

Minutes

ATTENDANCE

Select Board

Present: Alisa Brewer, Andy Steinberg, Jim Wald, Connie Kruger, Doug Slaughter

Absent: John Musante, Town Manager

Staff: David Ziomek, Assistant Town Manager; Deborah Radway, Human Resource Director; Facilities Director Ron Bohonowicz

Other: Hangar Pub & Grill President/Manager Harold Tramazzo

Meeting called to order by Ms. Brewer at 5:34 p.m.

The Chair reported that the Select Board would be entering executive session shortly. David Ziomek was present this evening in his capacity as Acting Town Manager in the absence of Town Manager John Musante.

Ms. Brewer reported that the Town was notified of the potential availability of personal information on June 30, 2015. The problem was immediately corrected and as far as the Town knows, no one had been adversely affected. The Town reviewed the issue and moved promptly to implement safeguards for all parties' interests. The Town is not able to talk about the details with great specificity in order to protect the Town and those involved. The Town took measures to notify all those potentially affected. If you did not receive notice, you were not affected. The Town will not comment further, as additional description may create risk for greater disclosure.

Executive Session

The Chair moved to adjourn to Executive Session at 5:37 p.m. per Massachusetts General Law (MGL) Chapter 30A, Section 21a, subset 7, to comply with, or act under the authority of, MGL Chapter 93H relating to a data breach, with the intent to reconvene in Open Session at the conclusion of the Executive Session.

Roll Call Vote: Brewer, Aye; Wald, Aye; Steinberg, Aye; Slaughter, Aye. Kruger - Absent

The Chair reconvened in Open Session at 6:23 p.m.

Ms. Brewer repeated the information stated prior to the Executive Session regarding the potential data breach, noting folks with questions could call Ms. McGinnis, Treasurer/Collector or Mr. Pooler, Finance Director.

Public Comment

Ms. Brewer reported that while the Town Manager had returned from the three week senior executive program at Harvard Kennedy School in Boston, he returned with a fractured ankle and would not be working a full schedule due to the limitations the fracture posed. Members wished Mr. Musante well.

Kim Stender from the Superintendent's office spoke about the 6th Annual First Day Celebration planned for September 1, 2015 from 5-6 p.m. on the Town Common with a shift in location only if there is to be inclement weather at the high school cafeteria. The program includes the opportunity to meet and greet of staff, arts and crafts, sport clinics and safety demonstrations and various entertainers performing. Amherst BID is providing use of the Trolley to assist in transportation from downtown until 6:45 p.m.

Sarah LaCour, Executive Director of the Amherst BID spoke about the plans for the Annual BID party, September 10, 2015 from 5:00 – 9:00 p.m., providing information on sponsors, entertainment and performers.

The Trolley will be running from satellite parking at the High School.

Aaron Hayden, a member of the Public Transportation, Bicycle and Pedestrian Committee (PTBPC) spoke about a shared bicycle program in the planning stages. Stephanie Ciccarello, who has been working with Pioneer Valley Planning Commission on the project on Amherst's behalf reported to the PTBPC committee and he was here this evening to advise the Select Board of his committee's support and enthusiasm on the possibility.

Gordon Green, 150 Montague Road spoke about a public works project that appears to be imminent near his home on the corner of Cows Road. Mr. Green noted concern about the potential for cut back of several large trees to accommodate a sidewalk on the north edge of the Town's right of way, which he believes would affect the root systems. He and his wife have hired an arborist that confirms the likelihood of potential damage to these trees. Mr. Green asked the Select Board to have a role in the interest of the public they serve. Assistant Town Manager David Ziomek reported he was aware of the situation, as was Mr. Musante, and understood Mr. Green would be meeting with Mr. Mooring and staff and that there is an opportunity if further clarity is needed after that conversation.

William Elsasser spoke about the need to replace several trees in front of town hall.

Larry Kelley asked if the Select Board would be taking up his request on the commemorative flags for 9-11. Ms. Brewer reported it would be on the August 31, 2015 agenda.

