

**Amherst Finance Committee  
Thursday, April 7, 2011, 7:00 P.M.  
First Floor Meeting Room, Town Hall**

**ATTENDANCE:**

Andrew Steinberg (Chair), Kay Moran (Vice-Chair), Phil Jackson, Bob Saul (after 8 p.m.), Douglas Slaughter, Marylou Theilman

**OTHERS PRESENT:**

Jonathan Tucker, Planning Director; Dave Ziomek, Conservation Director; Sandy Pooler, Finance Director

Meeting was called to order at 7:05 p.m.

**MINUTES**

**1. News affecting budget**

There was no news to report this week.

**2. Fiscal Year 2012 budget development**

**a. Report and discussion about Budget Coordinating Group (BCG) recommendations**

The committee discussed the BCG's restoration lists and individual points of view on budget priorities.

Saul and Moran both indicated that the Jones Library Tier 2 restoration item referring to the MAR level was misleading, since the library would have adequate funding by this stage in the budget restoration.

**b. Further consideration of FY 12 budget**

Committee voted 6-0 with one absent to recommend Article 1

Committee voted 6-0 with one absent to recommend Article 2

Committee voted 6-0 with one absent to recommend Article 3

Committee voted 5-0 with one abstention and one absent to recommend Article 4

Committee voted 6-0 with one absent to recommend Article 9

Committee deferred a vote on Article 10 until Town Meeting

Committee voted 6-0 with one absent to recommend Article 11

Committee voted 6-0 with one absent to recommend Article 12

Committee deferred a vote on Article 13 to its next meeting

Committee voted 6-0 with one absent to recommend Article 15, \$100,000 for the Reserve Fund

Committee voted 6-0 with one absent to recommend Article 16, \$500,000 in Chap. 90 money for road repairs

Committee voted 6-0 with one absent to recommend Article 19

Committee deferred a vote on Article 20

Committee deferred a vote on Article 22 until Town Meeting

Committee deferred a vote on Article 23 until Town Meeting

Committee deferred a vote on Article 24

Committee voted 6-0 with one absent to select the presentation order of four general government budgets by a random ballot, with General Government coming last because it would change if any of the other four are amended. The committee agreed to randomize the order for the 2010 Annual Town Meeting at the request of the Town Meeting Coordinating Committee, which felt that the traditional order might adversely affect funding for some areas. While feedback from Town Meeting members and the outcome of the deliberations did not support this hypothesis, the committee determined that there was no harm in doing this for the 2011 Annual Town Meeting. The AmherstMedia camera operator drew slips of paper. The order of presentation at Annual Town Meeting is as follows:

1. Community Services
2. Public Safety
3. Public Works
4. Conservation & Development
5. General Government

**c. Budget process and calendar**

There was no discussion of this item.

**d. Writing assignments for Finance Committee report, speaking assignments for Town Meeting**

Additional committee writing assignments were made. A revised list will be distributed at the next meeting. (See Item 1.)

**3. Non-Financial and Petition Articles**

**a. Conservation Commission**

**Article 21 – Authorize Funding for APR for Wentworth Farm**

Ziomek indicated this article is necessary to complete the final step for compensation and mitigation of the town's 2006 purchase of a historic preservation restriction on property at 575 North East Street (2006). The final payment is included in the Community Preservation Act Committee article (Article 20) previously presented to the committee. All payments are being held in a state fund to pay for the Town's next Agricultural Protection Restriction (APR).; see CPAC report for final payment. Article 21 will allow the town to potentially mitigate the loss of 1.7 acres of APR land as part of the North East Street project. Mitigation needs to be complete by December 31, 2011. The town proposes to transfer 21 acres of town-owned land next to the Wentworth Farm Conservation Area to the Conservation Commission. Originally intended as but no longer suitable for a school site, this property has been managed as if it were conservation land since the mid-80s. An agricultural preservation restriction will be sought for a portion of the property as mitigation for loss of some APR land at 575 North East St., as the town is seeking to avoid penalties of an additional \$100k.

