

Town of Amherst
Minutes of the Select Board

July 10, 2017 - 6:30 p.m. - Amherst Town Hall, Town Room

Members present: Doug Slaughter, Connie Kruger, Andy Steinberg, Jim Wald & Alisa Brewer

Members Absent: None

Staff present: Town Manager Paul Bockelman; Chief of Police Scott Livingstone; Police Department personnel, Public Works Superintendent Guilford Mooring; Building Commissioner Rob Morra

Others present: Attorney Tom Reidy; Barry Roberts

The meeting was called to order by Mr. Slaughter at 6:30 p.m.

Commendations

Police Chief Livingstone asked three officers to come forward to receive commendation awards, which he reported are voted on by their peers.

Chief Livingstone read the letter of Commendation for Officer Dominick Corsetti, detailing the crisis situation to which the officer responded that involved a suicidal threat. The officer showed tremendous courage and restraint, using non-lethal force to end the crisis successfully, without harm to the suspect or the officer.

Chief Livingstone then read the letter of Commendation for Patrol Officers Scott E. Gallagher and Justin H. Satkowski who responded to an incident involving a suspect suffering from mental illness wielding a knife in a downtown store. The officers overcame the suspect's assaultive behavior with valor and courage, achieving a successful outcome to an extremely dangerous situation without harm to the suspect, themselves or patrons.

Chief Livingstone noted that he takes training very seriously and both of these instances provide direct evidence of the benefit that training officers in the field provides and hopes the members take note when discussing budgets in the future.

Chief Livingstone introduced new officers Jose Diaz and Matt Ziomek, detailing the department's extensive process for hiring. The officers thanked all for their support.

Public Comment

No Public Comment was offered this evening.

Agenda Review

Mr. Steinberg recommended that the Select Board not take up item "4e Parking Regulations" this evening in advance of next week's public hearing, owing the Parking Working Group the opportunity to make their recommendations without the perception of influence of the Select Board, the decision

making body. Ms. Brewer responded that it was on the agenda at her request, viewing the public hearing as a legal notice surrounding a set of potential recommendations that was already in the public purview. Ms. Brewer indicated it was her belief that the Select Board was not prepared for the hearing, as the Board had not seen the regulations that were being modified nor had the Board indicated to the Parking Working Group what it was anticipating. She explained her request for the opportunity to provide direction to the Town Manager on the public hearing process. Members provided their thoughts on the need for preparation and for better communication. Mr. Bockelman noted it would be helpful to have direction on any documents members may expect to receive. Ms. Kruger noted the public hearing was scheduled for 7:00 p.m. Monday, July 17th and that the Parking Working Group was meeting tomorrow meeting at 9:30 a.m. to finalize its recommendations following the public forums.

Ms. Brewer to include the item on this evening's agenda, as posted. Mr. Wald seconded the motion and it passed unanimously.

Temporary Easements Mill Street Bridge

Guilford Mooring, Superintendent of Public Works, presented a summary on the need for the Select Board's actions this evening, noting that Mass Highway had approved the design for a one-way bridge with a multi-use path and was moving forward with advertisement for construction, anticipated to begin before the Christmas holiday. The temporary easements involved four property owners.

Mr. Steinberg moved that, pursuant to the vote taken under Article 9 of the November 14, 2016 Special Town Meeting, as continued, to execute an Order of Taking and take by eminent domain temporary (5-year) easements on portions of 4 parcels of land, as shown more particularly on a plan entitled "Plan of Land Showing Temporary Easements in the Town of Amherst, MA Hampshire County," dated February 6, 2017, prepared by Chappell Engineering Associates, for the purpose of repairing Mill Street and the bridge across Mill River and/or Puffer's Pond, and declare that no damages are due for said taking, and, further, that all property owners affected by the taking have waived right to damages. Ms. Kruger seconded the motion and it passed unanimously.

