

MINUTES

ATTENDANCE

Select Board

Present: Aaron Hayden, Alisa Brewer, Constance Kruger, Andrew Steinberg

Absent: Jim Wald

Staff: John Musante, Town Manager; David Ziomek, Assistant Town Manager; Sandy Pooler, Finance Director, and Scott Livingstone, Police Chief.

Meeting called to order by Mr. Hayden at 6:34 p.m.

Public Comment

Mary Wentworth, 22 Lessey Street, asked Select Board what procedure citizens should follow when they have a personnel concern.

Vince O'Connor, Summer Street, asked Select Board to consider establishing a bylaw for Public Comment opportunities at all committees/boards' meetings. He submitted a handout.

Carol Gray, Center Street, praised the Select Board's past practice of allowing Public Comment, but expressed concerns with placing restrictions on content of topics, i.e. personnel matters.

Larry Kelley noted his support of Amherst and UMass Police Departments regarding use of force at the March 8, 2014 so-called Blarney Blowout, noting his disagreement with that portion of Davis Report.

David Sloviter, 194 Lincoln Avenue, praised Amherst Police Department's thorough, professional response to a call.

Ken Rosenthal, 53 Sunset Avenue, read a statement regarding his belief that opinions of residents, both good and bad, regarding personnel should be permitted during Public Comment.

Tony Maroulis, UMass Director of Community Relations, shared a schedule of activities for UMass Homecoming Week.

Review of Public Comment Procedures

Chairman Hayden invited discussion of members on Public Comment procedures. Mr. Steinberg voiced appreciation to Chair for inclusion of the topic on the agenda for discussion, suggesting establishment of procedure to identify which topics voiced at Public Comment require follow up and assign individual members to investigate and report. Mr. Hayden noted need to update procedures in the Select Board Handbook. Ms. Kruger suggested deferment of assignment until the agenda-setting meeting at which time it would be decided to bring forward for resolution or to a future agenda. Ms. Brewer indicated that the Select Board should consider referring concerns raised during Public Comment to the Town Manager and he could report back at a future meeting within his report. Mr. Hayden noted availability of each member to listen to

residents' concerns outside of Select Board meetings, and that comment brought to one of us outside the meeting holds no less weight than comments brought to the Public Comment portion of the agenda. Mr. Steinberg emphasized that all comments made on the street, via phone, and via email are taken very seriously. Ms. Brewer cited Amherst School Committee policy (Policy BEDH available online in the Select Board packet of 09-08-14) as to how to handle concerns re: personnel performance. Ms. Brewer said when she served on the School Committee she understood how the public wanted to express their frustration with teachers and administrators, but it just couldn't be done in that forum and a process of contacting the principal and the superintendent was outlined in that School Committee policy and a handout made available at each School Committee meeting. Ms. Brewer said since Amherst considers itself an employer of choice, she wondered what message it sends other employees to hear a specific person talked about week after week with no possible public response from the Select Board or Town Manager. Ms. Kruger noted members do listen, but cited importance of protecting rights of employees. Mr. Hayden noted intention to continue with Public Comment as an available medium for information gathering and his intention to draft possible additions to the Select Board's Public Comment policy for consideration at the October 6 meeting. Mr. Musante supported the Chair's suggestion on draft revisions on how to handle public comments on employees. He also suggested that the Select Board review best practice language from other communities re: public comment about personnel matters. The Chair provided clarification on process within Chair's report.

New Common Victualler – ArdaBeraa Inc., d/b/a Athenas Pizza

VOTED 4-0, 1 absent (Wald) to approve the application of ArdaBeraa Inc. d/b/a Athena's Pizza for a Common Victualler License to operate at 65 University Drive, Amherst, MA on Sunday through Saturday from 11:00 a.m. to 10:00 p.m.; Kemalettin Ibas, Owner and Manager.

Public Hearing: New Liquor License 30 Boltwood Walk

Public Hearing Opened: 7:20 p.m. Attorney Benjamin Barnes, Manager and Co-owner Brian Covell and Co-owner Joe Bowman were introduced and provided a summary of process to date including their ownership of Pioneer Valley Pizza, 356 College Street and desire to try a more upscale Italian restaurant, hours of operation, and available seating. Jacqueline Maidana, Lessey Street resident, raised a concern related to her belief of a saturation of liquor service in the downtown area. Public Hearing Closed: 7:30 p.m. Select Board members noted its support of a proposed use of what has been vacant commercial space.

VOTED 4-0, 1 absent (Wald) to approve the application of PVP Holdings, LLC d/b/a Fratelli's Ristorante for a new Restaurant All Alcoholic Annual License to operate seven days a week from 11:00 a.m. to 1:00 a.m. as allowed by Special Permit ZBA FY2012-00023 on the premises of Unit I, 30 Boltwood Walk, the lower level unit consisting of 2,855 total square feet with dining and bar area consisting of 1,277 square feet, with three means of egress, front, rear and side, as shown in floor plan presented with application, dated August 3, 2014 by Kraus-Fitch Architects, Inc.; Brian M. Covell, Manager, issuance pending approval of a Common Victualler license.

FY 15 Draft Town Manager Goals

Mr. Hayden provided a draft for review. Ms. Brewer provided annual expectations of standing items for comparison and requested a goal for budgetary implications related to Davis Report be added. Ms. Kruger noted she had reviewed and would provide her comments and edits to Mr. Hayden for further update. Ms. Brewer noted need for inclusion of expectations for emergency shelter and CDBG funding as well. Mr. Steinberg acknowledged with appreciation inclusion of his prior recommendations and further suggested a goal related to reasonable steps taken to respond and implement recommendations in the Davis Report. Mr. Musante advised further thought by the Select Board as to how one would measure progress on a specific goal. Mr. Hayden said that he would prepare an updated draft for consideration at the 10/6 meeting.

