

SELECT BOARD MEETING

Monday, January 25, 2016 – 6:30 p.m.

Town Room, Town Hall

Minutes

ATTENDANCE

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

Absent: None

Staff: David Ziomek, Interim Town Manager; Scott Livingstone, Chief of Police; Tim Nelson, Fire Chief; Guilford Mooring, Superintendent of Public Works; and Sonia Aldrich, Comptroller.

Others: Joel Bard, Esquire and Lauren Goldberg, Esquire; members of the public including Ide B. O'Carroll, Sam Hannigan, Tim Goodhind, Terry Franklin, Tom Webb, Mickey Rathbun

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

Irish American Heritage Second Annual Amherst Irish Day Proclamation

Ms. Brewer requested members of the audience present to speak to the Irish Day proclamation come forward. Mr. Wald explained that this was the 2nd year the Town was asked to make a proclamation regarding the contributions of Irish ancestry to the history of Amherst, highlighting the schedule of events.

Ide B. O'Carroll, Sam Hannigan, and Tim Goodhind, Core Committee members spoke about their approach to engaging the community in all things Irish, reviewing the event series for the spring of 2016. Ms. O'Connell thanked Mr. Wald for his support and the Select Board for its recognition by way of the proclamation.

VOTED unanimously, to declare February 1st as the day on which to celebrate Irish heritage in the Town of Amherst, Massachusetts, and to urge residents to explore the Irish Association's Event Series on topics of Irish history, culture and current events.

Special Liquor Licenses

VOTED unanimously to approve the applications of Top of the Campus Inc. for a Special All Alcohol License in the Fine Arts Center Lobby Area from 5:00 p.m. to 10:00 p.m. Wednesday, April 13, 2016; and a Special Wine and Malt License from 6:00 p.m. to 9:00 p.m. May 6, 2016 in the Integrated Learning Center First Floor Concourse/Patio; Caroline Nofio, Board of Directors.

Charter Commission Procedures

Ms. Brewer referred the audience to documents in the packet relative to the topic of campaign and political finance regulations

KPLaw Attorneys Joel Bard and Lauren Goldberg presented information about Charter Commission procedures. Attorney Goldberg was introduced as having served as Chief Elections Counsel for the Secretary of State's Office prior to her coming to KP Law sixteen years ago. The Town Clerk has certified the petition for the Charter question to appear on the ballot. Ms. Goldberg reported on the process, scope, limitations and timeline per Massachusetts General Law Chapter 43B. If voters create a Charter Commission, the Town will be required to allocate \$5000 for Commission expenses, including publication, advertising of hearings, etc. After the Commission votes to propose a charter, it is the responsibility of the Select Board to fund the mailing of the commission's report to every household with one or more registered voter. Candidates running for election to the commission or anyone supporting them must do so in accordance with rules from the State Office of Campaign and Political Finance. If and when a charter commission is formed, the degree of participation in the charter commission process by Select Board members is more of a policy issue than a legal one. The norm is for the commission to seek information and recommendations from current officers, staff

and other stake holders. The Select Board has the right to take a position on any recommendation the charter commission puts forth. The charter commission is a board of the Town and can and should be provided the same opportunities for posting of information, meeting space etc. Attorney Goldberg noted that the Secretary of State's office offers further information on these topics as well.

ExtravaGanja Update

Mr. Ziomek reported on historic use of the Town Common by the UMass Cannabis Coalition annually for the festival and discussions in recent years stemming from the belief that the event had outgrown the space. Organizers were advised after the close of the event last year that they needed to find another more appropriate venue. Mr. Ziomek noted he and the Chief of Police met with the organizers regarding the impact of the event, it having grown to near 7,000 participants over the last several years. Concerns related to traffic, public safety response time, and the impact on businesses and homes in the downtown area brought forth his recommendation that no further permit for the Town Common be granted to the group.

Chief Livingstone reported that in recent years downtown has become total gridlock during the festival. Fire Chief Nelson indicated that traffic is his biggest issue, trying to get emergency vehicles through downtown to respond to a call as well as responding to a medical call on the Common itself. Terry Franklin, an Amherst resident spoke in favor of the event, noting he had attended every one since its inception, serving as an informal liaison to the group. Mr. Franklin agreed that the event has grown in terms of the number of attendees. However he noted that there is an illusion of public officials regarding permitting, speaking of the right to assemble on public land. Mr. Ziomek indicated the Town will not speculate on legal proceedings threatened by Mr. Franklin and that it is the goal of the Town to ensure a safe environment for all involved. The Select Board thanked Mr. Ziomek and the Chiefs for providing an update on the topic and that while it is the Town Manager's decision, the Select Board supports the decision.

