

MINUTES

ATTENDANCE

Select Board

Present: Alisa Brewer, Connie Kruger, Doug Slaughter, Andy Steinberg.

Absent: Jim Wald

Staff: Peter Hechenbleikner, Temporary Town Manager; Assistant Town Manager David Ziomek; Police Chief Scott Livingstone; Christine Brestrup, Planning Director; and Assistant School Superintendent Mike Morris.

Other: Tom Murphy, Jim LaPosta, Julie Marcus, Katherine Appy, Larry Kelly, Vincent O'Connor, Bernie & Elaine O'Donnell; Michele Matusko; Chris & Jessica Pronovost; Laurence Tebo; Rebecca Casagrande; Laura Quilter, Maria Kopicki, Vira Douangmany Cage, Amilcar Shabazz, Sean & Rita Burke, Peter Jessop, Barry Roberts, Mindy Domb, Attorney Tom Reidy, James Steinberg, Paola DiStephano, Mindy Domb, Janet Keller, representatives of W. D. Cows, Beacon Properties and their architects.

Meeting called to order by Ms. Brewer at 6:35 p.m.

Police Captain's Swearing In Ceremony

Temporary Town Manager Peter Hechenbleikner welcomed members of the Amherst Police Department to the meeting, thanked them for their service, and recognized that the last couple of weeks have been very difficult for the law enforcement community. The community appreciates the work that the officers do every day for the citizens of Amherst. Chief Livingstone introduced new Captain Ron Young. Town Clerk Sandra Burgess swore in Captain Young. The Captain thanked the Select Board and Town Manager for their support, and thanked his co-workers for attending this ceremony.

Public Comment

Larry Kelly noted that on July 4th, 21 flags were installed on poles in downtown, of the 29 poles available. He would hope that all 29 poles would have flags installed by the 15th anniversary of 9-11. He also suggested that the bells at Town Hall be tolled at appropriate times on 9-11-16 to commemorate the 15th anniversary.

Vince O'Connor noted that modern police forces have their origins in slave patrols. The President of the Chicago Police Union has suggested that the Supreme Court case that struck down local ordinances regulating firearms should be challenged, and he asked that the Select Board consider bringing a bylaw to Town Meeting regulating firearms and challenging that decision with the intention of taking a challenge to the US Supreme Court.

Town Manager's Report

The Town Manager reviewed the written report submitted.

Select Board Members Reports

Mr. Slaughter reported that there may be an attempt at the Metropolitan Planning Organization (MPO) to move the Bike Sharing program to a later year in order to provide funds in the current fiscal year for other projects. Mr. Slaughter sits on the MPO and intends to push back on any such requests.

Committee Revocation/Termination

On motion by Steinberg, seconded by Slaughter, the Select Board unanimously voted to revoke the appointment of Shirley Stevens to the Amherst Cultural Council effective July 18, 2016.

On motion by Steinberg seconded by Slaughter, the Select Board unanimously voted to approve Select Board appointments for following lists of individuals:

SELECT BOARD BOARD/COMMITTEE REAPPOINTMENTS

<i>Name</i>	<i>Committee</i>	<i>Term through</i>
Constance Kruger	Affordable Housing Trust	June 30, 2017
Nancy Gregg	CDBG Advisory Committee	June 30, 2017
Linda Faye	Cultural Council	June 30, 2019
Matthew Charity	Human Rights Commission	June 30, 2019
Sid Ferreira	Human Rights Commission	June 30, 2019
Nancy Pagano	Kanegasaki Sister City Committee	June 30, 2019
Ron Bell	Personnel Board	June 30, 2017
Eric Broudy	Public Art Commission	June 30, 2019
Nonny Burack	Public Shade Tree Committee	June 30, 2017
Mark Parent	Zoning Board of Appeals – Full	June 30, 2019
Katherine Vorwerk Feldman	Hampshire Regional Emergency Planning	June 30, 2017

SELECT BOARD BOARD/COMMITTEE APPOINTMENTS

<i>Name</i>	<i>Committee</i>	<i>Term through</i>
Yuri Friman	Zoning Board of Appeals – Full	June 30, 2019
Kelly Kraemer	Agricultural Commission	June 30, 2019
Carl Erickson	Amherst Cultural Council	June 30, 2019
Martha Toro	Amherst Cultural Council	June 30, 2019
Jennifer Lind	Amherst Cultural Council	June 30, 2019