Town Manager Report

Mr. Musante spoke about release of the Davis Report on pre-planning and response to the so-called Blarney Blowout on March 8, 2014 at a press conference he had attended on September 19 at UMass. He referenced written statements in this evening's hard-copy and online meeting packet from himself, Chancellor Subbaswamy, and UMass President Caret. He outlined actions he had taken since the release of the report and his intentions moving forward. Board members offered observations of the report and the event.

Mr. Musante provided an update on the Town Gown study. He reported a very productive meeting on September 4 attended by nearly fifty residents including UMass students from the Greek system and outlined next steps.

Mr. Musante provided confirmation of Landmark Properties' withdrawal of a Subdivision Plan for the proposed project called The Retreat on Cows' North Amherst property and clarified that the property owner's withdrawal of the property from the Town's Chapter 61A precluded the Town's future right of first refusal rights if the property was to be sold to some other buyer.

He reported on his attendance at the 100th ICMA Annual Conference on September 14-17 in Charlotte, NC with 2,500 manager colleagues and documented professional development sessions he attended.

A Day of Service on September 13 involving more than 400 UMass students included volunteering at various sites in the Pioneer Valley. The volunteer students made a tremendously impact painting park benches, spreading mulch and weeding flower beds at the Mill River Recreation Area and cleaning up Markert's Pond in Amherst. Thanks to Town Staff who came out on that Saturday to assist/supervise the work included Alan Snow, Brad Bordewick, Chet Hall, and Dave Ziomek.

A recent event involving Inspection Services staff member Jon Thompson was highlighted. Mr. Thompson brought together neighbors and tenants with complaints about management of and behavior issues at a specific student rental property. The meeting resulted in increased communication between the parties and a plan to resolve issues before they escalate and require the police, a win/win for all involved.

Mr. Musante reported on his attendance at an unveiling of three new tree boxes on Main Street purchased by the Amherst Business Improvement District and installed by the Amherst DPW on September 10 and the Celebrate Amherst Block Party on September 18, which was a great success. Emergency Shelter planning for 2014-15 has begun. He met with DEP representative Arlene Miller who is providing technical assistance to the Town's DPW Solid Waste Coordinator on long term solid waste recycling and disposal plan. On September 23, he attended a MMA Fiscal Policy Committee meeting in Boston to develop revenue sharing and capital spending draft resolutions for consideration by MMA Board of Directors for action at their 2015 MMA Annual Meeting in January.

Legislative Thank you Letters

VOTED 4-0, 1 absent (Wald) to approve letter of thanks to Senator Rosenberg and Representative Story, as presented.

Parking Reservation Requests

Cushman Old Home Day

VOTED 4-0, 1 absent (Wald) to approve the closure of Hypotenuse Way on October 11, 2014 from 9:00 a.m. to 2:00 p.m., with a rain date of October 12, 2014 for the Cushman Old Home Day, providing that an individual must be stationed at the barriers throughout the road closure to assure emergency access.

Taxi Licenses

VOTED 4-0, 1 absent (Wald) to approve the applications of Gregory P. Ammons, Leeann Conley, Cathleen A. Crisafullis, Thomas Magar and Jeffrey A. Stankewich for a 2014 Taxi Driver license on behalf of Funky Cab.

Special Licenses

VOTED 4-0, 1 absent (Wald) to approve the applications of Top of the Campus Inc. for two Special Wine and Malt Licenses for receptions, the first to be held in the Fine Arts Center Atrium, UMass Amherst on Tuesday, September 23, 2014 from 5:00 p.m. to 7:00 p.m. and the second in the Isenberg School of Management Atrium on Wednesday, September 24, 2014 from 5:00 p.m. to 7:00 p.m.; Meredith Schmidt, Assistant Treasurer.

VOTED 4-0, 1 absent (Wald) to approve the applications of Top of the Campus Inc. for a Special Wine and Malt License for a reception to be held at the UMass Press Office at East Experiment Station, 671 North Pleasant Street on Tuesday, September 23, 2014 from 4:00 p.m. to 6:00 p.m., Meredith Schmidt, Assistant Treasurer, issuance pending approval of the Chief of Police.

Zoning Petition

VOTED 4-0, 1 absent (Wald) to refer the zoning article received by petition September 12, 2014, which proposes to amend section 15.10 of the Amherst Zoning Bylaw to the Amherst Planning Board for review, public hearing and recommendation.

ADJOURN - The meeting adjourned at 9:15 p.m.

Submitted by John P. Musante, Town Manager

List of Documents Presented at the Meeting – Available in the Online Packet for Meeting Date

Agenda

Draft Motions

Select Board Handbook – Public Comment Policy

Common Victualler License App – new owner of Athenas Pizza

New Annual All Alcohol Restaurant Liquor License Application PVP Holdings LLC

Special Permit for PVP Holdings LLC

Town Manager Draft FY 15 Goals (9.18.14 revision)

Press Release

Amherst Select Board Chair Aaron Hayden Comments on Davis Report

Town Manager John Musante's comments on Davis Report

Caret statement on Davis Report

Thomas comment on Davis Report

Musante response to Hirsch Letter

Letter of thanks to Senator Rosenberg

Letter of thanks to Representative Story

Road Closure Request for Cushman Old Home Day and Map

Taxi Driver Applications for Funky Cab: G. Ammons, L. Conley, C. Crisafulli, T. Magar and J. Stankewich.

Special Wine and Malt License Applications from UMass for two separate events 9/23/14, and one on 9/24/14.

Petitions received for Fall Special Town Meeting re Fluoridation and Inclusionary Zoning