



TOWN OF AMHERST, MASSACHUSETTS
FINANCE COMMITTEE REPORT

and

**RECOMMENDATIONS TO THE
249th ANNUAL TOWN MEETING**

APRIL 28, 2008
7:30 O'Clock p.m.
Amherst Regional Middle School Auditorium

2008 TOWN MEETING SCHEDULE

Town Meeting Begins:

MONDAY, APRIL 28, 2008

The following dates are tentative. Town Meeting will decide each night when the next session will be.

WEDNESDAY, APRIL 30, 2008

MONDAY, MAY 5, 2008

MONDAY, MAY 12, 2008

WEDNESDAY, MAY 14, 2008

MONDAY, MAY 19, 2008

WEDNESDAY, MAY 21, 2008

WEDNESDAY, MAY 28, 2008

All meetings begin at 7:30 p.m.

Meetings will be held at:

Amherst Regional Middle School Auditorium

**THERE ARE ONLY A LIMITED NUMBER
OF REPORTS AVAILABLE.
PLEASE BRING THIS REPORT WITH YOU.**

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AMHERST TOWN BYLAWS - ARTICLE 1

RULES OF ORDER FOR TOWN MEETING

1. CONSENT CALENDAR. At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a "Consent Calendar" listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be non-controversial. At the first session of the meeting, at the request of any member, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.
2. Any motions shall be in writing if requested by the moderator.
3. Any question may be divided on call of a member when the sense will admit of such division.
4. GREEN AND RED CARDS DURING DEBATE. To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated by raising a hand without a green or red card.
5. When a question is under debate, the moderator shall receive no motion but to adjourn, to dismiss, for the previous question, to postpone for a day certain, to commit, or to amend, which several motions shall have precedence in the order herein mentioned. The meeting shall not vote to dismiss an article without having heard a voter speak in its favor, unless no one seeks to do so.
6. Following a motion under any article, the Moderator shall first recognize the proponent thereof to speak for up to five (5) minutes in favor of the motion, or with leave of Town Meeting, for additional time. Thereafter, and in the absence of leave of Town Meeting granting additional time, each subsequent speaker shall be limited to three (3) minutes. No person shall speak more than twice on the same subject, without leave of the meeting, except to raise a point of order or to answer a question.
7. When two or more motions are made with regard to the same subject relating to sums of money, numbers or times, the question shall first be put upon the largest sum or number, and the longest time.
8. VOICE VOTES, TALLIED VOTES, AND STANDING VOTES. All votes unless otherwise provided for by law shall in the first instance be taken by 'ayes' and 'noes' voice vote.

If any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the vote shall be taken by counted standing vote. When a two-thirds vote is required by statute, a counted standing vote shall not be taken unless the voice vote is doubted by the moderator or questioned by a member.

If, within a short but reasonable period of time following the voice vote, which period of time shall be fixed by the moderator, any member requests a tally vote and if 14 members manifest their concurrence with that member, the vote of each member shall be tallied by the use of a color-coded (green for aye, red for no) cards. Each such card shall bear the member's name and indicate his/her vote. Each member shall cast his/her own vote only. Such cards shall be collected and counted by the tellers, which count shall be determinative of the question.

9. A vote may be reconsidered only on motion of a member who did not vote with the minority. When a motion for reconsideration is decided that decision shall not be reconsidered, and no question shall be twice reconsidered.
10. A motion to dissolve shall be debatable, but a motion to adjourn to a day certain shall not be debatable.
11. No motion to dissolve a town meeting shall be in order until every article in the warrant therefor has been acted upon.
12. A registered voter of the town who ceased to be an elected town meeting member upon election as chair of the finance committee and who subsequently ceases to be a town meeting member at large upon ceasing to be chair of the finance committee shall be a town meeting member at large for a period ending on the date of the next annual town election.
13. After 10:00 PM, and in the absence of a majority vote of Town Meeting so permitting, no motion under any article other than the article then under debate may be made.

THE FINANCE COMMITTEE AND THE BUDGET PROCESS

Duties of the Finance Committee

The bylaws of the Town of Amherst require the Finance Committee "to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town...a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town." This report is in partial fulfillment of our responsibility in regard to the 249th Annual Town Meeting.

Budget Process

The budget process takes place throughout the year. It begins in early fall with the development of the Select Board's policy guidelines to the Town Manager, the Amherst School Committee's policy guidelines to the Superintendent of Schools, and the Library Trustees' policy guidelines to the Library Director. The various administrators confer with department heads, boards and committees to develop specific budget proposals which they feel will best meet the needs of the Town, Schools and Libraries for the next fiscal year. The Amherst-Pelham Regional Schools use the same procedure.

Also in the fall, the Town Manager presents financial projections to the other administrators, the elected boards and committees, and the Finance Committee. This provides preliminary guidance on the level of resources that may be available for the coming year. Using this information, the Finance Committee develops preliminary budget guidelines for spending.

In January, the budgets are presented to the Finance Committee, whose members spend the next few months reviewing the budgets, asking questions, and hearing comments. In the same period of time, the Joint Capital Planning Committee examines requests for capital spending in the coming year within the context of a five-year capital spending plan; it then makes recommendations to the Finance Committee, the Select Board, the School Committee, and the Library Trustees, all of whom are represented on the Joint Committee. In addition, the Budget Coordinating Group, consisting of administrators, finance officers and board and committee representatives of the Select Board, Amherst and Regional School Committees, Jones Library Trustees and Finance Committee, meets to coordinate their calendars and share information and views on the Town's budget.

After much deliberation, the Finance Committee determines its recommendations on the budget to be presented to Annual Town Meeting. The budget, as voted by Town Meeting each spring, then becomes the plan of action for the following fiscal year (July 1 through June 30). Concurrently with this work, and also immediately after the close of the fiscal year, the budget of the present year is monitored and evaluated so that experience with it can guide future budget decisions.

Budget Presentation

Spending articles. The operating budget for the Town as a whole makes up Article 12 of the warrant for this Annual Town Meeting. The budget is divided into sections covering five separate municipal functional areas, the elementary schools, the Regional School assessment, library services, each of four enterprise funds, and debt service. For each section, a motion will be made proposing the total amount to be spent on that section. In all cases, Town Meeting will be able to discuss individual budget lines within the sections and provide advice and direction.

Most capital spending appears in separate articles, as does funding for Community Preservation Act projects and the various special services the Town provides. Capital spending of the enterprise funds appears in their operating budgets. The same is true of the Regional Schools.

Procedures. Any member of Town Meeting who wishes to propose an amendment to an operating budget motion may do so by moving to increase or reduce the amount of an appropriation that has been moved. Town Meeting members should remember that the subject of these articles is the appropriation of money and not the day-to-day administration of the Town. If an amendment is proposed, it is essential for the Meeting to know what the amendment is intended to accomplish, but it should be kept clearly in mind that responsibility for running the affairs of the Town rests with the Select Board, School Committee, Library Trustees, and appointed officials.

The issues covered under each motion may be complex, especially in sections of the budget that are supported by a variety of revenue sources. Town Meeting members who want to make an alternate motion or amendment are encouraged to seek assistance from the Moderator, a member of the Finance Committee or the Select Board, or an appropriate staff person prior to introducing the amendment.

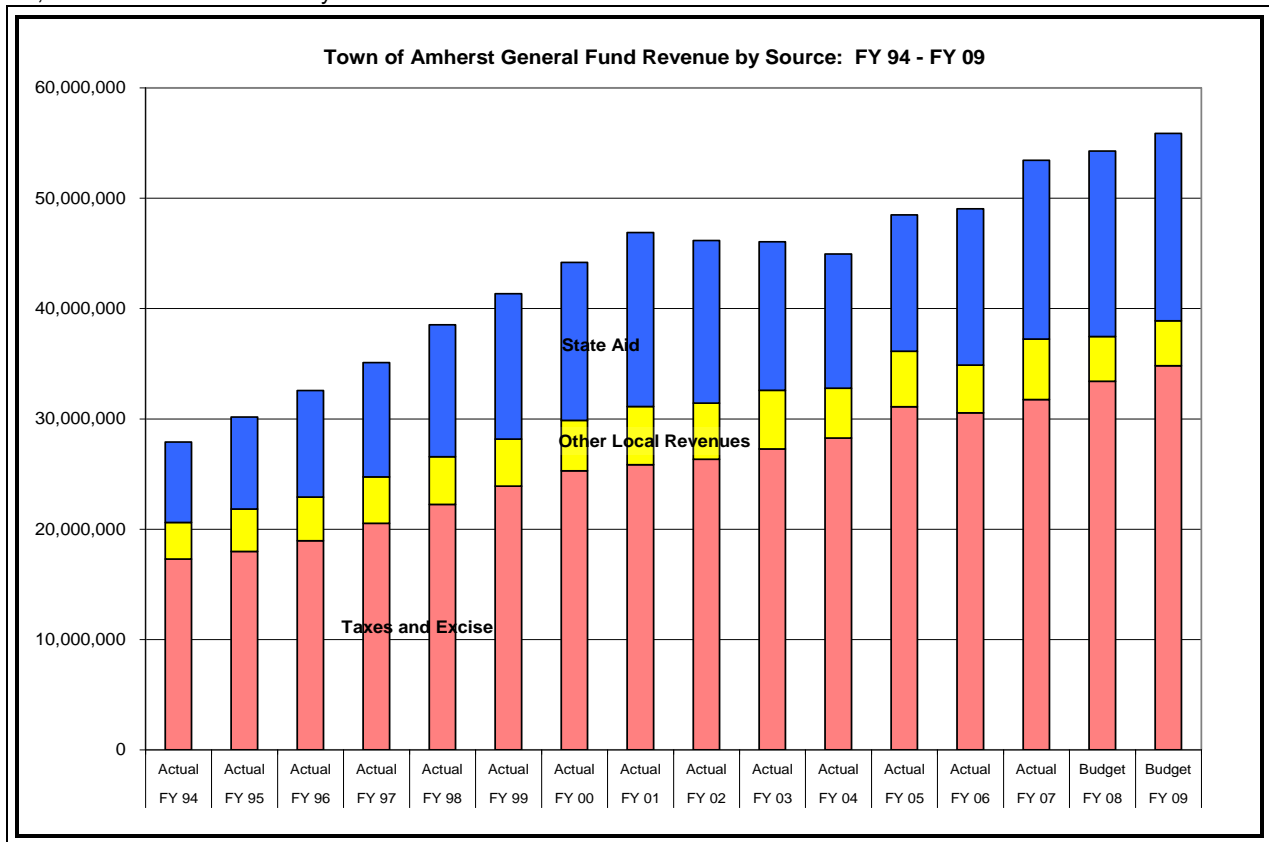
If a Town Meeting member wishes to propose an increase in the operating budget, he or she should be aware that a source of funding will have to be found to cover the increase. This could be a reduction made elsewhere in the budget, an override or exclusion referendum, or use of reserves. In general, the amounts of money stated in the separate spending articles cannot be increased significantly on the floor of Town Meeting. If you have questions about this, please consult with the Moderator.

FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

The Amherst structural deficit

Amherst has struggled with a structural deficit – defined as an excess of recurring expenses over recurring revenues – for several years. The two fundamental causes of structural deficits are not enough revenue and too much spending. For us, as for many other Massachusetts cities and towns, reduced state aid associated with the general economic downturn of the early 2000’s was a significant cause on the revenue side. More recently, the slowed, and now stalled, growth of state lottery aid has been another critical element for Amherst, given that we rely heavily on lottery distributions, and for FY 09, a 0% increase is projected for lottery aid. Additionally, Chapter 70 school aid is relatively flat as well, with projected increases of only 1.8% for the Elementary Schools, and 0.92% for the Regional Schools. Financial support from various federal grant programs, especially for education, has also declined in recent years. The result has been an increasing reliance on the local property tax to make up part of the difference (See Figure 1, General Fund Revenue by Source in Dollars). Proposition 2 1/2, the state law that limits increases in the property tax levy, also contributes to the difficulty municipalities face in trying to keep up with inflationary pressures that are beyond local control. The 2.5% allowed annual rate of increase is generally below the rate of inflation. For Amherst, expenses to provide level services have historically risen by an average of roughly 5.5% annually.

Figure 1, General Fund Revenue by Source in Dollars



Exceptional increases in energy and health insurance costs have contributed to the structural deficit on the spending side for several years and continue to do so for FY 09, as did various new or expanded state and federal requirements for which we must pay. Energy costs are estimated to rise by 10% for FY 09 while the health insurance increase is actually moderating for FY 09 at 6%. The health insurance increase is lower than the 12% projected last fall because recent analyses show that the rate increases the town enacted in recent years combined with a positive claims experience over the last twelve months, and the infusion of \$562,147 from the town’s reserves last fall, have allowed the Health Claims Trust Fund to grow to a respectable level of \$1.7 million. The Health Claims Trust Fund is expected to reimburse the town’s reserves by January 2009 through a premium surcharge already in place.