Lincoln Avenue Modify Parking Restrictions

The public hearing was reopened at 6:50 p.m. Ms. Brewer reminded the public of a July 23rd memorandum and a number of maps that had been supplied providing further information. Mr. Ziomek provided brief comments, noting a revised recommendation with a focus of increased sight lines and public safety emergency response, as noted in a memo provided dated July 23, 2015. Ms. McGinnis and Chief Nelson were present and responded to questions from the Board on fire truck radii, proposed signage, speed limits and differences in footage of prohibition recommended. There was a request for new signage to be installed the entire length of Lincoln to address conformity. No further public comment was offered and the public hearing was closed at 7:15 p.m.

VOTED unanimously to prohibit parking, as a tow zone, on the East and West side of Lincoln Avenue, from 120 ft. north to the intersection of Northampton Road. .

VOTED unanimously to prohibit parking, as a tow zone, on the east and west side of Lincoln Avenue, 30 feet north and south of the intersection of Gaylord Street. .

VOTED unanimously to prohibit parking, as a tow zone, on the East and West side of Lincoln Avenue, 120 ft. north and south of the intersection of Amity Street.

VOTED unanimously to prohibit parking, as a tow zone, on the west side of Lincoln Avenue, 30 feet south of the intersection of Elm Street to the intersection of Elm Street.

VOTED unanimously to prohibit parking, as a tow zone, on the east side of Lincoln Avenue, 30 feet south of the intersection of McClellan Street to the intersection of McClellan Street.

Part-time Employee Earned Leave

Mr. Steinberg exited the meeting at 7:30 p.m. to avoid an appearance of a conflict. Human Resource Director Deborah Radway presented a recommendation for a revision in the part-time employee earned leave on behalf of the Personnel Board voted June 17, 2015. The revised recommendation by type of work and hours worked, affects approximately 120 part-time employees employed for more than 90 days with regular work

schedules. A detailed description of proposed changes is in this evening's packet, with an effective date of August 1, 2015. The policy will not cover employees of the Amherst Public Schools, only those covered by the personnel procedures manual.

VOTED 4-0, 1 absent (Steinberg) to approve proposed changes to the Town of Amherst Personnel Procedures Manual, as recommended by the Personnel Board and presented in a document dated July 27, 2015 titled "Proposed Revision to Personnel Procedures Manual to provide a sick and personal leave benefit for eligible part-time employees," with an effective date of August 1, 2015, with the understanding it will include the two minor grammatical changes discussed.

Mr. Steinberg returned to the meeting at 7:40 p.m.

Affordable Housing Property Tax Incentives

Mr. Pooler referenced his memo included in this evening's packet, detailing the highlights of the process and the elements of the tax incentive language as proposed for approval this evening. Mr. Pooler highlighted the chart on page 4, which shows no such multiplier effect in the net operating income under the IRS tax code.

VOTED unanimously to approve the draft of the Home Rule Petition on Tax Incentives for Affordable Housing as presented in the memorandum from Finance Director Sandy Pooler dated July 22, 2015, as amended by requiring inclusion of the full definition of the medium income from Section 12.24 from our zoning bylaw.

Ms. Brewer acknowledged an email from the Planning Board which provides notice of their unanimous support of the language as written.

Liquor License Transfer – Amherst Brewing Company to HPBC, Inc. d/b/a Hangar Pub & Grill

The Chair opened the public hearing at 8:05 p.m. John Korpita current owner of Amherst Brewing and Harold Tramazzo, President of Hangar Pub and Grill spoke about the proposed transfer. Ms. Brewer noted additional documents available on their desks this evening from the Attorney regarding the status of the lease and a memorandum from the Amherst Zoning Board of Appeals on the special permit for the parcel. Mr. Steinberg spoke about the continued need for licensees to work with public safety and the Campus and Community Coalition. The public hearing was closed at 8:10 p.m.

VOTED unanimously to approve the application of HPBC, Inc. d/b/a Hangar Pub & Grill for transfer of the On Premise Annual All Alcohol Restaurant Liquor License, License #002400078, in accordance with M.G.L. Chapter 138, Section 12, currently held by Amherst Brewing Company Inc., 10 University Drive, for the premises described as 20,000 sq. ft., including a 640 sq. ft. patio, and a 2250 sq. ft. mezzanine above; located in the Newmarket Center at the corner of University Drive and Amity Street, said premises to have two entrances and three emergency exits for the restaurant and brewery, and further to approve the alteration of premises to include a service bar in a function room with self-service beer wall with 16-taps, shortening the current main bar by 30 feet; Harold Tramazzo, President/Manager.

