

SELECT BOARD MEETING MINUTES

Monday, October 5, 2015 – 6:30 p.m.
Town Room, Town Hall

ATTENDANCE

Select Board Present: Alisa Brewer, Doug Slaughter, Connie Kruger, Jim Wald

Absent: Andy Steinberg

Staff: Interim Town Manager M. David Ziomek; Building Commissioner Rob Morra; Comptroller Sonia Aldrich; Senior Planner Nate Malloy; Facilities Director Ron Bohonowicz

Other: Mary Streeter, CPAC Chair; Becky Demling; Brad Shimel, Attorney and Neal Patel of Pavan, Inc.

Meeting called to order by Ms. Brewer at 6:33 p.m.

Ms. Brewer reviewed documents before the Select Board this evening that had not been included in the online packet.

Public Comment

Mr. O'Connor spoke briefly in support of House Bill #2584 which would provide cities and towns the ability to adopt legislation authorizing assessment of non-profit organizations at 25% of fair and full value, as well as the ability to provide exemptions. Mr. O'Connor asked the Select Board to include an article on the upcoming warrant for Town Meeting debate. Ms. Brewer noted the warrant was before the Select Board this evening for signing and would discuss inclusion when the Board is reviewing the warrant.

Committee/Board Appointments

VOTED 4-0, 1 Absent (Steinberg) to appoint Jessica Maposa to the Human Rights Commission through June 30, 2018.

Taxi Driver Licenses

VOTED 4-0, 1 Absent (Steinberg) to approve the applications of Dylan Hay and Benjamin Sullivan for new 2015 Taxi Licenses on behalf of Mercedes Cab Co., Inc.

Liquor License Public Hearings

Transfer Ambakrupa Inc. to Pavan, Inc d/b/a University Liquors, 6 University Drive

The hearing opened at 6:45 p.m. Attorney Brad Shimel spoke on behalf of the applicant, noting his experience, other licenses held and plans for the Amherst store. Ms. Kruger asked about the applicant's experience with a student population. Mr. Patel reported on his experience in the industry, locations served and certifications. The public hearing was closed at 6:51 p.m.

VOTED 4-0, 1 Absent (Steinberg) to approve the application of Pavan Inc., 26 Helen Drive, Southampton, MA for transfer of an Off Premise All Alcohol Package Store Liquor License M.G.L. Chapter 138, §15, currently held at 6 University Drive by Ambakrupa, Inc. 610 University Drive, Amherst, MA, the premises described as a 45 x 70 foot wide room with a total of 3,150 square feet, with one front and one rear access door with a storeroom, an office, counter area, cooler, and two bathrooms, as outlined in the floor plan; Nilay N. Patel, Manager.

Minutes

VOTED to approve the minutes of June 29, 2015, as amended.

Ms. Brewer provided a review of meetings on the agenda calendar. Mr. Ziomek noted the LWV Warrant Review for the Fall Town Meeting was scheduled for October 13, 2015 at 7 p.m. in the Town Room.

New Section 12 Annual All Alcohol Restaurant License El Comalito, Inc. 460 West Street, Amherst The public hearing was opened at 7:00 p.m. Hilda Rivera, a consultant representing the applicant spoke, noting the restaurant has been in existence since 2012, expanding from a take out to a full dining facility, now hoping to add a full bar in anticipation of this application. Ms. Rivera noted they are scheduled to go before the Zoning Board on November 5, 2015 on their application for a special permit. Ms. Rivera translated for Ms. Artigas, who indicated she does not have direct experience in alcohol sales, but has completed Serve Safe and bar management training. The manager has direct experience in liquor sales. Ms. Kruger described the establishment location in a village center and atmosphere, having visited there recently. Hearing Closed 7:08 p.m.

VOTED 4-0, 1 Absent (Steinberg) to approve the application of El Comalito, Inc. for a new annual on premise all alcohol restaurant liquor license on the premises of 460 West Street, described as a two-story mixed use building, containing 2510 square feet with three means of egress, displaying two bars, one for alcohol storage and one with seating for eleven and a dining room with seating capacity of seventeen; Glidden Gotay, Manager, release subject to Zoning Board of Appeals granting a Special Permit for a Class II Restaurant.

The Select Board recessed for five minutes, returning to open session at 7:15 p.m.

Rental Registration Update

Mr. Ziomek noted his extreme pleasure as to how the program has worked and the on the ground changes as a result, noting the hard work of staff in a cooperative effort across department boundaries. Building Commission Rob Morra reviewed his memo, providing further detail on the charts and responding to Board members' questions. The ability for residents to file an online complaint through the rental permitting webpage was highlighted, noting the turnaround, with complainants receiving a response within twenty-four hours. Members acknowledged the corrective effect the new program appears to have had on the neighborhood disturbances. Questions on the fee structure and formation of a Rental Appeal Board are to be discussed moving forward.

Resident Vince O'Connor voiced his support for a tenant to serve on any appeals board appointed.

Resident Larry Kelley noted only two party events since students returned, which is a large reduction.

Voting and Assigning Positions on Special Town Meeting Warrant Articles

Finance Director Sandy Pooler reviewed two of the financial articles included in the Special Town Meeting warrant, responding to questions.

VOTED 4-0, 1 Absent (Steinberg) to recommend dismissal of Article #2 Transfer of Funds – Unpaid Bills to the November 2, 2015 Special Town Meeting; Doug Slaughter to speak to article on behalf of the Select Board.