Over the past seven fiscal years (FY 02 to FY 08), Amherst applied a combination of Operating budget cuts, Capital program cuts (See figure 2 Capital Spending), and the use of over \$11 million from its principal savings accounts – Free Cash and the Stabilization Fund – to help balance annual budgets (see Figure 3, Reserves Allocated to Balance Budget). Doing so has helped forestall the most devastating service cuts, but the use of “one-time” reserve money does nothing to alleviate the structural deficit, and continually underfunding Capital runs the risk of having to curtail services if equipment fails or if buildings and facilities cannot be kept in appropriate repair. During this period, we have lessened the deficit somewhat by gradually decreasing our use of reserves while restraining the rate of increase in spending. For the most part, we have retained Town services, although their scope and quality have been reduced in many ways, both large and small, whether obvious to citizens or not.

FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

Figure 2, Capital Spending

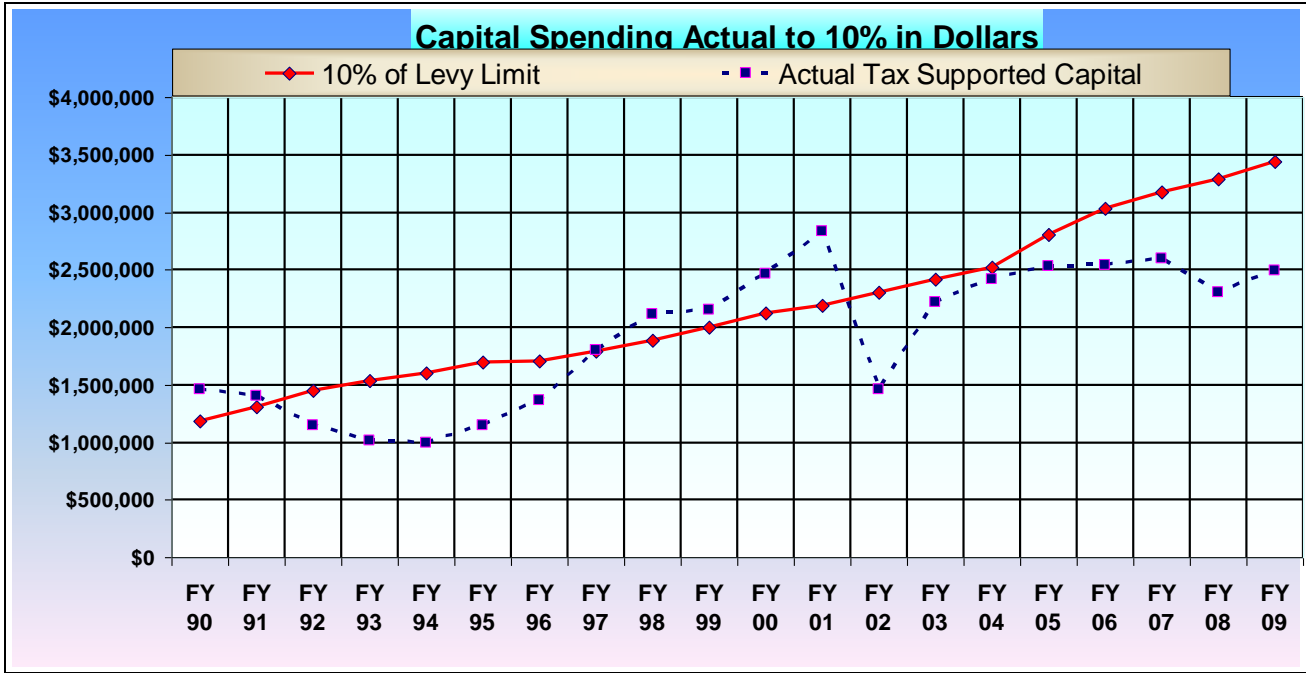
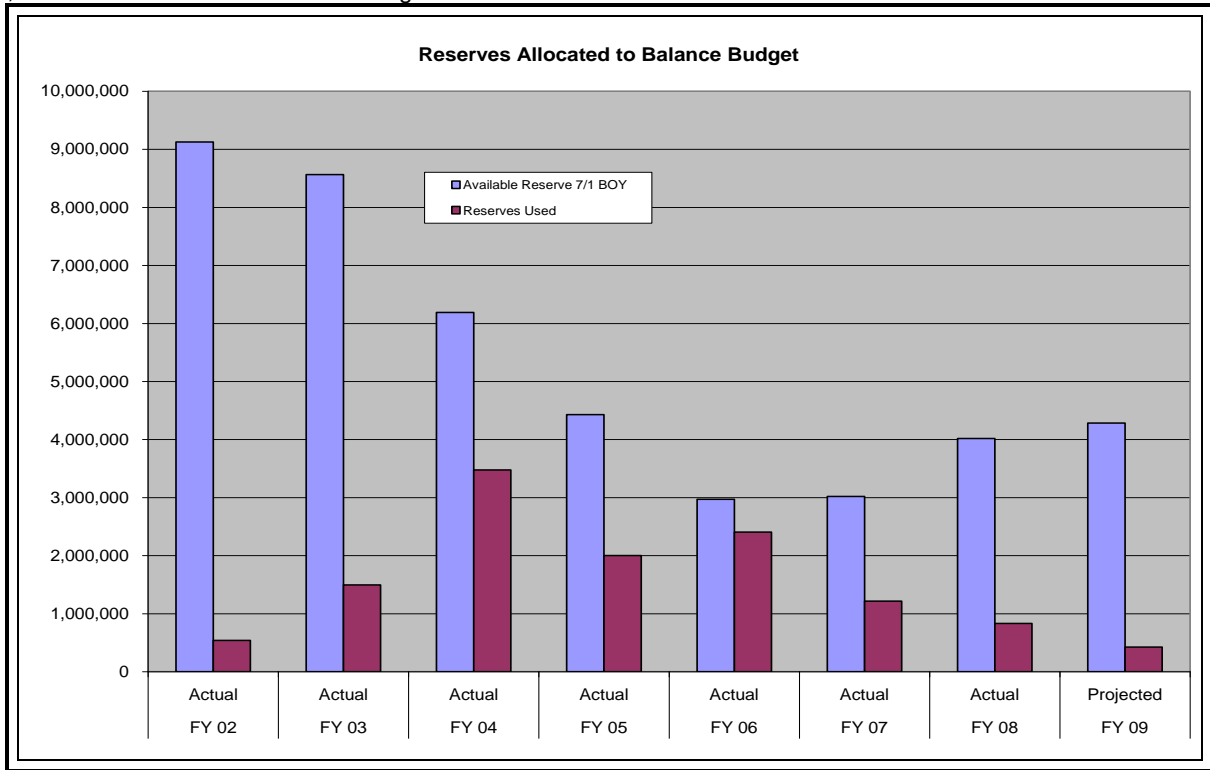


Figure 3, Reserves Allocated to Balance Budget



FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

The Finance Committee strongly recommends that Town Meeting not exceed the \$400,000 of reserves recommended to balance the FY 09 budget, exclusive of the 250th Anniversary Celebration Committee request for \$25,000 (see Article 35). Our reluctant recommendation to use this amount of reserves to balance the FY 09 budget is predicated on the assumption that the Town will develop and adopt a multi-year financial plan that addresses the need to grow our reserves again. The Town's reserves must be allowed to build up again for three primary reasons. First, we need to have money available for emergencies. Second, we should have some money available to allow us the ability to protect services when the next economic downturn, which we may already be in, results in reductions in state aid again. Third, we need to protect our credit rating in order to be able to borrow for future capital projects at lower rates. It is normal for reserves to build up incrementally. Revenues for a fiscal year often turn out to be slightly greater than estimated, and overall spending is often a bit less than total appropriations. The result is gradually increased reserves if we don't spend the excess.

Ending the structural deficit

Putting an end to our structural deficit will be daunting. Current projections for a level services budget indicate a deficit of \$1.4 million for FY 09 and \$1.3 million or more in subsequent years. The projections suggest what might happen, based on a conservative view of revenue growth and a realistic, best estimate of necessary spending growth, based on historical data, required to approximate current service levels. They do not include any effects of any actions we take that might cause revenues to increase above current estimates, thereby reducing the structural deficit.

Our situation is difficult, but there are steps we can take to help ourselves. First, in the Finance Committee's view, is the development and adoption of a multi-year financial plan for the Town to follow, a plan similar in nature to the five-year Capital Plan. That plan should address the community's views on operating and capital spending priorities, funding sources, and the need to adhere to sound financial policies. That process is underway through the efforts of the Budget Coordinating Group, efforts the Finance Committee fully supports.

Any financial plan has two sides, a revenue side and an expense side. On the revenue side, a number of possible ways to increase revenues exist that we can apply to operating and capital budgets including but not limited to the following. We can and do lobby the state legislature and governor to pass legislation that will allow municipalities to broaden their revenue base by permitting a local option meals tax, by permitting an increase in the local hotel room tax, and by closing the telecommunications tax loophole. We have asked the University of Massachusetts, Amherst College, and Hampshire College to pay their fair share of the cost to the Town of providing them with public safety and emergency services; we have realized some additional revenue from UMass and Amherst College, and discussions continue with Hampshire College. In addition, we have asked other towns that utilize Amherst services to pay the fair cost of those services, a process that is underway with ambulance service, and has achieved some additional revenue from surrounding towns, as well as contract stability. On our own, we can pursue increased property tax and personal property tax (a business tax) revenue through appropriate economic development in our Town, something we made significant strides toward last fall with targeted zoning amendments. Some progress has been achieved with these efforts, but more work is needed if we are to reap measurable gains. Alternatively, we can ask voters to approve a Proposition 2/12 override.

On the spending side, if we provide a stable floor of funds for operations, we could establish spending caps during a multi-year period so that the administrators and elected boards responsible for creating budgets would know the limits on their spending and plan accordingly. Such multi-year caps would have the further advantage of freeing up time of administrators and staff to continue to seek efficiencies in their operations and concentrate more on the actual work of the Town than on annual budget struggles.

Finance Committee guidelines for FY 09

The Finance Committee issued preliminary spending guidelines last November based on information available at the time on expected revenues and spending. That information indicated a \$1.9 million funding gap if Town, Library, and School services were to be maintained at roughly the same level as the current year. The most recent information on expected state aid suggests there will be no significant change from projections. To close this gap, the Committee requested budget information that would restrict increases over the current year to 2% for the municipal budget, the elementary schools budget and library General Fund support, and a 3% increase for the Regional schools' assessment to Amherst in support of their operating expenses. Additionally, we recommended allocating 8% of the tax levy for the Capital program, up from 7% in FY 08, and no reserve use to balance the budget. These unusually small increases would require serious reductions to the programs and services of the various departments. Those recommendations were issued with the proviso that as new information became available our guidelines could change. Such change could be to the total amount of funds available, or to the division of funds among municipal services, schools, libraries, and capital.

Finance Committee spending recommendations for FY 09

As work on budgets proceeded, the Finance Committee, the Budget Coordinating Group, the Joint Capital Planning Committee, and the elected boards discussed the differences in impacts on the different budgets, and various funding possibilities. The library, municipal, and regional schools budgets were not impacted as severely as the elementary schools to reach levels

FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

approximating the guidelines. However, reaching the 2% guideline would have required cutting \$1.25 million from an elementary budget providing level services, and would have decimated the schools. We looked at funding possibilities to balance the budget including:

- 1) Not increasing the tax support percentage for the Capital Plan to 8% as originally proposed, which would be closer to the 10% of the levy target, but instead, maintaining it somewhere between the current year 7% level and the 8% level;
- 2) Using a revised increase percentage for Health Insurance across all budgets (lower, based on recent analyses of the Health Care Trust Fund);
- 3) Elementary school budget cuts to somewhere between the 2% guideline and the roughly 8.4% level services funding;
- 4) The use of a small portion of reserves;
- 5) A small override.

The budget proposal before you does not depend on an override but uses the other above strategies to create a budget that stays within our estimated recurring revenues except for the use of \$400,000 of reserves, exclusive of the 250th Anniversary Celebration Committee request. This proposal allows the Municipal budget to increase by 3.6% (2% when additional revenue from the Strategic Partnership Agreement with UMass and other new revenues are accounted for), General Fund support for the Library budget by 2%, the Elementary School Budget by 4.7% (6.9% adding in transportation), and the Regional assessment by 3% (0.1% subtracting elementary transportation). \$400,000 represents the amount that reserves are currently projected to increase by this year, thus, while we would be using reserves, we would most likely not be reducing levels below where they are currently. The use of reserves to balance the FY 09 budget recognizes the fact that after factoring in budget cuts, the lower health insurance increase, and reducing the capital allocation of tax support from the proposed 8% to 7.25% of the levy, the remaining deficit was too small to be considered for an override referendum. Additionally, work is ongoing on a multi-year financial plan that will be critical to the overall planning process for FY 10 and beyond. Our recommendation to use reserves is predicated on the assumption that that process will bear fruit, and that reserve use for FY 09 can be considered a bridge between where we are now and where we, as a town, want to be in the future. Finally, any future consideration of an override by voters should be evaluated within the context of a multi-year plan.

Appreciation

The process of creating a spending plan within the limitation of available funds has been exceptionally challenging this year. A great many officials, both appointed and elected, have cooperated in the struggle. The Finance Committee respects the efforts of all of the people responsible for creating budgets; their job was, and still is, a difficult one. Town Manager Larry Shaffer has been generous to the Committee with his time and thoughtful ideas. So have Bonnie Isman, Library Director; Jere Hochman, School Superintendent; and Robert Detweiler, Director of Finance and Operations for schools. The Select Board, Regional and Amherst School Committees and the Jones Library Trustees have had to force their desire to provide excellent services to fit within the confines of available resources.

