

Town of Amherst  
Minutes of the Select Board

February 1, 2016 - 6:00 p.m. - Town Room, Town Hall

---

Members present: Chair Doug Slaughter; Alisa Brewer, Andy Steinberg, Connie Kruger and Jim Wald  
Members absent: None  
Staff present: Temporary Town Manager Peter Hechenbleikner, Chief of Police Scott Livingstone; Fire Chief Tim Nelson; Superintendent of Public Works Guilford Mooring; Senior Planner Jeff Bagg; and Comptroller Sonia Aldrich  
Others present: Mass Medicum General Manager, Attorney Phil Silverman, Dr. James Kurnick, CEO and Paul Oxford, Director of Security.

---

Ms. Brewer called the meeting to order at with introduction of the new Temporary Town Manager, Peter Hechenbleikner.

No Public Comment was offered.

**Registered Marijuana Dispensary (RMD) Notification – 85 University Drive**

Senior Planner Jeff Bagg provided an introduction to the process before the Select Board. The step the Select Board is asked to take would allow an entity to move forward in the State application process. Town Counsel has offered an opinion that the Select Board's action speaks to the Town's general support for locating a facility in the Town. The letter from the Select Board would confirm that the location of the RMD under consideration is allowed by the Zoning Bylaw pursuant to a Special Permit by the Zoning Board of Appeals. The Building Commissioner has provided confirmation that the proposed location is allowable for an RMD.

Attorney Phil Silverman, General Manager of Mass Medicum introduced himself; Dr. James Kurnick, CEO of Mass Medicum; and Paul Oxford, who serves as Director of Security. He noted Mass Medicum is one of the seventeen licenses that were issued in round one, operating in Taunton Massachusetts with a grow warehouse in Holbrook, Massachusetts. He noted their mission is to take marijuana to the medical realm, applying the same standards. The dispensary in Amherst will be supervised by a licensed pharmacist who will be available to offer advice on dosage, use interactions with other medicines, etc.

Dr. Kurnick spoke about his interest. He sees himself as a scientist as well as a doctor, citing the clear medical benefits of marijuana, and believes that it is much less dangerous than the opioids on the market. Negative side effects while real, are not life threatening. They are hoping to hold observational studies to offer better advice on dosage. Attorney Silverman asked the Board offer a letter of support as opposed to non-opposition.

Select Board members offered their thoughts and concerns. Discussion focused on whether to offer support or non-opposition and how to differentiate between support and non-opposition in other applications that may come before it. It was noted Massachusetts law does not provide a definition of either alternative, that Massachusetts voters supported the law, and Town Meeting set forth the process to locate RMDs in Amherst. The Select Board's role is to confirm the applicant has the Town's support to locate in Amherst and that the use is allowed in the proposed site.

VOTED unanimously to provide the Select Board's support to MassMedicum Corporation's notice of intent

to operate a Registered Marijuana Dispensary at 85 University Drive, Amherst, within a zoning district that allows such use by right or pursuant to local permitting, and further, to authorize Alisa Brewer, Select Board Chair to provide notice of the vote taken February 1, 2016 on behalf of the Select Board.

### **Town Manager Search Process – Profile by Community Paradigm**

Ms. Brewer introduced Bernard Lynch, principle of Community Paradigm. Mr. Lynch provided an update of the public forums held, which he indicated were well attended, and the process for creation of a profile. Emails and letters received were included in the draft profile presented this evening. Mr. Lynch reported that he spoke to numerous individuals at the MMA Annual Conference about the position and has approximately twelve individuals who are interested. The profile will provide the outline for the advertisement for the opportunity. A line was added to include the cause of the vacancy.

Ms. Brewer noted that this document represents the views of Amherst residents, officials, staff and Board members. Members requested further explanation about the per capita income in Amherst since the amount shown is skewed due to the inclusion of students. It was suggested that a statement be included that the Town's affordable housing percentage is greater than the 10% required by M.G.L. Chapter 40B and that Amherst is known statewide for its support of low income housing. A suggestion was made to include information relative to the local press, blogs and the Town website. Members were asked to forward any other recommended changes to Mr. Lynch electronically by tomorrow. Mr. Lynch will change the photos and add the recommended language. The salary for inclusion in the profile was discussed. Members agreed with Mr. Lynch suggestion of \$155,000+, dependent upon qualifications. Inclusion of a residency requirement was questioned given the pending Charter review. It was agreed to indicate it subject to negotiation. Once complete, the profile will be posted to the Town website and included in the advertisement, which will go out next week with a deadline of March 3, 2016 for submission.

The next action for the Select Board is to put a screening committee in place. Members agreed to the expectation for a screening committee and that each member will put forth a recommendation of one name. The Board will try to include a member of the Personnel Board, the Town Moderator, and someone from one of the higher education institutions. The time constraint and a timeline were also discussed, as well as the need for Open Meeting Law compliance.

