

## Minutes

Select Board

Present: Alisa Brewer, Constance Kruger, Douglas Slaughter, Andrew Steinberg, James Wald

Absent: None

Staff: John Musante, Town Manager

Other: BID Director Sarah La Cour; Residents Natalie Brodigan and Sarah Brown

Meeting called to order by Ms. Brewer at 6:32 p.m.

### Public Comment

Natalie Brodigan spoke about her concerns related to what she called the missed opportunity for a solar project at the old landfill, hopeful that a project could still proceed, and citing her sense of overwhelming support for solar projects like this from townspeople.

Sarah Brown, a South Amherst resident, noted she passionately supports renewables and installation of a solar array at the old landfill.

The Chair reported the Town Manager had provided his annual self-evaluation FY15 goals progress report to be discussed at the next Select Board meeting on June 15, 2015. Handouts related to the Local Voting Rights for Legal Permanent Resident Non-Status were noted as available in the back of the meeting room.

Mr. Musante reported that he and Assistant Town Manager David Ziomek attended the International Town Gown Association annual conference in Washington, D.C., where he presented on a panel along with Sarah la Cour of the Business Improvement District (BID) and UMass representatives about the successful Amherst BID partnership with UMass, Amherst College, and downtown business property owners. Ms. La Cour spoke about the experience as well. U3 Advisors, who recently completed a Housing and Economic Development Plan for the Town of Amherst and UMass, also presented a case study of College Park, Maryland at the conference.

### Committee/Board Appointments

VOTED unanimously to appoint Naomi Elliott and Cynthia Harbeson to the Kanegasaki Sister City Committee, effective June 9, 2015 through June 30, 2018.

VOTED unanimously to appoint Roger Fega to the Public Shade Tree Committee, effective June 9, 2015 through June 30, 2018.

### Taxi Driver/Chauffeur License

VOTED unanimously to approve a new 2015 taxi license for Kathleen M. Lavelle on behalf of Funky Cab Company.

### Special Liquor Licenses

VOTED unanimously to approve the applications from Top of the Campus, Inc. for special all alcohol licenses for receptions to be held at UMass Amherst on Tuesday, June 9 2015 from 5:00 p.m. to 10:00 p.m. in the Engineering Quad; Thursday, June 11, 2015 from 5:00 p.m. to 10:00 p.m. in Berkshire Dining Commons, and Friday, June 12, 2015 from 12:00 p.m. to 4:00 p.m. in Hampshire Dining Commons; Sarah Long, Board of Directors.

VOTED unanimously to approve the applications from Top of the Campus, Inc. for a special wine and malt license for reception to be held at UMass Amherst on Saturday, June 27, 2015 from 6:00 p.m. to 11:30 p.m.

in Hampshire Dining Commons; Sarah Long Board of Directors.

VOTED unanimously to approve the applications from Trustees of Amherst College for a special wine and malt license for an evening of art and wine to be held at Amherst College on Wednesday, June 24, 2015 from 5:00 p.m. to 7:00 p.m. in Mead Courtyard; Kathy LeBeau Accounting Manager.

#### **Parking and Street Closure Requests – Proposal to film in Amherst**

Mr. Musante briefed the Select Board on the need for reservation of parking and intermittent street closures related to a film production in the downtown area. Oliver Amerigan, location manager for the film *A Quiet Passion* based on the life of Emily Dickinson summarized the request. Mr. Amerigan noted the Emily Dickinson Museum has been involved in the planning, that they had broadcast the filming on the Town website and placed flyers door to door in all affected areas. It was noted Barry Roberts was supplying a horse and carriages for the production.

VOTED unanimously to approve the reservation of all parking spaces on the north side of Main Street between Triangle and Seelye Streets for the use of the production company filming “A Quiet Passion” on the grounds of the Emily Dickinson Museum beginning at 5:00 a.m. on Monday, June 15, 2015 through 11:00 p.m. Wednesday, June 17, 2015 for the reservation of 22 meters at \$5.00 each per day; Oliver Amerigan, Location Manager.

#### **Fall Town Meeting Dates**

VOTED unanimously to schedule the fall 2015 Special Town Meeting on November 2, 2015 with additional dates of November 4, 2015, November 9, 2015, November 16, 2015, November 18, 2015, November 23, 2015 and November 30, 2015 reserved.