Many staff members representing all parts of Town government have given us their time and expertise. We thank them all. We especially appreciate the support of our staff liaison, Assistant Town Manager/Finance Director John Musante. He consistently gives us expert advice and provides us with a wealth of timely and useful information. Maria Racca has talents for data analysis and report publication that are indispensable to the Committee. Staff of the Town Manager's office helps keep us organized and up to date as new Town Meeting information becomes available.

Finance Committee Members:

We invite your questions and views about Town money matters.

Marilyn Blaustein	253-5963
Alice Carlozzi	549-1236
Kay Moran, Vice Chair	549-5767
Brian Morton, Chair	549-4161
Douglas Slaughter	253-9920
Andrew Steinberg	549-6826

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CONSOLIDATED RESOURCES/EXPENDITURES SUMMARY

RESOURCES	GENERAL FUND FY 09 BUDGET	WATER FUND FY 09 BUDGET	SEWER FUND FY 09 BUDGET
Revenues:			
Taxes	37,243,143	0	0
Other Local Source Revenues	4,076,324	3,974,006	3,670,647
Federal & State Revenue	17,698,381	0	0
Subtotal Revenues	59,017,848	3,974,006	3,670,647
Other Financing Sources:			
Borrowing	625,000	0	0
Special Revenue Funds	2,068,818	0	0
From Jones Inc	637,762	0	0
Stabilization	0	0	0
Free Cash/Retained Earnings	425,000	250,000	0
Other Available Funds	190,000	0	0
Overlay Reserve Account	0	0	0
Community Preservation Act	86,582	0	0
Subtotal Other Financing Sources	4,033,162	250,000	0
TOTAL RESOURCES	63,051,010	4,224,006	3,670,647
EXPENDITURES			
State Assessments	251,420	0	0
Choice/Charter Tuition Assessments	248,048	0	0
PVTA Assessment	592,219	0	0
PVPC Assessment	5,231	0	0
Regional Lockup Assessment	31,323	0	0
Retirement Assessment	2,917,009	0	0
Subtotal Assessments	4,045,250	0	0
Town Operating Budget	18,591,563	2,473,336	2,621,912
Debt Service	425,528	920,559	341,471
Capital Program	2,620,900	445,000	405,000
Tax Supported Special Services	0	0	0
Fee & Grant Supported Special Services	0	0	0
Subtotal Town Budgets	21,637,991	3,838,895	3,368,383
Amherst Elementary School Budget	20,689,430	0	0
Amherst-Pelham Regional School District	12,395,375	0	0
Debt Service	905,771	0	0
Capital Program	579,500	0	0
State Aid Offsets	6,875	0	0
Subtotal School Budgets	34,576,951	0	0
Jones Library Operating Budget	2,128,147	0	0
Jones Library Debt	58,547	0	0
State Aid Offsets	82,226	0	0
Library Capital	39,000	0	0
Subtotal Jones Library	2,307,920	0	0
Reserve Fund	100,000	0	0
Reserve for Abatements & Exemptions	347,898	0	0
Interfund Transfers	35,000	385,111	302,264
TOTAL EXPENDITURES	63,051,010	4,224,006	3,670,647

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FINANCE COMMITTEE REPORT - FY 09

CONSOLIDATED RESOURCES/EXPENDITURES SUMMARY

SOLID WASTE FUND FY 09 BUDGET	TRANSPORTATION FUND FY 09 BUDGET	TOTAL FY 09 BUDGET	TOTAL FY 08 BUDGET	CHANGE FY 08 - 09
0	0	37,243,143	35,788,616	1,454,527
516,300	912,000	13,149,277	12,883,792	265,485
0	0	17,698,381	17,413,170	285,211
516,300	912,000	68,090,801	66,085,578	2,005,223
0	0	625,000	850,000	(225,000)
0	0	2,068,818	1,619,611	449,207
0	0	637,762	611,537	26,225
0	0	0	0	0
109,224	98,754	882,978	150,404	732,574
0	0	190,000	1,100,846	(910,846)
0	0	0	0	0
0	0	86,582	554,766	(468,184)
109,224	98,754	4,491,140	4,887,164	(396,024)
625,524	1,010,754	72,581,941	70,972,742	1,609,199
0	0	251,420	256,414	(4,994)
0	0	248,048	299,671	(51,623)
0	202,143	794,362	830,054	(35,692)
0	0	5,231	5,231	0
0	0	2,917,009	2,920,979	(3,970)
0	202,143	4,216,070	4,312,349	(96,279)
537,524	554,206	24,778,541	23,941,138	837,403
0	79,288	1,766,846	1,733,221	33,625
88,000	85,000	3,643,900	3,657,100	(13,200)
0	0	0	0	0
0	0	0	0	0
625,524	718,494	30,189,287	29,331,459	857,828
0	0	20,689,430	19,456,715	1,232,715
0	0	12,395,375	12,385,188	10,187
0	0	905,771	868,155	37,616
0	0	579,500	613,978	(34,478)
0	0	6,875	7,289	(414)
0	0	34,576,951	33,331,325	1,245,626
0	0	2,128,147	2,097,199	30,948
0	0	58,547	62,326	(3,779)
0	0	39,000	31,000	8,000
0	0	2,225,694	2,190,525	35,169
0	0	100,000	100,000	0
0	0	347,898	332,463	15,435
0	90,117	812,492	1,343,298	(530,806)
625,524	1,010,754	72,581,941	70,972,742	1,609,199

ANNUAL TOWN MEETING WARRANT ARTICLES

**ARTICLE 1. Reports of Boards and Committees
(Select Board)**

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

**ARTICLE 2. Transfer of Funds – Unpaid Bills
(Select Board)**

To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 3. Optional Tax Exemptions
(Select Board)**

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent. This local option authorizes assessors to reduce property taxes for certain qualifying taxpayers (limited income elderly or blind persons, veterans and surviving spouses). The reduction is in addition to the base amount allowed by the state. The option has been in effect in Amherst since FY 94, the first year for which Town Meeting adopted it. The option must be renewed annually. The cost to the Town in FY 08 to provide these tax exemptions is \$114,766.43 in foregone tax receipts. Reimbursement by the state is \$37,272.

**ARTICLE 4. Personal Property Exemptions
(Select Board)**

To see if the Town will authorize the maximum exemption of up to \$5,000 for personal property accounts of \$5,000 or less under Chapter 59, Section 5, Clause 54th of the Massachusetts General Laws.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent. This new article would allow assessors to exempt personal property accounts with a total value of as much as \$5,000 from taxation. Personal property generally includes tangible items, such as merchandise, furnishings, machinery, tools and equipment that are not considered part of the real estate. Household furnishings and effects at a person's primary residence are already exempt from the personal property tax. This added exemption would apply to furnishings and equipment totaling \$5,000 or less in offices, small retail shops, and rental units in two and three-family homes. Currently, the 568 accounts that would qualify for this exemption represent only 1.75%, or \$14,095, of total potential personal property tax revenue; these small bills are costly to administer and collect. The remaining 329 accounts pay 98.25%, or \$790,198, in personal property tax revenue. Approving this exemption would help small businesses and ease the workload for town staff. Acceptance of this statute would not reduce tax revenue to the Town, but would simply redistribute it among all taxpayers. The impact of this redistribution is estimated at less than one cent per thousand dollars of assessed valuation and \$1.65 per year for the average residential property tax bill.

ANNUAL TOWN MEETING WARRANT ARTICLES

**ARTICLE 5. Authorization for Compensating Balances
(Select Board)**

To see if the Town will accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent. Acceptance of this provision of the Massachusetts General Laws authorizes the Town Treasurer to enter into certain banking agreements that require maintenance of a minimum account balance. These agreements typically offer either higher interest rates or some free services in exchange for maintaining a minimum balance. Town Meeting authorization is required annually because, in effect, funds may be expended for services without an appropriation. The Treasurer bids all banking services and bank service fees and determines which proposals are most advantageous for the Town. The Finance Committee believes it is appropriate to provide the Treasurer with the flexibility to use this type of account.

**ARTICLE 6. Retirement Assessment
(Select Board)**

To see if the Town will raise and appropriate \$2,917,009 for the Hampshire County Retirement System assessment.

RECOMMENDED by Finance Committee vote of 5 – 0, 1 absent. The Town, as a member of the Hampshire County Retirement System, pays an annual assessment that covers benefits to current retirees and funding for future retirees. The assessment is based on the payrolls of municipal and library employees as well as non-teaching elementary school employees. The \$2,917,009 to be appropriated in this article is a decrease of \$3,970, or 0.1%, from the FY 08 assessment. This decrease is the result of staff reductions in FY 08 that kept payroll flat, offsetting the assessment increase that would have occurred otherwise.

**ARTICLE 7. Regional Lockup Assessment
(Select Board)**

To see if the Town will raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

RECOMMENDED by Finance Committee vote of 5 – 0, 1 absent. The Town, as a user of the Hampshire County Regional Lockup, pays an annual assessment based on population that covers its portion of the operating costs of the Regional Lockup (the Sheriff's office, the University, and the other communities that use the lockup are the other contributors). The \$31,323 to be appropriated in this article for FY 09 is the same as the amount for FY 08.

**ARTICLE 8. FY 08 Budget Amendments
(Finance Committee)**

A. To see if the Town will amend the budget voted under Article 17 of the 2007 Annual Town Meeting (FY 2008 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, and Community Services accounts to balance the FY 2008 Fiscal Year.

B. To see if the Town will amend the action taken under Article 19 of the 2007 Annual Town Meeting (Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING. The Finance Committee is waiting for the most up to date information on which to make a recommendation.

ANNUAL TOWN MEETING WARRANT ARTICLES

ARTICLE 9. Town Libraries Revolving Fund (Jones Library Trustees)

To see if the Town will approve the creation of a revolving fund, pursuant to Massachusetts General Laws, Chapter 44, section 53E 1/2, and any other authority, into which library overdue fines will be deposited and used for library operations.

RECOMMEND DISMISSAL OR REFERRAL TO LIBRARY TRUSTEES by Finance Committee vote of 5-0, 1 absent.

A revolving fund allows a community to raise revenues from a specific service to support that service. Such a fund and the dollar limit that can be spent from it must be reauthorized each year at Annual Town Meeting. For many years in Amherst, as in many other communities, library fines have gone into the town's General Fund. Several other public libraries in Massachusetts have revolving funds for library fines, with the money earmarked for replacing lost or damaged library materials. This article was put on the warrant at the request of the Library Trustees to establish such a fund for Amherst's libraries, but since then the Trustees have decided the issue needs further study.

ARTICLE 10. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

To see if the Town will approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2009 as required by Section VI of the Regional Agreement.

RECOMMENDED by Finance Committee vote of 5 – 0 with 1 absent.

The state's 1993 Education Reform Law requires regional school districts to calculate assessments to a region's towns for support of regional district operating and capital budgets according to a complex formula intended to take into account each individual municipality's ability to pay and to equalize local efforts toward financial support of schools throughout the Commonwealth. As years passed, the formula became increasingly dysfunctional. Its design never fit the Amherst-Pelham Region's circumstances well, changes to the formula sometimes produced sudden changes in individual towns' required support, and the per pupil cost varied significantly from one town to another.

The state allows a regional district to apportion assessment amounts by a method other than the state formula if all of the member municipalities agree to do so. Amherst, Leverett, Pelham and Shutesbury annual town meetings of 2006 all voted to revert to the method prescribed by our regional agreement, in which costs of operating the regional schools are apportioned to the towns according to a five-year rolling average of the number of students enrolled from each town. In contrast to the state formula, this method produces greater stability for the towns with respect to their financial obligation. It also produces equal per-pupil costs to the towns, a result that is generally perceived as more fair.

A Department of Education rule requires regional school districts to get approval of all of the towns annually if they use an assessment method other than the state's formula. Unless that rule is changed, an article like this one will presumably be on each year's annual town meeting warrant in all four towns. The alternative to unanimous approval of the article is to revert to the state's formula, a change that could seriously disrupt financing of the schools.

ARTICLE 11. Amherst-Pelham Regional School District Agreement Amendments (Amherst-Pelham Regional School Committee)

A. To see if the Town will vote to approve an amendment to Section X of the Regional Agreement of the Amherst-Pelham Regional School District to shift the cost of providing transportation to elementary school students from the regional budget to the budgets of the elementary school districts served.

B. To see if the Town will vote to approve an amendment to Section VI of the Regional Agreement of the Amherst-Pelham Regional School District to read 'If the amount of unencumbered surplus funds of the district at the end of any fiscal year exceeds 5.0 percent of the budgeted operating and capital costs for the succeeding fiscal year, an amount at least equal to the amount of such excess shall be applied by the committee to reduce the amounts certified to the participating towns for such succeeding fiscal year in accordance with Section VII.

RECOMMENDED by Finance Committee vote of 5-0 with 1 absent.

