

Minutes

ATTENDANCE

Select Board

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

Absent: None

Staff: John Musante, Town Manager; Guilford Mooring, Superintendent of Public Works; Sandy Pooler, Finance Director; David Burgess, Principal Assessor; Julie Federman, Health Director, Jonathan Tucker, Planning Director; Stacey LeCuvre, LSSE Program Director; and Gabe Owen, IT.

Other: Rob Crowner, Planning Board; John Tobiason and Marco Boscardin, Board of Health; Peter Jessop, Community Preservation Act Committee (CPAC) Chair

Meeting called to order by Mr. Hayden at 6:30 p.m.

Public Comment

Bill Elsasser, Ann Whalen Apartments, requested the BID be asked to remove “spiky” flowers in downtown planters. Vince O’Connor, Summer Street, asked the Select Board to urge the Town Manager to increase spending on recreation field maintenance and review LSSE fee policies, as he believes some youth users cannot afford to participate. Ken Rosenthal, Sunset Avenue, urged the Select Board as they review Public Comment policy to not include any censorship.

Mr. Hayden reviewed a handout of suggested edits to the Select Board handbook regarding public comment. Board members provided some suggested edits. Mr. Hayden said he would develop an updated proposal for review at a future meeting.

Parking and Street Closure Request – LSSE Pumpkin Roll

LSSE staff member Stacey LeCuvre explained the event and request for reservation.

VOTED unanimously to approve the reservation of all parking spaces within the North Common Main Street Parking lot for use by the Amherst Leisure Services and Supplemental Education Pumpkin Roll Sunday, October 26, 2014 from 8:00 a.m. to 3:00 p.m.; Stacey LeCuvre, event manager.

Notice of Property Revaluation Public Notice

Principal Assessor David Burgess summarized the triennial property revaluation results and process for public notice once the MA Department of Revenue certifies the figures.

Voting and Assigning Positions on Special Town Meeting Warrant Articles

Article 4 Zoning Amendment – Special Districts Reorganization

Planning Board member Rob Crowner summarized the amendment proposed for the Special Districts Reorganization section of the Zoning Bylaw.

VOTED unanimously to recommend November 5, 2014 Special Town Meeting Article #4 Zoning Amendment – Special Districts Reorganization; Ms. Brewer to speak to the article on behalf of the Select Board.

Article 5 Petition Zoning Amendment – Inclusionary Zoning

Petitioner Maurianne Adams captured the intent of the petition article she had brought forth for consideration. Rob Crowner and Jonathan Tucker summarized the Planning Board report on the petition article and provided responses to the Select Board’s inquiries. Janet Keller spoke on behalf of the petitioner.

VOTED unanimously to recommend referral to the Planning Board November 5, 2014 Special Town Meeting Article #5 Petition Zoning Amendment – Inclusionary Zoning; Aaron Hayden to speak to the article on behalf of

the Select Board. The Select Board noted that they may choose to review further at the November 5, 2014 Select Board meeting, should further information be available at that time.

Article 6 Petition - Certification for Fluoridation of Amherst Town Water

Ms. Magua presented on behalf of her petition article. DPW Superintendent Guilford Mooring and Health Director Julie Federman both offered their views. Board of Health members John Tobiason and Marco Boscardin and Health Director Julie Federman reviewed an Amherst Board of Health Fluoride Fact Sheet presented to the Select Board and answered questions posed by Select Board members.

VOTED unanimously to not recommend November 5, 2014 Special Town Meeting Article #6 Petition Certification for Fluoridation of Amherst Town Water; Ms. Kruger to speak to article on behalf of the Select Board.

Review and Take Positions on State and Local Referendum Questions

Question 5 - CPA Amendment

CPAC Chair Peter Jessop provided an overview of the Act as it relates to Amherst.

VOTED 3 in Favor, with 1 abstention (Hayden) and 1 Opposed (Brewer) to support Question 5 on the November 4, 2014 State Election Ballot: Community Preservation Act, the local referendum to amend the Town's acceptance of sections 3 to 7, inclusive of Chapter 44B of the General Laws aka Community Preservation Act, as approved by its legislative body, which will increase the surcharge imposed from one and one-half percent (1 ½%) of the tax levy to three percent (3%).

Question 1 - Eliminating Gas Tax Indexing

VOTED 4 in Favor with 1 abstention (Hayden) to oppose Question 1 on the November 4, 2014 State Election Ballot: Law Proposed by Initiative Petition to eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

Question 2 - Expanding the Beverage Container Deposit Law

VOTED 4 in Favor, 1 abstention (Hayden) to support Question 2 on the November 4, 2014 State Election Ballot: Law Proposed by Initiative Petition to expand the state's beverage container deposit law, aka the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula and FDA approved medicines.

FY 16 Budget Policy Guidelines and FY 15 Draft Town Manager Goals

Chair Hayden determined there was insufficient time available for a thorough review of either subject and elected to defer discussion to the November 5, 2015 meeting.

