

## Minutes

### In Attendance

Select Board Present: Alisa Brewer, Doug Slaughter, Connie Kruger, Andy Steinberg, and Jim Wald  
Staff: Interim Town Manager M. David Ziomek; Senior Planner Jeff Bagg; Finance Director Sandy Pooler;  
Other: BID Director Sarah la Cour; Glenn Hamill Principal of Amherst Center Store and Attorney Al Albano;  
John Coull, TPTF; Steve Schreiber, PB; Pari Riahi, PB, David Webber, PB Chair; Rob Crowner PB and TPTF,  
Christine Gray-Mullen TPTF Chair and PB, Bruce Carson, PB and Chris Brestrup Planning Dept., resident  
blogger Larry Kelley; residents Sandra Knightly, Pam Rooney, Joyce Berkman, and Bridget Dahill.

Meeting called to order by Ms. Brewer at 6:34 p.m.

Larry Kelley offered public comment, urging the Select Board to get more aggressively involved with the four major building projects on the horizon: Fire Station, Public Works, Jones Library expansion and school project, suggesting the Select Board form a joint planning committee for all four.

### Parking and Street Closure Requests

VOTED unanimously to approve the Amherst Area Chamber of Commerce and Business Improvement District's (BID) request for reservation of metered parking and street closures for the Merry Maple tree lighting ceremony on Friday, December 4, 2015, as follows:

- Close the Main Street parking lot from 12:00 p.m. – 6:30 p.m.
- Close the Spring Street parking lot from 2:00 p.m. – 6:30 p.m.
- Close Boltwood Avenue, between Spring Street and Main Street, from 12:00 p.m. – 6:30 p.m. and Spring Street from Churchill Street to Boltwood Avenue from 2:00 p.m. – 6:30 p.m. to allow for Horse Drawn Carriage rides.

Sarah LaCour, Executive Director noted in celebration of the 40th annual Merry Maple celebration the BID has decorated the large maple in the center of the Common with white lights.

VOTED unanimously to approve the Amherst Area Chamber of Commerce and Business Improvement District's (BID) request for:

- Free parking throughout the downtown Amherst area for Small Business Saturday on Saturday, November 28, 2015 and Annual Greeting Card Day on Saturday, December 5, 2015; and
- Free parking in all the parking lots with the pay-by-space parking machines (Boltwood Garage, Amity Street lot, Spring Street lot, Main Street lot, Town Hall lot and the Town portion of the CVS lot) on the subsequent Saturdays before Christmas: December 12, 2015 and December 19, 2015.

### Special Licenses

VOTED unanimously to approve the applications of the Top of the Campus Inc. for a Special Wine and Malt License on November 6, 2015 for service at a reception in the Fine Arts Center Lobby from 6:30 – 8:30 p.m. and for a Special All Alcohol License on November 9, 2015 for service at a reception in the Museum of Contemporary Art – Pond Entrance from 5:30 – 7:00 p.m.; Carolyn Nofio, Board Member; issuance pending approval of the Chief of Police.

### Common Victualler

It was noted that applications for the Common Victualler and the Coin Operated Amusement Device on tonight's agenda were not included in the Select Board's packet. It was informally agreed to move forward on the Common Victualler license, since it is a requirement of the liquor license. The application for a **Coin Operated Amusement Device** will be reviewed at the next meeting of the Select Board.

VOTED unanimously to approve the application of HPBC Inc. d/b/a Hangar Pub & Grill, for a Common Victualler license to operate on the premises of 10 University Drive from 4:00 p.m. on Monday to 1:00 a.m. Tuesday and Tuesdays from 11:30 a.m. through 1:00 a.m. the following day; Harold Tramazzo, owner/manager; issuance pending approval from the Building Commissioner and Chief Police.

### **New Off Premise Wine & Malt Liquor License – Amherst Center Store, 259 Triangle Street**

Public Hearing Opened at 6:55 p.m. Glenn Hamill Principal and Al Albano Esquire came before the Board. Attorney Albano spoke, noting Mr. Hamill owns other package stores, one in Sunderland and one in Hatfield and there are no issues or complaints related to either of the licenses held. It is the applicant's belief that the addition of beer and wine will not impact traffic flow and/or parking, which is available in the rear. An abutter list and certification of mailing was provided, which includes the Amherst Regional High School within 500'. Two letters regarding the license, one from the individual who serves as the Chair of the University of MA Campus and Community Coalition (CCC) and the other from resident Joan Burgess were noted. Attorney Albano indicated the store would be outfitted with security cameras and have two staff people on the premise at all times.