Rental Registration Program Update: Appeals Board and Fee Structure

Building Commissioner Rob Morra provided a memorandum on the next agenda items. Mr. Morra noted the Rental Bylaw Implementation Group (RBIG) had discussed the make-up of the appeals board in detail and believe it was not necessary for the individuals to have experience in rental maintenance, ownership or management. However, the group did recommend the three member board include a member with legal or arbitration experience, a public official and a third individual with the ability to assess difficult situations and make recommendations with the ultimate goal of compliance. In response to an inquiry on the participation of a public official, Mr. Morra noted it could be a member of a board or committee, the Town Manager or another staff member knowledgeable in the subject matter. Suggestion for the inclusion of associate members was noted.

Mr. Morra indicated the RBIG reviewed the Rental Permit fee in reference to the concern of fairness in the current structure of \$100 per application for each parcel regardless of the number of housing units. The fee is meant to support the work involved in the self-certification, which includes review of the application, a parking plan and transfer to the GIS system. The fee was also intended to

support the staffing necessary to respond to complaints that may occur at a later date. The work necessary at the time of application is no different based on number of units on a parcel and therefore the recommendation is to keep the fee the same. It was asked if larger properties generated more complaints, thereby using greater staff time. Mr. Morra indicated the data does not show that to be the case. In the complexes involving more than twenty units, there were only six complaints in the prior fiscal year. He noted on-site management was believed to play a role in extinguishing issues before they rose to the level of a complaint. Mr. Bockelman indicated staff would have to review finances if the Board meant it to be a self sustaining operation. Members requested the Town Manager work with the Building Committee to determine the value of the gap at present. Members spoke about the success of the program partly as a result of rental owner participation and hesitation to increase fees that might impact that success.

The RBIG decided not to put forth a recommendation for further waivers. Mr. Morra noted there was a clarification that could be made to the by-law, regarding a decision that he made in implementation to not require applications for dormitories that are in the educational district, specifically related to Hampshire and Amherst Colleges. Based on the by-law, group homes were exempt from permitting and fee. The Housing Authority had asked for exemption in years past. Mr. Morra urged the Select Board to consider only a reduction in fee for public housing, not for the filing of an application, as the goal is meant to gather information. A fee schedule is under the purview of the Select Board and would not need to go before Town Meeting. The Town Manager recommended to place on the agenda for further review in October or November. The Board requested he prepare a charge for the Review Board to present at that time.

Sign Regulation Update: Current Challenges and Next Steps

Mr. Morra reported that the Planning staff was in the process of preparing draft amendments for by-law changes with plans to distribute to the public and committees for conversation prior to submission for Town Meeting. The challenges are that there are sign regulations both in the general by-law for the public ways and in the zoning by-laws for private property. There are inconsistencies between the two and the plan is to develop amendments to bring them up to date. The expectation is that all of the leg work up to this point will provide a sound legal proposal to move forward.

Frustrations were voiced by members regarding lack of enforcement and personal observations in some cases where 90% of storefront glass was covered as opposed to the 10% allowed in the by-law. Another issue noted as problematic is the lack of enforcement for temporary signs in the right way. Mr. Morra indicated that complaints that are called in receive a response. New businesses are informed of what is acceptable. Mr. Bockelman noted there would be a clear, comprehensive, inclusive approach as the Town moved forward and he and the Building Commissioner would prepare a plan for implementation.

Limited Release of Restriction – University Drive

Mr. Bockelman reviewed the process that had occurred to date. Attorney Tom Reidy noted there would a payment for the loss of agricultural land in addition to the \$40,000 in rollback taxes due for the site.

Ms. Kruger moved that, pursuant to the vote taken under Article 31 of the April 26, 2017 Annual Town Meeting, as continued, to amend the deed recorded with the Hampshire Registry of Deeds in

Book 1405, Page 134, which restricts the ability of certain landowners to connect to University Drive, to allow the owners of the parcel of land identified by the Assessors as Parcel 13B-33 to connect said property directly to University Drive, and to execute an amendment and/or release to effectuate the foregoing. Mr. Wald seconded the motion and it passed unanimously.

