

MINUTES

ATTENDANCE

Select Board

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

Absent: None

Staff: Peter Hechenbleikner, Temporary Town Manager

Other: Resident Nancy Sardeson; CPAC Chair Mary Streeter;

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

During public comment, Nancy Sardeson of 115 State Street brought forth concerns regarding a recent event held at Mill River Conservation Area this past Sunday. Appalled at the noise level and lack of response to multiple calls to police, given noise levels and drinking with upwards of 500 to 1000 people present and the amount of trash that remained, causing overtime on a Sunday. Thanks to David Ziomek were offered for his presence at 8 a.m. to assist in cleanup. Ms. Brewer indicated the Town Manager will have a report on the topic later this evening.

Deborah Radway, Human Resource Manager, spoke about the process to date in compilation of draft Town Manager Search finalist interview questions. Questions before you this evening were compiled by she and member Andy Steinberg with the goals prioritized by those topics that are responsive to the community, worded to be clear, brief and positive, with an appropriate number of questions, providing sufficient time for follow-up as appropriate. Questions are grouped into five topics: Board relationship, personnel management, stakeholder relations, financial management, service delivery, innovations and diversion and inclusion. In response to a question related to the number of topics, Mr. Steinberg felt there was sufficient time within 2 hours for sixteen questions. Member requested a list of what cannot be legally referenced. Any suggestions for minor edits please forward to Ms. Radway to return to the Board for finalizing on Thursday.

The Select Board reviewed Articles from the Warrant for the May 2, 2016 Annual Town Meeting:

Mary Streeter, Chair of the CPAC provided highlights of Article 19. Community Preservation. A number of projects relate to affordable housing initiatives and include mortgage subsidies, rental vouchers, funds for the housing trust and to Habitat for another duplex. Funds remaining were transferred to budgeted reserve for permanent housing. Historic preservation including requests for fire suppression systems for Emily Dickinson Museum and First Congregational Church and necessary repairs and studies for the Strong House and a stone for a black civil war soldier. Open space projects include requests for funds for Open Space parcels and assistance in Agricultural Restriction. A spray park and playground updates are requested for Groff Park, to supplement an applicant for PARC grant application. Ms. Streeter noted that funds voted in last year's grant were meant to match grant funds not received, so the Committee was putting the grant before the voters again in Article 20 as the need is still very much there for work on the North Common. Two million dollars of funding was received, but not enough to fill the 2.4 Million dollars' worth of requests.

The Board voted unanimously to recommend to the May 2, 2016 Annual Town Meeting, **Article 19 – Community Preservation Act Committee Part A – Annual Distribution of Funds**; a Board member to be named will speak to the Article on behalf of the Select Board.

The Board voted unanimously to recommend to the May 2, 2016 Annual Town Meeting, **Article 19 – Community Preservation Act Committee Part B – Open Space Acquisition**; a Board member to be named will speak to the Article on behalf of the Select Board.

The Board voted unanimously to recommend to the May 2, 2016 Annual Town Meeting, **Article 19 – Community Preservation Act Committee Part C – Open Space Acquisition: Agricultural Preservation Restriction (APR)**; a member to be named will speak to the Article on behalf of the Select Board.

The Board voted to recommend to the May 2, 2016 Annual Town Meeting, **Article 20 – Amend Prior Community Preservation Act Committee Authorization**; a member yet to be named will speak to the Article on behalf of the Select Board.

David Ziomek, Assistant Town Manager presented to answer questions on several Town Meeting Articles. Article 21 provides for conveyance of frontage of Hawthorn Farm property to Habitat for affordable housing, accepting a restriction for affordable housing on the parcel. A ten foot right of way will remain on the southern boundary perpendicular to the street to access the remaining acreage of the parcel.

Voted to recommend to the May 2, 2016 Annual Town Meeting, **Article 21 – Transfer of Custody – Hawthorne Farm for Affordable Housing**; Doug Slaughter will speak to the Article on behalf of the Select Board.

