

AMHERST FINANCE COMMITTEE MINUTES

Meeting of April 19, 2012
First Floor Meeting Room
Town Hall

Attendance:

Andrew Steinberg (Chair), Kay Moran (Vice-Chair), Janice Ratner, Anurag Sharma (after 8:10 p.m.); Douglas Slaughter, Marylou Theilman Absent: Bob Saul

Others Present:

Sandy Pooler, Finance Director; Jonathan Tucker, Planning Director; Ben Grosscup and Vince O'Connor, Town Meeting members; Jonathan O'Keeffe, chair, Zoning Subcommittee of the Planning Board; Amherst Media.

Petition Article 29. Sharing of information with Federal agencies

Discussion continued from previous meetings. On behalf of the sponsoring coalition, Grosscup said this proposed bylaw would invoke a federal regulation prohibiting the FBI from disseminating to the Immigration and Customs Enforcement Agency (ICE) any criminal history record information supplied by Amherst police. (Though the petition would prohibit dissemination to "other agencies", Grosscup said the motion would specify ICE.) Petitioners believe this would keep Amherst police from having to detain illegal aliens when requested to by ICE. Theilman expressed worry that approval might jeopardize future federal grants to the Amherst Police Department and is inclined to recommend against it on that account. Town bylaws apply only within the Town of Amherst, while any violation of this bylaw would occur outside of town. Moran and Steinberg are concerned that the Town may face expensive litigation for failing to enforce a bylaw it can't enforce. Steinberg said Town Counsel would be willing to meet with ACLU attorneys who have been advising petitioners to discuss this. The Finance Committee wants to hear from Town Counsel before taking a position.

Petition Article 30. Measures relative to banking

Discussion continued from previous meetings. O'Connor said part 1a of his bylaw proposal, to require that Town and school funds be deposited only in Massachusetts banks, will be modified in Town Meeting to allow a particular two-state bank now used by the Treasurer. Steinberg asked O'Connor if he'd be OK with referring the article to the Finance Committee to be included in a more comprehensive look at the Town's financial investment policies. O'Connor replied that he wants to bring more people into the discussion first by bringing it to the floor of Town Meeting. Moran said we'd have to recommend against it as it now is. Ratner and Steinberg said our written report could first state our intention to move to refer it to the Finance Committee because it needs more work.

The committee VOTED 5-0, 2 absent, to RECOMMEND REFERRAL of parts 1a and 1b to the Finance Committee because it needs further development as part of a larger investment policy.

If Town Meeting does not vote to refer to the Finance Committee, the committee VOTED 5-0, 2 absent, NOT TO RECOMMEND parts 1a and 1 b.

Part 2 of O'Connor's 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. Pooler pointed out that the bank would be restricted to such a narrow

range of investments that it might not be profitable. Moran said this could hurt the Town's finances, since the Town would have to place all its money in this bank. Steinberg suggested that O'Connor modify his motion to make the bank's investment requirements less restrictive. The committee will vote on part 2 after seeing O'Connor's new motion.

Article 24. Form-based zoning and Atkins Corners rezoning

Article 25. Form-based zoning and North Amherst rezoning

Steinberg said Finance Committee members want to know the benefits and costs to the Town of these zoning proposals. Would something be more likely to be built and add to new growth than if the articles are not approved? Would the proposed changes add to staff costs?

O'Keefe said the articles are being proposed because development is likely to happen in these areas, and the Planning Board wants to ensure that it's quality development in line with community standards. He thinks it's a wash as far as staff costs go: It will take more staff time to review plans, but, by reducing Planning Board discretion, the clear standards specified in the zoning amendments would reduce the number of versions of a proposed project needing review before approval is granted. Tucker agreed that the clearer standards might reduce staff time needed to interpret the Zoning Bylaw for developers.

Slaughter asked whether form-based zoning has impacted property values in places it has been applied. O'Keefe said that's almost impossible to say, because you can't make comparisons with what might have been without it. He added that many communities have adopted it and liked the outcome.

Continuing discussion about the zoning articles...the main points raised were:

Pros and cons were discussed. Steinberg pointed out that zoning enables development and raises property taxes. Vince O'Connor indicated that comparing the experiences of different towns was difficult. He recommended leaving the present zoning as is...financial implication is not clear; urged the Finance Committee to not take position on it.

Tucker indicated that zoning changes enables better control of the layouts of sites and allows the whole area to work better, creates sustainable higher valuations. He argued that change itself creates opportunities, if done well. The mere fact of changes in zoning may create opportunities. The principal source of funding for infrastructure changes come from state grants.

O'Keefe indicated that the current zoning allowed limited residential uses in the form of mixed use development and allows wider range of commercial activity, but don't have community control. Under the proposed changes through the zoning articles on the table, more control can be exerted through the permitting process. Village center allows more leeway, where not everything needs to be done in the same building and therefore allows a viable residential area.

Moran indicated that there was no clear financial implication. Slaughter echoes the sentiment. Ratner too. O'Keefe clarified that the articles were not designed from a financial perspective. The intent here is to enable quality development. Zoning is like opening the door to potentially a wide range of uses. We can't know what will ultimately be proposed and built there. He also clarified that a zoning project is looking at what types of uses are appropriate, how we want the sites to function. It does not respond to or aim at a particular target project.

Steinberg agreed that something is more likely to happen as a result of a zoning change and therein lies the financial implication to the town.

Ratner moved that we (FC) take no position on this article. Second by Sharma.

Motion: We have no recommendations on articles 24 and 25.

After substantial discussion the committee felt there is not enough evidence of financial impact to warrant the committee making a recommendation.

Vote: 4 for and 2 against. 1 absent

Next Issue: Parking

O'Keefe explained that the article required that all parking be done on paved and prepared surfaces, with the provision of grandfather clause. Tucker explained that the grandfather clause applies only to legal uses. It does not apply to illegal unrelated family houses for example that have too many cars. Previously existing legal uses can continue,

Moran moved that we (FC) make no recommendation. Second by Theilman.

Vote: Unanimous for no recommendation (6-0), 1 absent.

Next, Pooler handed out the Cherry Sheet, and discussed salient issues. Some discussion about the House Ways and Means budget and there was speculation that the chances that it will survive the senate is about 70 percent. Cautious optimism.

Pooler: He gave seven reasons why we need to be cautious:

1. Luck with health insurance and that may not continue
2. MMA says 70% chance why we can count on this
3. FY14 is not election year and state aid will not be the same
4. OPEB
5. Monies spend on capital for FY 14
6. Long list of add back and restorations. Issues in the long run
7. Continue to think about adding to reserves.

Next, approval of the Minutes from March 29. Vote: 5-0, 2 absent.

Meeting adjourned at 10 pm.