

## Minutes

### ATTENDANCE

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

Absent: None

Staff: Interim Town Manager M. David Ziomek; Human Resource Director Deborah Radway; Principal Assessor David Burgess

Other: Tammy Ryan, Market Manager, Scott Merzbach, Gazette and Larry Kelley blogger.

Meeting called to order by Ms. Brewer at 6:32 p.m.

### Public Comment

Vince O'Connor spoke briefly about the Four-Town Meeting he attended this past Saturday, relaying his dismay at the exchange between communities regarding the Regional School District assessment process. Mr. O'Connor urged the Board to work on a mechanism that would seek funding from Amherst College for education purposes.

### Flag Raising - 150<sup>th</sup> Anniversary of 13<sup>th</sup> Amendment

It was noted that as an American flag, it could not be flown below the UN flag. Mr. Ziomek indicated it was being discussed.

On a motion by Andy Steinberg, seconded by Doug Slaughter, the Board voted unanimously to permit the provided 36-star United States flag to be flown on December 18, 2015 for the 150th Anniversary of the Thirteenth Amendment & National Day of Remembrance for the Victims of Slavery and Racism.

On a motion by Andy Steinberg, seconded by Doug Slaughter, the Board voted 4-0 with one absent (Kruger) to approve reservation of four metered parking spaces on the east side of Boltwood Avenue beginning at the intersection of Main Street moving south to the exit drive for the Town Hall lot on Friday, December 18, 2015 from 8:00 a.m. to 1:00 p.m.

### Amherst Farmers Market Update

Mr. Steinberg provided an update on the collaboration between Farmers Market and Ag Commission on increasing opportunities for Amherst farmers in the market. A written update from the Agricultural Commission was referenced. Tammy Ryan, Market Manager provided data on customer counts, noting an average of 1,600 daily. Seven Amherst farmers were included this year. The Boltwood extension proved to be less profitable for vendors in that location. Blocking traffic was difficult and the extension proved problematic for parking, traffic and safety. The market would like to discuss extension to the North Common. An ongoing issue is cars left in the lot overnight and the Market's request that the Town consider towing cars that remain after 6 a.m. Members thanked Ms. Ryan for the report and for their work over the last season and discussed issues brought forth in her report. It was noted that parking regulation would need to be updated and posted to allow towing. A number of comments in the Ag Com's correspondence and Ms. Ryan's report need further examination before members were willing to take action, noting need for timeliness. Mr. Ziomek echoed appreciation for progress and increased communication. Reservations expressed on use of the north common in its current condition.

### Renewal of Annual Licenses

It was noted All Things Local have surrendered their license.

On a motion by Doug Slaughter, seconded by Connie Kruger, the Board voted unanimously to approve the list of renewals for alcohol and non-alcohol licenses presented, dated December 7, 2015, subject to

outstanding documentation pending for the calendar year beginning January 1, 2016 through December 31, 2016.

Voted unanimously to approve inclusion of a written notice with license renewals to license holders of so-called pocket licenses that if a license continues to not be exercised within a six month time period, either at the current location or via a transfer, the license may subject to cancellation.

### **Committee Appointments**

On a motion by Connie Kruger, seconded by Doug Slaughter the Board voted unanimously to appoint Barbara Findlen to the CDBG Advisory Committee, Ryan Karb to the Agricultural Commission and Ellen Keiter to the Public Arts Commission, all for a three year term through June 30, 2018.

### **Special Liquor License**

On a motion by Andy Steinberg, seconded by Doug Slaughter, the Board voted unanimously to approve the application of MGB, Inc. d/b/a Elegant Affairs for a Special Wine and Malt License for service at the Amherst Area Annual Chamber Holiday Party at People's Bank, Amherst on December 19, 2015 from 5 – 7 p.m.; Margaret G. Boxold, Manager. Street address of Amity Street premises to be licensed should be specified on the license.