A. The purpose of this amendment to the Regional Agreement is to shift the cost of transporting elementary pupils from home to school and back from the Regional budget to the individual towns of the Region. Under the present arrangement, the cost of elementary transportation is paid entirely by the Region, with the cost divided among the towns according to the Region's

ANNUAL TOWN MEETING WARRANT ARTICLES

enrollment-based assessment formula. The Department of Education has requested that elementary transportation costs be paid through elementary school budgets, putting an end to our peculiar situation of having no transportation costs charged there. The result would be a realistic, straightforward allocation of costs. The Region would continue to manage transportation contracts in order to take advantage of the efficiency of a unified contracting process. The cost to each town would be determined according to the miles driven by buses transporting elementary school children in each town.

The Regional budget, at the time of preparing this report, includes the cost of elementary transportation. If all four towns approve the new system, the Regional assessments will be reduced by the cost of elementary transportation as it is currently calculated, and each town's elementary budget will be increased by its transportation cost under the new system. There will be some minor shifting of costs among the towns as a result of this change. For Amherst, the estimated elementary transportation charge under the existing system is \$361,369. If transferred to the elementary budget, that budget would increase by an estimated \$325,487. The net saving for the Town would be \$35,882.

B. The Regional Agreement is the document that states specific rules of organization and operation of the Amherst-Pelham Regional School District. Section VI (e) of the Agreement states that "If the amount of unencumbered surplus funds of the district at the end of any fiscal year exceeds 3.5 percent of the budgeted operating and capital costs for the succeeding fiscal year, an amount at least equal to the amount of such excess" shall be applied to reduce the amount of assessments to the towns for the succeeding fiscal year. This article would raise the allowed accumulation of funds to 5% of operating and capital costs. This is the maximum amount permitted by state law.

The Region's Excess and Deficiency Fund (E&D) is similar to the Town's Free Cash account. It accumulates money when revenues are greater than estimated and when spending is less than budgeted. It is used in response to events such as an unexpected loss in revenue after the annual budget has been adopted and for emergency or other unanticipated expenditures. It allows the Regional School Committee to meet urgent needs without going through the cumbersome process of requesting appropriations from four town meetings.

The Amherst-Pelham District is the only regional school district in the state that does not have a 5% cap. The Region's outside auditors have been recommending the increase for years. All relevant state laws and regulations are based on the 5% cap. A robust E&D balance is a measure of good financial standing and a key factor in obtaining a favorable bond rating.

ARTICLE 12. FY 2008 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

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GENERAL FUND MUNICIPAL SUMMARY

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
General Government	\$ 4,947,475	5,314,392	5,423,700	5,755,139	6,152,525	397,385	6.9%
Public Safety	\$ 7,661,322	8,029,047	8,020,321	7,891,970	8,160,644	268,674	3.4%
Public Works	\$ 1,766,738	1,737,044	1,735,257	1,690,501	1,726,974	36,473	2.2%
Planning, Conservation & Inspections	\$ 770,355	898,047	837,407	871,881	851,853	(20,028)	-2.3%
Community Services	\$ 1,860,817	1,831,363	1,861,638	1,743,604	1,699,567	(44,037)	-2.5%
TOTAL APPROPRIATION	\$ 17,006,705	17,809,893	17,878,322	17,953,095	18,591,563	638,467	3.6%

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FINANCE COMMITTEE REPORT - FY 09

PUBLIC SAFETY

15% OF GENERAL FUND OPERATING BUDGETS

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Police Facility	\$ 164,666	143,602	185,231	170,870	180,707	9,837	5.8%
Police	\$ 3,700,058	3,874,589	3,863,415	3,680,369	3,801,963	121,594	3.3%
Fire/EMS	\$ 3,277,095	3,393,820	3,392,809	3,447,287	3,568,543	121,256	3.5%
Communications Center	\$ 479,923	568,189	541,488	548,009	561,580	13,571	2.5%
Animal Welfare	\$ 39,579	48,847	37,379	45,435	47,850	2,415	5.3%

TOTAL APPROPRIATION	\$ 7,661,322	8,029,047	8,020,321	7,891,970	8,160,644	268,674	3.4%
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SOURCES OF FUNDS

Ambulance Receipts	\$ 1,357,650	1,449,630	1,449,630	1,505,790	1,922,411	416,621	27.7%
Departmental Receipts	\$ 169,264	138,800	142,530	143,800	143,800	0	0.0%
Educational Incentive	\$ 160,093	156,520	167,714	194,059	194,059	0	0.0%
Fines	\$ 152,502	140,000	162,152	140,000	140,000	0	0.0%
Licenses & Permits	\$ 9,421	6,000	11,105	8,000	8,000	0	0.0%
Umass Contribution	\$ 80,000	80,000	80,000	165,727	0	(165,727)	-100.0%
Transportation Fund	\$ 4,561	4,911	4,911	4,932	4,939	7	0.1%
Taxation	\$ 5,846,473	6,053,186	6,053,186	5,729,662	5,747,435	17,773	0.3%

PUBLIC SAFETY

Public Safety is the largest segment of the Town's General Fund Operating Budget (44% of the five functional areas for FY 09). Services provided include police, fire, ambulance, emergency dispatch (communications center) and animal welfare. These services are provided 24 hours per day 365 days per year.

Public Safety personnel share services with other town departments. For example, police train with the schools for emergency situations; assist the Department of Public Works by towing cars and/or diverting traffic when needed; train with the Health Department on joint emergency responses; work with the Fire Department at accident and fire scenes and as first responders, and in doing fire investigations; and work with the Senior Center and senior citizens through the SALT Council. The Town Finance Department took over police billing and payroll when APD's clerical staff was depleted this year. The Fire Department works with Inspection Services to coordinate permits and inspections; and provides EMTs at school athletic events. The Fire and Police departments and the DPW work together during incidents and bad weather, coordinating through the Communications Center.

The FY 09 budget increases by 3.4%, or \$268,674.

The Police Facility budget increase is due to increased utility costs partially offset by an anticipated 15% reduction resulting from the installation of a new energy efficient HVAC system that became operational in January 2008.

The Police budget increases by 3.3%. This budget restores the civilian assistant to the Chief, which was reduced by 50% in FY 08, to a full-time position in FY 09 at a cost of \$18,463. This reduction did not work well in the current year and resulted in a loss of productivity for the command staff. The two police officer positions that were eliminated in FY 08 are not restored, but the Town Manager has identified that restoration, at a cost of \$119,386 including benefits, as a priority if funds become available later in the budget process. The reduction has affected the department's ability to respond to calls for service as promptly as the community is accustomed to and appears to be a factor in increased employee turnover. A portion of the FY 08 cut to overtime, \$25,000, is restored.

A "level services" Fire budget is funded with increased contributions from UMass resulting from the updated Strategic Partnership Agreement and from increased contributions from surrounding towns for EMS services, and an anticipated increase in ambulance fees effective July 1, 2008.

There are 112 FTE proposed employees providing service from the Police Facility, the Central Fire Station and the North Fire Station, an increase of 0.46 from FY 08.

The Finance Committee voted 5 – 0 with 1 absent to recommend approval of this budget.

PUBLIC WORKS

3% OF GENERAL FUND OPERATING BUDGETS

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Public Works Administration	\$ 205,007	243,464	218,094	246,534	252,015	5,481	2.2%
Highway	\$ 552,691	581,137	551,910	521,049	533,014	11,965	2.3%
Snow & Ice Removal	\$ 231,120	176,540	161,930	182,210	189,410	7,200	4.0%
Street & Traffic Lights	\$ 112,248	105,887	103,679	105,887	112,248	6,361	6.0%
Equipment Maintenance	\$ 263,349	232,689	260,501	240,266	248,551	8,285	3.4%
Town Cemeteries	\$ 24,155	23,193	19,378	23,295	23,329	34	0.1%
Parks, Commons & Downtown Maintenance	\$ 249,991	246,200	272,212	247,348	245,212	(2,136)	-0.9%
Tree Care & Pest Control	\$ 128,177	127,935	147,552	123,912	123,195	(717)	-0.6%
TOTAL APPROPRIATION	\$ 1,766,738	1,737,044	1,735,257	1,690,501	1,726,974	36,473	2.2%

SOURCES OF FUNDS

Departmental Receipts	\$ 22,002	26,550	29,115	26,550	26,550	0	0.0%
Reserve Fund	\$ 44,613	0	0	0	0	0	0
Water Fund	\$ 156,349	190,702	190,702	188,129	191,753	3,624	1.9%
Sewer Fund	\$ 106,062	130,038	130,038	130,275	144,331	14,056	10.8%
Transportation Fund	\$ 31,902	41,777	41,777	38,438	40,183	1,745	4.5%
Taxation	\$ 1,417,778	1,347,977	1,343,625	1,307,109	1,324,157	17,048	1.3%

PUBLIC WORKS

This functional area provides maintenance for most of the outdoor facilities of the Town as well as a few buildings. The overall Public Works budget increases by 2.2%.

Public Works Administration oversees not only the General Fund public works activities and budgets, but also the activities and budgets of the Water, Sewer and Solid Waste Enterprise Funds. The Enterprise Funds make appropriate reimbursements for administrative costs to the General Fund. There are no significant changes.

The Highway budget provides personnel and supplies to maintain our existing roads (including line painting and road patching) and for small construction projects. Highway operating expenses are level funded, but still considerably below budget/actual expenditures prior to FY 08 when reductions included line painting (\$10,000) and equipment rental (\$5,400; ex. Bobcat rental). The Town Manager has identified restoring as much as \$50,000 to DPW Highway and other DPW accounts for fuel, supplies, and utilities as a priority if funds become available later in the budget process.

The Snow and Ice budget provides overtime pay for plowing and sanding performed outside of the normal workday or beyond the standard 40-hour week (plowing and sanding performed during the workday is charged to other Public Works budgets). This budget also provides funds for melting agents, sand, vehicle maintenance items such as wiper blades, flashers, beacon lights, etc., and one snowplow setup that is part of the annual replacement schedule. This budget increases by \$7,200 for diesel fuel.

The Street and Traffic Lights budget provides funding to ensure the safety of people using public ways by maintaining Town-owned street lights and pedestrian and traffic signals in operating condition. This budget increases by \$6,361 due to rising cost of electricity.

Equipment Maintenance includes a 3-person crew to maintain and repair all vehicles and equipment used by Highway, Parks, and Tree Care personnel as well as those of the Water, Sewer and Solid Waste Enterprise Funds (with appropriate reimbursements to the General Fund by each of the Enterprise Funds). This budget increases by \$8,285 primarily due to increased diesel fuel costs.

The Parks, Commons & Downtown Maintenance budget provides funding for mowing and maintaining parks, commons, and other green spaces around the Town; for maintaining athletic fields (including those at the schools); for maintaining park buildings; for pool maintenance; and for daily trash collection for the curbside trash receptacles downtown. The personnel services line is reduced by \$2,676 due to employee turnover.

The Tree Care budget line is reduced by 0.6% for FY 08 due to reductions in personnel services costs, and the Town Cemeteries budget item is virtually unchanged (up 0.1%) with a slight increase in personnel services.

Public Works personnel provide assistance to many other departments across the Town. For example, the DPW does exterior maintenance for the North Amherst and Munson libraries, and occasionally does library vehicle maintenance; helps the Police and Fire departments with sawhorses when traffic needs to be diverted; assists with Leisure Services and school sports events; works cooperatively with the Facilities Maintenance Department in many ways; cooperates on projects and shares a land manager with the Conservation Department, and helps with mowing; does site plan reviews for the Planning Department; sweeps school parking lots (which the schools pay for) and removes excess snow from school lots. Particular assistance varies from year to year but the level remains relatively constant.

Public works services are provided by 26.9 FTE employees, the same as FY 08.

The Finance Committee voted 5 – 0 with 1 absent to recommend approval of this budget.

FINANCE COMMITTEE REPORT - FY 09

PLANNING/CONSERVATION/INSPECTIONS**2% OF GENERAL FUND OPERATING BUDGETS**

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Conservation	\$ 192,006	213,897	209,996	209,452	219,863	10,411	5.0%
Planning	\$ 252,952	298,988	275,678	291,382	292,265	883	0.3%
Inspection Services	\$ 325,397	385,163	351,732	371,047	339,725	(31,322)	-8.4%
TOTAL APPROPRIATION	\$ 770,355	898,047	837,407	871,881	851,853	(20,028)	-2.3%
SOURCES OF FUNDS							
Departmental Receipts	\$ 63,700	76,700	80,373	63,700	63,700	0	0.0%
Licenses & Permits	\$ 676,813	503,500	440,100	438,500	446,000	7,500	1.7%
Rental of Land	\$ 3,068	0	2,016	0	0	0	0.0%
Grants	\$ 8,000	8,000	8,000	8,000	8,000	0	0.0%
Water Fund	\$ 11,159	13,911	13,911	14,370	15,028	658	4.6%
Golf Course Fund	\$ 2,232	0	0	0	0	0	0.0%
Transportation Fund	\$ 5,315	5,701	5,701	5,723	5,532	(191)	-3.3%
Taxation	\$ 402,840	467,272	467,272	454,741	465,568	10,827	2.4%

PLANNING/CONSERVATION/INSPECTIONS

This functional area provides services to monitor, protect, and enhance both the developed and undeveloped environments throughout the Town. This is accomplished through the protection of open space; long range planning for an orderly and appropriate development process; and the application of policies, regulations, state laws and local bylaws enacted to promote these goals.

