

Amherst Finance Committee Meeting Approved 10/19/2017
Thursday, October 5, 2017
First Floor Meeting Room, Town Hall

Attendance: Joseph Jayne, Bernie Kubiak, Tim Neale, Sharon Povinelli, Janice Ratner (Vice Chair),
Absent: Marylou Theilman (Chair), Anurag Sharma
Staff: Sonia Aldrich, Comptroller, Co-Finance Director
Others in attendance: Michael Morris, Phoebe Hazzard, Geoff Kraviz, Christine Brestrup, Andra Rose,
Chris Riddle, Sarah McKee, Vince O'Connor, John Hornik, Alan Snow, Amherst Media

The Vice Chair called the meeting to order at 7:02 PM

1. Review of Warrant Articles

Michael Morris, Interim Superintendent, Phoebe Hazzard, School Committee Chair
K-6 Regionalization – Amherst/Pelham Regionalization Study. Pelham and Amherst school committees both voted to put a study committee article before their respective town meetings. This is an exploration of regionalization. One potential benefit is additional state assistance for transportation, estimated at \$240,000.00 at the elementary level, for both towns. There would also be bonus aid to cover transition costs. Now in a school union with Pelham, with considerable shared resources, software, procedures, and employee contracts. A K-6 regionalization would not require the current grade 7-12 agreement to be reopened. A grant will be applied for to cover costs associated with the study or covered internally. It's a minimum of two years to conduct the study and to have the town meetings vote. Governance structure and cost sharing are likely to be the two main variables to be considered. Unlike the previous regionalization effort, this will focus only on the two towns. The actual article does not mention Pelham as each town has to form a committee, then both town committees need to form a joint committee, according to state regulations.

Resolution Regarding Charter School Funding and Expansion: Amherst School Committee voted unanimously to propose this article due to the adverse impact that charter school expansion would have on the school budget. Amherst schools lose some \$3.8 million to charter schools at present. The resolution asks that an alternative funding method be developed.

Geoff Kravitz, Economic Development Director and Christine Brestrup, Planning Director
Marijuana Bylaws & Zoning Bylaws: Local option recreational marijuana excise tax: this allows for a 3% local sales tax on marijuana sold in town. Recommendation is for the maximum 3% to cover costs associated with the regulation and use, with the hope that it will exceed those costs. Host agreements will cover other costs, have to be documented. Proceeds from the sale tax can be used for any purpose. In response to a question, the marijuana has to be sold in the town but there is no requirement to grow the substance in town.

Limitation on number of recreational marijuana retailers: the article says the town will have no more than eight retail shops. The market will drive the number of shops, so the eight store cap may not be reached. Limiting the number of licenses to 8 does not require a town-wide referendum because it is above the threshold established in legislation (i.e., more than 20% of the number of retail alcohol retail licenses and greater than the number of medical marijuana licenses). Additionally, it is a sufficiently large enough number to allow a downward amendment by town meeting if it so votes. Medical licenses may be co-located with retail licenses. The zoning amendment will require a marijuana license as a "new principal use" requiring a special permit from the Zoning Board of Appeals, so in theory a marijuana license can be part of a retail alcohol facility.

Prohibition on consumption of marijuana or THC: public health bylaw regulates smoking or vaporizing, this will prohibit consumption in public. Separate process for on premise consumption, which requires a

town wide vote on a ballot question during a state election. Prohibition will be similar to that of alcohol use in public.

Zoning bylaw: Recreational Marijuana Retailer – this will take the medical uses out of the current bylaw and create a new use category with three sections: medical, off premises selling, recreational selling. The intent is to have all marijuana regulation in one section of the bylaws. Planning board would like to have retail sales take place in mixed use buildings, otherwise the regulations resemble the current medical use regulations. Hoping that the zoning bylaw will come after the licensing bylaw, so the number of facilities can match. Controls will be in place through the special permit process. If the bylaw does not pass, the businesses would be allowed anyway, under the control of the Building Commissioner. Planning Board has endorsed the bylaw as of October 4th, with two members abstaining.

Temporary moratorium: recognition that people may not be ready to have marijuana to be sold, regulations will not be promulgated until March, 2018. State will accept applications on April 1 for retail sales. If no regulations in place in town, the state regulations will apply. The moratorium will offer the opportunity for additional planning time, until December 31, 2018. Financial implication is no sales, so sales taxes will not be raised. Moratorium may be voted even if zoning and other bylaws are accepted. Not a choice the Planning Department would endorse, Planning Board has not taken a position on a moratorium but endorsed putting it on the warrant. Over 90 communities have passed moratoriums on recreational sales but the law states that a town cannot prevent a medical sales facility from converting to recreational retail.

