



FINANCE COMMITTEE SUPPLEMENTAL REPORT FOR ARTICLES 24 -26, 29 and 30 254th ANNUAL TOWN MEETING

**ARTICLE 24. Zoning – Form Based Zoning and Atkins Corners Rezoning
(Planning Board)**

AND

**ARTICLE 25. Zoning – Form Based Zoning and North Amherst Rezoning
(Planning Board)**

NO RECOMMENDATION by Finance Committee vote of 4-2, one absent.

The Finance Committee considers financially responsible growth as part of fiscal policy when deciding whether to support Articles about development and zoning. Zoning can be an effective strategy to encourage new growth, which is the only way that property tax revenue can increase by more than 2.5% in any year without a voter-approved override. Zoning changes and the development that may follow can also create grant opportunities. At the same time, there may be costs, depending upon what is developed. We make no recommendation on Article 24 and Article 25 because the majority of the committee believes it is impossible to know whether property tax revenues, expenses and grant opportunities due to new growth would increase, decrease or stay the same under Form Based zoning and the proposed zoning changes in these two village centers when compared to what could happen under current zoning. The minority wanted to recommend both articles, believing that they are likely to encourage development in the two village centers that is consistent with the Master Plan and would have a positive effect on the Town's financial circumstance by growing the tax base and revenue stream while meeting broader community goals.

**ARTICLE 26. Zoning – Residential Parking Design Regulations
(Planning Board)**

NO RECOMMENDATION

Any financial impact would be to the property owners, not to the Town.

**ARTICLE 29. Petition Article – Bylaw Regarding Sharing of Information with Federal
Agencies
(Hooke et al.)**

DEFERRED TO TOWN MEETING.

This petition article would amend Town Bylaws and provide that the Town notify the Federal Bureau of Investigation (FBI) that criminal record history information originating in the Town should not be shared with other agencies. Petitioners have said their motion will specify the Immigration and

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Customs Enforcement Agency (ICE), rather than just “other agencies”. The Finance Committee discussed this petition at four meetings including three with petitioners and one with the Chief of Police. The committee identified two possible financial implications to this article and has not been able to determine whether to make a recommendation at the time this is written. The committee will continue to review this matter and advise Town Meeting, either in writing or when the article is considered whether it has a recommendation.

With Everywoman’s Center at the University of Massachusetts, the Town is a recipient of a \$173,643 grant from the Department of Justice to combat sexual and domestic violence. The Police Department and EWC intend to apply for the renewal and enlargement of that grant. The Department also intends to apply to the Department of Justice for a \$300,000 grant to hire additional officers. The Police department is understaffed, and this grant, if received, will enhance its ability to assure the public safety of our community. We cannot know whether the proposed Bylaw would affect the Town’s applications for these grants. The Department of Justice does not provide reasons for rejecting competitive grant applications. It is not possible to ascertain the likelihood that enactment of such a Bylaw would become a barrier to further funding from the Department, but the amount of funds at risk is substantial.

The committee is also considering the possibility that a consequence of the Bylaw would be to require the Town to incur legal expense, either to enforce the Bylaw or as a defendant. The petitioners assert that the Town can limit the dissemination of arrest information based upon a regulation from 1976 that requires states to submit a Criminal History Record Information Plan to the Office of Justice Assistance, Research and Statistics. The section on which petitioners rely states that the regulation does not mandate the dissemination of information if it is not authorized by various laws, including local ordinances. This might be a matter of what is in the state’s Criminal History Record Information Plan. It is therefore unclear how this proposed Town Bylaw would be enforced and the effect of the Bylaw. It would certainly create an expectation that people arrested in Amherst will not be detained pursuant to the “Secure Communities” program. There is a risk of litigation expense, either to interpret and enforce such a Bylaw or from a complaint by a person who is detained by ICE after arrest in Amherst.

The Finance Committee asked for legal advice on both of these matters. Before this article is reached at Town Meeting, the committee will determine whether to make a recommendation.

ARTICLE 30. Petition Article – Bylaw Regarding Measures Relative to Banking of Town Funds (O’Connor et al.)

Part 1

REFERRAL TO THE FINANCE COMMITTEE RECOMMENDED by a vote 5-0, 2 absent.

The proposals contained in this article would best be considered as part of a review already planned of the Town’s investment policies. We would recommend against this petition article as submitted. Most of the Town’s money is already deposited in Massachusetts banks, but state law requires cities and towns to invest their money “at the highest possible rate (of interest) reasonably available, taking account of safety liquidity and yield.” Restricting the Town to Massachusetts banks could mean loss of interest income. There may be a way to draft a policy that considers whether Town investments will be

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invested locally and benefit the community. The Finance Committee welcomes the opportunity to consider whether this is possible as a part of a town investment policy and therefore recommends referral to the committee.

Part 2

DEFERRED TO TOWN MEETING.

This part of the petition article seeks legislation to set up a Bank of Massachusetts into which state entities including towns would have to deposit their money, and would restrict that bank's investments to U.S. and Massachusetts-based governmental securities and place restrictions on whom its loans would go to. This would restrict the new bank to such a narrow range of investments that it might not be profitable, which could hurt the Town's finances, since the Town would have to place all its money in this bank. The petitioner has said he plans to present a motion under the article that would make the bank's investment requirements less restrictive, and that he would provide it to the committee before Town Meeting considers this Article. The committee will vote a recommendation on part 2 after reviewing the petitioner's motion.