#### **Watershed Land Acquisition – Sumner Mountain Road, Shutesbury**

Mr. Musante reviewed the summary memo provided by the Superintendent of Public Works.

VOTED unanimously, acting in the capacity as the Water Commissioners, to accept the deed from Charles J. DiMare and Joan A. Antonino for the property located on Sumner Mountain Road in Shutesbury, Massachusetts for water supply protection purposes under the provisions of Massachusetts General Laws Chapter 40, Sections 39B and 4, pursuant to the vote taken under Article 4 of the June 2, 2014 Special Town Meeting.

#### **Chapter 61A Notice of Intent – Lot C Henry Street**

Mr. Musante summarized the request and history of the lots which had previously been sold and released within the parcel.

VOTED unanimously to not 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 a parcel of land on Henry Street, identified as Lot C and classified under said MGL c. 61, which parcel is under contract from Jean Canon and John Wysocki subject to the terms of an April 1, 2015 Purchase and Sale Agreement with Western Development Corporation in consideration of \$75,000.

#### **Local Voting Rights for Legal Permanent Resident Non-Citizens**

Mr. Steinberg indicated the petitioner had asked for the item to be on the agenda, but was not in attendance this evening. He provided a summary of the action to date. Members spoke about their preferences for future action. Mr. Steinberg agreed to write a letter of support on behalf of the Select Board for Ms. Brewer’s signature and to notify the petitioner.

VOTED unanimously that pursuant to Article 44 of the 2013 Annual Town Meeting, the Chair of the Select Board will write letters to Senator Rosenberg and Representative Story asking that they take appropriate

steps to enact any legislation now pending that will enable Amherst to grant local voting rights for legal permanent non-citizen residing in the Town.

### **Town Manager Annual Performance Evaluation - Action Steps Performance and Goals**

Ms. Brewer reviewed documents and a timeline. A suggestion was made that Amherst Media not televise that portion of the meeting of August 17, 2015 where members spend several hours reading through documents. It was agreed that it was an important topic and suggested background music augment the taping. It was proposed that the Chair call on any member as necessary in drafting documents. It was reported that while the Select Board email distribution includes the Town Manager and office personnel, staff are removed during the time comments from community members are solicited and received.

### **Town Manager Report**

#### **Landfill Solar**

Mr. Musante noted appreciation for comments received from the audience and via letters and emails in support of solar. He reported that BlueWave and the Town will not proceed with the prior project planned for the old landfill due to expiration of state renewable energy credits and BlueWave's inability to move forward with permitting and construction in part because of the litigation surrounding the project. Members noted their support of an option offered by Mr. Musante for future issuance of a broadly defined request for proposals for a ground-mounted or roof-top installation on municipal properties. The Town Manager noted that if the Town were to continue with the old landfill as a site, all considerations brought forth as questions in the litigation would have to be taken into account prior to release of an RFP to minimize chance of litigation.

#### **Atkins Roundabout Maintenance Update**

Mr. Musante explained the Town had assumed responsibility of maintenance upon completion of the two roundabouts and the "dog bone" in between on Route 116 as well as the maintenance procedures currently in place including Town mowing and weeding, maintenance and beautification support from a Hadley youth group, and mowing by Hampshire College of its property. Autumn Lane resident Adele Gladstone-Gilbert spoke about concerns suggesting the lack of maintenance and resulting unattractiveness. Members spoke about need for replanting and unsightliness of the area serving as a gateway to the Town. The role green space plays in future road planning, management of volunteer groups that donate labor, and other possible partners for assistance were discussed.

#### **Legal Opinion – Anti-Aid Amendment**

Mr. Musante indicated he and staff were researching and were waiting for a written legal opinion on the anti-aid amendment, postponing discussion until such time.

#### **Staff Recognitions**

Mr. Musante announced that Pat Olyank, Administrative Assistant in the Town Clerk's office is retiring next week after many, many years of service. The Town is in the process of recruiting a replacement to start on or around July 1, 2015. Any individual hired will be trained to accept applications for passports.

