

Minutes

ATTENDANCE

Select Board

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

Absent: None

Staff: Interim Town Manager M. David Ziomek; Chief of Police Scott Livingstone and Human Resource Director Deborah Radway

Other:

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

Special Licenses

VOTED unanimously to approve the application of Esselon Coffee Roasting Company Inc. d/b/a Esselon Café, 99 Russell Street, Hadley, MA for a Special Wine and Malt License on November 14, 2015 from 3:00 p.m. to 12:00 a.m. the day following for a museum exhibit opening at the Eric Carle Museum of Picture Book Art, 125 West Bay Road, Amherst; Jennifer Therkelsen, Manager.

VOTED unanimously to approve the applications of the Top of the Campus Inc. for Wine and Malt Licenses on December 6, 2015 for service at a reception in the Fine Arts Center Lobby from 4:00 p.m. - 6:00 p.m. and on December 16, 2015 in the Fine Arts Center Lobby from 3:30 p.m. – 5:30 p.m. and All Alcohol Licenses on February 26, 2016 for service at a reception in the Isenberg School of Management Atrium from 6:00 – 9:00 p.m. and on February 28, 2016 for service at a reception at the UMass Museum of Contemporary Art from 4:30 p.m. – 8:00 p.m. with a rain date of February 29, 2016; Carolyn Nofio, Board Member.

Common Victualler

VOTED unanimously to approve the application of Mi Taqueria Mexican, for a Common Victualler license to operate on the premises of 31 Boltwood Avenue on Sundays through Thursdays 8:00 a.m. to 9:00 p.m. and Friday and Saturdays from 8:00 a.m. to 10:00 p.m.; Marleny Amaya, owner and Emma Munoz, Manager.

Coin Operated Amusement Device

VOTED unanimously to approve the application of HPBC Inc. d/b/a Hangar Pub & Grill for the operation of coin operated amusement devices to include one in Group 1, three in Group 3, one juke box and three pool tables; Harold Tramazzo, owner/manager; issuance pending approval from the Building Commissioner and Police Chief.

Committee Appointments

VOTED unanimously to appoint Christine Brestrup as an alternate member of the Pioneer Valley Planning Commission, filling a seat vacated by Jonathan Tucker.

Ms. Brewer explained the need to fill Amherst's seat on the Pioneer Valley Transit Authority that Mr. Musante had formerly held. The Select Board agreed without formal vote to support Doug Slaughter's serving in that capacity for the remainder of the term.

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

Reopened Public Hearing continued from October 26, 2015 at 6:47 p.m. Ms. Brewer provided a recap of the process to date, noting additional information that had been provided, which included mapping of outlet density and a quota report of existing licenses. Mr. Ziomek introduced Chief Livingstone, who provided an overview of his process, noting usual disqualifiers. The Chief indicated the background check had come back satisfactory and that both the Chiefs and other individuals with whom he spoke in other Towns that the

applicant is licensed were all very complimentary. Ms. Kruger spoke about incident statistics on increases in crime and criminal activity and concerns with the location, noting access for underage drinking was a concern. The public was offered an opportunity to speak if they had further information to provide beyond the letters received for this purpose. Peter Vickery on behalf of the Area Chamber of Commerce and Sarah LaCour of the Amherst BID, both spoke in support of the application. Resident John Fox, Fearing Street strongly opposed the grant of a license for this location, citing a report from the University of Massachusetts on student drinking, which he provided. Jeff Brown, landlord of the applicant, spoke in favor of the application, noting improvements made at the location since the applicant's tenancy. Pam Rooney, Cottage Street resident requested clarification on any benefits the Town might receive if the license was granted, noting if additional police patrols become necessary it would create a loss to the Town. Alex Moore, Cottage Street spoke about issues related to student drinking, and lack of enforcement at existing licensed locations. Stephanie Kraft, Mount Pleasant Street challenged the content posed by Mr. Vickery, reminding the Board of their responsibility and concerns related to personal safety of students. Joyce Burkeman, Cottage Street asked Select Board if there were any questions related to packet of letters from neighbors. Chris Riddell, Strong Street, noted the location was a thoroughfare for foot traffic and believed it not a good location. Attorney Albano spoke to some of residents' concerns. Applicant reviewed revised floor plan and plans for signage. Attorney Albano responded to inquiry indicating they do not intend to sell kegs, asking neighbors to keep in mind that the operation is a convenience store, not a package store. Chief answered questions related to hours of operation allowed under MGL. The Select Board voted unanimously to close the public hearing at 8:15 p.m. Select Board members' deliberated various factors related to issuance of a license for this applicant, citing messaging, location and public safety issues.

VOTED 3 in Favor and 2 Opposed (Brewer/Wald) to approve the application of Amherst Center Store, Inc. for an Off Premise Wine and Malt Annual Package Store License, in accordance with M.G.L. Chapter 138, Section 15, on the premises of 259 Triangle Street, Amherst, MA described as approximately 3,283 total square footage: office area of 24 square feet, retail store space 1,200 square feet, and back room for storage 1,118 square feet, with 2 entrances and 3 exits; Glenn D. Hamill, Manager.

Select Board took a brief recess, reconvening at 8:55 p.m.

Interim//Permanent Town Manager Update

Ms. Brewer indicated they had come to agreement with Mr. Ziomek on a contract to continue as the Temporary Town Manager retroactive to September 21, 2016 through January 31, 2016, unless terminated by either party with 30 days advance notice. It can be extended by mutual agreement. Mr. Ziomek will retain his prior position and all such benefits.