VOTED 4-0, 1 Absent (Steinberg) to recommend to the November 2, 2015 Special Town Meeting Article #3 Free Cash OPEB; Doug Slaughter to speak to article on behalf of the Select Board.

VOTED 4-0, 1 Absent (Steinberg) to recommend Article #1 Reports of Boards and Committees to the November 2, 2015 Special Town Meeting; Doug Slaughter to speak to article on behalf of the Select Board.

Ms. Brewer noted there was a memo from the Community Preservation Act Committee in the packet dated September 30, 2015 along with supporting documentation. Mary Streeter, Chair of the Committee spoke briefly on the two proposals totaling \$240,000 and the availability of documentation on the committee's page on the Town website. Mr. Ziomek noted his involvement with staff on both proposals and spoke about the contingency of grant funds for the Town Common project and the expected timeline. Rebekah Demling, Town Meeting Precinct 7, ARPS PTO President and a member of the Crocker Farm staff highlighted the need for upgrade to the playground, requesting the Select Board support.

A. VOTED 4-0, 1 Absent (Steinberg) to recommend Article #10A Recreation and Historical Preservation – North Common to the November 2, 2015 Special Town Meeting; Jim Wald to speak to article on behalf of the Select Board.

B. VOTED 4-0, 1 Absent (Steinberg) to recommend Article #10B Recreation – Crocker Farm Pre-School Playground to the November 2, 2015 Special Town Meeting; Connie Kruger to speak to article on behalf of the Select Board.

Select Board discussed the request by resident Vince O'Connor for support of House 2584, which was presented during public comment. Members noted while supportive of the intent of the bill, felt uncomfortable about support of an article for which they have not had time to comprehensively review and could have been submitted by general petition.

Special Town Meeting – Authorize Warrant

Mr. Ziomek reviewed the warrant articles in the Fall Special Town Meeting.

VOTED 4-0, 1 Absent (Steinberg) to authorize the November 2, 2015 Special Town Meeting warrant as presented.

Cable Ascertainment Hearing

Move to close the Cable Ascertainment Hearing of September 24, 2015 at 8:39 p.m.

Ms. Brewer explained the need to formally vote to close the second hearing opened on September 24, 2016 to allow inclusion of written and email comments received through this time on the record.

Town Manager Report

Mr. Ziomek reported on scheduled meetings with department heads, community leaders and organizations in his new role as Interim Town Manager. An update on public safety preparation for upcoming events and collaboration between the newly appointed Neighborhood Liaison Officer and his UMass counterpart was provided. Work is progressing on paving projects throughout Town, anticipating completion of projects before the start of winter. East Pleasant Street paving will be shifted to spring 2016. Mr. Ziomek noted he will serve as Co-Chair of UTAC with plan for kickoff in late October. David Burgess, Assessor, Sandy Pooler, Finance Director, Rita Farrell MHP and Select Board member Connie Kruger travelled to Boston to testify before the Joint Committee on Revenue last Tuesday, September 29, 2015 for the local act voted by Town Meeting to provide a tax incentive by means of a reduced property assessment in exchange for providing affordable housing. Appreciation for Senator Rosenberg and Representative Story's assistance was offered, as was acknowledgment of the efforts of John Musante to the process. Mr. Ziomek noted he will be meeting with Sustainability Coordinator Stephanie Ciccarello for an update on the regional bike share program and will review any memorandum of understanding with the Chair prior to presentation to the full Select Board.

Member Reports

Mr. Wald reported on the work of the Public Arts Commission towards creation of a cultural district and the grant they received towards the effort. Mr. Wald offered a reminder on the deadline for Cultural Council grants.

Ms. Brewer noted that the State Office of Campaign and Political Finance had announced today they will finally offer local officials the ability to file documentation online versus paper filing.

Chair's Report

Ms. Brewer noted she would be inviting the Planning Board to join the Select Board on October 26, 2015 to review the Downtown Parking Plan next steps. Ms. Brewer requested members review the budget policy guidelines from last year and provide edits to the Town Manager's office no later than noon Wednesday,

October 14, 2015 for inclusion in the packet for October 19, 2016.

Ms. Brewer announced Mr. Ziomek will not be included in the executive session this evening, since they are preparing for negotiation with him.

Executive Session

VOTED 4-0, 1 Absent (Steinberg) to enter into Executive Session, in accordance with Massachusetts General Law (MGL) Chapter 30A, section 21, part a, subset 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel, Interim Town Manager M. David Ziomek, with the intent not to reconvene in open session at the conclusion.

ROLL CALL VOTE Brewer, yes; Slaughter, yes; Wald, yes; Kruger, yes.

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

Submitted by M. David Ziomek, Interim Town Manager

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

Final Agenda

Draft Motions

Application for Transfer of \$15 Liquor License (University Liquors) from Ambakrupa Inc. Paven Inc.

Application for New Liquor License El Comalito

Rental Program Update

Finance Director Memo on Special Town Meeting Articles 2 and 3

North Common Plan of Existing Conditions and Concept

Crocker Farm Playground Application for Funding and Conceptual Plan

CPAC Report to Fall Special Town Meeting

Budget Policy Guidelines December 15, 2014

Tax Incentive Home Rule Testimony of Rita Farrell, MHP; Sandy Pooler, Amherst BID, and Connie Kruger

Complaints and Violations Monthly Report through 9-30-2015

Letter from Vince O'Connor re Resolution H2854

Taxi Driver Applications Funky Cab