

Town of Amherst
Minutes of the Select Board

February 8, 2016 - 6:30 p.m. - Town Room, Town Hall

Members present: Chair Doug Slaughter; Alisa Brewer, Andy Steinberg, Jim Wald
Members absent: Connie Kruger
Staff present: Peter Hechenbleikner, Temporary Town Manager
Others present: Brad Shimmel, Xue Zhun Zhang, Eric Broudy, Rene Theberge

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

Public Comment

Larry Kelley, local blogger, requested that the Select Board include on the upcoming March 29 election ballot a non-binding question related to what type of government the charter commission should pursue.

Committee Revocation/Termination

Ms. Brewer reported that a letter had been sent to Ms. Ghosh regarding her inability to attend Human Rights Commission meetings and that no response had been received.

Voted 3-0-0 (Kruger/Wald Absent) to terminate the appointment of Priya Ghosh to the Human Rights Commission effective February 8, 2016.

Select Board member Jim Wald entered the meeting.

Taste of Amherst Parking and Street Closure

Mr. Steinberg asked about the different hours for street closing/parking on Saturday. Ms. Brewer noted the difference avoids a conflict with the Farmers Market.

Voted 4-0-0 (Kruger Absent) to approve the following street closing/parking request from the Amherst Area Chamber of Commerce for the annual "Taste of Amherst" event:

- Place "No Parking" bags on parking meters around the perimeter of the Town Common, including the north and south sides of the Spring Street lot beginning Thursday, June 16, 2016 from 12:00 p.m. to 9:00 p.m., Friday June 17, 2016 from 5:00 p.m. to 10:00 p.m.; Saturday, June 18, 2016 from 2:30 p.m. to 10:00 p.m.; and Sunday, June 19, 2016 from 12:00 p.m. to 4:00 p.m. to accommodate Taste vendor parking.
- Close Boltwood Avenue between Spring Street and Route 9 on Friday, June 17, 2016 and Saturday, June 18, 2016 from 7:00 p.m. to 9:30 p.m., peak pedestrian crossing times for the beer and wine tasting.

There was also a request from the Chamber to suspend on-street food truck service during the Taste event. Ms. Brewer noted that there are currently no food trucks licensed for on-street service and therefore she sees no reason to do so at this time. Mr. Steinberg requested the Board consider update of the regulations to be prepared should future consideration of a license be necessary. Ms. Brewer noted the desire to delay to a future agenda.

Liquor License Public Hearing:

Transfer Application Amherst Gourmet Inc. to Ginger Garden Restaurant Amherst, Inc.

Ms. Brewer opened the Public Hearing at 6:50 p.m. Attorney Brad Shimmel presented, representing the applicant, Ginger Garden Restaurant Amherst Inc. He introduced Xue Zhun Zhang, one of two members of the Corporation was introduced. His brother Xue Bin Zhang was at the restaurant this evening. The request before the Board is to consider transfer of license and a change of manager to Xue Zhun Zhang. Mr. Shimmel noted

the application has complete information for the Board's consideration. It was noted there is an SBA loan and that there is no pledge of license. Ms. Brewer noted Commissioner Morra has provided written testimony indicting no permitting is necessary other than a new health license.

Mr. Steinberg said that the Town is part of the Campus and Community Coalition (CCC) which serves to address problem student drinking. The town seeks to ensure that licensees vigorously monitor and enforce the laws and best practices to ensure that there is no underage service. Attorney Shimmel noted he has spoken to the applicant and that Mr. Zhang is keenly aware that is of great importance. Although he has not as yet taken Serve Safe or TIPS training, he has no objection to it being a contingency for the manager and staff. Mr. Steinberg noted the options available for training and welcomed participation of the management in the CCC Business Partner Committee. The Public Hearing was closed at 7:05 p.m.

Voted 4-0-0 (Kruger absent) to approve the application for transfer of an annual all alcohol restaurant liquor license, #002400059, 351 Northampton Road described as a one story building containing approximately 6,300 sq. feet with a basement changing/storage area of 300 square feet, from Amherst Gourmet, Inc. to Ginger Garden Restaurant Amherst, Inc. d/b/a Ginger Garden, with Xue Zhun Zhang, as General Manager, pending approval by the Police Department.