### **Cable Contract Renewal – Request for Audit**

Ms. Brewer reviewed the letter from Amherst Media requesting an audit of Comcast in preparation for negotiations of the renewal contract. Mr. Lescault, Amherst Media Executive Director cited concerns regarding the number of subscribers and that the gross revenue for operating of programming may be under reported. Mr. Lescault noted that he had spoken with the Town regarding his recommendation and that both the Interim Town Manager and the Finance Director had reported that there was no available funding. The Amherst Media Board has voted to fund the audit and the Cable Advisory Board has voted to support such an audit.

Ms. Brewer provided disclosure of her relationship to the Chair of the Amherst Media Board of Directors, however noting her actions provides neither financial benefit nor direct or indirect interest in the negotiating of the contract and that her husband serves without pay.

Mr. Heckenbleikner noted he had extensive experience in franchise cable renewal and has done audits in other communities which he served and thought it a reasonable action. He answered questions on process for procurement. Adrienne Terrizzi, speaking on behalf of the Cable Advisory Committee, reported that the Committee supports a five-year audit, as opposed to the two-year audit that is allowed under the Town's current contact with Comcast. She noted the committee may recommend that the audit consider other questions they wished to have answered. Ms. Terrizzi noted she personally is in support of the audit.

VOTED unanimously to authorize an audit of Comcast, the funding of which is to be paid by Amherst Media.

The Board then discussed whether the Town should have a similar contract with Charter Cable for its service provided to customers at the University of Massachusetts. Ms. Terrizzi responded to the Chair's inquiry regarding the need to ascertain the number of residential subscribers on University properties located on Butterfield Terrace, North Pleasant and Eastman Lane, identified as public ways on the strand map. Ms. Brewer requested the Town Manager follow up further. Mr. Lescault suggested a letter from the Town be sent to the University's cable provider, Charter, requesting information on their arrangement with the University to provide cable service, noting there were approximately 13,000 customers on campus who receive cable services.

### **Town Manager Update – Temporary Town Manager Goals**

Ms. Brewer provided an outline of the process and draft goals, looking for feedback from Mr. Hechenbleikner. Following a brief discussion on expectations related to part-time hours, communication with staff and the board, as well as ongoing projects, he requested additional time for appropriate response, proposing further discussion on the February 22 agenda.

### **FY 2017 Budget Proposal**

Ms. Brewer noted the placeholder on the agenda is to provide an opportunity for questions. Mr. Hechenbleikner noted he is meeting with staff tomorrow on the Governor's budget which was just released, noting he had met with Mr. Pooler before his departure. Mr. Slaughter noted that one of the critical pieces is the reimbursement for choice and charter school assessments, suggesting that Sean Mangano, School Business Manager, is a resource.

### **Town Manager Report**

Ms. Brewer spoke about the need for a committee to champion the Public Works and Fire Department building needs, equal to that of the library and schools. Mr. Hechenbleikner indicated the Public Works Facilities Committee will be presenting a preliminary report within the next several weeks. That would seem to be the time to create the joint facility study committee and dissolve the former. He will plan to come back to the meeting on February 22 with his recommendation. Mr. Steinberg recommended consideration of prior members of fire station study committees.

Mr. Hechenbleikner recognized the outstanding work Dave Ziomek has provided the Town. He also recognized the work of all staff during the two transitions in the Town Manager position.

Hechenbleikner commended the Public Works Water Division response to a water main break that occurred on Pulpit Hill Road and noted appreciation for the cooperation of residents. He reported on plans for the Amity Street parking lot as well as Amity Street itself, both of which are expected to come before the Select Board for approval in April with construction scheduled for early June, following UMass graduation. Directives related to a DEP Administrative Consent Order have been completed, including payment of the fine from the water fund. A DEP Notice of Non-compliance required a disclosure related to bacteria count that will be noticed to customers. Discussions are under way with officials from Leverett on the possibility of extending water service to a small neighborhood affected by well contamination, which will also provide service to Amherst residents along the line if an agreement is reached.

Compliance checks by Alcohol Beverage Control Commission and the Fire Marshall carried out over the weekend cited the Monkey Bar for having approximately 400 people on a site with a capacity of 220 allowed. The Town may be receiving further correspondence from ABCC on it and other infractions

exposed including service to minors.

The Police Department is going through its accreditation; assuming all goes well, they will come before the Board with a presentation in the spring.

Ms. Brewer requested follow up on the recent liquor license hearing, as to whether the licensee had filed an appeal or will allow the suspension to be served. Mr. Hechenbleikner noted he would follow up to ensure that the suspension will be served and recommended signage be placed on the establishment.