C61A Notice of Intent for Sale - Orchard Run Association – West Street, Parcel A

Mr. Ziomek reviewed the practice up to this point, review by Town Counsel, the Planning Board and the Conservation Commission. Both Planning and Conservation has recommended the Board not act on the right of first refusal. Orchard Run Associates Attorney Jonathon Breton from Bacon and Wilson P.C. Northampton was available to respond to questions. Mr. Steinberg requested greater detail be provided in maps provided.

VOTED unanimously to not exercise (n)or assign the Town of Amherst's right of first refusal under MGL c. 61, §8 to purchase from Pauline A. Lannon and Harold W. Gould, co-partners, d/b/a Orchard Run Associates the parcel of land on West Street, identified as Parcel A, under contract with David C. Kelly and Allan C. McNeely, subject to the terms of a June 4, 2015 Purchase and Sales Agreement in consideration of \$51,000.00.

Building Assessment Report – First Look

Mr. Ziomek introduced Ron Bohonowicz Facilities Director for the Town and School District and the report, noting Mr. Musante was very excited to present the report to the Select Board this evening. Mr. Bohonowicz cited those individuals that participated in the preparation, explained the rating system and indexes utilized. He reminded all that the report is intended as a living document and will need to be updated periodically. Members noted their appreciation of the process and draft document, offering comments and questions on content. Suggestions to include data on handicapped accessibility, reference to historical index, parcel identification, a link to GIS mapping and removal of the mission dependency index. Mr. Bohonowicz will review the suggested changes with the Town Manager and provide a revision for the Select Board for their August 31, 2015 meeting.

Town Manager Report

Mr. Ziomek provided updates on behalf of the Town Manager. A revised draft parking plan from Planner Jeff Bagg was presented. Members were asked to get comments to Mr. Ziomek as to their priorities for further discussion at the August 31, 2015 meeting. A joint meeting with the Planning Board will be planned for early fall to prioritize and outline next steps.

A memorandum from Mr. Pooler on work to date on the anti-aid amendment was referenced.

Development of a Town Center Recreation Working Group, including a draft charge with focus on land and facility resources, as well as possible membership composition is in process. Mr. Slaughter offered to be the Select Board liaison to the group.

Mr. Ziomek provided an update on the authorizations needed for Rolling Green's final closing, which is anticipated prior to the August 31 meeting.

Mr. Ziomek reviewed his memorandum outlining what has transpired to date on a proposal for a regional bike share program. He noted a feasibility study was planned and a memorandum of understanding is being drafted. Members requested further information on the program, noted interest in outreach to Town committees including public works committee and public transportation bicycle pedestrian committee who would have input, as well as further specifics as to what is being requested of the Town.

The Town Manager, the Chancellor and respective staffs are continuing work on finalizing the membership of UTAC and the subcommittees. The Chair indicated the expectation is that names would be provided prior to the August 31, 2015 meeting.

Mr. Ziomek summarized two documents included in the Select Board's packet this evening on the shelter season 2014-15, noting very collaborative season. A major change in 2014-15 season was the service of meals. The inclusion of \$200,000 in the state budget for the shelter's operations was once again included.

Recruitment for an Economic Development Director remains active and ongoing. Amber Sullivan was hired to fill the DPW Administrative Analyst position, whose focus is to be on customer service, working with the new work order system. Long-time police officer Linda Newcomb retired at the end of April. The Town has brought on two new academy trained officers, Daniel Welsh and Brandon Fullem. The Town Manager has removed the Interim status and appointed Sean Hannon as the IT Director and integrated the department in the Finance Department under Mr. Pooler's supervision.