There are no significant changes in budgeted amounts in FY 09; however, a plan to reorganize these departments should have a positive result. In addition to sharing physical space, there will be increased sharing of information across the three units and cross-training of staff. Inspections staff will move to the second floor of Town Hall where the Planning and Conservation Departments are located. Administrative staff from the three areas will be cross-trained and there will be a central counter for the three functions. A new MUNIS permit tracking software module will be implemented for all Town permitting bodies enabling information sharing and increased productivity for these units. Additionally, web-based services will be improved with an increasing number of forms available via the internet. The FY 09 budget for this newly configured area will decrease by \$20,028 (-2.3%)

There is a 5% increase (\$10,411) in the Conservation budget due to an increase in personnel services. However, the number of FTE employees remains at 3.72. In FY 08 funds for part-time help for Puffer's Pond were cut from the budget. Funds for staffing came largely from Friends of Puffer's Pond and the Kestrel Trust. The plan is to use private funds in FY 09 to staff the pond.

The Planning Department budget increases by \$883 (0.3%) in FY 09. Personnel services are reduced by \$4,617 due to staff turnover. Operating expenses increase by \$5,500 allowing for restoration of a portion of unworkable cuts from FY 08, including \$1,000 for shared committee expenses and \$4,500 for printing and advertising. The department has two vacancies, a Senior Planner and an Associate Planner. There are 5.0 FTEs in this budget. Implementing the Master Plan will require a major revision of the zoning code and support from the Planning Department.

The Inspection Services budget will decrease by 8.4% in FY09. This is due to staff turnover and the elimination of a part-time (15 hour/week) clerical support position (\$15,000). There is a pilot effort underway to use contractors rather than Town employees for electrical inspections. The Assistant Building Commissioner position is vacant and will be replaced by a building inspector. This department is supported by fee income from inspections. There are 5.64 FTE employees in this budget.

Staff in the three departments provide support and coordination to many of the Town's boards and committees. Conservation supports eight committees including the Conservation Commission, Agricultural Commission, and Energy Task Force; Planning supports 11, including the Planning and Zoning Boards, and the Comprehensive Planning Committee; and Inspections supports four, including the Planning and Zoning Boards. The workload will likely increase as these departments provide support for implementation of the Master Plan.

The Finance Committee voted 5-0, 1 absent, to recommend this budget.

FINANCE COMMITTEE REPORT - FY 09

COMMUNITY SERVICES

3% OF GENERAL FUND OPERATING BUDGETS

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Public Health	\$ 294,418	300,158	297,678	285,465	285,266	(199)	-0.1%
Senior Center	\$ 193,749	207,831	206,650	198,866	188,162	(10,704)	-5.4%
Community Development	\$ 198,604	187,901	177,315	111,477	81,824	(29,653)	-26.6%
Veterans' Serv. & Benefits	\$ 165,208	140,137	188,401	132,902	155,070	22,168	16.7%
Leisure Services & S.E.	\$ 593,550	631,164	587,540	637,704	612,678	(25,026)	-3.9%
Pools	\$ 171,872	170,912	187,243	168,480	167,479	(1,001)	-0.6%
Town Commemorations	\$ 1,651	875	1,116	875	875	0	0.0%
Golf Course	\$ 241,765	192,385	215,696	207,835	208,213	378	0.2%
TOTAL APPROPRIATION	\$ 1,860,817	1,831,363	1,861,638	1,743,604	1,699,567	(44,037)	-2.5%

SOURCES OF FUNDS

Departmental Receipts	\$ 458,547	576,124	596,090	595,124	646,471	51,347	8.6%
Licenses & Permits	\$ 69,840	80,325	80,020	80,325	80,325	0	0.0%
Fines	\$ 300	4,000	100	4,000	4,000	0	0.0%
State Reimbursement	\$ 14,516	0	26,776	68,842	68,842	0	0.0%
Sewer Fund	\$ 2,000	2,000	2,000	2,000	2,000	0	0.0%
Interest	\$ 62						
Reserve Fund	\$ 13,419	0	0	0	0	0	0.0%
Taxation	\$ 1,307,115	1,198,534	1,198,534	1,020,478	939,716	(80,762)	-7.9%

COMMUNITY SERVICES

The Community Services budget supports a variety of regulatory and service functions to the community. These include public health, specialized services and benefits for veterans, programs to enhance the health and welfare of seniors and children, administration of Community Development Block Grant (CDBG), support of CDBG initiatives, Town commemorations, funds to support human service agencies, and Leisure Services and Supplemental Education programming, including the pools and Cherry Hill Golf Course. Some services and staffing levels are determined by state law or regulation.

In prior years there was a Community Services Department within the Community Services functional area. It has been renamed the Community Development Department to reduce confusion and to emphasize that a major responsibility is to administer the CDBG. Eighty percent of the Community Services Department director's salary and 100% of the assistant's salary is supported from CDBG. This budget includes \$66,000 for Human Service Agency Funding, the same amount appropriated at the 2007 annual Town Meeting, to be distributed according to the recommendations of the Community Development Committee. The current recipients are the Amherst Survival Center, Center for Human Development (Big Brothers/Big Sisters), Family Outreach of Amherst, Center for New Americans, and the Men's Resource Center. In his initial budget, the Town Manager suggested that these programs be funded from CDBG, as they are in most communities that support human services, without adding to local taxation. In addition, CDBG may provide more stability for this funding. Transition problems need to be addressed, and the funding must be part of the CDBG application. The Finance Committee recommends that the Town Manager investigate this alternative during the next year.

LSSE programs are provided in three budgets, including pools and golf course. The department has reorganized duties, resulting in the elimination of one program director position. Last year Town Meeting considered whether the pools budget should include funding for two outdoor pools, or for one. As a result, the War Memorial Pool did not open before July. This budget includes funding for both the Mill River and War Memorial pools, providing LSSE day camp programs, other area camp programs, and the public with the greatest possible access to swim lessons and aquatic recreation. Nationally and locally, the demand for public pools as recreation has decreased. If only Mill River Pool operated this summer, the net projected savings would be \$24,481. War Memorial pool has been operating for 50 years and is built with a steel tank. It continues to function because it has been well maintained, and a leak last year was repaired at minimal expense. However, at some point, there will be a significant structural failure, and it may not be feasible to repair or replace this facility.

This year, the Cherry Hill Golf Course is projected to generate revenue to meet all operating costs, including employee benefits. The course had a new manager and engaged in a successful marketing campaign. In 2009, LSSE will have a new pro shop vendor. Revenue from greens fees, cart rentals, concessions, memberships and the pro shop is again expected to cover and may exceed expenses.

The LSSE budget covers sports and supplemental education for youth and adults, community theater and performing arts, summer day camps and after-school programs, the Aquatic Center at the Middle School pool, and programs for people with special needs. Leisure Services staff manage \$1.3 million of fee-based programs, not including outdoor pools and golf. Fees that support most of these activities are accounted for in revolving funds. Expenditures from the funds do not require appropriation by Town Meeting. Most programs are expected to generate fees sufficient to cover their costs and contribute towards \$325,781 in administrative expenses. Fifteen percent of the total LSSE budget would be paid for by \$286,897 from taxation, a decrease of \$61,373 from the current year. Taxation supports \$80,250 in subsidies for those who otherwise could not afford the fees, and \$28,000 to provide services that enable people with special needs to participate in programs. The Town Manager and LSSE director are examining the costs and revenue of each program. However, it is unlikely that a public recreation and adult education program offering opportunities to everyone can be entirely supported by fees.

Public Health Department responsibilities are growing to reflect new expectations and standards. Examples include the inspection of wells, related to new Board of Health regulations, and inspection of businesses that tattoo and pierce people's bodies. A part-time secretary position will become a part-time inspector. Other personnel include the Director, a sanitarian, a housing/building inspector, a part-time nurse, and a secretary.

The Senior Center is responsible for nutrition, health, education, support, and recreation programs to assist vulnerable and often isolated seniors. In the Senior Center budget, a part-time Program Coordinator will be reclassified as a Program Assistant. Other personnel include the Senior Center Director, a Program Director, and an administrative assistant. The department also handles scheduling for the Bangs Center and the Munson Building.

The Veterans Services & Benefits budget increase of \$22,168 is largely due to increased veterans benefit claims, which are a state mandate. The Commonwealth reimburses the Town for 75% of the cost of eligible claims as Cherry Sheet aid. The Town is required to have a full-time Veteran's Agent. The commemorations budget of \$875 includes the cost of flags the town is required to place on veterans' graves every Memorial Day.

There are 21.71 full-time equivalent employees in the Community Services budget, a decrease of 1.10 from FY 08.

The Finance Committee voted 5 – 0 1absent to recommend this budget.

FINANCE COMMITTEE REPORT - FY 09

GENERAL GOVERNMENT

11% OF GENERAL FUND OPERATING BUDGETS

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Select Board/Town Manager	\$ 226,378	219,911	226,894	236,559	234,976	(1,583)	-0.7%
Town Meeting/Finance Comm	\$ 472	500	886	800	800	0	0.0%
Finance Department	\$ 762,781	799,543	771,128	765,777	801,187	35,410	4.6%
Legal Services	\$ 168,515	110,568	144,164	110,000	95,000	(15,000)	-13.6%
Human Resources/ Human Rights	\$ 160,235	212,910	180,759	188,080	194,410	6,330	3.4%
Information Technology	\$ 428,638	449,300	450,823	438,799	461,277	22,478	5.1%
Town Clerk's Office	\$ 135,323	146,450	141,237	141,384	149,017	7,633	5.4%
Elections & Registration	\$ 34,906	65,850	58,691	42,325	54,824	12,499	29.5%
Facilities Maintenance	\$ 409,939	408,773	429,353	435,089	454,600	19,511	4.5%
General Services	\$ 398,266	424,726	431,146	434,861	405,361	(29,500)	-6.8%
SUBTOTAL	\$ 2,725,453	2,838,531	2,835,081	2,793,674	2,851,452	57,778	2.1%
Employee Pay/Benefits	\$ 2,222,022	2,475,861	2,588,620	2,961,465	3,301,073	339,608	11.5%
TOTAL APPROPRIATION	\$ 4,947,475	5,314,392	5,423,700	5,755,139	6,152,525	397,385	6.9%
SOURCES OF FUNDS							
Ambulance Receipts	\$ 78,240	91,745	91,745	113,821	85,788	(28,033)	-24.6%
Departmental Receipts	\$ 179,183	132,775	157,661	156,447	149,254	(7,193)	-4.6%
Interest From Taxes	\$ 152,312	152,500	187,490	167,500	167,500	0	0.0%
Investment Income	\$ 330,494	275,000	439,706	350,000	350,000	0	0.0%
Licenses & Permits	\$ 146,035	141,150	146,083	142,650	142,650	0	0.0%
State Aid-Elections Hours Reimbursement	\$ 0	5,580	5,580	0	7,848	7,848	--
Water Fund	\$ 133,821	155,627	155,627	165,931	161,017	(4,914)	-3.0%
Sewer Fund	\$ 137,636	166,301	166,301	175,688	167,496	(8,192)	-4.7%
Golf Course Fund	\$ 8,871	0	0	0	0	0	0.0%
Transportation Fund	\$ 23,643	32,234	32,234	33,892	33,316	(576)	-1.7%
Taxation	\$ 3,875,687	4,153,809	4,153,809	4,545,899	4,905,805	359,906	7.9%

GENERAL GOVERNMENT

The General Government area represents 33% of the proposed FY09 municipal budget and is second only to Public Safety in the Town's operating budget. All of the general administrative costs of managing and operating the Town (except Enterprise Funds), including financial operations, employee benefits (except retirement benefits) for all General Fund departments, maintenance of public facilities (except police, fire and public works facilities), legal expenses and insurance costs are included in General Government. Employee benefits account for over half of this budget and are responsible for 53% of the increase in the overall municipal budget. The remaining General Government budget increases by 2.1%.

There are no significant changes in the Select Board/Town Manager's Budget. A slight decrease in this budget (-0.7%) can be attributed to staff turnover. Existing support staff is providing increased support to Human Resources administration. Additionally, a staff member is now taking minutes at Select Board meetings.

There is no change in the Town Meeting/Finance Committee Budget. Most of the expenses for Town Meeting are not reflected in this budget. They are charged to other departments within General Government.

The Finance Department collects and processes more than \$70 million a year in taxes, fees, fines and water and sewer charges. Since FY03 the department has reduced the number of staff by 20%, from 16.3 to 13.0. Increased automation, on-line access to information, and closing Town Hall to the public on Thursday mornings has made it possible for the department to operate with a reduced staff. The 4.6% increase in this budget is primarily due to an increase in salaries due to reclassification in fiscal year 2008.

The Legal Services budget is projected to decrease by 13.6% (\$15,000). This is due to a new contract for legal services that includes a fixed fee plus an hourly rate for specialized services.

The Human Rights and Human Resources departments were combined into one in FY08. The former Human Rights Director assumed the role of director of Human Rights/Human Resources with responsibility to lead and direct the recruitment and selection of new town employees, to ensure a more diverse workforce and to train existing employees on issues of sensitivity and social justice in the workplace. The former Human Resources Director will continue as consultant in the next fiscal year to provide training in the area of collective bargaining, contract management and health insurance. There is a 3.4% increase in this budget which is largely due to an increase in the personnel services line.