### **Member Reports**

Members spoke about sessions attended at the recent Massachusetts Municipal Association Annual Meeting and what they have learned in areas including changes in public record and open meeting laws, cable ascertainment procedures, senior and or community centers, snow removal and an update on municipal land use and zoning and emerging issues related to a sharing economy in areas such as Air BnB, Uber, Zip Cars, etc. Two members saw a demonstration of a software product for agenda and meeting management, found to be very interesting, and requested further exploration of its capabilities and compatibility with what exists.

Mr. Slaughter provided report on a PVTA Advisory Board meeting attended where discussion focused on van use for seniors, impact of ADA requirements, and needs versus expectations.

The Chair reviewed a letter which she had composed for a committee member who was not actively participating on the Board or Committee to which they were appointed. The letter indicated if no further response is received by a date certain, the Board would vote to revoke their appointment at its next meeting

Ms. Brewer delivered a letter to the Town Manager she had been presented prior to tonight's meeting from principles of Mass Alternative Care requesting the Select Board's provide a letter of support or non opposition to a registered medical marijuana dispensary in Amherst.

Ms. Brewer reported on a letter to which she had been copied, sent to the Town Manager from Applewood residents, regarding their concerns with issues at Atkins Corner and the need for crosswalks and sidewalks.

### **Special Municipal Employee**

Voted unanimously to grant special municipal employee status to the Downtown Parking Working Group, as of January 25, 2016.

### **Presidential Primary Election Warrant**

VOTED unanimously to authorize a warrant to notify and warn the inhabitants of the Town of Amherst qualified to vote in the Primaries scheduled for the Presidential Election on Tuesday, March 1, 2016, as presented by the Town Clerk. Ms. Brewer noted that Wednesday, February 10, 2016 is the last day to register to vote to participate in this election.

### **Black History Month Proclamation**

VOTED unanimously to hereby proclaim February 2016 as Black History Month, and urge all residents to mark this occasion, and to participate in its observance, beginning with a flag-raising ceremony to be held in front of Town Hall on Saturday, February 13, 2016.

Ms. Brewer noted the flag raising ceremony will begin at 11 a.m.

### **Referral of Citizen Zoning Petitions**

Ms. Brewer noted one such petition had been received prior to the noon deadline.

Voted unanimously to refer to the Amherst Planning Board for review, public hearing and recommendation zoning articles received by petition for the 2016 Annual Town Meeting.

### **Committee Appointment**

VOTED unanimously to appoint Janet Marquardt to the Design Review Board for a term ending June 30, 2018.

VOTED unanimously, to confirm the Town Manager's appointment of Ted Parker to the Historical Commission for a term ending June 30, 2018.

Ms. Brewer noted vacancies that existed on the Planning Board, urging the public to consider serving and to complete an application.

### **Special Liquor Licenses**

VOTED unanimously to approve the applications of Top of the Campus Inc., for Special All Alcohol Licenses for receptions to be held from 4:00 p.m. to 7:00 p.m. on February 9, 2016 in the Fine Arts Concert Hall Stage; from 4:00 p.m. to 10:00 p.m. on March 19, 2016 in the Hampshire Dining Commons; from 5:00 p.m. to 10:00 p.m. on April 2, 2016 in the W.E.B. Du Bois Library Main & Lower Levels; Caroline Nofio, Board of Directors.

ADJOURN - The meeting adjourned at 9:45 p.m.

Submitted by Peter Heckenbleikner, Temporary Town Manager

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

2016-02-01 Agenda

2016-02-01 Draft Motions

Cable Contract Renewal - Recommendation for Comcast Audit

Cable Contract Renewal Advice on Public Hearing

Chair Report - Committee Appt Revocation

Downtown Parking Working Group Parking Task Force Charge 1 11 2016 avb 02-01-16

RMD-1 Notification 85 University Drive

RMD-2 Overview Jeff Bagg Sr Planner

RMD-3 Building Commissioner Confirmation 85 U-Drive

RMD-4 Draft Letter of Non Opposition 02-01-2016

Town Manager Update - Temporary Town Manager Goals

UTI1 Presidential Primary 2016 warrant

UTI3 Black History Month 2016 Proclamation

UTI4 Zoning Petition Received - OConnor

UTI5 Appointment DRB Recommendation by Historical Commission

UTI5 Appointment Historical Ted Parker to Historical Commission

UTI6 Walk and Roll for Aphasia Request and Map

UTI8 Special All Alc - W.E.B. DuBois Library Main and Lower Level UMass 4.2.16

UTI8 Special All Alc Concert Stage FAC UMass 2-9-16

UTI8 Special All Alc Hampshire Dining Common UMass 3.19.16