On motion by Steinberg seconded by Slaughter the Select Board voted unanimously to confirm the Town Manager appointments for the following list of individuals:

CONFIRMATION OF TOWN MANAGER REAPPOINTMENTS

<i>Name</i>	<i>Committee</i>	<i>Term through</i>
Diane Amsterdam	Board of Health	June 30, 2019
Theodore Parker	Historical Commission	June 30, 2019
Greg Stutsman	Planning Board	June 30, 2019

On motion by Steinberg seconded by Slaughter, the Select Board unanimously voted to appoint the police officers as recommended by Chief of Police Scott Livingstone in a memo dated June 30, 2016 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, 2016 through June 30, 2017.

Party Registration Pilot Program

Ms. Kruger introduced Captain Jen Gunderson from the Amherst Police Department, Sally Linowski, Associate Dean of Students and Eric Beal, Neighborhood Liaison from the University of Massachusetts Amherst who have been working with a subcommittee of the Campus and Community Coalition Committee on the matter. Gunderson reported that there are 700 to 1200 noise complaints that come into the APD per year. Most are for noise complaints about college student parties. Avoidance of these calls by providing an alternate method of addressing noisy parties will save on resources of the Police Department, and will reduce the potential for conflicts. She indicated that students will be encouraged to register parties and would be counselled by university staff on appropriate party etiquette. Registered parties will be filed with the APD dispatch. If a complaint comes in to dispatch about a registered party, the party host will be contacted and asked to wind the party down. If there are no more complaints, that is the end of the issue. If after 20 minutes there are still complaints, then the Police will respond and close the party down.

This is a pilot program that will go into effect this fall for UMASS. An evaluation will be done after about 6 months and a report will be made to the Select Board. No Select Board action is required on this matter.

Pole Hearing – Verizon Petition – Triangle Street

The hearing was opened at 7:04 p.m... The Temporary Town Manager explained the scope of the project which is being done at the Town's request and is part of the East Pleasant Street/Triangle Streets undergrounding project. John O'Donnell from Verizon was present to answer any questions. There were no residents who wished to speak at the hearing and the hearing was closed at 7:07 p.m.

On motion by Steinberg seconded by Slaughter, the Select Board unanimously voted to grant permission to Verizon New England Inc. to lay and maintain two (2) four-inch underground conduits and manholes, with the wires and cables to be placed therein under the surface on the easterly side of East Pleasant Street, subject to the conditions noted in the Order and outlined in their petition dated June 13, 2016, as marked in Verizon Plan No. 4A0COGC dated June 8, 2016.

Failure to exercise Annual All Alcoholic License – PVP Holdings d/b/a Fratelli's

The Temporary Town Manager explained that 2 licensees had received a letter from the Select Board last December regarding their intent to utilize the liquor license that had been issued, and they were both given 6 months to utilize their licenses. When they were both un-utilized in June 2016, letters were sent to them informing them of the hearing this evening. Joseph Bowman, Owner appeared on behalf of PVP Holdings LLC d/b/a Fratelli's Ristorante and detailed that they had construction problems largely related to the gas supply moratorium, that the restaurant is substantially complete; and that they expect to be opened by September 1, 2016. When asked for an outside date for the commencement of operations, he agreed that he would be operational by November 1, 2016.

On motion by Kruger seconded by Steinberg the Select Board voted unanimously to give written notice to the annual all alcohol restaurant liquor license #0024-000117 granted to PVP Holdings LLC d/b/a Fratelli's Ristorante that if they fail to conduct the licensed business on the premises of 30 Boltwood Walk, Unit #1 by November 1, 2016, the license will not renew for the 2017 calendar year.

Failure to exercise Annual All Alcoholic License – Afterburner Inc. d/b/a The Hangar

No one appeared on behalf of Afterburner Inc. d/b/a The Hangar Bar and Grill.

On motion by Kruger seconded by Steinberg the Select Board voted unanimously to cancel the annual all alcohol restaurant liquor license #0024-000084 granted to Afterburner Inc. d/b/a The Hangar Bar and Grill for failure to conduct the licensed business on the premises of 55 University Drive, as renewed in December of 2015.