Employee pay/benefits for non-school, non-library employees/retirees account for over half of the General Government budget. Health insurance represents over 80% of the benefits budget and will increase by 6%. This is significantly lower than last year's increase of 16.4%. The increase in health insurance cost has moderated and health claims in the last twelve months have been lower than anticipated. However, the appropriation for health insurance needs to be sufficient to fund anticipated FY09 claims and a reserve to account for incurred but not yet reported claims. The Town is pursuing a goal of building and maintaining a reserve of approximately 18% of annual claims in the Health Claims Trust Fund, which is about \$2.0 million for FY 09. To reach this goal, the premium surcharge for both employees and employers (town, schools, and library) which began in FY08 will continue seven months into FY09 (through January 2009).

The Information Technology department continues to meet increasing public demand for electronic delivery of services and retrieval of records. A major initiative for FY09 is the migration of Health, Planning, Conservation and Inspection Services departments to the MUNIS software system which is currently in use by the Finance Department. This will allow departments to share information and allow building, health and fire inspectors to stay connected while in the field. Increases in this budget include funds for software relicensing agreements, increase in communication costs, and staff training.

There are no significant changes in the Town Clerk's budget.

The Elections budget provides funds for three elections in FY09, a state primary, presidential election and annual town election, one more than in FY08. The State will reimburse the Town \$7,848 toward the cost of the state primary and general election. This budget increases by 29.5% (\$12,604).

There is a 4.5% increase (\$19,511) in the Facilities Maintenance budget. This is due to higher utility costs, equipment maintenance and maintenance contracts. Some savings in electricity costs have been realized through the Town's participation in a profit-sharing contract with the Hampshire Council of Governments. Energy use in every town building is monitored daily and energy conservation measures have been identified. Savings of \$70,000 annually are anticipated in two years due to changes in lighting in town buildings. The Town shares a facilities director (25%) with the schools. The director will explore the option of contracting out services for one building.

The General Services area is responsible for centralized purchasing of services, supplies and equipment, contracts for maintenance of office equipment and general liability insurance. There is a 6.8% decrease in this budget for FY09 which can be attributed to lower liability insurance costs. The Town has negotiated an extension of the current insurance terms for an additional nine months through June 2009.

There are 31.38 FTE employees providing services in this budget, unchanged from FY 08.

The Finance Committee voted 5-0, 1 absent, to recommend this budget.

FINANCE COMMITTEE REPORT - FY 09

GENERAL FUND INDEBTEDNESS

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
High School Renovations	\$ 220,641	382,217	382,217	340,425	441,321	100,896	29.6%
Town Hall	\$ 168,600	0		0	0	0	0.0%
Town Hall Renovations Refunding (2005)	\$ 79,250	238,650	238,650	228,250	218,000	(10,250)	-4.5%
Agricultural Pres. Restriction	\$ 9,289	9,515	9,515	8,519	0	(8,519)	-100.0%
Police Facility	\$ 337,460	299,596	299,594	130,298	0	(130,298)	-100.0%
Jones Library	\$ 69,696	65,622	65,622	62,326	58,547	(3,779)	-6.1%
Bangs Community Center	\$ 45,127	51,007	51,007	21,413	0	(21,413)	-100.0%
Crocker Farm Renovation	\$ 288,000	281,750	286,000	277,250	272,188	(5,062)	-1.8%
Town Center Sidewalks	\$ 67,474	26,358	26,358	-	0	0	0.0%
Sidewalks (2005)	\$ 90,438	88,338	88,338	86,238	79,138	(7,100)	-8.2%
Wildwood Roof	\$ 78,960	77,319	77,319	75,548	73,728	(1,820)	-2.4%
Street Lights	\$ 36,365	35,481	35,481	0	0	0	0.0%
Landfill Cell III	\$ 108,028	0	0	0	0	0	0.0%
Interest on Temporary Debt	\$ 0	20,000	0	20,000	20,000	0	0.0%
Deferred Teachers' Payroll	\$ 56,514	56,514	56,514	56,514	56,514	0	0.0%
Crocker Farm Renovation	\$ 123,863	58,743	58,743	0	0	0	0.0%
Plum Brook Recreation Fields	\$ 70,200	68,180	76,380	66,160	64,140	(2,020)	-3.1%
Town Hall Exterior	\$ 0	0	0	0	44,250	44,250	--
High School Roof	\$ 5,306	38,283	19,431	118,418	118,535	117	0.1%
TOTAL APPROPRIATION	\$ 1,855,210	1,797,573	1,771,167	1,491,359	1,446,361	(44,998)	-3.0%

GENERAL FUND INDEBTEDNESS

This budget appropriates funds to pay for General Fund debt obligations. Debt incurred for the enterprise funds is included within each enterprise fund budget. Payments for the High School addition and renovation project and for the High School roof are made in response to assessments by the Amherst-Pelham Regional Schools. The High School addition and renovation is funded by a Proposition 2½ debt exclusion, which means annual debt service payments are added to the tax levy only until the debt is fully paid, which will occur in 2018. The district issued long term bonds for the High School roof project in 2006 and received reimbursements from the new Massachusetts School Building Authority (MSBA). This debt will be retired in FY 15. All other current debt service in this article is included in the Town's Capital Plan using money from the General Fund.

The last principal and interest payments on the Police Facility and Bangs Community Center bond issues were paid in FY08.

FY09 debt service includes estimated principal and interest of \$64,140 for the Plum Brook Recreation Fields project, the fourth of 10 years' anticipated debt service on a \$500,000 bond issue previously authorized by Town Meeting for the project. In previous years, Community Preservation Act funds have been committed to fund two-thirds of the debt service (\$42,332 in FY09) with taxation funding the remaining third (\$21,808 in FY09). Currently, a court case regarding the use of CPA funds for a project on property not purchased with CPA funds is in the appeals process. The outcome of this case may prohibit the use of CPA funding for the Plum Brook Recreation Fields debt. At the time this report went to press, the Community Preservation Act Committee was seeking a legal opinion from Town counsel regarding this case and how to proceed. CPA funds also support first-year debt service costs (\$44,250) related to masonry and clock tower repairs to the exterior of Town Hall.

The Deferred Teachers' Payroll is for elementary school teachers' payroll liability accrued in FY 92 and FY 93 under a state-authorized option to budget for only 10 of the 12 months of the teachers' payroll while continuing to pay them the full amounts earned. The liability is the lingering effect of the economic downturn that occurred in the early 1990's when the town used every means at its disposal to balance budgets. The FY 08 payment of \$56,514 is the twelfth of fifteen, all in the same amount.

Appendix A provides more detail about Town debt.

The Finance Committee voted 5 – 0, 1 absent to recommend approval of this budget.

LIBRARY SERVICES

4% OF GENERAL FUND OPERATING BUDGETS

EXPENDITURES		FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Proposed	Change FY 08 - 09	Percent Change
Public Services	\$	973,509	1,020,288	1,016,288	1,049,048	1,062,523	13,475	1.3%
Special Collections	\$	104,451	110,827	110,479	117,255	123,086	5,831	5.0%
English as a Second Language	\$	31,294	33,892	33,892	35,573	36,019	446	1.3%
Munson Library	\$	82,482	85,942	85,442	88,377	87,857	(520)	-0.6%
North Amherst Library	\$	76,019	80,769	80,269	85,659	83,651	(2,008)	-2.3%
Technical Services	\$	216,587	227,389	226,389	236,011	243,929	7,918	3.4%
Administration	\$	230,984	244,096	243,596	238,669	241,749	3,080	1.3%
Building Maintenance	\$	215,043	232,628	232,128	251,217	249,333	(1,884)	-0.7%
TOTAL APPROPRIATION	\$	1,930,369	2,035,831	2,028,483	2,101,809	2,128,147	26,338	1.3%

SOURCES OF FUNDS		FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Proposed	Change FY 08 - 09	Percent Change
Public funds								
Tax support	\$	1,371,327	1,446,695	1,439,727	1,461,162	1,490,385	29,223	2.0%
Town Trust Funds	\$		-	-	-	1,200	1,200	--
State Aid to Libraries	\$	80,314	83,215	83,215	104,271	100,000	(4,271)	-4.1%
Subtotal	\$	1,451,641	1,529,910	1,522,942	1,565,433	1,591,585	26,152	1.7%
Private Funds								
Jones Inc support	\$	432,340	451,074	451,074	462,115	472,412	10,297	2.2%
Annual Fund Drive & Bk Fds	\$	36,500	41,500	41,500	46,250	50,000	3,750	8.1%
Friends Donation	\$	3,600	4,000	4,000	15,000	6,000	(9,000)	-60.0%
Jones Inc. Reserves , Gifts, Pub Lib Fund	\$	6,288	9,347	8,967	13,011	8,150	(4,861)	-37.4%
Subtotal		478,728	505,921	505,541	536,376	536,562	186	0.0%
TOTAL		1,930,369	2,035,831	2,028,483	2,101,809	2,128,147	26,338	1.3%

LIBRARY SERVICES

Library services are provided at the Jones Library, the North Amherst Library and the Munson Memorial Library in South Amherst. The mission of the libraries is to provide access to materials, to assist people in their quest for information, to preserve the history of this region and to serve as a meeting place for the community's educational and cultural pursuits. The libraries offer information in the form of print, audiovisual and electronic media. The Jones Library holds collections of historical and literary significance related to the Town and its residents. The libraries offer programs to encourage children to read, to help people whose native language is not English to learn English, and to teach people how to use electronic information resources.

The Jones Trustees' policy is to use 5 percent of the three-year rolling average value of the endowment to support the libraries. This upper limit was established in order to ensure the endowment's capacity to keep up with inflation and provide support in future years. This limit has proved hard to observe. However, the Trustees are working toward that goal, using 5.4% in FY 09 down from 5.5% in FY 08 and 5.6% in each of the three preceding years. The dollar amount of endowment support for FY 09 increases by 2.2%, or \$10,297, because the endowment's investments have gained in value over the past five years.

Fund-raising continues to be important. The annual fund drive target is \$50,000, up 8.1% from FY 08. The Friends of the Jones Library donation is \$6,000, a decrease of 60% from FY 08, though more may be made available during the year. Known gifts and grants to help fund the English-as-a-Second-Language Program are \$6,000, up from \$4,300 in FY 08. In FY 09, the libraries expect to receive \$2,150 from the Public Libraries Fund, a state incentive program established in FY 07 to partially match funds raised by local libraries from non-municipal sources.

State aid to libraries expected for FY 09 is \$85,285, the same amount as in FY 08 and \$8,000 less than in 2003. The Trustees' budget spends \$100,000 in state aid by adding some FY 09 money (\$32,801) to the amount remaining from FY 08 aid (\$67,199). In FY 08 they used all FY 07 state aid plus part of the aid from FY 08. We remain concerned about this "borrowing" of revenue from future years. Using one-time money to fund the operating budget risks severe budget cuts in the near future. The Trustees and libraries state-wide are lobbying to restore state funding to earlier, higher levels.

Seventy percent of the libraries' budget comes from a General Fund appropriation of \$1,490,385, an increase of 2% from FY 08. Though the town's appropriation is up 2%, other estimated funding sources decline. As with the municipal and school budgets, expenses continue to rise faster than revenues. Much of the library budget increase for FY 09 is a consequence of contracted pay increases and health insurance premiums. The Library Trustees voted to bring their budget into balance by closing the Jones Library all day Monday, instead of just Monday morning. The Munson Library will remain open Monday mornings and the North Amherst Library is open Monday afternoons. The Jones may restore some Monday hours if additional funds become available during the year.

There are many instances of cooperation and shared services among the libraries, schools and town departments. The Jones Library stores historic town records and provides library orientation sessions to second-grade classes from Amherst's public schools, including a free book for each child. The Jones Library building is owned by Jones Library Inc., which is governed by the library trustees; maintenance, heat and utilities are in the library budget, and the corporation keeps rental fees for use of Jones Library rooms. The town owns the Munson building and the North Amherst library building. The library pays the town annual rent of \$6,500 for space in the Munson building, which includes heat and utilities; the rental amount has not changed for more than a decade, though the library has taken over an additional room. The costs of interior and exterior maintenance at Munson and exterior maintenance at the town-owned North Amherst Library are in the budgets for the town Maintenance and Public Works departments. The library does not pay rent for use of the North Amherst building but pays heat, utilities and interior maintenance costs. Most library accounting and payroll is handled by the town Finance Department; the town Information Technology Department does most of the updating and maintenance of library computers, printers, telephones and related software. The DPW does occasional library vehicle maintenance.

There are 25.2 FTE employees who accomplish the services of the libraries, down 0.4 from FY 08.

The Finance Committee voted 5-0, 1 absent to recommend approval of a budget of \$2,128,147 for Library Services and appropriation of \$1,490,385 in town tax support and \$1,200 from Town Trust Funds dedicated for support of the libraries. One member abstained from any discussion or vote on the library budget due to a potential conflict of interest, and was absent for the vote.

