

Town of Amherst
DRAFT MOTIONS OF THE TOWN COUNCIL

Monday, June 13, 2022

6:30 p.m.

Virtual Meeting

Councilors in attendance: Devlin Gauthier, Griesemer, Hanneke, Steinberg, Taub

Councilors participating remotely: Bahl-Milne, De Angelis, Lopes, Miller, Pam, Rooney, Schoen, Walker

Councilors Absent:

Staff in attendance: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe

Others Participating Remotely: Finance Director Sean Mangano, Comptroller Sonia Aldrich, DPW Superintendent Guilford Mooring, Town Clerk Susan Audette, Planning Director Christine Brestrup, Planner Ben Breger, and Building Commissioner Rob Morra

When remote participation is used, all votes will be taken by roll call.

Per MGL Chapter 30A Section 20(f), this meeting is being recorded and broadcast by Amherst Media.

President Griesemer called the Special Town Council meeting to order at 6:30 p.m.; adjourned at 6:44 p.m.

President Griesemer called the Town Council meeting to order at 6:45 p.m.; adjourned at 11:02 p.m.

5. Consent Agenda

The following items were selected because they were considered to be routine and it was reasonable to expect they would pass with no controversy. To remove an item from the consent agenda for discussion later in the meeting, ask that it be removed when the President lists the consent agenda items. The request to remove an item from the consent agenda does not require a second.

MOVED: To move the following items, and the printed motions thereunder and approve those items as a single unit:

- 6.b. **Adoption** of Resolution in Support of the Fair Share Amendment
- 8.i. **Approval** of Mobile Market Request to Place Signage in the Public Way
- 8.j. **Referral** of Bylaw 3.26 Nuisance House to Community Resources Committee
- 8.k. **Withdrawal** of Measure – Proposed Bylaw Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers
- 9.b.1) **Appointment** of Non-Voting Member to the Finance Committee
- 11.a. **Approval** of April 25, 2022 Special Town Council Meeting Minutes – Information Session

Motion by: Griesemer

Seconded by: Devlin Gauthier

ROLL CALL VOTE: Unanimous

6. Resolutions and Proclamations

a. **Resolution Protecting Adult Access to Plant Medicines & Prioritizing Public Health Responses to Controlled Substance Possession**

MOTION ON THE FLOOR: To adopt the Resolution Protecting Adult Access to Plant Medicines & Prioritizing Public Health Responses to Controlled Substance Possession, as presented.

Motion by: Griesemer

Seconded by: Miller

NO ACTION TAKEN

MOTION: To amend the resolution by inserting the language in green and pink underlined text and deleting the language in green and pink strikethrough text, as shown in the document named “6.a. Decrim Measure Amendment as of 06-13-2022”

Bahl-Milne

Miller

ROLL CALL VOTE: 6-7 (Bahl-Milne, Lopes, Miller, Rooney, Taub, and Walker voted Yes; De Angelis, Devlin Gauthier, Griesemer, Hanneke, Pam, Schoen, and Steinberg voted No)

MOTION: Call the question

(2/3 vote)

Motion by: Hanneke

Seconded by: Devlin Gauthier

ROLL CALL VOTE: 12-1 (Bahl-Milne, De Angelis, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Pam, Rooney, Schoen, Taub, and Walker voted Yes; Steinberg voted No)

MOTION: Call the question

(2/3 vote)

Motion by: Hanneke

Seconded by: Schoen

ROLL CALL VOTE: 8-5 (Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Rooney, Schoen, and Taub voted Yes; Bahl-Milne, De Angelis, Pam, Steinberg, and Walker voted No)

The motion failed.

MOTION: Call the question

(2/3 vote)

Motion by: Hanneke

Seconded by: Schoen

ROLL CALL VOTE: 8-5 (Devlin Gauthier, Griesemer, Hanneke, Lopes, Pam, Rooney, Schoen, and Taub voted Yes; Bahl-Milne, De Angelis, Miller, Steinberg, and Walker voted No)

The motion failed.

MOTION: to refer to GOL for a substantive review, including a legal review if needed, consultation with CRESS and the board of health and other Town departments.

Motion by: Miller

Seconded by: Walker,

ROLL CALL VOTE: 9-4 (Bahl-Milne, Devlin Gauthier, Lopes, Miller, Pam, Rooney,

Steinberg, Taub, and Walker voted Yes; De Angelis, Griesemer, Hanneke, and Schoen voted No)

b. Resolution in Support of the Fair Share Amendment

VOTED VIA CONSENT AGENDA: To adopt the Resolution in Support of the Fair Share Amendment, as presented.