Wildwood School Project – School Building Committee Update

Assistant Superintendent of Schools Mike Morris, NB5 Owner Project Manager Tom Murphy, and Jim LaPosta of JCJ Architecture presented updated information on the Wildwood School project. They presented a timeline for the project. The School Building Committee is meeting tomorrow night to determine what to include in the project, and the final construction cost estimates will then be provided to the MSBA and to the community. The current cost estimates puts the project in the middle of cost estimates for similar projects in the Commonwealth. MSBA will meet on September 28 and is expected to give final approval to the project. The Town must then provide the local funding for the project by the end of January 2017. In response to a question Katherine Appy, Chair of the School Committee indicated that the School Committee voted support of the project in January 2016.

Wildwood School Project – Debt Exclusion Ballot Question

The Temporary Town Manager indicated that the Select Board needed to consider when to put a debt exclusion on the ballot – either at a Special Election or at the State Election on November 8, 2016. If on the State Ballot, the language of the ballot question and a request to the Secretary of State to include the question on the ballot needs to be made by August 1. Having the question on the State ballot would save money (\$20,000) and would be on a ballot with the highest possible turnout.

The Chair indicated that she would entertain a few public questions or comments. Ms Greenbaum expressed

the opinion that it would be better to have a special election – as an election worker she felt that the polling places are too crowded even without this question. Rebecca Casagrande felt that there would be lots of college students voting in November and they don't know about local issues. Ms. Casagrande is from Pelham. Laura Fielder noted that if people don't know about a question they are likely to skip voting on it so she is not concerned about students voting on the issue. She did feel that the November election would have the highest diversity of voter turnout, and that would be good. Mr. Kelly felt that the question as drafted was deficient because no dollar amount is shown. Mr. Shabazz suggested a wording change.

Hechenbleikner noted that the state statute and regulations do not permit the dollar amount to be stated, and the wording of the question has to be (and has been) approved by the MSBA. No wording changes are permitted. Slaughter noted that the institution of early voting in November, the workload in the Town Clerk's office for the election and Town Meeting, the calendar for closing the Town Meeting warrant, and the MSBA meeting date on September 28, all make it more feasible to have the question on the November 8 ballot. Steinberg noted that trying to schedule a time any other part of the fall would be problematic because of the calendar of Jewish holidays in October and the Thanksgiving and Christmas holidays in November/December.

On motion by Kruger seconded by Slaughter the Select Board unanimously voted to place a Proposition 2 ½ debt exclusion question on the November 8, 2016 State Election ballot for Amherst voters which reads:

Shall the Town of Amherst be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to construct, originally equip and furnish two co-located elementary schools on the Wildwood site to educate all Amherst students in grades 2-6, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements?

Yes No

Establish Special Town Meeting dates

The Select Board discussed possible dates for the fall Special Town Meeting. For many of the same reasons stated in the discussion on the date for a Debt Exclusion, the Select Board felt that the best date for the Town Meeting to start would be November 14.

On motion by Slaughter, seconded by Steinberg, the Select Board voted unanimously to schedule the Fall 2016 Special Town Meeting on Monday November 14, 2016 with additional dates of Wednesday November 16, Thursday November 17, Monday November 21, Monday November 28, Wednesday November 30 and Monday December 5 2016 reserved.

Beacon Communities Presentation

Mr. Hechenbleikner outlined the process the developers will need to address once they are prepared to file a project. Representatives from Beacon Communities introduced themselves: David Chilinski of Prellwitz Chilinski Associates, Inc. Architects and Planners for the project; Darcy L. Jameson, Beacon Communities Development Director, Pam Goodman, Beacon Communities CEO, Dara Kovel, Beacon Communities Development President; Jeff Baker, Beacon Residential Management, Brian Cowl Regional VP and Mollye Lockwood of W.D. Cows. Beacon Made a presentation to the Select Board on a proposed re-development of the former sawmill property on Cows Road in North Amherst. They propose to develop 130 rental housing units, 20% of which will be affordable to very low income people, plus retail uses in a mixed use development. They reviewed the development plan, how it has evolved, what they have done for public outreach, and what their proposed schedule is. They propose to apply as a traditional 40b application, and there is no formal role for the Select Board at this time. During the next month or two the Select Board will receive a letter from DHCD, the financing agency, giving the Select Board 30 days to comment on the eligibility letter as submitted by Beacon. The Select Board will be able to submit comments on behalf of the Town on the application. This presentation this evening is for the Select Board and community's information.

Hechenbleikner noted that there are several very important aspects to this proposal including: Outreach and responsiveness of the developer to staff and to the community; a proven track record in Amherst with the purchase of Rolling Green; Affordable housing, and particularly directed towards very low income;

Enhancement of the village of North Amherst – consistent with the Master Plan; and Assistance in applying for a grant for traffic improvements in North Amherst.