Miscellaneous footnotes: table 3 footnotes, dimensional regulations in cluster subdivision and lot coverage in BL (limited business) zoning district and to move them into the text of the bylaw. Footnote J allows for different lot coverage, the change would allow 85% of lot coverage on one piece of property owned by Amherst College (up from 70%). All BL districts would be the same in terms of lot coverage. Commercial Parking facilities: public parking lot/garage, allowed by site plan or special permit. Commercial parking allowed only by special permit but not site plan review, this would make commercial parking lots permitted by site plan review in three commercial districts. It would make it more possible for privately funded commercial parking to be created or a public/private partnership. This would create taxable properties, offset costs to the town in developing parking.

Andra Rose, of Mothers Out Front and Chris Riddle, Mothers Out Front

Net Zero Public Building Construction: intent is to address climate change, Riddle was the OPM for the Hitchcock Center building. Several buildings in town serve as examples, renewable energy source to provide the energy required to operate the building. More expensive but affordable on a life cycle basis. Increased cost of borrowing is balanced by the energy generated. Emergency power generators would be exempted from the ban on fossil fuels being burned. Estimates a 10% additional cost to build a net zero building but that gets repaid through lower energy costs. The bylaw would apply to the building currently being considered. Discussion regarding the absence of offsite technology to allow for energy production to meet net zero goal. Pellets or biofuels are not considered “fossil fuels” but the bylaw refers only to photovoltaic or wind.

100% Renewable Energy resolution: asks that town meeting support Massachusetts going 100% renewable and transition Amherst to 100% renewable and to work with other communities.

Sarah McKee, Vince O’Connor North Amherst Library

O’Connor distributed a copy of a 2011 renovation document to be shared with the committee. The proposal was designed under a section of 30B Section 6 that would allow for designer selection based on most responsive proposal. \$30,000 to \$50,000 is being requested. Estimates that the total project cost is \$1,000,000.00. The building houses a branch library for North Amherst. The idea would to make all the space in the building fully useable. The building is not accessible, not in compliance with ADA. Question as to why not take this to the Joint Capital Planning Committee, essentially not responded to. The town has failed to address accessibility issues for 25 years, so they are going directly to town meeting.

John Hornik and Chris Riddle, Town Meeting Coordinating Committee

Creating a Town Meeting Advisory Committee, seen as analogous to the Finance Committee, review most if not all of town meeting articles to inform town meeting of pros and cons of each article.

The Committee has developed a more elaborate vision of how the new committee would operate. What does the committee add to the process, it's not allowed to comment in regard to the financial issues, but other aspects of each article. Hard to know the financial implications, likely to be analogous to the cost of the Finance Committee, town staff would have some involvement, wouldn't rely principally on town staff but do their own research. Town would produce the advisory committee report. Town meeting is not always as good as it could be in analyzing complex articles. Major charge is to understand the pros and cons of each issue.

Alan Snow, Division Director, Trees and Grounds & Tree Warden

Public Shade Tree Bylaw – an attempt to create a formal process regarding public shade trees, right now just operating under MGL Ch. 87. The bylaw will allow the tree warden, shade tree committee, Selectboard to develop policy and make changes as circumstances warrant. Site visits, hearings, healthy tree assessments are done currently, so new costs will not be incurred. It would be easier to collect fees, assessments. Fees collected from trees taken down goes to a fund to purchase replacement trees.

Further discussion and voting on the articles will occur at the October 12 meeting.

2. Financial Information Update (Aldrich)

No update this evening, will get a complete update next week.

3. Committee and Liaison Reports

None

4. Minutes of Previous Meetings. Minutes of September 28th, Neale moved approval, seconded by Kubiak, motion carried 5 – 0 with 2 absent

5. Topics not reasonably anticipated by the chair 48 hours in advance of Meeting

None

Neale moved to adjourn, seconded by Povinelli. Motion carried unanimously. The meeting adjourned at 9:45PM.

Next Meeting is October 12, 5:00 PM, Four Board Meeting followed by Finance Committee Meeting.

Respectfully submitted,

Bernie Kubiak, Clerk Pro Tem

Documents referred to:

Draft Special Town Meeting Warrant

Documents on Net Zero construction and costs submitted by Riddle

Documents on North Amherst Library rehabilitation submitted by O'Connor

Minutes of September 28, 2017 Finance Committee Meeting