8. Action Items

a. Town Council Policy on Posting Locations of Election Warrants

First Discussion

b. Rescission of Zoning Bylaw Article 13 – Demolition Delay for Structures of Historical or Architectural Significance

MOVED: To rescind Zoning Bylaw Article 13, Demolition Delay for Structures of Historical or Architectural Significance.

(2/3 vote)

Motion by: Hanneke

Seconded by: Devlin Gauthier

ROLL CALL VOTE: Unanimous

c. Proposed General Bylaw – Preservation of Historically Significant Buildings

MOVED: To adopt the Preservation of Historically Significant Buildings, as shown on pages 8-15 of the Motion Sheet as a Town of Amherst General Bylaw, except to delete the phrase “forty-five (45) days of a complete Application being received by the Commission staff” in section E.(1)c. and replacing it with “twenty-one (21) days of the determination of Significance”

(majority vote)

Motion by: Hanneke

Seconded by: Devlin Gauthier

ROLL CALL VOTE: 11-1, 1 abstention (Bahl-Milne, Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Rooney, Schoen, Steinberg, Taub, and Walker voted Yes; De Angelis voted No; Pam Abstained)

MOVED: To postpone to June 27.

Motion by: Steinberg

Seconded by: De Angelis

ROLL CALL VOTE: 6-7 (Bahl-Milne, De Angelis, Pam, Steinberg, Taub, and Walker voted Yes; Devlin Gauthier, Griesemer, Hanneke, Lopes, Miller, Rooney, and Schoen voted No)

The motion failed.

d. FY23 Operating Budget

MOVED: To adopt Appropriation and Transfer Order FY23-04, “An Order Appropriating the Town of Amherst FY23 Operating Budget”, as recommended by the Finance Committee report of June 1, 2022, and shown on page 16.

(majority vote)

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 9-4 (Bahl-Milne, De Angelis, Griesemer, Hanneke, Miller, Rooney, Schoen, Steinberg, and Taub voted Yes; Devlin Gauthier, Lopes, Pam, and, Walker voted No)

e. FY23 Capital Improvement Program

MOVED: To adopt Appropriation and Transfer Order FY23-05A, “An Order Appropriating Funds for a Portion of the Town of Amherst Capital Program – Equipment, Buildings and Facilities” as recommended by the Finance Committee report of June 1, 2022, and shown on page 17.

(majority vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

MOVED: To adopt Appropriation and Transfer Order FY23-06, “An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorizations” as recommended by the Finance Committee report of June 1, 2022, and shown on page 18.

(2/3 vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

MOVED: To adopt Appropriation and Transfer Order FY23-14B, “An Order Appropriating from the General Stabilization Fund to balance the FY23 Budget” as recommended by the Finance Committee report of June 1, 2022, and shown on page 19.

(2/3 vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

f. Centennial Water Treatment Facility Funding

MOVED: To adopt Appropriation and Transfer Order FY22-09, “An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorization” as recommended by the Finance Committee report of June 1, 2022, and shown on page 21.

(2/3 vote)

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

MOVED: To adopt Appropriation and Transfer Order FY22-13, “An Order Rescinding Authorized but Unissued Bonds” as recommended by the Finance Committee report of June 1, 2022, and shown on page 20.

(majority vote)