Sandra Knightly, owner of 33, 35, 37 & 41 Cottage Street spoke in opposition to the license, providing letters from neighbors Harris and Saulsberry not in attendance this evening. Pam Rooney, Cottage Street resident, Joyce Berkman 66 Cottage Street, Bridget Dahill, 50 Cottage Street, and John Coull, Sheerman Lane all spoke in opposition, siting hours of operation, public safety of residents, and the change of use related to increased availability of alcohol. Sarah LaCour spoke on behalf of the Amherst Business Improvement District requesting consideration of the effect on the viability of a small neighborhood business. The Select Board Chair provided the type of factors that may be taken into consideration by the Select Board as the local licensing authority including density, traffic, unmet need, etc. Clarification was provided on the hours that off premise sales are allowed: Monday through Saturday 8 a.m. to 11 p.m. and Sundays 11 a.m. to 11 p.m. Mr. Hamill confirmed enforcement of all liquor laws and appreciation for the unique problems related to large number of students under the age of 21 and abuse of alcohol by the student population confirming that ID Scanners would be used and all cashiers would receive training. The Select Board urged the owner to participate in the CCC. Members indicated many of the issues highlighted were related more to enforcement as opposed to increased sales. Members indicated the need for further information on forthcoming changes in the Triangle Street intersection that may affect available parking, as well as the consideration of the Chief of Police before coming to a decision this evening. The applicant was asked if they would be willing to place security cameras on the outside of the building, which he indicated he was.

VOTED unanimously to continue the public hearing to Monday, November 9, 2016 at 6:45 p.m. Members were asked to pose further questions specific to the licensee to the Town Manager's office.

### **Downtown Parking Report**

Mr. Ziomek called everyone's attention to the memorandum in the packet from Senior Planner Jeff Bagg. Mr. Bagg provided a brief overview of the process to date, noting the purpose for this evening, to update the Select Board and to review with the Planning Board and Transportation Plan Task Force members the initial action items and key policy questions. Members of committees present were introduced and included John Coull, TPTF; Steve Schreiber, PB; Pari Riahi, PB, David Webber, PB Chair; Rob Crouner PB and TPTF, Christine Gray-Mullen TPTF Chair and PB, Bruce Carson, PB and Chris Brestrup Planning Dept.

Mr. Bagg noted one of the action items being explored by staff was a pilot program for overnight winter parking for residents in the downtown district, expanding available parking to include the 2 most northernmost rows in the CVS lot. Additionally, installation of about 14 parking banners has begun and should be completed in the

spring. Lastly, the action item that identified the need for additional updated parking data as necessary is moving forward. The Town is working with Consultants Nelson Nygard who will be updating the inventory and providing studies of utilization. One of the items that needs to be discussed this evening is the creation of a Downtown Parking Task Force to refine the action items reported. Members of a task force might include a liaison from key boards and committees and stakeholders - SB, PB, TPTF, PTBPC, a downtown business owner, downtown resident and/or members from the BID or Chamber.

The Planning Board provided a listing of items they have looked at to address downtown parking through potential zoning proposals, their only related role, which included adjusting use requirements within the municipal permit districts, residential and for profit, shared or leased parking, and transportation demand management with incentives or disincentives. It was noted that while the TPTF meets the criteria identified for such a parking task force, their role currently is rolling out the transportation plan, of which the parking is an element.

Select Board members agreed with the suggestion for more efficient way to use the forces already in place, TPTF, perhaps utilizing some members as a subcommittee. Mr. Bagg noted the working group concept came forward as a way to move forward with discussion on downtown parking more quickly. Mr. Ziomek talked about how the working group addresses the need for ownership of roles related to the Downtown Parking. Mr. Ziomek was asked to create a charge to bring back for adoption.

### **Interim and Permanent Town Manager Update**

Ms. Brewer reported there was no update at this time on either the interim or permanent town manger process, but that the Select Board would hold an executive session at the conclusion of this evening to conduct strategy sessions for Select Board members and will not be returning to open session at the conclusion.