Library Director Sharon Sharry provided background for Articles 31 and 32. She reported about discussions between the Amherst Historical Society and Jones Library on collaboration, both programmatic and physical. A Memorandum of Understanding is being drafted to allow the library to move forward with an application for a building grant. Georgia Barnhill President of the Historical Society spoke on the need for changing the zoning designation for the land that belongs to the Historical Society to keep it from becoming non-conforming for library expansion, Article 31. Article 32 will provide a preservation restriction ensure their intent for continued stewardship of the Strong home. Mr. Wald disclosed for the record that he serves as a member of the Historical Society trustees.

The Select Board took a moment to review the Planning Board reports provided this evening before Planning Board members Rob Crowner and Greg Stutsman recommending the articles. The Planning Board noted that outside of current uses, the parcel is better suited for change, as the only parcel remaining in the block outside of a parking lot as general residence. The Planning Board agrees that it makes more sense to have general business end at with the street. Ms. Kruger noted her concurrence with the thinking on the change of use in zoning for Article 31. Relating to Article 32, Mr. Hechenbleikner noted that it was discovered that an historic restriction formally agreed to previously will be finalized if this is approved,.

Permission of the Historical Commission would be needed for change in color outside of the norm for an exterior color of that timeframe. The President of the Society noted they believe the permission of the Historical Commission in areas covered by such a restriction was to be expected and not extraordinary. Mr. Steinberg noted and Ms. Barnhill confirmed that the provisions of the will donating the land and building are already very restrictive.

Voted unanimously to recommend to the May 2, 2016 Annual Town Meeting, **Article 31 – Zoning Map 67 Amity Street**; Connie Kruger to speak to the Article on behalf of the Select Board.

Voted 4-1-0 to recommend to the May 2, 2016 Annual Town Meeting, **Article 32 – Historic Preservation Restriction – 67 Amity Street**; Jim Wald to speak to the Article on behalf of the Select Board.

Vincent O'Connor, the petitioner for Article 33 came forward, noting he had not presented anything to the Select Board, as he was waiting for the Planning Board's report which wasn't made public until last evening. He noted his intent is to make two separate motions in relation to his article. The first motion is in relation to a change in definition of low income and the other is a clarification of an interpretation of a bylaw regarding what is the net increase required in a certain number of units requiring affordable housing. Select Board took brief moment to review the Planning Board report presented this evening. Planning Board members came forward

again and spoke on their agreement for a motion to divide, noting their support in change in definition on calculation of affordable housing. The second change in interpretation is not supported and believed to be a change in application of inclusionary zoning, broadening interpretation to more projects, which they consider a treacherous path, serving to dampen willingness to provide development due to costs and possibility of a lawsuit to overturn.

Voted unanimously that the Select Board recommend that Article 33 be divided into two parts, recommending Part A - Article 12 of the Zoning Bylaw, Definitions and recommending referral to the Planning Board Part B – Article 15 Inclusionary Zoning to the May 2, 2016 Annual Town Meeting, and if Part B fails, to recommend dismissal with a Select Board member to be noted at a later date.

The board suspended discussion of the Annual Town Meeting Warrant because of a scheduled public hearing regarding a new Annual On Premise All Alcohol License for Londonwest LLC d/b/a Londonwest.

The Public Hearing opened at 8:49 p.m. The public hearing notice was noted for the record. Heather Sutherland owner presented, outlining a retail store opening at 35 North Pleasant Street with intent for a snack bar that will offer beer and wine service, noting the application for a full liquor license was required as there was no availability of a wine and malt license. Attorney Mike Simolo presented to assist the applicant. Affidavit on notice to abutters was submitted. Mr. Steinberg asked about the training to enforce liquor laws to avoid problem underage drinking. An electronic identification is being purchased and Ms. Sutherland who will serve as manager has taken the serve safe training and will recommend employees do the same for service. Select Board suggested the applicant consider joining the retail partner committee of the Community Coalition to Reduce High Risk Drinking once the license is approved. Select Board reviewed location for service of alcohol, patron seating, noting concerns about flow of alcohol in open store area. Amount of square footage in café area versus entire area identified on application. Mr. Hechenbleckner explained the licensed premises needs to include storage area of alcohol. Select board requested further information on the specific area proposed for path of transport, with storage, service area better defined and how the licensee would manage/control; detailed management plan including hours of operation, training of staff, sense of understanding of business model no later than noon on May 9, 2016, to return to the Select Board for a continuance of the hearing on Wednesday, May 11, 2016.