Motion by: Griesemer

Seconded by: Hanneke
ROLL CALL VOTE: Unanimous

- g. North Common Improvements Project – Care, Custody, Control, and Funding**
Automatically referred to Finance Committee
- h. Removed from agenda**
- i. Public Way: Mobile Marking Signage Request**
VOTED VIA CONSENT AGENDA: To approve the placement of a sandwich-board-style sign advertising the Amherst Mobile Market sites in the public way on East Hadley Road during the 2022 Mobile Market season, and to approve the placement of additional sandwich-board style signs in the public way during the 2022 Mobile Market season near Groff Park, the Mill River Recreation Area, and Fort River Elementary School property, if placement in the public way near those locations is better suited.
- j. General Bylaw 3.26 Nuisance House**
VOTED VIA CONSENT AGENDA: To refer Bylaw 3.26: Nuisance House to the Community Resources Committee for review and consideration of the previous Bylaw Review Committee recommendation.
- k. Withdrawal of Measure – Proposed Bylaw Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers – Consent Agenda**
In accordance with Council Rule of Procedure 8.8, Councilor-sponsor Devlin Gauthier submitted a written request on June 10, 2022 to withdraw her Proposed Bylaw Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers from consideration by the Council and all Council Committees to which it was referred, and this request is now placed on the Council agenda for notice purposes.
Rule 8.8 does not require a vote.
- 9. Appointments**
- b. Town Council Appointments**
- 1) Non-Voting Member of Finance Committee – Charter Sec. 2.9(c)**
VOTED VIA CONSENT AGENDA
MOVED: To reappoint Bernie Kubiak to the Finance Committee as a non-voting member for a term to begin July 1, 2022 and to expire June 30, 2024.
- 11. Approval of Minutes**
- a. April 25, 2022 Special Town Council Meeting Minutes – Information Session**
VOTED VIA CONSENT AGENDA: To approve the April 25, 2022 Special Town Council Meeting minutes, as presented.

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3.XX – PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

PENALTIES FOR VIOLATION OF BYLAW FOR PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

Noncriminal Disposition: \$300.00 penalty for each offense (enforcement by: Historical Commission or Building Commissioner).

Each day the violation exists shall constitute a separate offense until the demolished building is rebuilt or re-created as directed by the Historical Commission, or unless otherwise agreed to by the Historical Commission.

A. Declaration of Policy

Finding that the economic, cultural and aesthetic standing of the Town of Amherst can best be maintained and enhanced by due regard for the historical and architectural heritage of the Town and by striving to discourage the destruction of such cultural assets, it is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of structures of historical and architectural significance, located within the Town of Amherst, is a public necessity, and is required in the interest of the prosperity, civic pride, and general welfare of the people.

B. Purpose

This Bylaw is enacted for the purpose of preserving and protecting historic buildings that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town and encouraging sustainability through the adaptive reuse of historic structures. Through this Bylaw, owners of historic buildings are encouraged to seek out alternative options that will preserve, rehabilitate, or restore such buildings, and residents of the Town are alerted to the impending Demolition of Significant Buildings. By preserving and protecting Significant Buildings, this Bylaw promotes public welfare by making the Town a more attractive and desirable place in which to live, work, and visit. To achieve these purposes the Historical Commission is authorized to allow or delay Demolition through the issuance of a Demolition Authorization or a Preservation Order.

C. Definitions

The following terms used in the Bylaw shall be understood by the subsequent indicated meanings:

Applicant	Any person or entity filing an application for a Demolition Authorization.
Application	A form to request a Demolition Authorization.
Building	Any combination of materials forming a shelter for persons, animals, or property. The word “Building” shall include the word “Structure”.
Building Commissioner	The person occupying the Office of Building Commissioner or anyone otherwise authorized to issue a Demolition Permit.

Commission	The Amherst Historical Commission.
Demolition	<p>a) Initiating the work of total destruction of an entire Building with the intent of completing the same; or</p> <p>b) any act of pulling down, destroying, removing, or razing 25% or more of the front, back, or side elevations of a Building, with the gross square footage of each elevation including wall area, roof area, and exposed foundation area calculated separately; or</p>
Demolition Authorization	An approval granted by the Commission to an Applicant permitting the Demolition of a Significant Building as determined at or after a Public Hearing.
Demolition Delay	A delay of up to 12 months on the granting of a Demolition Permit, imposed by the Commission upon a Significant Building determined to be Preferably Preserved, during which time the Commission will work with the Building owner(s) on the preservation of the Building.
Demolition Permit	A Building Permit issued for Demolition by the Building Commissioner under the State Building Code for the Demolition of all or a significant portion of a Building.
Emergency Demolition	A determination made by the Building Commissioner that a Building is found to be dangerous and an imminent threat to public health, safety or welfare due in part, but not limited to, threat of collapse, fire hazard, weather damage, or structural failure, and is therefore required to be demolished.
Public Hearing	A meeting of the Commission, open to the public and duly advertised, at which Commission members hear from Applicants and the public, review applications, and make decisions regarding whether a Significant Building should be Preferably Preserved, if a Demolition Authorization should be approved, or if the Demolition Delay period should be reduced.
Preferably Preserved Building	A Significant Building determined by the Commission at a Public Hearing to be worthy of and in the public interest to preserve rather than Demolish, in accordance with Section G of this Bylaw, and therefore the Commission issues a Preservation Order on the Building.
Preservation Order	A restriction issued by the Commission to an Applicant delaying the Demolition of a Significant Building as determined at or after a Public Hearing for the duration of the Demolition Delay period.
Significant Building	A Building found by the Commission or its designee(s) to contribute to the historical or architectural heritage or resources of the Town pursuant to Section F of this Bylaw.
Structure	Any edifice, object, or building of any kind that is constructed or erected and requires more or less permanent location on the ground or attachment to an object with permanent location on the ground, not including wheels.