Steinberg asked what their experience was in Rolling Green – how many of the tenants are students? Beacon responded that 40% is rented to graduate or undergraduate students, and parties are not a problem for the residents or the community – Beacon management has strict rules and guidelines on such activities.

Kruger noted that she is a member of the Housing Appeals Committee (HAC) but she does not have a conflict with considering the proposed project because any decision on this project is not subject to appeal to the HAC. She noted that the pictures presented are intended to represent the “massing” of the proposed buildings, not their final design. She asked about shared parking between the residential and retail, and the potential for reducing the number of parking spaces. She also asked whether there would be a play area for children built into the development.

Slaughter asked that Beacon continue to update the Town Manager as the project progresses, especially as it comes to requesting the Town tax credits.

Brewer reiterated that the Select Board has no role in this project at this time, and asked that there be efforts at consistency of terminology between Beacon and the Town. She indicated that she understands that the Town should be prepared to receive the eligibility letter in August or September. Brewer noted that although there is no particular role for the Select Board in the project, and because this presentation is for information purposes at this time, she is inclined to hear only a few comments from the public.

Peter Jessup stated he liked the project. He believes that it is a perfect site, he likes that Beacon is the developer, and he likes the development of affordable housing.

Julie Marcus indicated she likes the proposal. She indicated it is the right kind of density in the right place and will provide workers homes, meeting a significant housing need. Beacon has a good track record in Amherst, and it will bring in tax dollars.

Mandy Domb reported she likes the project because of affordable housing, potential for road improvements and extension of a sidewalk on Sunderland Road at least as far as the Survival Center.

Rita Burke was concerned that it might be more student housing, noting that a design with fewer bathrooms per unit might mitigate her concern.

Vincent O’Connor reviewed the allowable development on the site and feels that this proposal and using a 40b goes around Town Meeting action whereby on multiple occasions re-zoning was not approved.

Janet Keller stated that she likes Beacon, noting they have been very responsive. She cannot support the project however because of the high density. The site is part of the Mill District re-development. It is close to farmland. She could support 60 units permitted by zoning. She is concerned about traffic patterns.

James Steinburg, an abutter reported he has met with Beacon several times and they have been most responsive. He questioned whether Amherst wants to be a community of only renters. He does not support the proposed project.

Paola DiStefano said Beacon has been professional and nice to work with, however the problem is that the scale of the project is too large and not consistent with North Amherst.

Planning Director Christine Brestrup, in response to a question from the Select Board, noted that under existing zoning the property could be developed for 60 to 65 housing units, and there is no requirement for affordable housing under existing zoning.

License for Land – Gilreath Manor, 18-26 Hobart Lane

Thomas Riedy represents Gilreath Manor. This property was developed in the 1960's, and as part of the rental housing registration process the Building Commissioner has discovered that there is not adequate parking on site, and no room to provide more parking on site. The development has developed parking that uses part of the Town right of way on Hobart Lane, and has been doing so for a number of years. The Building Commissioner working with the property owner and Town Counsel has suggested entering into a revocable license with the Town to legalize the existing use of portions of Hobart Lane would address this deficiency. Issues of creating a precedent, and compensation for the license have been raised.

On motion by Steinberg, seconded by Slaughter, the Select Board voted unanimously that the Select Board is supportive of entering into a license agreement with Gilreath Manor LLC, the owner of the property located at 18-46 Hobart Lane, known as Gilreath Manor, granting a revocable license for use of portions of Hobart Lane for vehicular parking purposes roughly as outlined in the Select Board packet.

The Town Manager will work with the property owner on revising the license and negotiating with the property owner a more appropriate licensing fee, including some sort of escalator in the license fee.

Letter to Zoning Board of Appeals regarding process for RMD Applications

This letter has been drafted by Select Board member Connie Kruger, pursuant to the previous discussion by the Select Board related to Medical Marijuana Dispensaries.

On motion by Steinberg, seconded by Slaughter, the Select Board unanimously voted to approve and sign the letter as written to the Zoning Board of Appeals pursuant to the discussion by the Select Board related to their approval of Registered Marijuana Dispensaries (RMD).