Voted unanimously at 9:49 p.m. to continue the hearing to 6:00 p.m. on Wednesday, May 11, 2016 in the band room at the Amherst Regional Middle School the application of Londonwest LLC d/b/a Londonwest for a new annual all alcohol on premise liquor license on the premises of 35 South Pleasant Street, described as that portion of the 1,000 square foot store premises per the plan dated 02-29-16 on one floor with one entrance and one exit, basement storage - no outdoor area included; Heather Sunderland, Manager.

The board resumed discussion of the Annual Town meeting Warrant.

No one presented relative to Article 36 so the Chair proposed to discuss Article 38. Ms. Brewer referenced additional information that was made available this evening for Article 38, which would be uploaded online tomorrow. Maria Kopicki presented and summarized the purpose for the petition. The Select Board discussed MSBA process relative to timing for such a feasibility study. Factoring of costs of remedying known issues related to Fort River site was noted, as was disruption of process that has moved forward to what's known as the preferred solution. Mr. Hechenbleikner noted timeline to issue a Request for Proposal through award may be problematic given current understanding of MSBA process. Petitioner noted felt the cost of renovation process was not vetted thoroughly and need for better information with which to make a decision. Janet McGowan, resident/Town Meeting member, presented and summarized her position, questioning logic of considerations of parents/staff. Referral to School Committee was discussed as an option. Concern that a referral would jeopardize the project was noted. Preference to wait for additional information as to if a timeline consistent with MSBA would allow the investigation being requested before making a recommendation was discussed.

Board voted to postpone recommendation of **Article 38 General Petition: Feasibility Study for Repair of Wildwood and Fort River Schools** to a future date meeting date, referring questions to the School Building Committee for response.

Students from Amherst College representing Divest Amherst spoke on their petition Article 45, noting support and endorsements of other entities and colleges. Question on areas the Town might have funds invested and how such a vote might impact the relationship with Amherst College moving forward. Members noted conviction that Select Board role not essential, it appears more of a symbolic action by Town Meeting.

Voted unanimously that the Select board take no position to convey to the May 2, 2016 Annual Town Meeting, **Article 45 General Petition: Resolution on Amherst College's Divestment from Fossil Fuels**; Slaughter to speak to the Article on behalf of the Select Board.

Mr. O'Connor, as the petitioner for Article 39 spoke and noted that he is going to move to dismiss, as the petition itself led to accomplishment of more than he had anticipated.

Voted to support the petitioner in his recommendation of dismissal to the May 2, 2016 Annual Town Meeting, **Article 39 General Petition: Medicaid Reimbursement Appropriation/Bylaw**; Ms. Brewer to speak to the Article on behalf of the Select Board.

Mr. O'Connor then spoke about his petition Article 40. When he submitted the petition, he did not have a copy of the agreement between the Town and University and has a different understanding now. He therefore intends to request dismissal of the first two parts of his petition article. O'Connor noted he will move only the third part of the article that addresses the need for greater documentation of the number of public school students who reside in University housing and would direct that part of the University's contribution compensate for the expenditure to educate those students. Members communicated their belief that it is bad policy to enact a bylaw directing how receipts to town general fund should be expended or recorded in the accounts and a lack of support for the article. Mr. Hechenbleikner noted having the information related to the documentation of the number of public school students in University Housing was appropriate; however, there is no mechanism under state law for creation of a fund as proposed in the article except by Special Act.

Voted 4-0 with 1 Abstention (Slaughter) to not recommend to the May 2, 2016 Annual Town Meeting **Article 40 General Petition: UMass Nontaxable Housing for Primary and Secondary Education Costs/Bylaw Amendment PILOT for School Housing**; Mr. Steinberg to speak to the Article on behalf of the Select Board.

No one presented relative to Article 43 so the board proceeded to Article 44. Mr. O'Connor reported that Representative Kulik has sponsored the bill referenced in Article 44 on behalf of MMA for several legislative sessions. He noted that the Finance Committee unanimously supports the Article which is modeled after Boston's process for large nonprofit educational entities. Ms. Brewer said that she did not have access to the language for the Kulik bill and recalled noted issues with portions of the bill. Mr. O'Connor said that he is willing to provide the language for the Kulik bill. The board asked Mr. O'Connor to return at a later meeting. The Board postponed further discussion of **Article 44 General Petition: Resolution House Bill 2584** to a later meeting date.