D. Historical Commission Appointment and Powers

The Commission shall consist of seven (7) members, appointed by the Town Manager, for terms of three (3) years each. The Commission is charged with implementing the Preservation of Historically Significant Buildings Bylaw.

E. Procedures

The Building Commissioner may not issue a Demolition Permit for a Significant Building without a Demolition Authorization from the Historical Commission or its designee, except in accordance with Section H. Buildings that are less than 75 years old are not subject to this Bylaw.

(1) Application to and Initial Review by the Historical Commission

- a. An Applicant proposing Demolition of a Building 75 years or older shall submit a complete Application to Commission staff. If a Building is of unknown age, it shall be assumed that the Building is over 75 years old for the purposes of this Bylaw.

A complete Application shall be filed with Commission staff containing the following information:

- The address of the Building where Demolition is proposed.
 - The owner's name and signature, address, email and telephone number.
 - A description of the Building, including the approximate year of construction, if known.
 - The reason for a Demolition Permit.
 - A brief description of the proposed reuse, reconstruction, or replacement.
 - A photograph or photograph(s) of the building.
 - Timeline for Demolition.
 - Additional information requested to support the application in accordance with the Historical Commission Rules and Regulations.
- b. The Commission or its designee(s) shall determine if the Application concerns a Significant Building as defined in Section F of this Bylaw. For Applications reviewed for significance by the designee(s), a decision shall be made or the Application shall be referred to the Commission within fourteen (14) days of the receipt of the complete Application. The Commission shall make the determination of Significance if there is not a unanimous vote of the designee(s) or at the request of the designee(s). For Applications reviewed by the Commission, a decision shall be made within twenty-one (21) days from referral by the designee(s).

- c. If the Building has been determined to be Significant, the Commission shall notify the Applicant and Building Commissioner and then will hold a Public Hearing, within forty-five (45) days of a complete Application being received by the Commission staff, as outlined in Section E(2).
- d. If the Building is determined to not be Significant, the Commission or its designee(s) shall give the Building Commissioner and Applicant written notice of this determination. The Building Commissioner may then issue the Demolition Permit.

(2) Public Hearing Procedure

For the purposes of a Public Hearing:

- a. Notice of the Public Hearing shall be sent by Commission staff to the Applicant and property owners within 300 feet at least fourteen (14) days prior to the Public Hearing.
- b. Posting on the Town website and publication within local news media shall take place fourteen (14) days prior to the Public Hearing.
- c. The Commission may hold a site visit prior to the Public Hearing.
- d. The Commission shall hold the Public Hearing on the designated date and time and shall review the Application to determine whether:
 1. the Significant Building shall be Preferably Preserved, per Section G;
or
 2. a Demolition Authorization can be issued; or,
 3. the Demolition Delay period should be reduced, per Section E(3).
- e. During the Public Hearing, the Commission shall consider alternatives to Demolition during the Demolition Delay period such as:
 - the incorporation of the building into the future development of the site,
 - the adaptive re-use of the building,
 - the use of financial incentives for the rehabilitation of the building,
 - the relocation of the building to another site, and,
 - with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.
- f. If, during the Public Hearing, the Commission determines that the Significant Building shall not be Preferably Preserved, the Commission shall grant a Demolition Authorization to the Applicant.

