

Minutes

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

Absent: None

Staff: John Musante, Town Manager

Other: Jim Pistrang, Moderator; Attorney Tom Reidy; Attorney Kristi Bodin; Jonathan Welch, Vespa Owner/Manager and Executive Chef Tom Schnapp

Meeting called to order by Mr. Hayden at 6:32 p.m.

Public Comment

Ron Patenaude, SEIU Local 888 Field Representative and Hampshire Franklin Central Labor Council President voiced concern about MMA resolution on personnel management, believing it will have unintended consequence of undermining employee rights.

Resident Larry Kelley noted his top three priorities for the Town of Amherst would be hiring more police and fire and building a new fire station in South Amherst.

On-Premise Liquor License Change of Manager – Top of the Campus, Inc.

VOTED unanimously to approve the application for a change in manager from Brenda Ryan-Newton to David Elchstaedt for the Annual On-Premise All Alcohol License, #002400011 issued to Top of the Campus Inc., 820 Campus Center, 1 Campus Center Way, UMass, Amherst, MA; David Elchstaedt, as Manager.

Renewal of Annual Licenses

VOTED unanimously to approve the list of renewals for licenses presented, dated January 5, 2015, subject to outstanding documentation pending for the calendar year beginning January 6, 2015 through December 31, 2015.

Mr. Musante confirmed that the Police act as agents of the Select Board in regard to their authority under M.G.L. c138.

Parking Reservation Request - Lord Jeffery Inn

VOTED unanimously to approve the application by the Lord Jeffery Inn for reservation of forty metered parking spaces on the east and west sides of Boltwood Avenue on March 24, 2015 between the hours of 9:00 a.m. to 6:00 p.m. beginning at the intersection of Spring Street to the intersection of College Street for a fee of \$5.00 per meter for a total of \$200.00.

New Taxi Driver Licenses

VOTED unanimously to approve the application for a new 2015 taxi license for Jason Taft on behalf of Ambassador Taxi.

VOTED unanimously to approve the application of Heather Tracy for a new 2015 taxi license on behalf of Celebrity Cab Company.

Special Liquor Licenses

VOTED unanimously to approve the application of Amherst Live for a special wine and malt liquor license for January 17, 2015 from 6:00 to 10:00 p.m. for a Theater event to be held in the Kirby Theater of Amherst College; Oliver Broudy, Executive Director.

VOTED unanimously to approve the applications of Top of the Campus, Inc. for special wine and malt liquor

licenses for January 21, 2015 from 5:00 to 7:00 p.m. in the Lower Level of the Fine Arts Center, University Gallery and January 23, 2015 from 3:00 p.m. to 6:00 p.m. in Room 1033 of the Lederle Grad Research Tower, UMass Amherst; Jennylyn Fontaine, Board Member.

Common Victualler Licenses

VOTED unanimously to approve the applications of Cumberland Farms Inc. for Common Victualler Licenses serving a twenty-four hour period for seven days a week at Store #6617, 19 Montague Road, North Amherst and Store #6704, 35 Belchertown Road; Managers Darcy Rooney and Maria Colpack, respectively.

Town Meeting Electronic Voting Study Committee

Amherst Town Moderator Jim Pistrang read the draft committee charge and reviewed proposed membership and timeline for the committee. He further explained his rationale for bringing the action forward, including accuracy, efficiency, and accountability. His intent is to reach out to Town Meeting members for the three at large positions. The committee will be tasked with research, ongoing technology and support necessary, bylaw revisions, a recommended budget to acquire the technology, and preparation for presentation to and training for Town Meeting members. The process and timing of committing capital funds was clarified.

VOTED unanimously to approve the charge of a committee to be named Amherst Town Meeting Electronic Voting Committee comprised of seven voting members to be appointed by the Town Moderator for a term of eighteen months, and a non-voting liaison from the Select Board whose charge shall be to study the technology options and associated costs with a goal of bringing a proposal forward to Town Meeting for funding and modification of applicable town bylaws to incorporate electronic voting at Town Meeting.