### **Voting and Assigning Positions on Special Town Meeting Warrant Articles**

Mr. Pooler came forward to speak on the related finance articles. Financial Polices calls for free cash certified at more than 5% of the operating budget to be deposited to the Stabilization Fund, which has been done for a number of years in Amherst. This year the intent is to create a separate Stabilization Fund for use for capital purposes to reduce the impact of impending debt service for planned facility borrowing. If the vote fails on part A, creation of the capital account for stabilization, then Part B requests referral to the general stabilization.

### **Article 4A Free Cash – Capital Stabilization**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article # 4A Free Cash – Capital Stabilization; Doug Slaughter to speak to article on behalf of the Select Board.

### **Article 4B Free Cash – Stabilization**

VOTED unanimously, pending approval of Article 4A to recommend dismissal, and if Article 4A fails, to recommend to the November 2, 2015 Special Town Meeting Article # 4B Free Cash – Stabilization; Doug Slaughter to speak to article on behalf of the Select Board.

Mr. Pooler explained the funds to cover the cost of the electronic voting system were available as a result of excess funds remaining from completed capital projects.

### **Article 6 Capital Program – Equipment (Electronic Voting System)**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article #6 Capital Program – Equipment; Andy Steinberg to speak to article on behalf of the Select Board.

Mr. Pooler explained the scope of the Article 7 borrowing, to be bonded from the Transportation Fund, therefore is a Select Board article not that of the JCPC, includes paving of the Amity Street public lot, the addition of a handicapped parking space, repair of adjacent sidewalk and the handicapped ramp to the Jones  
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Library across the street.

**Article 7 Capital Program – Bond Authorization for Public Ways (Amity Project)**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 7 Capital Program – Bond Authorization for Public Ways; Connie Kruger to speak to article on behalf of the Select Board. Ms. Kruger requested a map of the area be prepared for Town Meeting to show the location of renovations planned.

Mr. Pooler recapped for the Select Board the process to date on rehab of the East Street School, where bids had come in higher than was anticipated at the time of borrowing. In order to close the remaining funds out Town Meeting must vote to reduce the original scope, causing excess funds to be available for another capital purpose. The purpose of Article 8 is to redefine the original scope of the borrowing, so it then can be repurposed in Article 9.

**Article 8 Capital Program – Bond Authorization Amendment (East St School Project)**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 8 Capital Program – Bond Authorization Amendment; Andy Steinberg to speak to article on behalf of the Select Board.

Mr. Pooler noted the use for the repurposed funding was to facilitate the repurpose of office space for the LSSE move to the Middle School. Mr. Steinberg, as liaison to the LSSE Commission spoke in favor of the project.

**Article 9 Capital Program – Debt Repurpose (LSSE Relocation)**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 9 Capital Program – Debt Repurpose; Andy Steinberg to speak to article on behalf of the Select Board.

Mr. Pooler explained the need for the next three solar related articles. Article 11 authorizes the Town Manager to enter into a long-term power purchase agreement, greater than 3 years, for net metering projects. Article 12 is specific to the New Landfill site, and is meant to clarify any ambiguity that may exist regarding who has control of the site and furthermore, that the purpose for use includes placement of solar panels and provides the authority to the Town Manager to lease the site. Article 13 allows the Town to enter into payment in lieu of tax agreement (PILOT) for the purpose of providing a steady flow of income over the term of the agreement rather than a rapid decline in personal property after depreciation occurs in the early years, which is advantageous to both parties. Mr. Pooler responded to an inquiry related to the Op Ed piece that appeared in the Gazette as to why it would not be advantageous to the Town.

**Article 11 Net Metering Credit Purchase Agreements for Solar Photovoltaic Facility**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 11 Net Metering Credit Purchase Agreements for Solar Photovoltaic Facility; Jim Wald to speak to article on behalf of the Select Board.

**Article 12 Lease of New Landfill for Solar Photovoltaic Facility**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 12 Lease of New Landfill for Solar Photovoltaic Facility; Jim Wald to speak to article on behalf of the Select Board.