South East Street Traffic Signs

Ms. Brewer referred to the memorandum and maps in the packet this evening on the topic. Mr. Ziomek provided a brief outline of the history to address the traffic related issues on South East Street and asked Superintendent Mooring to come forward to speak further.

Mr. Mooring reported that residents requested that a conditional speed limit be put in place, initially in the area of 690 South East Street, and it was not deemed sufficient. A comprehensive study by CDM Smith was initiated, a copy of which is in the packet this evening and provides recommendations in response to their findings. Mr. Mooring provided specifics as to which of the recommendations the DPW has implemented, most related to signage. There are three conditional speed zones that will be implemented as soon as the frost is gone. Trimming along roadways has occurred and will continue this season. Once the speed signs are in place another speed study will be performed to determine the effectiveness of the signage. The recommendation for a yield sign in front of the South Congregational Church requires further study. DPW prefers a realignment of the intersection, which requires further study and community input. Board members requested that the full CDM Smith report be uploaded to the online packet.

Mr. Mooring indicated that before the Board this evening is a request relating to an intersection that currently has only an implied stop control, the intersection of Valley View Drive with South East Street. The report recommends a conditional stop sign be installed.

Tom Webb, 706 South East Street, provided brief remarks on behalf of the neighborhood. He thanked the Select Board for initiating the first steps that have been taken to make South East Street safer. While the changes made are helpful, residents believe they are not sufficient. In particular the dangerous hill and curve need to be addressed. A reduced speed of 25 mph itself does not solve the problem. Suggestions for further actions included establishing a task force, perhaps with an independent consultant, to perform a comprehensive traffic calming study for South East Street. Select Board members suggested existing committees, such as the Public Works Committee, perform any further study required rather than creating a separate task force. Mr.

Mooring indicated the Town will need to initiate a public hearing regarding the two trees that would be removed to improve sight lines, since it is a scenic way. DPW will change the blind drive sign to dangerous curve. The Board requested without formal vote that the trees be marked and a hearing be scheduled to commence as soon as feasible. A resident cited concern that they saw no consideration of further reduction of speed, below the 85 percentile, which is allowable. Mr. Mooring stated it is his belief that the Transportation Task Force is the mechanism that is being put in place to manage the requests from neighborhoods for items such as traffic calming. Mickey Rathbun spoke about her understanding of the study, which included an advisory speed at 25 m.p.h. in three locations and a lower speed in the area of 690 South East Street. The Chair thanked the residents for their patience on the topic and made note of items requiring follow up on the part of the Town Manager.

VOTED unanimously to install a stop sign, associated striping and warning devices on the south side of Valley View Drive at the intersection with South East Street, to stop traffic prior to entering South East Street, as recommended in a memo from Superintendent Guilford Mooring dated January 21, 2016.

Second Quarter Budget Update

Ms. Aldrich reviewed highlights of the budget update, included in the meeting packet, showing revenue and expenditures through the second quarter and responded to inquiries from the Board.

CDBG Recommendations

Mr. Ziomek reviewed the memorandum from the CDBG Advisory Committee to the Interim Town Manager, which includes an outline of the annual grant process for the period of October 2016 through October 2017, the timeline, and recommendations for both social service and nonsocial service needs of the community. Mr. Ziomek went through the \$825,000 proposal as recommended, 20% for social service needs, 15% for administrative costs, and the remainder of \$535,000 for capital and/or non-social service projects which include accessibility barrier removal for six restrooms at the Bangs Center; repair/replacement of that section of Boltwood Walk between the Bangs Center and North Pleasant Street, HVAC system for JPM Health Center at Bangs, upgrades to one unit at Watson Farm for disability accessibility, and two of Amherst Housing Authority applications. Social Service recommendations include proposals from the Amherst Survival Center, Amherst Boys and Girls Club, Family Outreach, Big Brothers/Big Sisters, and the Literacy Project. Mr. Ziomek asked for the Select Board for input for the application due by the February 2.