Liquor License – Change of Ownerships and Transfer of Interests MGB1 d/b/a Mission Cantina

The public hearing was opened at 7:17 p.m. Attorney Kristi Bodin summarized the application on behalf of Mission Cantina related to a change of ownership and added capital. The public hearing was closed at 7:22 p.m.

VOTED unanimously to approve the application for new ownership, issuance and transfer of ownership interests for the On Premise All Alcohol License #002400111 issued to MGB1, LLC d/b/a Mission Cantina, 485 West Street, Amherst, MA 01002; Samuel O. Kochan, Manager.

Liquor License – New On Premise Annual All Alcohol – 28 Amity, LLC

The Public Hearing was opened at 7:22 p.m. Attorney Tom Reidy presented on behalf of the applicant, introducing Owner/Proposed Manager Jonathan Welch and Executive Chef Tom Schnapp, noting their certifications and training. The public hearing was closed at 7:34 p.m.

VOTED unanimously to approve the application of 28 Amity LLC d/b/a Vespa for a new annual on premise all alcohol liquor license on the premises of 28 Amity Street, Unit 1G, formerly licensed as Arise and Drink Your Bliss, described as including 1800 square feet of interior space with dining room and bar with an entrance/exit at front and rear; 650 square feet of fenced patio with two entrances/exits; Jonathan Welch, Manager.

Right of First Refusal – MGL c. 61, §8 Henry Street Lots A, B, & D

Mr. Musante reviewed memos from the Planning Board and Conservation Commission recommending no action on the right of first refusal formally as requested by Attorney Ziomek on behalf of her clients for removal from Chapter 61 protection for three lots on Henry Street submitted.

VOTED 4-0 with 1 Abstention (Steinberg) not to exercise or assign the Town of Amherst's right of first refusal under MGL c. 61, §8 to purchase from Jean Canon and John Wysocki three parcels of land on Henry Street, identified as Lots A, B, & D and classified under said MGL c. 61, which parcels are under contract from Jean Canon and John Wysocki for Lot A subject to the terms of an October 10, 2014 Purchase and Sales Agreement with RGC, LLC in consideration of \$96,500; for Lot B an October 30, 2014 Purchase and Sales Agreement with Michael MacDonald in consideration of \$82,000; and, for Lot D an October 17, 2014 Purchase and Sales Agreement with Scott Tundermann in consideration of \$190,000.

MMA Resolutions for Annual Meeting

Mr. Musante summarized the resolutions to be considered by municipal representatives from across the Commonwealth at the upcoming Massachusetts Municipal Association Annual Meeting, noting the first resolution was drafted by the Fiscal Policy Committee on which he serves.

VOTED unanimously that the Amherst Select Board at the Saturday, January 24, 2015 MMA Annual Business Meeting take a position in favor of the Proposed Resolution Ensuring a Strong and Enduring Fiscal Partnership Between Cities and Towns and State Government in Fiscal 2016 and Beyond.

VOTED unanimously that the Amherst Select Board at the Saturday, January 24, 2015 MMA Annual Business Meeting take a position in favor of the Proposed Resolution Relative to Investments in Municipal Capital Projects to Facilitate Economic Growth and Protect the Health and Safety of Citizens.

VOTED unanimously that the Amherst Select Board at the Saturday, January 24, 2015 MMA Annual Business Meeting take a position in opposition to the Proposed Resolution Ensuring a Modern and Sustainable Personnel Management and Benefit System to Attract and Retain Public Employees, Provide Excellent Municipal Services, and Ensure Prudent Use of Taxpayer Dollars.

VOTED unanimously to authorize member Alisa Brewer to vote on behalf of the Amherst Select Board at the January 24, 2015 MMA Annual Meeting in favor or in opposition of the Proposed Resolutions, as presented and/or amended.

Town Manager's Report

Mr. Musante provided several updates, the first related to efforts to develop affordable housing zoning and non-zoning incentives, working collaboratively with planning and finance staff, Planning Board and Zoning subcommittees and individual Select Board members with a goal for the Planning Board to present its recommendation at Annual Town Meeting this spring. Mr. Musante indicated his focus has been on non-zoning incentives, as the combination of both zoning and non-zoning incentives have been recommended by housing expert Judi Barrett of RKG Associates. Her recommendation is for the Town to bring forward a companion non-zoning incentives article to Annual Town Meeting.