Parking Regulation/Public Hearing Preparation

Mr. Slaughter cited the time and place of the public hearing scheduled, recommended changes to the parking regulations, as advertised, noting the Board would likely not vote on the changes that evening, but would continue the hearing to another date certain. Ms. Kruger, in response to information requested by Ms. Brewer, indicated that the Select Board would be provided a memo from the Downtown Parking Working Group, a compilation of comments received at the public forum, and the power point being presented.

Town Manager Performance Evaluation - Update

The Chair noted that several corrections need to be made to the timeline, to include: removing the “draft” watermark; moving the second bulleted item under July 10, the self evaluation, to the July 17th meeting date; the 2nd bulleted item under Friday July 7th moves down to Friday July 14th; and the Packet for August 17th meeting draft to date based on August 14 discussion. The Chair will be making copies of all the written comments, including the electronic emails and distribute to members by Monday July 17th.

Licenses, Public Way, and Metered Parking Reservation

Sarah LaCour, Amherst Business Improvement District Director and the President of the Amherst Center Cultural District, distributed flyers for the first official event of the Amherst Center Cultural District, bringing live music and performance art to the downtown. Bistro 63 Monkey Bar was catering the event, which is funded by a MA Cultural Council grant.

On a motion by Ms. Kruger, seconded by Ms. Brewer, the Board voted to approve the application of the Amherst Business Improvement District for a Special License to serve wine and malt beverages at a promotional event for the Amherst Cultural District at Amherst Works, 11 Amity Street, on Tuesday, July 25, 2017 from 7:00 p.m. – 10:00 p.m.; Sarah LaCour, Director.

On a motion by Mr. Steinberg, seconded by Mr. Wald, the Board voted unanimously to approve the applications of Top of the Campus Inc. for Special Licenses to serve all alcohol beverages at receptions to be held: at the Old Chapel on Wednesday, July 12, 2017 from 4:00 p.m. – 7:00 p.m.; and on the Lawn adjacent to the Campus Pond on Sunday July 30, 2017 from 5:00 p.m. – 11:00 p.m., Kimberly Mcallister, Director.

On a motion by Mr. Steinberg, seconded by Mr. Slaughter, the Board voted unanimously to approve the application of Top of the Campus Inc. for a Special License to serve all alcohol beverages at a reception to be held at the Integrative Learning Center Atrium on Monday, July 31, 2017 from 6:00 p.m. – 11:00 p.m.; Caroline Nofio, Director.

On a motion by Mr. Steinberg, seconded by Mr. Slaughter, the Board voted unanimously to approve the application of Top of the Campus Inc. for a Special License to serve wine and malt beverages at

the Renaissance Center, 650 East Pleasant Street on Monday, September 18, 2017 from 2:30 p.m. – 7:30 p.m.; Kimberly McAllister, Director.

Committee/Boards, Appointments & Reappointments

Mr. Wald noted that the recommendations for the Local Historic District Commission had come from the process of providing notice to the State Realtor and Architect Associations per Massachusetts General Laws, both of whom provided a nominee.

On a motion by Ms. Brewer, seconded by Mr. Slaughter, the Board voted unanimously to appoint Robin Thompson to the Amherst Cultural Council, and Jim Lumley and Bruce Coldham to the Local Historic District Commission through 6/30/2020; and John Stevens Judge as an Associate Member to the Zoning Board of Appeals through 06/30/2018.

On a motion by Ms. Brewer, seconded by Ms. Kruger, the Board voted unanimously to confirm the Town's Manager's reappointment of Robert Brooks and Fletcher Clark to the Conservation Commission through 06/30/2019 and 06/30/2020, respectively and reappointment of Brian Yellon to the Water Supply Protection Committee through 06/30/2018.