- g. If, during the Public Hearing, the Commission decides to reduce the Demolition Delay period, the Commission shall issue a Demolition Authorization to the Applicant.
 - h. If, during the Public Hearing, the Commission determines that the Significant Building shall be Preferably Preserved based on criteria in Section G, then the Commission shall issue a Preservation Order to the Applicant. Upon issuance of a Preservation Order, no Demolition Permit shall be issued by the Building Commissioner for the duration of the Demolition Delay period, unless otherwise agreed to by the Commission in Section under E(3).
 - i. When issuing a Demolition Authorization or a Preservation Order, within 14 days of the close of the Public Hearing, the Commission shall notify the Building Commissioner in writing of its findings, file the decision with the Town Clerk, and provide notice of the decision to the Applicant, including when the Applicant is eligible to apply for a Demolition Permit.
- (3) After a Preservation Order has been issued, an Applicant may apply to the Commission for a reduction of the Demolition Delay period. Within forty-five (45) days following the Commission's receipt of such request, the Commission shall hold a Public Hearing in accordance with the procedures of Section E(2) to consider whether or not to reduce the delay period through the issuance of a Demolition Authorization. At this Public Hearing, the Commission may consider whether the Applicant has taken any of the following actions:
- a. Filed with the Building Commissioner plans for intended future use and development of the site and has been found to comply with all laws pertaining to the issuance of a building permit, including without limitation, any necessary zoning findings, variances, or special permits required for said use and development.
 - b. Made bona fide, reasonable, and unsuccessful efforts to locate a purchaser for the Building who is willing to preserve, rehabilitate, or restore the Building. These efforts could include actions such as marketing the Building for sale and/or relocation, studying the feasibility of rehabilitating the Building, and evaluating the structural integrity of the Building.
 - c. Agreed to accept a Demolition Authorization on specified conditions approved by the Commission, such as those described in E(2)e. If the specified conditions involve approved plans and elevations, the Applicant shall provide the Commission a complete set of plans and elevations.
- (4) At the end of the Demolition Delay period, Commission staff shall issue a Demolition Authorization to the Applicant, notify the Building Commissioner in

writing of this issuance, file the decision with the Town Clerk, and provide notice of the decision to the Applicant, including when the Applicant is eligible to apply for a Demolition Permit.

(5) Exemptions

The Building Commissioner may issue a Demolition Permit without Commission review if proposed changes are limited to any of the following:

- a. Removal and replacement of exterior architectural features, including roofing and siding materials, that replicate significant historic design detail with exact or similar material.
- b. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within two years thereafter and carried forward with due diligence.

F. Standards for Designation as a Significant Building

The Commission or its designee(s) shall determine that a Building be designated as a Significant Building if it is 75 years old or older and meets one or more of the following criteria:

- (1) The Building is individually listed on, or is a contributing structure within an area listed on, the National Register of Historic Places or is the subject of a pending application for such listing; or
- (2) The Building has value in association with a specific location, or one or more historic persons or events, or with the broad architectural, social, political, economic, or cultural heritage of the Town of Amherst or the Commonwealth; or
- (3) The Building alone, in the context of a group of buildings, or as part of a viewshed, has historical or architectural value, as to period, style, craftsmanship, method of building construction, or in association with a recognized architect or builder.

G. Designation of a Building as Preferably Preserved

The Commission, in the public interest of the Town's robust historic character and rich cultural identities, prefers to preserve Significant Buildings whenever possible. In doing so, the Commission serves to promote the environmental, economic, educational, and social advantages of a community with historic identities and to avert the possible negative impacts of a Significant Building's loss.

To this end, the Commission will weigh the factors which led to the Building's designation as Significant, including additional review of the criteria in Section F and the owner(s) plans for reuse, reconstruction, or restoration, and make a determination regarding its

preservation. A designation of “Preferably Preserved” will be applied to those Significant Buildings that the Commission finds would represent a loss to the Amherst community if a Demolition Authorization were granted.

A Preservation Order will be issued for any Building designated as Preferably Preserved delaying the issuance of a Demolition Permit for a period of up to 12 months from the date that the decision is voted on by the Commission. During this 12-month period the Commission members will work with the owner(s) on methods for possible preservation as referenced in Section E(2)e.

H. Emergency Demolition

If after an inspection, the Building Commissioner finds that a Building subject to this Bylaw is found to pose an imminent threat to public health, safety, or welfare due to its deteriorated condition and there is no reasonable alternative to the immediate Demolition of the Building, then the Building Commissioner may issue an emergency Demolition Permit to the owner of the Building. The Building Commissioner shall then prepare a report explaining the condition of the Building and the basis for the decision which shall be forwarded to the Commission.

I. Expiration

(1) Expiration for No Action

- a. If the Building is not determined to be Significant or if a Demolition Authorization is issued, said determination or authorization shall lapse if Demolition has not commenced within one (1) year of the date of the decision.
- b. If Demolition does not commence within the timeframe allowed above, any future Demolition shall be subject again to full review in accordance with the provisions of this Bylaw.
- c. An applicant may request in writing to the Commission a 6-month extension of the time permitted to commence Demolition. The Commission may issue such an extension through a majority vote at a Public Meeting.