Ms. Kruger recused herself from the meeting for both discussion and vote on the matter. There were questions about the recommended budget. Mr. Ziomek explained the allowable discretion on percentages and noted that there is a maximum within social services of five proposals. There was discussion about the Boltwood Walk project relative to the town-funded (JCPC) project in that area several years ago. Mr. Ziomek confirmed that proposals are ranked and projects are chosen looking at community needs.

Ms. Kruger returned to the meeting.

FY 17 Water and Sewer Rates

Ms. Brewer noted the proposed rates were announced and discussed at the Board's previous meeting; no public comment was received.

VOTED unanimously that the Select Board, acting as Water and Sewer Commissioners as prescribed by the Amherst Town Government Act, hereby increases the water rate from \$3.55/100 cubic foot to \$3.65/100 cubic foot and maintains the sewer rate at \$3.75/100 cubic foot, effective July 1, 2016.

Town Manager Budget Proposal

Ms. Brewer noted this item will be on the agenda for the coming weeks, to allow members to bring forth questions. In response to a question, Mr. Ziomek confirmed that revenue estimates are close to the Governor's anticipated proposal for local aid. Mr. Steinberg urged caution until the actual cherry sheets are released. There was a question

as to anticipated expenses related to support of the Charter Commission.

Committee Charge

Mr. Ziomek provided a handout on the Amherst Center Recreation Working Group, a study of fields and facilities (pools, playgrounds, etc.) available for recreation purposes. A one year time frame is anticipated. The board reviewed the draft committee charge. Mr. Ziomek will serve as Chair and as the eleventh member. Mr. Ziomek noted he is anxious to begin work on this project.

VOTED unanimously to grant special municipal employee status to the Amherst Center Recreation Working Group.

Parking Reservation

VOTED unanimously to approve the reservation of forty (40) metered parking spaces on the east and west sides of Boltwood Avenue between the intersections of Spring Street and College Street from 8 a.m. to 6 p.m. on Wednesday, April 6, 2016 and on Thursday, April 7, 2016, and an additional twenty five metered spaces, sixteen (16) on the south side of Spring Street between Boltwood Ave and Churchill Street and nine (9) on the east side of Boltwood Avenue between Main Street and Spring Street for those hours on Thursday, April 7, 2016, at the rate of \$10 per meter per day, for a total of \$ 1,050.00.

Town Manager Report

Mr. Ziomek provided staff recognition, highlighting an award presented to Gabe Owen, an ICMA scholarship, given to those aspiring to work in public governance. He reported on his attendance at the recent MMA Annual Meeting in Boston, noting specific workshops he found useful. A recent story highlighting the Town of Amherst appeared in Business West. Mr. Ziomek has been planning with the University and our public safety departments for several upcoming events in February and March. The Super Bowl planning is more than likely not needed since the Patriots will not be playing in it. He is working on preparations for the weekend of March 5. Geoff Kravitz, our Economic Development Director, has been attending both steering and subcommittee University Town Collaborative (UTAC) meetings. The Triangle and East Pleasant Street intersection design information has been posted to the project website. The Public Works Committee is still accepting comments. Edits on the Building Assessment Report have been made and will be forwarded to members electronically. The Solid Waste Plan is under review and should be released in the coming weeks. He and planning staff are continuing with the North Amherst Village Center planning, working to identify next steps. Mr. Ziomek thanked the Select Board for their support on this his last evening in the role as Town Manager in addition to staff, highlighting Deborah Radway and Debra Puppel for their assistance while he served in the role. He noted the Town has made significant progress in the four months despite the difficult circumstances, including affordable housing tax incentive program, the strategic partnership agreement, UTAC, PPAs on two solar projects at the landfills, hiring an economic development director, and releasing the new budget. Ms. Kruger noted that she was struck by the list of accomplishments and the commitment and professionalism with which Mr. Ziomek guided the Town over the past four months, noting the personal hardship on the loss of a friend as well as a superior in the sudden death of John Musante.

Member Reports

Ms. Brewer asked that members provide their experiences at the recent MMA at the upcoming meeting.

Mr. Slaughter noted that there is a public meeting in Town Hall tomorrow on the Emergency Management Hazard Mitigation Report.

Ms. Kruger reported her attendance at a recent zoning subcommittee meeting and the probable zoning changes discussed that may be forthcoming at the Annual Town Meeting for which public hearings will be scheduled.