### **Parking and Street Closure Requests**

Mrs. Brewer noted the Lord Jeffrey Inn request for the reservation of metered parking included a request for a reduction in the fee per meter per day to the prior fee of \$5, since the event was booked prior to the increase to \$10 per day.

On a motion by Connie Kruger seconded by Jim Wald, the Board voted unanimously to approve the reservation of 40 metered parking spaces on both the east and west sides of Boltwood Avenue beginning at the Spring Street intersection moving south to the intersection of College Street on Tuesday, March 29, 2016 from 8 a.m. to 6 p.m. to be invoiced for a fee of \$10 per meter per day (\$400).

### **Property Tax Classification**

Ms. Brewer thanked Mr. Burgess for receipt of the documentation weeks in advance for the Board's review. The public hearing was opened at 7:32 p.m. Mr. Burgess reviewed the available options, recommending a residential factor of 1 and no exemptions. The levy this year is \$46,686,579 with a total assessed valuation of \$2,200,466,300 provides a tax rate of \$21.22 per thousand. The public hearing closed at 7:49 p.m.

On a motion by Connie Kruger, seconded by Jim Wald, the Board voted unanimously to adopt a minimum residential factor of one, equal tax rate for all classes of properties for Fiscal Year 2016 and that no open space discount be granted.

On a motion by Doug Slaughter, seconded by Jim Wald the Board voted unanimously to NOT adopt a Residential Exemption for Fiscal Year 2016.

On a motion by Jim Wald, seconded by Connie Kruger, the Board voted unanimously to NOT adopt a Small Commercial Exemption for Fiscal Year 2016.

### **Temporary Town Manager Selection**

Ms. Brewer provided an update on process to date including the interview of two candidates, public response, and references obtained. Ms. Brewer reported on references, noting all were positive. Discussions regarded number of hours needed, personnel issues which the candidates helped resolve, and communication with residents. Both had extensive years of experience.

The Board members turned to deliberation, providing thoughts on the candidates for the Interim Town Manager position. A question was posed as to whether the candidate's interest in the permanent position would provide a different experience. A concern was raised as to the limitation of one candidate relative to the number of hours a retiree can work of 960 hours per year. It was noted the hours needed are bound to be affected by the departure

of the Finance Director, which creates a need from a resource standpoint of at least 40 hours a week.

The Board discussed whether that absent an end date, it is difficult to discern which candidate can best guarantee that he will provide what is needed. Ms. Radway was asked about the contractual options, hourly rate versus salaried. Members cited differences in candidates' responses, specificity versus generalization, a preference with the clarity, purpose and intent of Mr. Rees responses was noted by a majority of the members. Ms. Brewer requested a volunteer to negotiate with Ms. Radway.

On a motion by Doug Slaughter, seconded by Jim Wald, the Board voted unanimously to authorize Andy Steinberg to commence negotiations with temporary Town Manager candidate Mark Rees and if unable to reach a tentative agreement, to commence negotiations with temporary Town Manager candidate Peter Hechenbleikner.

### **Town Manager Search Process**

Ms. Brewer summarized what had occurred to date. Mr. Slaughter reported on the quotes received and a recommendation to move forward with Community Paradigm Associates. Ms. Radway provided an outline of the revised format/process including soliciting organizational and community input.

On a motion by Doug Slaughter, seconded by Jim Wald, the Board voted unanimously to direct the Town Manager to execute a contract with Community Paradigm Associates for search for Town Manager position for \$12,875.