The Town has applied for two grants, one to the PARC Grant Program for rehabilitation of the North Common \$590,000 and one by the Conservation Commission to acquire land along the Cushman Brook, \$250,000, continuing a priority effort to preserve watershed for Puffers Pond. Mr. Ziomek reported on attending the CDBG Award Ceremony in Boston, accepting \$825,000 as part of the min-entitlement program

for capital and social services. He reported on his attendance at a celebration on the Mt. Holyoke Range, part of the Landscape Partnership Program preserving hundreds of acres in four communities along the range. Mr. Ziomek indicated he is working with staff regarding the Mt. Pollock Reservation and Puffers Pond Recreation Area on various issues. The Select Board requested an update on Cows Lane at a future meeting. Remarks on resources available versus those necessary for management of conservation land available in Amherst were observed.

Agents of the Select Board

VOTED 4-0, 1 Absent (Kruger) to appoint the police officers as recommended by Chief of Police Scott Livingstone, in a memo dated June 30, 2015 and approved by the Town Manager as Agents of the Select Board in accordance with M.G.L. c.138, Section 63, for an effective term of July 1, 2015 through June 30, 2016.

Committee/Board Appointment

VOTED 4-0, 1 Absent (Kruger) to appoint Amy Crawley to the Amherst Public Art Commission effective July 28, 2015 through June 30, 2018.

Parking and Street Closure Requests

First Day Back-to-School Celebration

VOTED 4-0, 1 Absent (Kruger) to approve street closures for that portion of Spring Street within the public parking lot from the intersection of South Pleasant Street to the intersection of Boltwood Avenue and Boltwood Avenue from the intersection of Spring Street to College Street on Tuesday, September 1, 2015 from 4:00 p.m. to 7:00 p.m. to ensure the safety of attendees for the Amherst/Pelham Regional School District's First Day Celebration.

Parking and Street Closure Requests

BID Annual Block Party

VOTED unanimously to approve the street closure of North Pleasant Street from the intersection of Amity and Main Streets north to Hallock Street and East Pleasant Street from the intersection of North Pleasant Street to Pray Street from 3:30 p.m. – 11:00 p.m. on Thursday, September 17, 2015 for the Business Improvement District's 4th Annual Celebrate Amherst Block Party.

Voted unanimously to approve the reservation of metered parking spaces on both sides of North Pleasant Street from the intersection of Amity and Main Streets north to Hallock Street and on the east side of Kendrick Park on East Pleasant Street from the intersection of North Pleasant Street to Pray Street on Thursday, September 17, 2015 from 2:00 p.m. to 11:00 p.m. for the Business Improvement District's 4th Annual Celebrate Amherst Block Party.

Amherst Survival Center Annual Trash to Treasures Furniture Sale

VOTED unanimously to approve the reservation of eight (8) metered parking spaces on the east side of South Pleasant Street moving north from the intersection of College Street for customer pickup and fifteen (15) metered parking spaces on the west side of Boltwood Avenue moving north from the intersection of College Street for volunteer parking on Saturday, September 12, 2015 from 6:00 a.m. to 4:00 p.m. for the Amherst Survival Center Annual Trash to Treasures Furniture Sale.

New Taxi Driver License

VOTED unanimously to approve the application of Yassine Diouane for a new 2015 taxi license on behalf of Taxi Express, LLC.

Special Liquor Licenses

VOTED unanimously to approve the application of Trustees of Amherst College Dining/Catering Services for an All Alcoholic Special license for a cash bar on behalf of the Emily Dickinson Museum at the Lewis

Sebring Commons, inside of Valentine Hall, Amherst College from 5:00 p.m. – 9:00 p.m. on Saturday, August 8, 2015; Greg Wardlaw, Catering Manager.

VOTED unanimously to approve the applications of Top of the Campus Inc. for three (3) All Alcoholic Special licenses for service at receptions to be held: 1) in the courtyard of the Dubois Library, on Sunday, October 4, 2015 from 2:00 – 6:00 p.m.; 2) in the Integrated Learning Center on Saturday, August 1, 2015 from 3:34 pm. – 5:45 p.m. and on Thursday, October 8, 2015 from 3:00 p.m. – 7:p.m.; Sarah Long, Board Member.

Common Victualler License

VOTED unanimously to approve the application of Fire and Water Yoga, Inc., 39 Boltwood Walk for a Common Victualler License for the operation of a juice bar on Sunday through Saturday, 7:00 a.m. to 10:00 p.m. daily; Nyad Evernow, Manager - Tea Mushretaguid/Owner.