Consent Calendar

On motion by Slaughter seconded by Steinberg, the Select Board voted unanimously to approve the following items under the consent calendar:

Road Closure and Metered Parking Reservation

BID Block Party

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 15, 2016 from 5:00 p.m. – 9:00 p.m. for the Business Improvement District's 5th Annual Celebrate Amherst Block Party.

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 15, 2016 from 2:00 p.m. to 11:00 p.m. for the Business Improvement District's 5th Annual Celebrate Amherst Block Party.

LICENSES

Voted to approve the application of Hampshire College d/b/a the Kern Kafe for a Common Victualler License on the premises of 893 West Street Monday through Friday 8:30 a.m. to 9:30 p.m.; Sarah Klein, Manager.

Voted to approve the application of Huang International LLC d/b/a Formosa Chinese Restaurant for a Common Victualler License on the premises of 62 Main Street Sunday through Saturday 11:00 a.m. to 10:00 p.m.; Luanne Wu, Manager.

Voted to approve the application of the Amherst Business Improvement District for a Live Entertainment License for the performances of live bands for the Amherst Block Party in Kendrick Park, on the corner of Kellogg and North Pleasant Street and at the corner of Main Street and Amity Street; Sarah LaCour, Director.

Voted to approve the application of Top of the Campus Inc., for a Special All Alcohol License to serve at a reception in the W.E.B. DuBois Library Lower Level, UMass on September 25, 2016 from 3:00 to 5:00 p.m.; Jennylyn Fountain, Board Member.

Voted to approve the application of Proud Harvest Inc. d/b/a Dean's Beans Organic Coffee Company for an On-Street Lunch Cart license within the three allowed locations from Monday – Sunday, 6:00 a.m. to 9:00 p.m.; Dean Cycon, Owner.

Approval of Minutes

On motion by Slaughter, seconded by Kruger, the Select Board voted 3-0-1 with Brewer abstaining, voted to approve the minutes of April 21, 2016, May 2, 2016, May 9, 2016, May 11, 2016, May 16, 2016, June 6, 2016 and June 13, 2016, as amended. Select Board members will submit to Ms. Puppel any typo's found in the minutes.

The Select Board voted to adjourn the meeting at 11:29 p.m.

Submitted by Peter Hechenbleikner, Temporary Town Manager

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

Final Agenda with Appointments, Agenda Memo, Draft Motions, and Consent Calendar

2016-17 School Calendar

TM Report – DHCD FY 16 CDBG: LAU Approval Letter, Notice to Habitat and Regulatory Agreement

TM Report - Eversource: Basic Service Rate, Phase IV Former Amherst Gas Plant; Press Release Supply Charge

TM Report – Library Trustee Member Resignation

TM Report – Memo re Requirements for Food Service for On Premise Licenses

TM Report – Memo to DAAC on Appointment Process; SB Policy on Filling Vacancies; TM Appointments

TM Report – Press Release on Solar Landfill Agreement with SunEdison Termination with Map

TM Report – WM Mayors Joint Statement of Support Route 91

TM Report July 18, 2016

Select Board Report: Homelessness Forum Flyer; UMass Town Amherst Presentation at Chicago Conference

Committee Revocation Letter – Stevens ACC

Appointments to be Made Confirmed 07-18-2016

Agents of the Select Board as Recommended

Party Registration Final 7/18/2016

Verizon Petition for East Pleasant Street

Liquor License Quota Report 7/18/2016

Notice to Fratelli Failure to Exercise 12/2015 and Consideration of Cancellation

Notice to Afterburner Inc. Failure to Exercise 12/2015 and Consideration of Cancellation

Wildwood School Project Flowchart

Special Town Meeting Draft Calendar Preview

Beacon Communities Presentation 07/18/2016

Memo – Comprehensive Permit Process for Beacon Communities Project

Gilreath Manor License for Use

MGL C138 s77 Cancellation of License upon cessation of licensed business

Select Board draft letter to ZBA

BID Block Party Street Closure Request 9/15/16 and Map

Common Vic Application Kern Kafe, Hampshire College and Huang International d/b/a Formosa Chinese Rest

Lie Entertainment License BID Block Party 09/15/2016

Special All Alc UMass Amherst 9/25/2016

New Lunch Cart Proud Harvest Inc. d/b/a Deans Beans Organic Coffee Co

Draft Minutes: April 21, 2016; May 02, 2016; May 09, 2016; May 11, 2016; May 16, 2016; May 18, 2016; June 6, 2016; and June 13, 2016;