J. Enforcement, Penalties, and Remedies

The following enforcement and remedies shall apply under this Bylaw:

- (1) The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity they shall deem necessary and appropriate to obtain compliance with the requirements of this Bylaw, or to prevent a violation thereof.

- a. Any owner of a Building subject to this Bylaw who knowingly performs Demolition of said Building, or damages a portion of a Building in a way which increases its likelihood of total failure, without first obtaining a Demolition Authorization or a Demolition Permit in accordance with the provisions of this Bylaw, or who likewise, by some causative action, contributes to the deterioration of said Building, shall be in violation of this Bylaw and subject to enforcement by a non-criminal complaint pursuant to the provisions of this Bylaw and M.G.L. Chapter 40, Section 21D, as amended.
 - b. Notwithstanding the above, this section does not create an affirmative obligation to maintain a property.
- (2) No building permit shall be issued with respect to any premises upon which a Building has had Demolition occur in violation of this Bylaw for a period of two (2) years from the date of the completion of such Demolition unless first authorized by the Historical Commission at a Public Hearing.

K. Administration

- (1) The Commission is authorized to adopt rules and regulations to carry out its duties and functions under this Bylaw.
- (2) The Commission may delegate authority at a public meeting to make initial determination of Significance of all or certain Application types to one or more members of the Commission or municipal employees.

OPERATING BUDGET APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER FY23-04

An Order Appropriating the Town of Amherst Operating Budget for Fiscal Year 2023

BE IT ORDERED by the Town Council of the Town of Amherst that:

The sum of \$73,400,334 be appropriated to fund the Town of Amherst operating budget for the fiscal year beginning July 1, 2022, and to meet such appropriation, raise and appropriate \$60,252,877, transfer \$2,300,000 from the Ambulance Receipts Reserved for Appropriation Account, transfer \$75,000 from the Town’s portion of the Comcast Capital account, appropriate and transfer \$488,720 from Community Preservation Act Funds, make \$4,531,286 available from Sewer Fund revenues of the current year, make \$4,538,502 available from Water Fund revenues of the current year, make \$511,864 available from Solid Waste Fund revenues of the current year, and make \$702,085 available from Transportation Fund revenues of the current year, as set forth for each operating budget category in the table entitled: Appropriation Order FY23-04 Town of Amherst Operating Budget,

Appropriation Order FY23-04 – Town of Amherst Operating Budget

AMOUNT APPROPRIATED	ORDER NUMBER FY23-04	FUNDING SOURCES						
		RAISE & APPROP	AMB RECEIPTS	CPA	OTHER FINANCING SOURCES	ENTERPRISE REVENUE	ENTERPRISE RET EARNINGS	
\$ 6,983,932	RETIREMENT ASSESSMENTS	\$ 6,983,932						\$ 6,983,932
\$ 500,000	OTHER POST-EMPLOYMENT BENEFITS (OPEB)	\$ 500,000						\$ 500,000
\$ 26,027,834	TOWN OPERATING BUDGET <i>INCLUDES: GENERAL GOVERNMENT, PUBLIC SAFETY, PUBLIC WORKS, CONSERVATION AND DEVELOPMENT AND COMMUNITY SERVICES</i>	\$ 23,727,834	\$ 2,300,000					\$ 26,027,834
\$ 2,138,366	LIBRARY SERVICES - (Total Library Budget \$2,640,183)	\$ 2,138,366						\$ 2,138,366
\$ 25,052,500	ELEMENTARY SCHOOLS	\$ 25,052,500						\$ 25,052,500
\$ 2,413,965	DEBT SERVICE	\$ 1,850,245		\$ 488,720	\$ 75,000			\$ 2,413,965
\$ 4,531,286	ENTERPRISE FUNDS: SEWER FUND					\$ 4,531,286	\$ -	\$ 4,531,286
\$ 4,538,502	WATER FUND					\$ 4,538,502		\$ 4,538,502
\$ 511,864	SOLID WASTE FUND					\$ 511,864	\$ -	\$ 511,864
\$ 702,085	TRANSPORTATION FUND					\$ 702,085		\$ 702,085
\$ 73,400,334		\$60,252,877	\$ 2,300,000	\$ 488,720	\$ 75,000	\$ 10,283,737	\$ -	\$ 73,400,334