Rene Theberge, Chair and Eric Broudy, member of the Public Art Commission presented Article 26. Mr. Broudy summarized why they are bringing the article forward, the changes to the article since they presented a proposal for a bylaw to the Select Board on February 8, and why public art is important to Amherst. Mr. Theberge reported on the recent application to and the visit of the Massachusetts Cultural Council for a Public Art District in Amherst, noting a favorable response. The Finance Committee voted not to support the article, indicating that it was not a favorable time given the impending building projects in Amherst. It was noted that it could be considered a favorable time because of the building projects on the horizon and the public art to be

supported if such a bylaw were to be in place. While it appears that there is a consensus that the idea of some percentage for Art should be supported, the stumbling block might be the amount. The Art Commission members noted they felt that the right amount was 1% but obviously would be delighted at any amount. It was noted that if a percent for art program is approved, a future Town Meeting could reduce or increase it at a later date. There was a question raised as to expense of financial management including of auditing public art.

The Select Board agreed to defer until Town Meeting a recommendation to the May 2, 2016 Annual Town Meeting, **Article 26 General Bylaw Percent for Art.**

Topics for future meetings were reviewed, possibly including an executive session on parameters of Town Manager interviews.

Regarding Article 35, Ms. Brewer noted that both the Charter Commission and the Finance Committee have met and unanimously endorsed the funding since the Select board's last discussion. Voted to recommend to the May 2, 2016 Annual Town Meeting, **Article 35 General Petition – Charter Commission Appropriation for \$30,000.**

Voted unanimously to approve the four special all alcohol licenses for Top of the Campus Inc. for receptions to be held on May 6, 2016 from 11:30 a.m. to 3:30 p.m. and May 7, 2016 from 3:30 p.m. – 7:00 p.m. in the Durfee Garden and June 11, 2016 from 5:00 p.m. to 10:30 p.m. in the Fine Arts Center Lobby and the outdoor area of the Atrium; Jennylyn Fontaine, Board Member.

Mr. Steinberg requested the Town Manager give a brief report on the incident this past weekend at the Mill River Recreation Area. Mr. Hechenbleikner noted LSSE issued a permit for an event for an expected 30 people, when an apparent 500 presented. There is a definite need to revamp permit issuance and enforcement issues surrounding public safety access, noise disturbance and a way to recoup losses for damages. Ms. Brewer noted alcohol is not allowed at Groff Park, Mill River or any public park or land and there needs to be a way to enforce the existing rules.

ADJOURN - The meeting adjourned at 12:26 a.m.

Submitted by Peter Hechenbleikner, Temporary Town Manager

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

Final Agenda and Draft Motions

Town Manager Agenda Memo

DTC Request for Update of Status of Cable Licensing

Application for a New All Alcohol Section 12 on Premise – Londonwest Company LLC

Annual Town Meeting Article 19 Housing First Initiative Handout

Annual Town Meeting Article 19 CPA Annual Report with Attachments

Annual Town Meeting Article 21 Hawthorne Farm Basemap

Annual Town Meeting Article 31 and 33 Planning Board Action

Annual Town Meeting Article 31 Memo to Planning Board re Rezoning of 67 Amity

Annual Town Meeting Article 33 Planning Board Director Memo

Annual Town Meeting Article 35 Letter of Support

Annual Town Meeting Article 35 Update

Annual Town Meeting Article 38 Cost Comparisons and Follow up Letter to Fin Comm M. Kopicki

Annual Town Meeting Article 38 MSBA ES MS Renovation Projects

Annual Town Meeting Article 38 Presentation Regarding School Renovation

Annual Town Meeting Article 38 Statement to Finance Committee

Special All Alcohol License (4) Applications Top of the Campus – Various locations and dates

Historical Commission Report on FY 17 CPA Funding

Annual Town Meeting Article 31 – Planning Board Report 67 Amity St Zoning Map
Annual Town Meeting Article 33 – Planning Board Report Affordable Housing
Recruiter Memo re Fraser Candidacy April 19, 2016
Town Manager Report April 19, 2016