Ms. Brewer noted that next Monday at noon is the deadline for citizen zoning petitions for Annual Town Meeting. The Town Manager Search process continues, noting that the Bernard Lynch from Paradigm Associates was in attendance at the Annual MMA Meeting, promoting the position of Town Manager. Mr. Lynch is working on the

community profile. Ms. Brewer noted that she is considering removal of times on future agendas for listed topics, asking for member input. She asked members to ensure they have the current list of goals dated 12/12/2015 for review at the first meeting with Mr. Hechenbleikner on February 1.

Ms. Brewer thanked Mr. Ziomek again for his service, noting the confidence with which they were able to proceed with business and couldn't have done it without his guidance.

Committee Appointment

VOTED unanimously to appoint Brenda Mutai to the Human Rights Committee for a term ending June 30, 2018.

Select Board Minutes

VOTED 4-0-1 to approve the minutes of the Select Board meetings of September 21, 2015 and September 28, 2015, as presented.

Committee Charges

Ms., Kruger noted she needs to meet further with the Chair of the Public Transportation, Bicycle & Pedestrian Committee to ensure the charge reflects the vote of the 2015 Annual Town Meeting and will not be prepared to consider this until after the meeting of February 1.

Mr. Ziomek commented that the requirement for participants in each category in the membership of the Downtown Center Parking Working Group might be limiting. It was agreed to remove the Amherst residency and preference for member with experience. Ms. Brewer requested the committee be added to list of available committees for Citizen Activity Form and that they prepare for the addition of a committee page.

VOTED unanimously to approve the charge for a Downtown Parking Working Group, with seven voting members to be appointed by the Select Board, one as designated by the Select Board, one by the Planning Board, and one by the Public Works Committee, and one downtown commercial property owner; one downtown business owner or manager; one downtown residential tenant or homeowner; and an at-large resident preferably with parking management or related experience, all for a term of one-year.

Conservation Restrictions

Mr. Ziomek explained that this is a new requirement of the Commonwealth that upon the use of CPA funds we must add a conservation restriction on the property to be held by a separate entity, which in this case will be the Kestrel Land Trust.

VOTED unanimously to grant seven (7) conservation restrictions to the Kestrel Land Trust on the parcels of Town-owned property set forth below, pursuant to the authority granted by the votes taken by Amherst Town Meeting to purchase such property with Community Preservation Act funds, as follows:

Cushman Brook Conservation Area I	Article 7 of the 2007 Special Fall Town Meeting & Article 7 of the 2010 Special Fall Town Meeting;
Cushman Brook Conservation Area II	Article 20 of the 2011 Annual Town Meeting;
Lawrence Swamp Conservation Area	Article 20 of the 2009 Annual Town Meeting;
Muddy Brook Conservation Area	Article 24 of the 2013 Annual Town Meeting;
Smith Conservation Area	Article 34 of the 2006 Annual Town Meeting;
Szwacz Conservation Area	Article 17 of the 2010 Annual Town Meeting; and
Westover Conservation Area	Article 12 of the 2003 Annual Town Meeting.

Ms. Brewer provided dates on the calendar preview including a welcome reception for the Interim Town Manager preceding the meeting on February 1.

ADJOURN - The meeting adjourned at 10:39 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 01-25-2016

DHCD Charter Commission Procedures MGL Chapter 43B

Local charter procedures - MA Secretary of State

South East Street Signage DPW Memo and Map

South East Street Speed Study 2015-06-12

2016 CDBG Advisory Commitee Recommendations to Town Manager

Water and Sewer Rates FY 17 Recommendations to Select Board

FY 16 Second Quarter YTD Budget Report to SB FC through December 31 2015

Town Center Recreation Working Group Draft

Handout - Charter Commisison flowchart

Request for Irish Day Proclamation

Draft Minutes 09-21-2015

Draft Minutes 09-28-2015

Temporary Town Manager Priorities February 1 2016 Rev 1 12 16 CK

Conservation Restriction Cushman Brook Conservation Area I

Conservation Restriction Cushman Brook Conservation Area II

Conservation Restriction Lawrence Swamp Conservation Area

Conservation Restriction Muddy Brook Conservation Area

Conservation Restriction Smith Conservation Area

Conservation Restriction Szwacz Conservation Area

Conservation Restriction Westover Meadow Conservation Area

Lord Jeff Parking Request April 6 and 7 2016

Lord Jeff Parking Request April 6 and 7 2016 mapped

Special All Alc Fine Arts Center Lobby - UMass - 4.13.16

Special Wine and Malt Integrated Learning Center UMass 05-05-16