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ___ for, ___ against and ___ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION and TRANSFER ORDER - FY23 – 05A

An Order Appropriating Funds for a Portion of the Town of Amherst Capital Program – Equipment, Buildings and Facilities (*majority vote*)

BE IT ORDERED by the Town Council of the Town of Amherst that:

The Town appropriate the **sum total \$4,879,699** for the purchase, repair, and/or installation of new or replacement equipment, for the repair and/or improvement of buildings, and for the repair and/or improvement of facilities, and for road and sidewalk repairs, and for studies, designs and other consulting services, and to meet such appropriation, raise and appropriate \$4,369,499, transfer \$100,000 from repurposed capital, and transfer \$410,200 from ambulance receipts reserved for appropriation, and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Appropriation Order FY23- 05A – Town of Amherst Capital Program

FUNDING SOURCES	
Raise and Appropriate	4,369,499
Repurpose Capital	100,000
Ambulance Receipts	410,200
	4,879,699

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ____ for, ____ against and ____ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION AND BORROWING AUTHORIZATION ORDER FY23-06

**An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorizations
(2/3 vote required)**

BE IT ORDERED by the Town Council of the Town of Amherst that:

The Town appropriate \$1,850,000 for the capital program purposes set forth in the table entitled Appropriation Order FY23-06 – Town of Amherst Capital Program – Bond Authorizations, and to meet this appropriation, authorize the Treasurer, with the approval of the Town Manager, to borrow said amount **as set forth in table entitled Appropriation Order FY23-06**, under and pursuant to M.G.L. Chapter 44, Section 7, 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

BE IT FURTHER ORDERED that:

The Town Manager is hereby authorized to accept, contract for, and expend any grants or gifts available for these projects.

Appropriation Order FY23-06 – Town of Amherst Capital Program – Bond Authorizations

23-06 BORROWING AUTHORIZATIONS		
A	CROCKER FARM HVAC & GYM FLOOR	\$ 350,000
B	FIRE LADDER TRUCK	\$ 1,500,000
		\$ 1,850,000

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ____ for, ____ against and ____ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

OTHER FINANCIAL ORDERS

**APPROPRIATION and TRANSFER ORDER FY23-14B
Town of Amherst Stabilization Fund Transfer to Balance the FY23 Budget**

An Order Appropriating from the General Stabilization Fund to balance the FY23 Budget (*2/3 vote required*)

BE IT ORDERED by the Town Council of the Town of Amherst that: The Town appropriate and Transfer the sum of \$500,000 from the General Stabilization Fund to General Fund to balance the FY2023 Operating Budget

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ____ for, ____ against and ____ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

OTHER FINANCIAL ORDERS

RESCIND BORROWINGS AUTHORIZED BUT UNISSUED ORDER FY22-13

An Order Rescinding Authorized but Unissued Bonds (*majority vote*)

To rescind available excess and/or unnecessary borrowing authority of the Water Enterprise Fund;

BE IT ORDERED by the Town Council of the Town of Amherst that:

The authorized but unissued borrowing in the amount \$11,000,000, originally approved by vote taken under Council Order 21-09-part D, Centennial Water Treatment Facility replacement, be rescinded.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ____ for, ____ against and ____ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council President

PART C – CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS:

APPROPRIATION AND BORROWING AUTHORIZATION ORDER FY22-09A

**An Order Approving and Authorizing Borrowing to Fund Capital Projects – Bond Authorization
(2/3 vote required)**

BE IT ORDERED by the Town Council of the Town of Amherst that:

The Town appropriates \$18,000,000 to pay costs of replacing the Centennial Water Treatment Plant, and for the payment of all other costs incidental and related thereto (the “Project”), and to meet this appropriation, the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount, under and pursuant to G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

And, that the Town Manager, Treasurer and any other appropriate officer of the Town are authorized to execute and deliver (i) any financing agreement with the Massachusetts Clean Water Trust (the “Trust”) that may be required in order to obtain funding for the Project through the Drinking Water State Revolving Fund (DWSRF) program as authorized by G.L.c. 29C, and (ii) any project regulatory agreement with the Massachusetts Department of Environmental Protection that may be required in order to obtain funding for the Project through the Trust, and, further, to accept any grants, gifts or donations to offset costs of this .

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of ____ for, ____ against and ____ present on _____, 2022.

Athena O’Keeffe, Town Council Clerk

J. Lynn Griesemer, Council