The Personnel Board is continuing its review of benefits for part-time permanent employees and at its December meeting voted to recommend the Select Board amend the personnel policies to provide a leave benefit, up to sixty hours per fiscal year on a pro-rated basis of hours worked, for part-time employees that work an average of ten hours or more weekly, year round. Next step is for the Personnel Board to develop policy language language for future consideration by the Select Board.

An anonymous citizen from the community nominated our Public Works Department for the "Spread the Cheer" campaign by Whole Foods and received a basket of baked goods in recognition of their ongoing efforts.

A recent promotion of Dave Knightly at the APD from Sergeant to Lieutenant was announced publicly, a position recently vacated by a retirement. Mr. Musante said that Lieutenant Knightly has been a member of the force since 1985, has direct experience with nearly all facets of the APD (Detective Bureau Supervisor, Sergeant, patrol, training, Citizen Police Academy, etc. and has all the skills to be an excellent leader in the department.

Future and Upcoming - Town Gown Study group is working to arrange a meeting to discuss next steps between the Chancellor and Town Manager. Work is ongoing in preparation of presentation of a FY 16 budget on January 15, 2015. Coming attractions include a mid-year progress report, process for review of blasting permits, and update on cable licensing at future meetings. A second downtown parking forum has been scheduled for Tuesday, January 20, 2015 at the Unitarian Universalist Society on North Pleasant Street.

Member Reports

Ms. Brewer noted CDBG proposals have been made available online for the public, thanking staff member Nate Malloy for all his efforts in this area.

Mr. Steinberg noted the Campus and Community Coalition recently met and discussed preparations for the early March period with one of the strategies considered to ask the local licensing authorities to put liquor licensees on notice. He suggested this topic be included on a future agenda for discussion.

Special Municipal Employee Status

Ms. Brewer explained the need for Special Municipal Employee status in certain situations, which allows a member of a committee in limited circumstances to represent their employer for Town business other than before their own board or committee.

VOTED unanimously to grant the Housing and Sheltering Committee Special Municipal Employee status as of January 6, 2015.

VOTED unanimously to grant the Town Meeting Electronic Voting Study Committee Special Municipal Employee status as of January 6, 2015.

Minutes

VOTED unanimously to approve the Select Board minutes of November 17, 2014, as amended.

The Chair reviewed the calendar events, noting next Select Board meeting dates.

Executive Session

Voted by Roll Call Vote: Hayden, yes; Kruger, yes; Brewer, yes; Steinberg, yes; and Wald, yes, to adjourn to Executive Session pursuant to M.G.L. c30A, §21a, part 3 to conduct collective bargaining strategy for Police Supervisors and DPW Supervisors Unions and to discuss litigation strategy regarding the Appeal of the Special Permit Decision for the One East Pleasant project, with the intent not to return to open session at the conclusion.

ADJOURN - The meeting adjourned to Executive Session at 9:14 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

Committee Charge Town Meeting Electronic Voting Study Committee

Legal Ad and Application Package for Liquor License Change of Owners et al MGB1 d/b/a Mission Cantina

Legal Ad and Application Package for New Liquor License 28 Amity LLC d/b/a Vespa

Notice of Withdrawal Lot A, B, and D Henry St

Planning Board and Conservation Commission vote for recommendation on Notices of Withdrawal

Assessors Notice of Rollback Taxes on Parcels Requested to be withdrawn

MMA Proposed Resolutions A, B & C

Emails re Proposed Personnel Management Resolution

MMA Notice on Voting at Annual Meeting

Liquor License Application for Change of Manager – Top of the Campus Inc.

Licenses for Renewal 01.05.2015

Special Municipal Employee (SME) Process Policy

Housing and Sheltering Committee SME Status

Lord Jeff Parking Reservation Request and Map

Taxi Driver Applications; J. Taft, H. Tracy

Special Wine and Malt License Application Amherst Live

Special Wine and Malt Applications UMass Top of the Campus

Common Victualler License Applications for Cumberland Farms 19 Montague Rd and 35 Belchertown Rd
Draft Minutes 11-17-2014