The Town has been awarded a grant in the amount of \$92,164.29 from the Edward J. Burns Memorial Justice Assistance (JAG - EOPS). The grant will provide one year of salary, benefits and operational funds to allow a veteran police officer in a community policing role to work in partnership with the three colleges within the neighborhoods who have been affected by the student population.

Mr. Musante reviewed the letter received from the Planning Board concerning the width of the Pine Street sidewalk design. Mr. Musante reassured both the Select Board and the community on the adequacy of the existing plan, highlighting the mechanisms in place to address the concerns.

Mr. Musante reported on staff participation in the taping of a segment of *Voices in Our Schools* on the Wildwood School building project.

### **Town Meeting Approved FY 16 Budget - Community Services**

Mr. Musante indicated Town Meeting's desire for the additional funds to be used to allow greater participation in recreational programs is in the process of being put in place. The LSSE Commission and staff are reviewing best practices for fee policies of similar programs for use in the current year and to help inform planning for next year's budget. It was acknowledged that there needs to be an educational component in the review to address the understanding that there is a limited availability for subsidies as a budgeted fixed amount.

### **Chair's Report**

The Chair reviewed a survey of other communities' Select Board compensation, pointing out the different forms of government with varying levels ranging from \$0 to \$5,000, with the average for the group at \$1,000. Mr. Musante reminded members that there are funds available for reimbursement of expenses related to their responsibilities on the Select Board. Ms. Kruger provided further material and a draft motion for consideration. Ms. Kruger also offered her rationale for bringing forward, noting respect for elected office, offset of costs associated with serving, and ability to attract diversity in the candidates for public office. Ms. Kruger's proposal was for a \$3,500 stipend per annum for members, \$5,000 per annum for the Chair, and a \$1,500 stipend per annum for the Town Moderator. Members noted discomfort proposing an increased stipend for themselves, suggesting an independent body, such as the Finance Committee, review and make a recommendation to Town Meeting to avoid any appearance of a conflict of interest. The Town Manager urged the Board to proceed with caution. It was agreed without a vote that the topic would be scheduled for a future agenda to provide opportunity for public input. Doug Slaughter and Connie Kruger will attend the July Finance Committee meeting to request feedback and report back to Select Board at the August 24, 2015 meeting.

### **Post Town Meeting Wrap Up Discussion**

Ms. Brewer reviewed the process. Discussion followed on the purposes of this review and audience. The role of the Select Board in the Town Meeting process included an observation for the need to define actions of support; perception of what goes on in Select Board relative to unanimous vote; need to increase understanding of value of ending debate when additional comments will not change result; need to talk about civility issues; encourage committee members making recommendations to Town Meeting to run as a member of Town Meeting; need to review purpose and role of TMCC; and general frustration of membership of Town Meeting, Boards and Committees that presented and the possible consequences for future Town Meetings. Discussed whether or not forwarding written recommendations to the Town Meeting Coordinating Committee and the Moderator has any positive outcome. Accolades to the department heads and staff for their participation in Town Meeting and the sacrifice of personal time to attend.

Ms. Brewer offered congratulations to the Town of Amherst for 28 years' recognition as a Tree City USA, highlighting the work of Tree Warden Alan Snow and the Public Shade Tree Committee for their excellent work.

ADJOURN - The meeting adjourned at 10:45 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 and Draft Motions

International Town-Gown Association Conference Report

Annual Town Meeting 2013 Related Results

Letter to Senator Rosenberg Special Act on Non-Citizen Voting Rights

Select Board

Local Voting Rights – Cambridge Suffrage for Immigrants  
Watershed Land Acquisition – Sumner Mountain Road Shutesbury  
Chapter 61A Notice of Intent Lot C Henry Street Conservation and Planning Board response  
Town Manager Performance Goals Progress Report  
Town Manager FY 15 Evaluation and FY 16 Goal Setting  
Letters to the Select Board Landfill Solar  
Town Manager Recent and Upcoming – Planning Boards Opinion re Pine Street Crosswalks  
Select Board Stipend Survey  
MGL c54 s12 Letters to Democratic and Republican State Committees  
Special Town Meeting Calendar Review  
Film on life of Emily Dickinson  
Taxi Driver Application – Lavelle for Funky Cab  
Special All Alcohol Applications for UMass various dates and Amherst College