On a motion by Ms. Brewer, seconded by Mr. Steinberg, the Board voted unanimously to appoint the police officers as recommended by Chief of Police Scott Livingstone, in a memo dated June 30, 2017 and approved by the Town Manager as Agents of the Select Board in accordance with M.G.L. c.138, Section 63, for an effective term of July 1, 2017 through June 30, 2018.

Ms. Kruger reported there were several requests from committees and boards to allow exemptions for reappointment of individuals beyond the six year term limits, noting one of the requests was for three years and one for one year. Members agreed the extension should be for one year only, the purpose for which is to allow time to bring in new members and ensure existing members are able to take on leadership roles.

Town Manager Report

- Mr. Bockelman reminded the Board of Friday's coffee from 7:30 – 9:00 a.m. at Bruegger's Bagels with the Superintendent of Public Works.
- July 4th was a tremendous event, offering accolades to Barb Bilz and LSSE staff for all the work that went into it. The Town Manager noted the cooperation involved, thanking UMass for use of the site and their police department for providing security and the Town of Hadley for their fire department providing oversight for the event.
- The initial agreement for the Memorandum of Understanding was in the Board's packet this evening. The Town Manager will continue to meet with Ms. LaCour on renewal of the agreement, mostly to clarify responsibilities in certain areas. Mr. Bockelman confirmed the fee for the BID comes from the Transportation Fund.
- The audit for FY 16 had been received; it had been made available on the Town's website. The audit finds no problems within the Town Financial Department. He thanked the Interim Co-Finance Directors and their staffs along with members of the Audit Committee.
- The Triangle Street roundabout construction was underway. The public should anticipate closure of the intersection next week. The goal was anticipated to be complete within four to six weeks, a target date of August 26th. Warner Brothers completed the paving on Route 63.

- Changes in the storm water regulations effective date had been delayed by one year.
- Mr. Bockelman attended a neighborhood meeting at Pomeroy Court regarding the flooding of their roadway, noting DPW Engineer Jason Skeels was in attendance and provided explanation of the cause of the flooding. Several short term solutions were put in place; with longer term solutions under discussion.
- The Town had received the preliminary flood maps and they are available for review in the Planning Department. They were accepting public comments and will need to be approved by the legislative body.
- Negotiations with Amherst Media continued and appeared to be moving forward in a positive manner; the current agreement was extended to September 30th to ensure funding continues without interruption. The next meeting scheduled for July 26, 2017. The money funding for capital has been received and is available to them.
- Mr. Bockelman commended all involved in the very successful downtown planning event, with over ninety people in attendance.
- The keys to the Sacco station were received on June 30th and Mr. Ziomek and Mr. Mooring will look at the restrooms to see if they are available for use of the North Amherst Library for a short term solution.
- The firefighters staffing draft study is being revised after the consultant met with representatives of the department. The goal is to come before the Select Board around Labor Day.
- Mr. Ziomek and Mr. Bockelman, along with Beacon Communities representatives, met with staff from MassWorks in Boston on Thursday to talk about the planned application for the North Amherst area. Jay Ash, Secretary of Housing and Economic Development happened to be in the community on Friday and Mr. Bockelman invited him to walk through the North Amherst village area.
- The Amherst Pelham Health Trust Fund continued to show a downward trend in reserves due to a fair number of high cost claims. The Insurance Advisory Committee, which includes members of all active employee groups, had recommended an increase of 10% for both HMO and PPO beginning October 1, 2017. Mr. Bockelman was reviewing the numbers and it appears it would require additional funds of approximately \$250,000 in the current fiscal year budget to meet the proposed increase. He said he was looking at long term solutions which would require plan design change.
- The law suit filed against Beacon Communities by Village Center North Amherst had been dismissed with prejudice.
- Many thanks to the Legislature for protecting Chapter 70 and unrestricted state aid in the newly released State budget.