Town Manager's Report

Mr. Musante announced that the Winter Shelter operated by Craig's Doors at the First Baptist Church on North Pleasant Street will open for the season on November 1, 2014, with the plan to continue with 22 beds. The same protocol will be utilized for any increase of beds needed in the case of extreme weather. This year no Town funds are needed for operating costs; the Shelter is supported 100% with state funding, fundraising, and grant aid. The Town has been asked to fund the purchase of a trailer for serving of meals and to provide counseling space.

Public Safety preparations for the late October period are underway with Town and university officials monitoring of social media, pre-planning meetings with the University and UMPD, and the MA State Police have pledged support for Operating Under the Influence check points and traffic enforcement.

An update on Public Works projects was provided. Pine Street drainage work was scheduled to be completed today, with grading expected for Thursday and Friday and a base coat of pavement to be applied next week

dependent on weather. Other streets slated for top coat paving include Cottage, Fairfield, Farview, and Old Town Road the week of October 27, 2014 and beyond.

Governor Patrick will be in Amherst tomorrow to make an announcement related to housing and economic development. Legislators and community leaders have been invited to attend the event in Kendrick Park.

The dog that bit two children on the playground at Crocker Farm School several weeks back continues to be detained by our Animal Welfare Officer Carol Hepburn. Despite an intensive effort by the officer to locate an owner, no owner has been found nor stepped forward to claim the dog. Town Counsel has reviewed and summarized the appropriate legal steps necessary in this situation; no action is necessary by the Select Board.

Mr. Musante lauded the work of Stephanie Ciccarello, Amherst's Sustainability Coordinator, related to a technical assistance grant recently awarded by the MA Department of Energy Resources. The grant will allow the Town of Amherst and the University to receive expert advice at no cost on whether to expand the campus micro grid and install renewable energy to provide for future power outages and major weather events.

Liquor License Off Premise Retail License Sunday Opening

VOTED unanimously to approve the application of Spirit Haus, Inc., License #002400040, pursuant to MGL c. 138, §15, for a change in hours, permitting the sale of alcoholic beverages on Sundays beginning at 10 a.m., effective October 23, 2014.

Amendment to Restrictive Covenant, 284 North Pleasant Street

VOTED unanimously pursuant to the authority granted by the vote taken under Article 29 of the April 28, 2014 Annual Town Meeting, as continued, to accept the Restriction on the premises known as 284 North Pleasant Street, Amherst, MA.

Puerto Rican Day Proclamation

VOTED unanimously to proclaim November 5, 2014 Puerto Rican Day and to permit the Puerto Rican Flag to be flown from November 5, 2014 to November 28, 2014 on the secondary Town flagpole on Boltwood Avenue.

Committee Appointment

VOTED unanimously to confirm the Town Manager's appointment of Christina Calabrese to the Amherst Planning Board for a term effective October 21, 2014 through June 30, 2017.

Grant Announcement – Parking Reservation Request

VOTED unanimously to approve the reservation on October 21, 2014 of seven (7) metered parking spaces on the east side of North Pleasant Street and six (6) metered parking spaces on the east side of East Pleasant Street, as well as seven (7) Town Center Permit Parking spaces on the west side of North Pleasant Street, all as indicated on the map titled Grant Announcement Parking and dated October 20, 2014.

2014 Taxi Licenses

VOTED unanimously to approve the application of Christian Guadalupe for a 2014 Taxi Driver license on behalf of A to Z Transporter Taxi.

VOTED unanimously to approve the applications of Carl Cordes for a 2014 Taxi Driver license on behalf of Aarons Transpiration.

Special Licenses

VOTED unanimously to approve the application of Top of the Campus Inc. for a Special Wine and Malt License for a reception to be held in the Goodell Building Graduate Lounge on October 23, 2014 from 9:00 p.m. to 10:30 p.m.; Jennylyn Fontaine, Director.

VOTED unanimously to approve the application of Top of the Campus Inc. for a Special Wine and Malt License for a reception to be held in the Isenberg School of Management Atrium, UMass Amherst on November 19, 2014 from 4:30 p.m. to 6:30 p.m.; Jennylyn Fontaine, Director.

Minutes

Chairperson Hayden to forward edits to the draft minutes of September 22, 2014 suggested by Ms. Brewer related to public comment. Minutes will be acted on at the November 5, 2014 Select Board meeting.

ADJOURN - The meeting adjourned at 10:49 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

Draft Motions

DPW Response to Pole Hearings

Request and Map Re Adoption of Atkins Rotary Maintenance

Draft 11-05-2014 STM Warrant

Finance Director Memo on Financial Articles 2 and 3

CPAC Agenda for September 30, 2014

CPAC Past Projects PowerPoint

Local Referendum – CPA Allocations

State Election Warrant 2014

BID Annual Meeting PowerPoint 2014

Letter of Invitation for Public Art in Downtown

Parking Forum webpage

Transportation Plan Update

Taxi Driver Applications J. Maffei and N Shippey for Funky Cab

Special One Day Licenses UMass 10/7, 10/20 and (2) 10/25 dates

Draft Minutes 08/18, 8/25 and 9/08/2014