AMHERST ELEMENTARY SCHOOLS

38% OF GENERAL FUND OPERATING BUDGETS

	FY06 Actual	FY07 Actual	FY 08 Original Budget	FY 08 Current Budget	FY 09 Proposed	Difference
<u>PAYROLL ACCOUNTS:</u>						
Salaries						
Regular Education	5,867,607	5,696,896	5,549,466	5,746,041	5,549,466	-
English Learner Education	882,105	810,256	795,241	834,455	795,241	-
Special Education	3,838,214	3,859,087	3,994,428	4,102,612	3,994,428	-
Student Services	554,324	580,080	608,686	597,080	608,686	-
Support Services	382,368	325,667	302,491	299,982	302,491	-
School Administration	857,122	921,175	890,016	914,578	890,016	-
Central Administration	424,685	463,425	482,671	482,759	482,671	-
Information Systems	178,926	200,404	220,800	216,757	220,800	-
Facilities	664,132	697,842	690,034	694,743	690,034	-
Transportation	153,871	162,137	182,629	182,629	182,629	-
Total Salaries	13,803,355	13,716,968	13,716,462	14,071,636	13,716,462	-
Substitutes	152,998	165,971	188,903	188,903	188,903	-
<u>EXPENSE ACCOUNTS:</u>						
Regular Education	85,848	58,039	61,900	63,250	60,477	(1,423)
English Learner Education	7,359	4,998	7,077	7,231	8,440	1,363
Special Education	302,153	173,727	235,567	210,995	237,272	1,705
Other Programs	189,153	140,526	133,176	98,873	210,663	77,487
Student Services	11,210	50,431	8,224	31,224	8,202	(22)
Support Services	33,242	28,323	28,626	28,626	28,279	(347)
Program & Staff Development	111,387	178,392	112,381	110,550	104,217	(8,164)
School Administration	49,503	55,781	51,618	53,087	53,937	2,319
Central Administration	65,467	74,866	89,654	89,654	95,154	5,500
Information Systems	111,721	153,403	149,790	149,790	149,790	-
Facilities	126,840	155,200	135,286	135,716	135,286	-
Utilities	399,458	441,171	490,622	490,622	540,801	50,179
Transportation	74,249	64,445	79,536	79,536	405,023	325,487
Food Service	-	73,859	8,300	8,300	8,300	-
Health Insurance	2,214,506	2,573,783	2,881,720	2,989,692	3,263,377	381,657
Other Insurance & Benefits	687,387	1,030,466	874,813	638,602	842,048	(32,765)
Control Accounts	29,875	123,772	203,060	10,428	740,155	537,095
Additions and Cuts	-	-	-	-	(107,356)	(107,356)
BUDGET TOTAL	18,455,714	19,264,119	19,456,715	19,456,715	20,689,430	1,232,715
Budget Increase	6.9%	4.4%	1.0%		6.3%	
Elementary Transportation					325,487	
Budget without Transportation					20,363,943	
Budget Increase without Transportation					4.7%	

AMHERST ELEMENTARY SCHOOLS

RECOMMENDED: Appropriation of \$20,689,430

This appropriation assumes that the transportation amendment to the Regional Agreement in Article 11 passes in all four towns. If Article 11 does not pass, this appropriation will be lowered and the Regional budget and assessment will be increased.

The elementary schools budget process began with information and assumptions about programmatic and budget considerations. The budget was then developed based upon the current year and adjusted for known changes. These include the need to set aside funds because of ongoing labor negotiations, staff changes, utility increases, employee health insurance, and obligations pursuant to individualized special education plans. Staffing is generally unchanged and tied to enrollment numbers. This budget allows the elementary schools to remain as close to the status quo as possible with attention given to class size, student support and program development, and supervision and development of faculty and staff.

The budget increases by 4.7% exclusive of transportation costs, which is greater than the 2.0% target in the November Finance Committee guidelines. This increase follows a year in which the budget increased by 1.0% from the previous year. Another year of increase that is so much below normal cost increases could not sustain the quality education that Amherst expects and its children need. If the four towns of the Amherst-Pelham Regional School District all agree, elementary school transportation costs will be transferred from the Region to the elementary schools of the four member towns (See Article 11). The cost of elementary transportation for Amherst, \$325,487, is included in this budget. If the change is not approved, this budget will be reduced by the same amount.

The budget increases by \$1,232,715 from the previous year. Of this increase, \$325,487 is for transportation and \$537,095 is in control accounts and is needed to adjust for salaries due to collective bargaining and changes in staffing of current positions. The number of staff positions is reduced by two teaching positions and one nursing position. One teaching position, a classroom intervention teacher, and the nursing position were related to specific special education plans in the current year and will not be needed next year. Funds are provided to restore some of the library paraprofessionals eliminated in previous years. Other significant increases are in employee health insurance (\$381,657), utilities (\$50,179), and other educational programs (\$77,487). The increase for other education programs is largely due to the number of students who are attending other schools by the School Choice option. There were decreases in some categories, including \$32,765 for "other insurance & benefits" due to a decrease in the cost of general liability coverage.

There are projected to be 299.8 regular FTE positions (down 3.24 from FY 08) and 14 grant funded positions (up 4.92 from FY 08) providing services in the Schools for FY 09.

The Finance Committee voted 4-0, with 1 absent, 1 abstaining to recommend approval of this budget. One member abstained from any discussion or vote on the school budget due to a potential conflict of interest.

AMHERST ELEMENTARY SCHOOLS

Amherst Schools Student Enrollment Summary				
Grade	FY 08 Projected	FY 08 Actual	FY 09 Projected	Increase/ (Decrease)
Pre-School	64	73	71	(2)
K	200	176	187	11
1	190	184	173	(11)
2	183	177	186	9
3	199	203	182	(21)
4	210	194	203	9
5	199	200	189	(11)
6	203	193	205	12
In-House	1,448	1,400	1,396	(4)
Choice, Charter	24	36	38	2
Totals	1,472	1,436	1,434	(2)

Amherst Public Schools Staffing Summary (Full Time Equivalents)						
	FY 08 Current		FY 09 Proposed		Increase / (Decrease)	
	Regular	Grant	Regular	Grant	Regular	Grant
Administrators	14.14	-	14.20	-	0.06	-
Teachers	164.98	1.66	163.00	3.50	(1.98)	1.84
Paraprofessionals	82.20	7.27	82.30	10.30	0.10	3.03
Clerical/Media/Other	18.98	0.15	18.90	0.20	(0.08)	0.05
Maint./Cust./Trans.	16.85	-	16.80	-	(0.05)	-
Nurses	3.20	-	2.20	-	(1.00)	-
Information Systems	2.69	-	2.40	-	(0.29)	-
Totals:	303.04	9.08	299.8	14	(3.24)	4.92
	FY 07 Current		FY 08 Proposed		Increase / (Decrease)	
	Regular	Grant	Regular	Grant	Regular	Grant
Administrators	12.33	-	12.13	-	(0.20)	-
Teachers	156.29	16.23	151.14	15.79	(5.15)	(0.44)
Paraprofessionals	69.07	18.50	65.76	18.48	(3.31)	(0.02)
Clerical/Media/Other	19.26	0.12	18.79	0.11	(0.47)	(0.01)
Maint./Cust./Trans.	15.50	-	15.50	-	-	-
Nurses	3.00	0.10	3.00	-	-	(0.10)
Information Systems	3.60	-	3.60	-	-	-
Totals:	279.05	34.95	269.92	34.38	(9.13)	(0.57)

AMHERST-PELHAM REGIONAL SCHOOLS

AMHERST-PELHAM REGIONAL SCHOOLS

FY09 REVENUES BUDGET

	FY07	FY08	FY09	DIFF	FY09	DIFF
			<u>WITH Elem Transportation</u>		<u>WITHOUT Elem Transportation</u>	
Revenue						
Chapter 70	9,689,857	9,793,582	9,883,632	90,050	9,883,632	90,050
Chapter 70 to Stabilization	(250,000)	(150,000)	(150,000)	0	(150,000)	0
SUBTOTAL: available from Ch 70	9,439,857	9,643,582	9,733,632	90,050	9,733,632	90,050
Transportation Reimbursement	768,697	888,130	817,841	(70,289)	817,841	(70,289)
Medicaid Reimbursement	150,000	150,000	120,000	(30,000)	120,000	(30,000)
Charter Reimbursement		108,518	100,000	(8,518)	100,000	(8,518)
Choice Revenues	655,000	610,203	710,000	99,797	710,000	99,797
Indirect Cost Reimbursement	38,000	38,000	34,000	(4,000)	34,000	(4,000)
Interest Revenue	90,000	120,000	220,000	100,000	220,000	100,000
E&D for budget support	-	-	100,000	100,000	100,000	100,000
E&D for contingency	-	-	280,000	280,000	280,000	280,000
Assessments	15,546,931	16,008,567	16,472,166	463,599	16,005,522	(3,045)
Total Revenue	<u>26,688,485</u>	<u>27,567,000</u>	<u>28,587,639</u>	<u>1,020,639</u>	<u>28,120,995</u>	<u>553,995</u>
Total Expense	26,688,485	27,567,000	28,587,639	1,020,639	28,120,995	553,995
Revenue less Expense	<u>-</u>	<u>-</u>	<u>-</u>		<u>-</u>	
Assessments						
Amherst	11,904,066	12,385,188	12,756,744	371,556	12,395,376	10,188
Pelham	968,821	997,627	1,054,218	56,592	1,024,306	26,679
Leverett	1,180,799	1,151,898	1,163,784	11,886	1,130,932	(20,966)
Shutesbury	1,493,245	1,473,854	1,497,419	23,565	1,454,908	(18,946)
	<u>15,546,931</u>	<u>16,008,567</u>	<u>16,472,166</u>	<u>463,599</u>	<u>16,005,522</u>	<u>(3,045)</u>

AMHERST-PELHAM REGIONAL SCHOOLS

23% OF GENERAL FUND OPERATING BUDGETS

	FY06 Actual	FY07 Actual	FY 08 Original Budget	FY 08 Current Budget	FY 09 Proposed	Difference
PAYROLL ACCOUNTS:						
Salaries						
Regular Education	6,997,435	6,705,840	6,684,610	6,527,970	6,684,610	0
English Learner Education	313,906	302,742	323,856	298,561	323,856	0
Special Education	3,294,676	3,393,303	3,509,324	3,520,163	3,509,324	0
Other Programs	287,352	298,393	306,969	309,408	306,969	0
Student Services	934,816	897,414	917,035	895,269	917,035	0
Support Services	320,013	242,466	240,832	237,744	240,832	0
School Administration	1,234,448	1,170,730	1,180,881	1,214,796	1,180,881	0
Central Administration	569,463	498,249	560,167	582,560	560,167	0
Information Systems	181,210	206,064	189,868	198,047	189,868	0
Facilities	763,812	763,148	773,321	765,005	773,321	0
Transportation	465,555	475,321	458,954	474,928	458,954	0
Total Salaries	15,362,687	14,953,671	15,145,817	15,024,451	15,145,817	0
Substitutes	186,144	145,371	156,588	156,588	156,588	0
EXPENSE ACCOUNTS:						
Regular Education	133,527	185,810	114,102	153,663	154,788	40,686
English Learner Education	6,657	5,664	5,247	5,396	5,741	494
Special Education	718,928	826,157	1,072,776	1,157,037	1,385,419	312,643
Other Programs	1,419,007	1,466,123	1,890,317	1,305,998	1,377,124	(513,193)
Student Services	17,279	15,351	14,858	18,729	16,344	1,486
Support Services	166,649	166,397	137,422	162,758	168,001	30,579
School Administration	77,012	73,668	70,206	71,115	71,734	1,528
Central Administration	143,062	177,578	149,421	148,921	154,043	4,622
Information Systems	291,318	388,012	365,218	379,473	362,218	(3,000)
Facilities	228,058	576,394	282,491	282,540	282,491	0
Utilities	785,322	899,381	955,341	955,341	1,114,635	159,294
Transportation	1,241,863	1,267,588	1,329,997	1,329,997	1,328,032	(1,965)
Food Service	11,623	35,198	1,000	1,000	1,000	0
Health Insurance	3,086,621	3,626,699	3,980,760	3,987,442	4,093,524	112,764
Other Insurance & Benefits	1,331,118	1,651,504	1,550,965	1,631,374	1,233,157	(317,808)
Control Accounts	158,871	227,919	344,474	770,353	689,294	344,820
Additions and Cuts	0	0	0	24,824	567,689	567,689
Contingency funding from E&D	0	0	0	0	280,000	280,000
BUDGET TOTAL	25,365,747	26,688,485	27,567,000	27,567,000	28,587,639	1,020,639
Budget Increase	6.5%	5.2%	3.3%		3.7%	
Elementary Transportation					466,644	
Budget without Transportation					28,120,995	
Budget Increase without Transportation					2.0%	

AMHERST-PELHAM REGIONAL SCHOOLS

RECOMMENDED: Approval of \$28,120,995 for the budget, an increase of 2%, and an appropriation of \$12,395,375, an increase of 0.1% for the Amherst assessment.

This budget and appropriation assumes passage of the transportation amendment in Article 11. If the amendment fails, the budget will increase by 3.7%, and the assessment will increase by 3%, to reflect the inclusion of elementary transportation costs back into the Region budget.