Percent for Art: Public Art Committee Request for Annual Town Meeting Article

Ms. Brewer made noted the work to date on this proposed article and the choice before the Board this evening, whether to support the proposal of the Public Art Commission to include it on the warrant and/or to sponsor the presentation of the article.

Eric Broudy and Rene Theberge members of the Public Art Commission explained how the article came about and what has been done to develop it to this point. They spoke about the evidence that exists on the effect of public art, which includes an increase in tourism, increased property values and a sense of pride in community. Select Board members noted the total ask of our taxpayers needs to be clearer, as well as to ensure access of the public art to the public. The Commission provided clarity as to whether statewide funding sources will include art as defined in the act, noting funds that come from grants would not be considered as an eligible portion for percent of art, only that portion which comes from appropriation. Topics such as where art would be located, the inclusion of construction, engineering and site work expense in the calculation of the 1%, ownership and copyright of the art, as well as maintenance were discussed. Members discussed the paths available for the process to move forward to Town Meeting. The Public Art Commission will come back before the Board in April.

FY 17 Town Manager Budget

Mr. Hechenbleikner noted the presence of Treasurer Collector and Co Finance Director Claire McGinnis. A comparison of the Governor's budget versus what had been anticipated for State revenues in the Town's budget shows that a surplus of \$111,420 exists. Two priority funding requests totaling \$119,294 were identified, including a community liaison officer, which had been grant funded in 2016, and returning support for the Department of Public Works to the operating budget as opposed to funding by capital projects. The difference between the two figures could be adjusted via local receipts. Mr. Hechenbleikner noted his intent is to adjust the budget recommendation to include the two items following discussion with the Budget Coordinating Group. Concern regarding the impact of reimbursement for charter schools in the Governor's budget was cited. Ms. McGinnis responded to questions on income from parking spaces with electric charging station at Town Hall.

Annual Litigation Update

Mr. Hechenbleikner noted the amount of litigation is modest for a town the size of Amherst. A brief review of status of cases as outlined by Town Counsel was provided. Mr. Hechenbleikner recommended a policy for review of active litigation in public session.

Town Manager's Report

Mr. Hechenbleikner provided staff recognitions. Assistant Town Clerk Sue Audette and School Benefit Specialist Jennifer Ortiz were involved in a Public Service Announcement about running for representative Town Meeting. Lt. Menard and Sgt Ting have taken the Police Department through its fifth accreditation process, the gold standard for police departments in Massachusetts. On January 28 the Amherst DPW led by Ellie Kurth received notification of a grant for water management conservation from MA DEP to assess reservoir capacity at Atkins.

The Board of Health is considering guidelines for burial on private property. Economic Development Director Geoff Kravitz has filed an entrance plan which the Town Manager plans to share at a future meeting. A recycling grant for mattress disposal was secured. The Cable Advisory Committee is exploring the potential for a third hearing on the franchise renewal. Ms. Brewer questioned the need for a third hearing and is concerned about the timeline for putting forth the RFP to obtain a new contract.

Mr. Slaughter reported on a recent capital planning meeting with presentations from library and public works on facility requests and an Agricultural Commission event in March that he will be attending at the Bangs Center. Mr. Slaughter noted that he had received a request that individuals who served on the DPW Site Committee be considered for the DPW/Fire Station Advisory Committee.

Mr. Steinberg indicated Community Preservation Act Committee has been evaluating proposals and that he found them very thorough in their review. The Kanegasaki Committee is busy planning for a visit by twenty-four middle students who arrive from Japan on March 17, 2016, noting a need for additional host families.

The Chair noted that recommendations for appointment to the Town Manager screening committee need to be turned in to the Human Resource Director so the Board can move forward with appointment as planned. The final community profile has been provided in the packets for this evening as well as online on the Town Manager search page.

Upcoming events included a ceremony is planned for Saturday morning to celebrate Black History Month and Winterfest which is planned for that afternoon at Cherry Hill.

ADJOURN - The meeting adjourned at 9:09 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

2016-02-08 Amended Draft Motions

2016-02-08 Agenda Final

Transfer and Change of Manager Ginger Garden 351 Northampton Rd

Amherst Profile

Notice of Possible Revocation Ghosh HRC

Percent for Art APAC Memo, Note and Bylaw Version 5.0

Annual Litigation Report

Taste of Amherst Parking Reservation Request 2016 and Map

FY 17 Budget Financial Projection - Gov Budget

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