The state Department of Agricultural Resources must approve the land as being acceptable APR land. Local approval is needed from Town Meeting and the Amherst School Committee.

Theilman inquired if there was any community gardening on the land at present. Ziomek indicated that, if successful, this land would be the first APR actually owned by town. He indicated there would be potential for the opportunity to lease the land for farming.

Steinberg inquired if there was a potential for revenue generation. Ziomek indicated that, while possible, the land is extremely wet and has other conservation considerations that might limit or prohibit such use. He further indicated that revenue would likely be nominal based on current leasing rates in neighboring towns. Any revenue would go directly to the town's General Fund. The Conservation Commission is in the process of inventorying all such properties.

Jackson asked for confirmation that the final CPAC payment and the acceptance of the proposed land into APR would end the town's financial obligation for the North East Street property. Ziomek confirmed that this was the case.

(See Item 2.)

*The committee voted 5-0 with two members absent to recommend this article.*

**Article 25 – Authorize Land Acquisition – West Street - CDBG**

Ziomek indicated that this article is part of the town's ongoing effort to find suitable land for additional affordable housing projects, both large and small. The proposed property is a 17-acre parcel; it has been for sale for a long time. The town wants to purchase the property for \$225k. \$205k would come from Community Development Block Grant (CDBG) funds and the remaining \$20k would come from the Interfaith Housing Group. Town will evaluate the viability of the property this summer. Real estate market is favorable at present and the property was previously recommended as a possibility.

Moran inquired about the purchase & sale agreement the town has entered into with the seller. Ziomek indicated the town is doing its due diligence before completing the sale. If all of the contingencies in the agreement are met, the Select Board can authorize the purchase. If the town decides not to purchase, CDBG funds will be redirected. The purchase has no financial implications for the town.

Slaughter inquired about the time frame to complete the sale. Ziomek indicated that, if amenable to the town, the purchase would occur this fall. Slaughter also inquired about a double-yellow line appearing on the map. Ziomek indicated that this was an unknown easement that wouldn't affect the development of the property. Ziomek indicated that most of the land is undevelopable; he also indicated that other site engineering work done for other projects in that area will save the town some money.

Slaughter also inquired about the potential loss of property tax revenues if the town owns the property. Pooler indicated that property tax is typically not evaluated as a component of these types of acquisitions. He indicated that the broader financial consideration would be the lack of adequate affordable housing stock in town.

(See Item 3.)

*The committee voted 5-0 with two absent to recommend this article.*

**Article 26 – Bylaw Amendments - Wetlands Protection – Section V & VI**

Ziomek stated that this article allows for alternative means for applicants seeking a Request for Determination or publicizing a Notice of Intent to notify abutters to their property. The article allows individuals to use a "Certificate of Mailing," a more cost-effective alternative to return receipt postage to provide evidence that something was, in fact, mailed.

Steinberg asked for confirmation that there is no cost to the town. Ziomek confirmed that all costs are borne by the individual.

(See Item 4.)

*The committee voted 5-0 with two members absent to take no position.*

**Article 27 – Bylaw Adoption – Stretch Code**

Detailed discussion of this article was deferred until the next meeting to allow Stephanie Ciccarello, the lead staff member on this article, to present to the committee.

Ziomek indicated that this article is part of town’s effort to earn a designation as a “green community,” which entitles the town to state monies for energy improvements to municipal facilities.

There are five criteria the town must meet, and one is to adopt a “stretch energy code.” Town staff is working through these items, and the only one requiring Town Meeting approval is the stretch code, which provides a more energy-efficient building code compared to today’s code.

Steinberg inquired if there were additional costs to the town to enforce this new code. Ziomek indicated that inspections are performed by independent, 3<sup>rd</sup>-party inspectors. Stretch code inspections are not performed by town building inspectors.

