they are assigned.

To consider the property as a potential school site, Mr. Seewald said, would require considerable investigation and analysis.

As to who is an 'abutter', the questions were raised: must the property be contiguous? and might it include residents of Hobart Lane or Rolling Ridge Road? Mr. Seewald said that to be considered an abutter would require that the project create the potential for the person to gain tangible financial benefit.

As to the geographic limits of the Town Meeting's assignment to the Ad Hoc Committee, Town Meeting can expect at minimum a report on the 14.89 acres specified in the language of Article 2, but other interests may be considered, as long as they are limited to uses beneficial to the Town.

As to whether the *Ad Hoc* Committee can discuss acquisition of the property by the Town, or potential development with JPI in open sessions, Mr. Seewald pointed out that the Town or the Committee must not solicit JPI to breach its existing contract(s). The *Ad Hoc* Committee will need justification for not supporting a JPI proposal, based on beneficial uses to the Town (not necessarily Town uses). However, the Town could use eminent domain to achieve Town benefits such as recreation or limited private development.

To the question of whether the Town could act to contain a public nuisance, it would require a reasonable connection to the problem, such as a connection of student housing to other nearby student housing problems.

To the question of how the *Ad Hoc Committee* can be alert to the possible need for executive session rather than continued open discussion, matters such as potential or intended litigation, eminent domain, values, offers, leases, or effect on the negotiating position of the governmental body should raise the consideration.

Superintendent Hochman stated that any consideration of potential use of the Hobart Lane/Rolling Ridge Road parcels as a potential school site is very premature. He asked the Select Board to explain why it had not called for a comparable committee to study potential municipal uses on the Pine Street farmland, but was going ahead with forming one for the Hobart/Rolling Ridge parcels. He observed that Hobart Lane/Rolling Ridge land had been "for sale" for years and asked why the Town had not studied the potential beneficial public uses of this or other land in town long ago.

Ms. Awad interjected that she (as an abutter) must recuse herself from discussions of the Pine Street farmland.

Mr. Kusner answered that because the Pine Street farmland was protected under Chapter 61A, the Town would only have first rights of refusal in the case it were taken out of Chapter 61A. Because the new owners wish to continue farming the Pine Street land, that circumstance did not arise. On the other hand, the JPI plans presented major changes in use on the Hobart/Rolling Ridge parcel calling for careful consideration in the interest of the Town.

Mr. Rhodes said he believes this committee should not be formed.

Mr. O'Connor explained that the Pine Street farm sale was private and that the owners had explicitly sought to keep the land in farming. Mr. Hubley commented that the arguments that urge

the SB to assist the neighborhood group in keeping the Pine Street property in agriculture turned on the physiographic features of the land—its prime soils and continued cultivation—and social factors such as providing fresh food in a populous neighborhood, opportunities for youth education, retention of open space and wildlife habitat.

It was pointed out that Town Meeting made the decisions for both the farm site and the Hobart Lane/Rolling Ridge Road site, but only instructed the Select Board to organize the *Ad Hoc* Committee to study the Hobart Lane/Rolling Ridge Road site.

Mr. Hochman questioned why the Hobart Lane/Rolling Ridge Road site was suggested as a potential school site, while the Article 37 site was not. It was pointed out that the farm land was being purchased by a private group interested in protecting agriculture, that the School Committee did not express an interest in that land until some time into the acquisition process, while the question arose early in the Hobart Lane/Rolling Ridge Road site process because of that previous experience with the farm, and other School Committee members having raised the question of the suitability of the Hobart Lane/Rolling Ridge Road site.

Mr. Rhodes suggested that the Hope Church was being treated unfavorably.

The Select Board offered assurances that the *Ad Hoc* Committee would be sensitive to the concerns of Hope Church, and other matters such as the potential impact of increased student population in that and adjacent neighborhoods, and the concerns of the larger community perspective.

Mr. Hochman made a firm declaration that the School Department would be reluctant to be part of a group that might interfere with Hope Church's desire to sell the land to JPI. He stated that timing was an important issue, and he felt that there shouldn't be such an investigative committee process until the Hope Church/JPI agreement was completed or ended. Mr. Weiss reiterated the SB interest in exploring potential uses of the entire area, and assured that it was never the intent of the SB to single out the Hope Church land.

### **Consideration of the Town Budget Process**

Ms. Awad recounted recent discussions and critique of Town budget process, and dialogue between the Finance Committee (FinCom) and the SB. Mr. Musante offered that effort was ongoing to improve the process, deal with issues, discuss priorities, and improve dialogue. A meeting is scheduled for all four boards and committees involved with the total budget to meet July 15, 8 AM. This meeting will be an informal discussion among committee chairs to debrief all participants on this year's budget process and to identify possible areas of agreement on the approach to next year's budget development. Over the summer and into early fall, the Select Board will hold discussions among themselves and with the Finance Committee in order to prepare for next year's budget.

### **Improved Procedures for Making Committee and Board Appointments**

Mr. Weiss recommended the Select Board find ways to increase diversity—not just racial and ethnic diversity—and to achieve better balance among diverse social and economic constituencies on committees and boards. He observed that there is not a lot of diversity among committed or board applicants.

Further, two committees present separate concerns regarding staggered term limit issues that must be resolved before the Select Board can make appointments: the Zoning Board of Appeals and the Community Preservation Act Committee.

Ms. Awad professed that maintenance of diversity is as important as the original appointments. She urged outreach, adoption of procedures to achieve retention of diversity, and that diversity must extend to under-represented economic and social classes such as tenants.

The SB also discussed proposed Special Town Employee designations. Mr. Kusner raised the issue as one that the SB needs to discuss before renewing that status to all Town committees. Mr. Weiss pointed out that a balance had to be achieved between the need to find qualified applicants for committee membership, and compliance with conflict of interest laws.

### **ADJOURNMENT**

VOTED unanimously to adjourn at 6:00 p.m.