VOTED unanimously to approve the employment agreement between the Town of Amherst and M. David Ziomek as presented November 9, 2016 Select Board meeting.

Ms. Brewer read a press release dated 11-09-2016 that reported that Mr. Ziomek was appointed as Temporary Town Manager and would not seek the permanent post. The Select Board will begin a search for a Temporary Town Manager and the permanent town manager search soon. Mr. Ziomek thanked the Select Board and the staff for their support in the past seven weeks, especially Deb Radway and Sandy Pooler.

Ms. Brewer spoke about the process for the Interim candidate, noting Ms. Kruger and Mr. Steinberg will serve as the Select Board subcommittee in the Interim search with Ms. Radway. Ms. Radway spoke about the process for an interim search, the resources available, and the work her office has performed to date which culminated in nine candidates. The potential candidates have been contacted and the subcommittee will report back to the Select Board at their next meeting. Ms. Kruger and Mr. Steinberg spoke about their perceptions of the work their group will do and the possible outcomes. Select Board deliberated on the options brought forward and came to a shared understanding on the appropriate course of action. Ms. Radway spoke about the need for a Chair to have the ability to enter executive session for preliminary screening of applicants.

VOTED unanimously to appoint a four member preliminary screening committee for the Interim Town manager position to include human resource director Deborah Radway, Interim Town Manager David Ziomek, and Select Board members Andy Steinberg and Connie Kruger, with Andy Steinberg designated as Chair.

Ms. Brewer indicated the Select Board is not ready to move forward on appointing a search committee for the Permanent Town Manager search, however asked residents to submit their thoughts about the characteristics, skills and experiences that they believe are necessary for the next Town Manager and to share it via email to selectboard@amherstma.gov. Ms. Radway spoke about the open process used the last time an open search for the position occurred in Amherst and that she didn't see the need for the process to be very different. The Massachusetts Municipal Management Association has offered their assistance on the search process and the International Managers Association is available as well. The first decision the Board will have to make is to whether to hire a consultant for the search.

Special Municipal Employee SME Status

Ms. Brewer noted the need to update the current policy on Special Municipal Employee status. Ms. Kruger reported that it was her request to discuss SME status for the CDBG Advisory Committee, as they are down two members and it has been an issue when seeking new members. She explained that working in a field/profession that requires you to go before a board or committee on a matter, you cannot serve on any board in the community which you live, as it is considered a conflict of interest. Whereas, if the committee has been designated SME, you may appear before any board or committee other than the one on which you serve.

VOTED unanimously to grant Special Municipal Employee Status to the Community Development Block Grant Advisory Committee (CDBG).

Committee Charges

The Chair postponed discussion on the committee charge for the Public Transportation, Bicycle and Pedestrian Committee until the next meeting.

Town Manager Report

Mr. Ziomek conveyed that an alleged armed robbery had occurred over the weekend at Brandywine Apartments, but that the Chief had assured him that there was no immediate threat to the community. A follow up meeting related to the North Amherst intersection at Route 63 and Sunderland Road has been scheduled for December 8th at 7 p.m. at the Bangs Center.

Mr. Ziomek reported on his recent and future meeting attendance including the Chamber Legislative breakfast held at the Lord Jeffery Inn, the upcoming 10th Anniversary of the Amherst Cinema. He indicated follow-up from Town Meeting involves awaiting news on the PARC grant for the North Common, next steps for the Crocker Farm Playground and the three articles on solar. Very productive UTAC kick off meeting; impressed with subcommittees, all which are open to the public. We are moving forward on search for economic development director, hoping to be able to report to you in the next week or so.

Ms. Brewer reported on the Veterans Day ceremonies planned, thanking Mr. Slaughter for offering to be the master of ceremonies. Ms. Kruger requested that discussion of name badges and member business cards be on as a future agenda item. Ms. Brewer indicated if no other member had an issue than Ms. Kruger can take the lead and report back to the Board. Ms. Brewer reported that she and Mr. Slaughter spent the day at the school last Saturday regarding the building project. Mr. Slaughter reported on several planned screenings that Amherst Together is planning, one of which he was a cast member.

ADJOURN - The meeting adjourned at 10:14 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

Center Store Liquor License – Application, Outlet Density Map and Quota Report,

Center Store Liquor License – Letters and Emails in Support/Opposition (15)

Hampshire County Selectmen’s Association Survey

Hampshire County Selectmen’s Annual Meeting Notice

Interim Town Manager Contract

Mail: Planning Director Memo on North Amherst Village Center Public Forum Date; Safe and Health

Neighborhoods Complaint and Violation Monthly Report 10/29/2015

Press Release Interim Town Manager Contract and Search 11/09/2015

Public Transportation Bicycle Pedestrian Committee Charge with Highlighted Proposed Changes

Community Development Block Grant Advisory Committee

Special Municipal Employee Process and Policy, SME Status Voted List

Designation of Pioneer Valley Transit Authority delegate

Pioneer Valley Planning Commission Request for Appointment

Pioneer Valley Transit Authority “About the PVTA” Webpage

Application for Coin-op Amusement HPBC Inc.

Special License Applications: UMass 12/06/15; 12/16/15; 2/26/2016; 2/28-29/16; Eric Carle 11/14/15

Common Victualler Application Mi Taqueria Mexican