Theilman and Moran both inquired if there were additional costs to property owners to conform to the more stringent requirements in the building code. There are Municipal buildings may be impacted; cost to town for compliance

*The committee postponed a vote until its next meeting.*

**b. Planning Board**

**Article 28 Zoning Bylaw – Duplexes**

The committee discussed this article at a previous meeting, but the Planning Board had not taken a vote at that time. The Planning Board subsequently voted 8-0 to adopt the article.

(See Item 5.)

*The committee voted 6-0 with one member absent to take no position.*

**Article 32 Zoning Amendment – Filling of Land**

The Planning Board declined to make a recommendation on this article, as an amendment occurred after posting of the meeting notice. A new public hearing will be held on April 27.

Theilman asked if there were any financial implications to the article. Tucker indicated that, as with other zoning changes, there is reduction in staff time by eliminating the jurisdiction of two bodies.

*The committee voted 6-0 with one member absent to defer a vote until Town Meeting.*

**c. Petition articles**

**Article 33 – Zoning Bylaw – Accessory Livestock or Poultry**

Tucker spoke to the petitioner’s article. This change to the zoning bylaw would allow an individual to keep up to 12 animals by right under certain rules; a special permit would be required for any deviation from the provisions of the bylaw. The Planning Board will offer several amendments to this article on the floor of Town Meeting.

**Article 34 – General Bylaws – Animal Welfare**

This article is related to Article 33 and establishes a process for registration and annual inspection of accessory livestock or poultry.

Saul inquired if a neighbor can oppose a neighbor’s livestock. Tucker indicated that opposition would not warrant intervention from the health director. Steinberg inquired if there was any burden to town resources. Tucker indicated that there are few complaints today about livestock; the animal welfare officer is paid by the state when investigating these issues, so there is no cost to the town. He also indicated that there is no concern about staff time for hearings/

**Article 35 – General Bylaws – Animal Welfare**

This article is related to Article 33. This article will be dismissed if Article 34 passes.

(See Item 9.)

*Committee voted 6-0 with one member absent to take no position on Articles 33, 34 and 35.*

**4. Member reports – liaisons and committees**

Theilman indicated she had contacted the Superintendent of Schools and the finance director regarding the regional assessment, which has not yet been voted. She will report back to the committee.

**5. Minutes of previous meetings**

*The committee voted 6-0 with one member absent to approve the minutes of March 31, 2011.*

**6. Next Meeting and Agenda**

The next committee meeting is Thursday, April 14 at 7:30 p.m. in the First Floor Meeting Room, Amherst Town Hall.

The meeting adjourned at 10:15 p.m.

Submitted by Phil Jackson, Acting Clerk

**DOCUMENTS DISTRIBUTED AND DISCUSSED**

**Item 1** – May 2, 2011 Annual Town Meeting Warrant Article Assignments/Positions

**Item 2** – Wentworth Farm Proposed & Existing Conservation Land

**Item 3** – Article 25 - Untitled map of proposed property

**Item 4** – Town of Amherst Wetlands Protection Bylaw

**Item 5** – Planning Board Report - Article 28 Zoning Bylaw - Duplexes

**Item 6** – Planning Board Report - Article 29 Zoning Bylaw – Residential Parking Requirements

**Item 7** – Planning Board Report - Article 30 – Zoning Bylaw – Watershed Protection (WP) District Lot Coverage

**Item 8** - Planning Board Report - Article 31 – Zoning Bylaw – Permit Submission Requirements

**Item 9** – Planning Board Report – Article 33 – Zoning Bylaw – Accessory Livestock or Poultry; Article 34 – General By-laws – Animal Welfare; Article 35 - General By-laws – Animal Welfare

**Item 10** – Town Warrant for 2011 Annual Town Meeting

**Item 11** – Town of Amherst Annual Report Fiscal Year 2009