Ms. Brewer noted the liaison assignment list has been revised for future discussion at August 31, 2015 meeting.

Town Manager Evaluation and Goal Setting

Ms. Brewer reviewed enclosures in this evening's packet including the draft of last year's Town Manager's goals with grammatical edits by Ms. Kruger, the Town Manager's existing contract and the draft working timeline, highlighting important dates.

Members deferred work on goals until individual reviews were completed. Suggested review of structure including placement of goals and how that relates to prioritization and standard goals as opposed to those specific to fiscal year.

Member Reports

Mr. Steinberg spoke about his attendance at a recent Cable Advisory Committee meeting, noting the ascertainment public hearing scheduled and the Committee's suggestion to include a second hearing during daytime hours. Question on ability to take testimony outside of a public hearing will be forwarded to cable counsel.

Ms. Kruger reported on discussion at Finance Committee regarding the increase in Select Board and Moderator stipends that she had proposed, noting they referred it back to the Select Board believing it to be more of a policy question at this stage. Ms. Kruger agreed to write a specific proposal to be considered at the August 31, 2015 meeting.

The Chair reported she had not yet scribed the annual legislator letter of thanks, finalized the draft letter in support of non-citizen voting rights, or the Select Board's post town meeting review.

Ms. Brewer commented there was an urgent need for applicants for many available committee openings, noting several of the vacancies are affecting the committee's ability to carry out their charge.

ADJOURN - The meeting adjourned at 11:03 p.m.

Submitted by M. David Ziomek, Assistant Town Manager

Agenda

Draft Motions

Lincoln Avenue Parking Restriction Proposal

Lincoln Ave Parking Restriction Proposal - Mapped Existing and Proposed

Lincoln Ave Parking Restriction Proposal - Gilbert Letter

Lincoln Ave Parking Restriction Proposal - Reilly Letter

Personnel Board memo re Part time Earned Leave
Tax Incentive Home Rule Petition - Memo Fin Director
Tax Incentive Home Rule Petition - Planning Board Support
c61A Notice of Intent to Sell Orchard Run West St
Conservation Response to Chapter 61A West St. Lot A
Planning Response to Chapter 61A West St Lot A
Liquor License Transfer HPBC Inc dba Hangar Pub and Grill and Alteration of Premises
ZBA Memo on Transfer from ABC to the Hanger
Facilities Profile Introduction
Facilities Profile Summary
Facilities Profiles 7 11 2015
Downtown Parking Report July 24 2015-FINAL DRAFT
Memo on Regional Bike Share
Regional Bike Share Feasibility Study 3-1-15
Anti-Aid Amendment Memo SP
Amherst Center Recreation Working Group Charge
Craig's Doors Quarterly Report June 30 2015
Craig's Doors Summary Statistics 2014-2015
FY 15 Town Manager Goals
FY 16 Goals FY 15 CK edits First Draft 07-20-15
2014 Authorized Employment Agreement
Town Manager Evaluation 2015 Timeline
Summer 2015 Evaluation-Goals revised 07-24-15 avb
Mail Code Enforcement Monthly Report 1.1.15 - 6.29.15
Agents of the Select Board
1st Day 2015 Select Board presentation
1st Day Celebration 2015 poster
1st Day Celebration Street Closure Request
1st Day Celebration Street Closure Request Mapped
ASC Trash to Treasures 2015 Parking Reservation Request
ASCT2T Flyer 2015
BID Block Party 2015 Poster
BID Block Party Road Closure and Parking Restrictions
BID Block Party Road Closure and Parking Restrictions Mapped
Parking Reservation Request Mapped ASC Trash to Treasures 2015
Taxi Driver Application - Diouane, Y - Taxi Express, LLC
Special All Alc - Amherst College Lewis Sebring Commons Valentine Hall 8.8.15
Special All Alc - UMass Integrated Learning Center 8.1.15
New Common Vic - Fire and Water Yoga
Reference Material - Parking Permission for Emily Dickinson Contractor
Reference Material - PUBWORKS Charge