Member Reports

Ms. Kruger reported on the recreational marijuana working group, awaiting reconciliation on the State budget. Ms. Brewer reported on the email included in the packet regarding communications sent on behalf of the Town.

The Chair reported on the recent public hearings held by PVTA regarding potential elimination of routes, providing some background including changes in funding mechanisms, promises made by the legislature for a plan of increased funding that did not materialize, and the resultant budget shortfalls it created with increased routes/spending based on those pledges. He reported about the public

hearing in Amherst, which was well attended including students who articulated their circumstances. Also, Five Colleges Inc., submitted a letter to PVTA Board articulating the effect of proposed route changes.

Minutes

Mr. Steinberg noted he reviews the minutes received from the Town Manager prior to presentation. He also made note of three changes suggested by Ms. Brewer relative to the June 5, 2017 minutes, to include a description of the reference to Tate Howard study/recommendation, correct a typographical error (cite versus site); and that we include a statement made to Ms. Wagner by the Chair to her public comment that when the subject matter came before the Select Board she would be notified.

On a motion by Mr. Steinberg, seconded by Ms. Kruger, voted 4-0 with 1 abstention (Brewer) to approve the Amherst Select Board minutes of May 8, 2017, May 10, 2017, May 15, 2017, and May 22, 2017 as presented and those of June 5, 2017, as amended.

The meeting adjourned at 10:09 p.m.

Submitted by Paul Bockelman, Town Manager

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

2017-07-10 Final Agenda and Draft Motions

Patrol Officer Commendations for Corsetti, Gallagher and Satkowski

Amherst Audit Cover Memo 7-7-2017

Amherst BID MOU

MA OCPF IB-91-01 - Use of Governmental Resources for Political Purposes

MA OCPF IB-92-02 - Activities in Support of or Opposition to Ballot Questions

Marijuana Conference Committee_ Outstanding Issues in Amherst Brewer 06-27-17

Transportation Advisory Committee Vision Statement

Morra Update - Various Items

Mill Street Bridge Easements Plan

Order of Taking Mill St Bridge

Amendment of Restriction University Dr

Art 31 Limited Release of Restriction - University Dr Access Con Com Response

Art 31 Limited Release of Restriction - University Drive 6-05-2017 Bike Path

Art 31 Limited Release of Restriction - University Drive Access

Art 31 Limited Release of Restriction - University Drive Access TAC Memo

Art 31 Limited Release of Restriction - University Drive Existing and Proposed Site Sheet

Art 31 Limited Release of Restriction - University Drive Ground Survey 2015

Art 31 Limited Release of Restriction - University Drive Release from Attorney Revised

Art 31 Limited Release of Restriction Narrative and Maps

Art 31 Limited Release of Restriction Plan Book 143, P 61

Art 31 Limited Release of Restriction University Drive Letter

Amherst Public Hearing Ad Parking Regulations 07.17-17

Downtown Parking Working Group Power Point June 22 2017

Downtown Parking Working Group Recommendations June 22 2017

Employment Agreement Bockelman 8.22.16 to 8.21.19

FY17 Select Board Eval Form - 06.20.17
Town Manager Evaluation 2017 Timeline 6-16-17 DWS
Town Manager Performance Goals FY17 avb 11-21-16
Agents of Select Board for Appointment
Special All Alcohol License UMass Old Chapel 07.12.17
Special All Alc Campus Pond Lawn UMass 7.30.17
Special All Alc ILC Atrium, UMass, 7.31.17
Special Wine and Malt Amherst Works Building BID 7.25.17
Special Wine and Malt Renaissance Center UMass 9.18.17
Final Minutes 05-08-2017 PB
Final Minutes 05-10-2017 PB
Final Minutes 05-15-2017 PB
Final Minutes 05-22-2017 PB
Final Minutes 06-05-2017 PB
MAIL - Complaints Violations Report 1-1-2017 to 6-30-2017