

Amherst Finance Committee Minutes  
April 6, 2016  
First Floor Meeting Room, Town Hall

Finance Committee members: Marylou Theilman (chair), Steve Braun (vice chair), Joe Jayne, Tim Neale, Janice Ratner, Bernie Kubiak, Anurag Sharma. Sonia Aldrich, Co-Finance Director. Amherst Media.

The meeting was called to order at 7:03 pm.

**CPAC Article 12B Cole Property**

Dave Ziomek explains the changes in the proposed project. Original idea was to purchase entire 10 acres, but Mr. Cole would like to develop about 3.5 acres of the land, with 6.57 acres to be acquired by the town. The developer would build a gravel parking area for those wanting to use the trails, including the old trolley line.

The proposed development is allowed by the existing zoning. Town had a \$222K grant to purchase entire property, but with changes, the town is re-negotiating the grant, reduce to \$150K. Then would add the \$75K from CPA funds. Purchase price is approximately \$200,000 with additional costs for appraisals and title work. He calls it a win/win with some market-rate development coupled with acquisition of conservation land and public access to Holyoke Range.

Vote on this in TM will be 2/3rds because it involves borrowing (via CPAC).

**Motion:** That the Finance Committee recommend borrowing \$75,000 from CPA fund (Article 12B): approved. 7-0

**Article 28 Percent for Art**

Eric Broudy, member of Public Art Commission (PAC) that is bringing Article 28 to Town Meeting (TM), spoke to this Article. This proposal was returned to the PAC by TM last year for further work. Article 28 is broadly similar to last year's article. Capital projects above \$100,000 would include 0.5% of the budget to pay for art installation, unless the location of the capital project is unsuitable for public art, in which case the bylaw allows for the half-percent funds to be put into a fund to be used for art installed elsewhere. (See Warrant for complete details of the bylaw proposal.)

Mr. Broudy and the PAC believes this is an ideal time to create this kind of bylaw because of the significant capital projects on the horizon. He believes that including public art in a capital project is no different than other types of items included in a project, and should not be seen as a separate add-on to the project.

He clarifies that the bylaw includes a provision that if monies from a capital project are not used, then 0.5% of that remainder would be available to the fund for public art.

Members disputed the assertion that the half a percent isn't an add-on...they argued that, regardless of how it is framed by the petitioner, the half percent *is* an extra expense on a project.

Three major objections were raised by last year's TM. 1: removal of performing arts was objected to, addressed in the current proposal by allowing half-percent for art monies arising from renovation projects to be used for performing arts projects; 2: concern about role of Town Manager, now addressed by having the final decision on a project artwork be by majority of the Public Art Commission following input from qualified arts juries and appropriate town officials. 3: cost, and they are now re-framing not as an add-on, but as integral to the project.

He notes that Cambridge has successfully run a similar program for decades and that more than 70 other towns and cities across the country have implemented similar programs.

**Motion:** That the Finance Committee not recommend Article 28: approved 6-1.

### **Article 29 Sanctuary Community Bylaw**

Caroline Murray, TM member, and lead petitioner; Rick Last, Precinct 8; Russ Vernon Jones; Harris Freeman, professor of law and resident of Northampton.

Ms. Murray summarized the rationales for the proposed bylaw, essentially a response to a range of initiatives by the Trump Administration to crack down on illegal immigrants, limit immigration, and depose those found guilty of any laws. (For details of the Article see the Warrant and information at [www.bit.ly/AmherstSanctuaryFB](http://www.bit.ly/AmherstSanctuaryFB))

Mr. Freeman argues that the proposed bylaw includes the phrases "to the extent permissible by law" and "unless required by federal or state law" and is consistent with 8 U.S.C Section 1373, hence does not pose a threat to our federal funds. The assertion is that the Presidential orders are not constitutional and will likely be either overturned or neutralized by court decisions. Other towns, including Seattle most recently, have taken pre-emptive legal action against the administration's orders.

He notes that the federal immigration law only requires towns and officials to transmit to the federal government information that they already have about immigration status. There is no prohibition of town's taking steps to *avoid* acquiring immigration status in the first place, which is part of what this bylaw would do.

He points out that, to date, no city or town in the country has lost federal funding due to the administration's executive order. Also argues that passing the bylaw will help protect the town from lawsuits brought by individuals who challenge any police or town action.

Sharma asks if Town Council reviewed the proposed bylaw? Ms. Murray says that a redlined version from town council was reviewed by the Select Board, and there was a minor change made in response to accommodate a concern by the Police Chief.

**Motion:** That the Finance Committee make no recommendation on Article 29: approved 6-1.

### **Remaining articles and recommendations**

New numbers were used for Water, Sewer, and Transportation funds, so the FC needs to re-vote our recommendations, as well as on total budgets for the regional schools and library.

Motion: that FC recommend \$3,965,523 for the Sewer Fund. Approved 7-0.

Motion: that FC recommend \$3,906,966 for Water Fund. Approved 7-0.

Motion: that FC recommend \$850,818 for Transportation Fund. Approved 7-0.

Motion: that FC recommend \$31,317,900 for the total regional schools budget. Approved 7-0.

Motion: that FC recommend \$2,555,261 for the total library budget. Approved 7-0.

Motion: that FC recommend dismissal of Article 2. Approved 7-0.

### **News affecting the budget**

MMA reports some pessimism about the state Unrestricted General Government Aid (UGGA) funds because tax revenues are down. Sonia says the town was very conservative in its estimates for state aid and, therefore, even if the state distributions are low, we should be OK.

### **Member reports – liaisons and committees:**

Jayne reports that the fire/dpw committee met and discussed what to say at town meeting, how to justify pursuing both projects. Strategies for educating TM members about the significant needs. Don't want to talk about sites for fire station and dpw.

Ratner reports that the library director is arranging tours of the building for TM members.

### **Cost drivers sub-committee**

Theilman asks what factors will be examined by the sub-committee, for example, the relatively small amount of land in town zoned commercial. Other factors might include:

- Expenditures for all major departments?
- Which communities should we compare Amherst to? Bernie mentions Bridgewater as comparable.
- Expenditures for schools—why are Amherst per-pupil costs high?
- Costs of services that Amherst provides to other towns?
- Un-reimbursed services provided to colleges and universities vs. the income/tax revenues generated by the people who work at these institutions?
- Miles of roads to maintain?
- Amount of untaxed land (conservation land/educational institutions)?
- Who bears the burden of high taxes in town?
- Number of children in our schools whose parents live on a campus (and, hence, don't pay property taxes)

**Minutes of previous meetings:** Minutes of March 23, 2017 approved 6-0, 1 abstention.

**Next meetings and agenda:**

**Topics not reasonably anticipated by chair 48 hours in advance of meeting:** None

The meeting adjourned at approximately 9:32 pm.

Acting clerk, Steve Braun

Supporting documents:

- FY18 Town Manager's budget, posted on the town website at [amherstma.gov/3321](http://amherstma.gov/3321)
- Final Warrant for Spring 2017 Town Meeting