**Article 13 PILOT Agreements for Solar Photovoltaic Facility**

VOTED unanimously to recommend to the November 2, 2015 Special Town Meeting Article 13 PILOT

Agreements for Solar Photovoltaic Facility; Jim Wald to speak to article on behalf of Select Board.

The Select Board discussed their intent to refer Article 14 back to the Select Board.

The Finance Director reviewed his memorandum regarding the additional funding that was appropriated at Annual Town Meeting under Community Services to assist families for application to LSSE Programs. The standards for eligibility have been expanded to the State voucher guidelines, which effectively increases the income level from \$20K - 40K for eligibility as well as provides an increase in the percentage split. There are funds for increased participation, a discount to families and individuals, translation services for applicants, and to hire a consultant to assist with a broader review and study of the subsidy structure. There is also a small amount included to refund the gift account for payment that had used for subsidy before the implementation of these policies. Select Board requested greater specificity as to the population being served and what is needed.

### **FY 17 Budget Policy Guidelines**

Ms. Brewer noted the changes made from prior year's guidelines in the draft enclosed in the packet this evening. Members provided further suggestions for minor structural amendments.

VOTED unanimously to approve the FY 17 Budget Policy Guidelines dated October 28, 2015 as amended. The Chair will provide the approved guidelines at the next meeting.

### **Minutes**

VOTED unanimously to approve the minutes of the cable ascertainment public hearing held on September 24, 2015, as presented.

VOTED 3-0 with 2 Abstentions (Wald, Steinberg) to approve the minutes of the cable ascertainment public hearing held on September 30, 2015, as presented.

### **Town Manager Report**

Mr. Ziomek called the Select Board's attention to the SAFE graduation that occurred this evening. The Town Manager confirmed the Town is well prepared for various events planned on and off campuses over the upcoming weekend. Mr. Ziomek reported the final closing on the Rolling Green Apartments has occurred and the units are now permanently preserved. The UMass recruitment process is underway for Assistant Vice Chancellor and for Chief of Police. Meetings are continuing with UMass regarding the Strategic Partnership Agreement, he is keeping the Chair apprised of progress and hopes to have something to report at an upcoming meeting. Mr. Ziomek acknowledged receipt of a request regarding 2016 Extravaganja, noting the plan is to meet with the Chief of Police and the applicant, providing an update to the Select Board at a later date. Other meetings this week include the UTAC initial kickoff and reception. Mr. Ziomek reviewed paving/contract work, noting intent is for all those in process to be completed before the end of the paving season. Ms. Brewer asked for an update on the Mass Works grant process for burial of utility lines. Mr. Ziomek indicated the work is expected to occur in the spring of 2016.

### **Member Reports**

Ms. Brewer reviewed the calendar items upcoming. Mr. Slaughter reported on his attendance at the MA DOT transportation related capital needs listening tour prior to this evening's meeting, providing opportunities for submission of capital items. Ms. Kruger noted she and Mr. Wald attended the branding and wayfinding meetings and noted they have been working with the consultant, with a Phase I concept to be completed by the end of November. Ms. Kruger reported on several Campus and Community Coalition meetings she and Mr. Steinberg attended.

## **Executive Session**

Ms. Brewer made the motion to MOVE 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, Aye; Slaughter, Aye; Steinberg, Aye; Wald, Aye; and Kruger, Aye.

ADJOURN - The open meeting adjourned to executive session at 10:29 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**

Agenda and Draft Motions

Letter from CCC on Amherst Center Market Liquor License Hearing

New on Premise Package Store Application 259 Triangle Street Amherst Center Store Application & Map

Resident Letters re Liquor license Hearing

Downtown Parking Report and Next Steps 10-23-2015

Downtown Parking Report Final October 23, 2015

Article 12 Transfer Station and Old Landfill Base map

Finance Committee Report to Special Town Meeting

JCPC Report FY 16 Fall Town Meeting

Community Services Update – LSSE Subsidies Memo from Finance Director

FY 17 Budget Policy Guidelines rev. 10-23-15

Merry Maple Ceremony Parking and Street Closure and Holiday Parking Accommodations Request & Map

Special All Alcohol License UMass Amherst 11-9-2015

Special Wine & Malt License UMass Amherst 11-6-2015

Coin Op Application HPBC Inc.

Common Victualler Application HPBC Inc.

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