### **Town Manager Report**

Mr. Ziomek was very excited to report that the Town's Act for the Affordable Housing Tax Incentive was signed by the Governor today. Special thanks were offered to Senator Rosenberg and Representative Story, as well as staff that were instrumental, Sandy Pooler, David Burgess, Chris Brestrup Jonathan Tucker, and Jeff Bagg. A power purchase agreement for the new landfill north of Route 9 associated with the transfer station with Sun Edison was also signed today in accordance with the terms discussed with the Select Board. The Town received news that we did not receive the PARC grant for the North Common, despite the clear need and well written application. Other grants pending are a water supply protection grant for the Romer property in Pelham, and a LAND grant for a parcel adjacent to the Cushman Brook – a high priority for conservation. The 2<sup>nd</sup> in a series, the North Amherst Village Intersection meeting is tomorrow evening. The agenda will include an update on the work which had been planned for the Mass Works grant which was not awarded. Also likely to be talked about is the report from CDM Smith regarding a citizen proposal on the community proposal for a stop sign at the end of Sunderland Road at the North Amherst School. Paving on Pine Street and Cows Road are nearing completion. The DPW was able to do shim coats on Dickinson and Spring Street. Mr. Ziomek noted that he is scheduled to meet with South East Street and Amherst Woods residents, as well as group meetings with abutters to the solar project. The annual holiday party for Town employees is scheduled for this Friday. Town Hall will close at three p.m. The Hilltown Community Health Center planned for the Bangs Center announced that their Board has named the Center in honor of our late Town Manager, the John P. Musante Health Center. Mr. Ziomek is meeting regularly with our police and fire chiefs, administration at UMass, and downtown business owners, and has every confidence that we will be prepared the Santa Con pub crawl planned for this Friday evening. Members requested status updates on the evening of the event.

### **Member Reports**

Ms. Kruger reported on attendance at the zoning subcommittee meeting which included review of possible articles for the annual spring town meeting that include cluster subdivision.

Ms. Brewer reported on her attendance at the Four Towns meeting and Shutesbury's announcement that they will be looking for a change in the assessment methodology. Ms. Brewer noted she was recently re-elected as Vice President of the Hampshire County Select Board's Association.

Ms. Brewer conveyed information from ABCC regarding a pocket license, one that remains unused at the licensed premises or transferred for a period of six months or longer, as in the case of the Hangar's location which closed upon the transfer to Amherst Brewing's location. Notice providing a reasonable amount of time of at least six months before consideration of cancellation must be provided. Town Counsel recommends notice be provided with the renewal packet.

On a motion by Kruger, seconded by Wald, the Board voted unanimously to approve inclusion of a written notice with license renewals to license holders that if a license continues to not be exercised within a six month time period either at the current location or via transfer to a new location the license may be subject to cancellation.

### **Downtown Parking Working Group**

Ms. Brewer brought forth the draft charge for a first look for the downtown parking working group, which expands specific designations for membership to represent and provide greater outreach to specific groups of stakeholders for a term of one year. Suggestions for amendment included limiting designations for residents only and adding outreach to key transportation committees including Public Works and Public Transportation Bicycle Pedestrian Committee as well as to Senior groups.

### **Executive Session**

Voted by Roll Call Vote: Brewer, Aye; Wald, Aye; Kruger, Aye; Slaughter, Aye; Steinberg, Aye, to enter into Executive Session at 9:55 p.m., 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 (Temporary Town Manager finalists Mark Rees and Peter Hechenbleikner), with the intent not to reconvene in open session at the conclusion.

Submitted by M. David Ziomek, Interim Town Manager

2015-12-07 Agenda Final and Draft Motions  
Ag Com Letter of Support for Farmers Market  
Hechenbleikner Amherst thank you letter  
Amherst Tax Rates Per Thousand  
Tax Classification Presentation Exhibit C  
Tax Classification Presentation Exhibits A and B  
Tax Classification Presentation FY 2016  
ABID Letter RE Parking Task Force 12-2-15  
License Renewal December 7 2015  
150th Anniversary of 13th Amendment Proclamation r  
Downtown Parking Working Group Parking Task Force Charge Draft 12-03-15 avb  
150th Anniversary of 13th Amendment Parking Reservation Request Mapped  
Lord Jeffery Inn March 29, 2016 Parking Reservation Request  
Lord Jeffery Inn March 29, 2016 Mapped  
Special Wine and Malt - Peoples Bank - 12.09.15 - MGB, Inc. dba Elegant Affairs