The assessment meets the Finance Committee's guideline of November 2007 for a 3% increase over the current year's assessment. If all four towns of the Region approve the proposal to shift elementary school transportation costs to the elementary schools of the individual towns (See Article 11), this assessment will be reduced by \$361,369, to \$12,395,375, which is a 0.1% increase. The assessments are calculated according to the Regional Agreement's method of allotting the amounts charged to each town in proportion to the five-year rolling average of the number of students coming from each town. This method has to be approved by the four towns every year (See Article 10).

Summaries of revenues and expenses for the Region are on the preceding two pages. The revenue and expense budgets have not been adjusted yet to correspond with the proposal to charge elementary school transportation to the elementary schools instead of the Region. The budgets include adjustments from the current year to cover known differences in costs related to the size and makeup of the student body and staff as well as estimates of some inflationary factors.

On the revenue side, the plan is to use Excess and Deficiency (E&D) funds (similar to a town's Free Cash) for two purposes. First, there is \$100,000 to support the budget; second \$280,000 is for a contingency fund. The Region's independent auditor has recommended the contingency fund in order to have money available for emergencies or when revenues drop below projected amounts. The money would not be used to add programs or otherwise enhance services. Having a contingency fund would relieve the schools from the cumbersome process of going through the town meeting process in all four towns to manage a sudden financial problem. Any unused part of the money would stay in E&D.

The increase in Special Education (\$312,643) is partly due to students known to be coming to the schools with specific Individualized Education Plans, including out-of-district tuitions, which must be funded. The Other Programs decrease of \$513,193 reflects a \$313,148 decrease in the Charter Tuition Assessment caused by a required change in accounting. This is a one-year adjustment. There is also a \$190,112 decrease in Vocation Education Tuitions due to declining numbers of students enrolling in vocational education. The Utilities increase (\$159,294) reflects higher costs moderated by conservation practices. The \$112,764 increase for Health Insurance is based on a 6% premium increase. The decrease in Other Insurance & Benefits includes \$246,872 less for Retirement Benefits, due to a change in the timing of payments, and Other Insurance showing decreased premiums. Control Accounts includes an estimated amount for staff pay increases resulting from the recently settled contract agreement. The money has yet to be distributed across the various staff categories shown in the Expense Budget with zero increase. Control Accounts also includes other miscellaneous obligations (for example, payments for degree changes, maternity leaves and merit awards).

The Additions and Cuts line includes funding for a list of additions to the budget that will begin to reverse decreases that resulted from budget limitations over the past five years as well as some enrollment related increases. The total cost of the additions is \$567,689. Included are 3 high school teacher positions to reduce required study halls, 1 middle school teacher to allow a second mathematics elective, and 1 high school assistant principal (making a total of 3) to provide more time for assistant principals to spend on academic matters (for example, teacher evaluation) in addition to their administrative duties. Some of the additions are special education staff tied to specific Individualized Education Plans. They are, in FTE's, 1 teacher, 2 paraprofessionals, 1.5 nurses, 0.2 psychologist and 1 speech and language specialist.

The Superintendent of Schools described this budget as allowing the schools "to remain as close to status quo as possible with attention given to class size, student support and program development, supervision and development of our faculty and staff, and continued alignment of programs and expectations to reach high standards of achievement of every student, every day." The stated objective of the FY 09 budget is "to 'get through the year' so we can build for the future."

The Finance Committee voted 4-0, 1 absent, 1 abstaining, to recommend approval of this budget. One member abstained from any discussion or vote on the schools budget due to a potential conflict of interest.

AMHERST-PELHAM REGIONAL SCHOOLS

Amherst-Pelham Regional School District Student Enrollment Summary				
Grade	FY 08 Projected	FY 08 Actual	FY 09 Projected	Increase/ (Decrease)
7	311	291	273	(18)
8	273	284	290	6
9	295	314	299	(15)
10	299	299	304	5
11	318	315	295	(20)
12	326	314	311	(3)
In-House	1,822	1,817	1,772	(45)
Choice, Charter, Voc.	117	104	103	(1)
Totals	1,939	1,921	1,875	(46)

Amherst-Pelham Regional School District Staffing Summary (Full Time Equivalents)						
	FY 08 Current		FY 09 Proposed		Increase / (Decrease)	
	Regular	Grant	Regular	Grant	Regular	Grant
Administrators	15.58	0.24	16.6	0.15	1.02	(0.09)
Teachers	171.23	16.65	179.9	15.1	8.67	(1.55)
Paraprofessionals	65.73	14.74	67.73	15.3	2.00	0.56
Clerical/Media/Other	24.05	0.62	24	0.55	(0.05)	(0.07)
Maint./Cust./Trans.	37	0	37	0	-	-
Nurses	1	0.8	2.5	0.8	1.50	-
Information Systems	3	0	3	0	-	-
Totals:	<u>317.59</u>	<u>33.05</u>	<u>330.73</u>	<u>31.9</u>	<u>13.14</u>	<u>(1.15)</u>
	FY 07 Current		FY 08 Proposed		Increase / (Decrease)	
	Regular	Grant	Regular	Grant	Regular	Grant
Administrators	13.14	2.42	12.04	2.42	(1.10)	-
Teachers	171.2	9.65	155.2	8.67	(16.00)	(0.98)
Paraprofessionals	59.99	6.5	59.49	5	(0.50)	(1.50)
Clerical/Media/Other	23.23	0.83	23.23	1.49	-	0.66
Maint./Cust./Trans.	34.01	0	33.01	0	(1.00)	-
Nurses	1.6	0.8	1.6	0.8	-	-
Information Systems	4.25	0	4.25	0	-	-
Totals:	<u>307.42</u>	<u>20.2</u>	<u>288.82</u>	<u>18.38</u>	<u>(18.60)</u>	<u>(1.82)</u>

FINANCE COMMITTEE REPORT - FY 09

WATER FUND

	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Fin Com	Change FY 08 - 09	Percent Change
Operating Revenues	\$ 2,730,139	3,208,000	3,041,324	3,740,000	3,914,006	174,006	4.7%
Interest	\$ 103,547	47,900	100,914	60,000	60,000	0	0.0%
State Grants	\$ 273,877	273,877	273,877	0	0	0	0.0%
SUBTOTAL REVENUES	\$ 3,107,563	3,529,777	3,416,115	3,800,000	3,974,006	174,006	4.6%
Borrowing							
Authorizations	\$ 0	0	0	0	0	0	0.0%
Other Available Funds	\$ 0	0	0	0	0	0	0.0%
Surplus Funds	\$ 234,621	412,815	412,815	107,453	250,000	142,547	132.7%
TOTAL RESOURCES	\$ 3,342,184	3,942,592	3,828,930	3,907,453	4,224,006	316,553	8.1%
Operating Budget	\$ 1,994,750	2,278,839	2,165,177	2,371,720	2,473,336	101,616	4.3%
Gen. Fund Services	\$ 318,641	386,766	386,766	385,742	385,111	(631)	-0.2%
Debt Service	\$ 498,793	592,987	592,987	724,991	920,559	195,568	27.0%
Capital Program	\$ 530,000	684,000	684,000	425,000	445,000	20,000	4.7%
TOTAL APPROPRIATION	\$ 3,342,184	3,942,592	3,828,930	3,907,453	4,224,006	316,553	8.1%

This budget provides funds for the development, treatment, and distribution of the potable water supply for the Town. It is a completely self-supporting enterprise fund.

In addition to the regular inflationary pressures of salary step increases, health insurance costs, energy costs, etcetera, debt service increases due to the expiration of a state grant. To provide sufficient revenue to sustain the Water Fund, an estimated rate increase from \$3.00 to \$3.20 per 100 cubic feet will be necessary starting July 1, 2008.

The 4.3% increase in the operating budget results primarily from employee pay and benefits (step increases, cost of living adjustments, health insurance costs, and retirement assessments), insurance (building, vehicle, and liability), electricity, and fuel.

There are 15.08 FTE positions providing services in this Fund. The increase of 0.25 FTE from FY 08 is for the Water Fund's portion of an electrician who will be funded from the Sewer fund and the General Fund as well (0.25 FTE and 0.50 FTE, respectively).

Debt Service covers principal and interest payments for the Atkins Treatment Facility (\$802,080), and the South East Street Water Main Project (\$73,479). Due to the expiration of a state grant that funded a portion of the Atkins Treatment Facility debt, this portion of the Debt Service has increased. This increase was expected and fully a part of the 20-year debt schedule developed for this project (through FY12).

Capital Program expenditures are:

- \$ 50,000 Pickup with Plow
- \$100,000 Water System Improvements
- \$250,000 Atkins Water Treatment Plant Repairs
- \$ 40,000 Geographic Information System (GIS) Aerial Photography
- \$ 5,000 DPW Facility Improvements

The Finance Committee voted 5 – 0, 1 absent, to recommend approval of this budget.

FINANCE COMMITTEE REPORT - FY 09

SEWER FUND

SOURCES OF FUNDS	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Manager	Change FY 08 - 09	Percent Change
Operating Revenues	\$ 2,727,811	2,982,200	2,828,133	3,625,878	3,614,647	(11,231)	-0.3%
Interest	\$ 77,728	38,000	80,563	31,000	31,000	0	0.0%
Grants	\$ 0	0	26,196	0	25,000	25,000	--
Surplus Funds	\$ 0	0	0	0	0	0	0.0%
Other Available Funds	\$ 286,649	211,835	211,835	0	0	0	0.0%
TOTAL	\$ 3,092,189	3,232,035	3,146,727	3,656,878	3,670,647	13,769	0.4%
EXPENDITURES	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Manager	Change FY 08 - 09	Percent Change
Operating Budget	\$ 2,129,189	2,351,036	2,269,978	2,550,000	2,621,912	71,911	2.8%
General Fund Services	\$ 234,141	296,789	296,789	296,400	302,264	5,864	2.0%
Transfers to Trust Funds	\$ 0	0	0	0	0	0	0.0%
Debt Service	\$ 363,859	359,210	354,960	348,478	341,471	(7,007)	-2.0%
Capital Program	\$ 365,000	225,000	225,000	462,000	405,000	(57,000)	-12.3%
TOTAL	\$ 3,092,188	3,232,035	3,146,727	3,656,878	3,670,647	13,768	0.4%

The budget for this enterprise fund pays for the collection, treatment and discharge of the Town's wastewater. It is a completely self supporting enterprise fund. A rate increase from \$3.00 to \$3.10 per 100 cubic feet of water usage is necessary for FY09 in order to sustain the fund balance. Primary contributors to the need for a rate increase are increases in employee salary and benefits, utilities, and chemicals, as well as the decrease of \$36,000 in Miscellaneous Receipts due to the waiver given to UMass as part of the 2007 Strategic Partnership Agreement. UMass is no longer being charged for wastewater effluent used to cool the UMass heating plant locate near the Town's wastewater treatment plant.

The 2.8% increase in the operating budget results primarily from employee pay and benefits (step increases, cost of living adjustments, health insurance costs, and retirement assessment), electricity, fuel, chemicals and sludge disposal. The total appropriation for the Sewer Fund increases by only 0.4%

There are 17.50 FTE positions providing services in this Fund, reduced by 0.25 FTE from FY08. This reduction was achieved by eliminating a 0.50 FTE Laborer/Truck Driver position and the addition of a 0.25 FTE Electrician position (the Electrician is also funded 0.25 FTE in the Water Fund and 0.50 FTE in the General Fund)

Debt service is for the Middle Street sewer extension project, \$217,408, and for the Chapel Road/Mechanic Street sewer extension, \$124,063.

Capital expenditures are as follows:

- \$ 60,000 Clarifier Baffles
- \$300,000 Collection System Improvements
- \$ 40,000 Geographic Information System (GIS) Aerial Photography
- \$ 5,000 DPW Facility Improvements

The Finance Committee voted 5 – 0, 1 absent, to recommend approval of this budget.

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FINANCE COMMITTEE REPORT - FY 09

SOLID WASTE FUND

SOURCES OF FUNDS	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Manager	Change FY 08 - 09	Percent Change
Operating Revenues	\$ 371,132	410,000	396,365	450,300	486,300	36,000	8.0%
Interest	\$ 37,356	30,000	43,452	30,000	30,000	0	0.0%
Borrowing Authorizations	\$ 0	0	0	0	0	0	0.0%
Taxation	0	0	0	0	0	0	0.0%
Other Available Funds	\$ 0	0	0	0	0	0	0.0%
Surplus Funds	\$ 37,021	33,497	33,497	42,951	109,224	66,273	154.3%
TOTAL	\$ 445,509	473,497	473,315	523,251	625,524	102,273	19.5%

EXPENDITURES	FY 06 Actual	FY 07 Budget	FY 07 Actual	FY 08 Budget	FY 09 Manager	Change FY 08 - 09	Percent Change
Operating Expenditures	\$ 445,509	473,497	473,315	523,251	537,524	14,273	2.7%
General Fund Services	\$ 0	0	0	0	0	0	0.0%
Debt Service	\$ 0	0	0	0	0	0	0.0%
Capital Program	\$ 0	0	0	0	88,000	88,000	0.0%
Transfer to Trust Funds	\$ 0	0	0	0	0	0	0.0%
TOTAL	\$ 445,509	473,497	473,315	523,251	625,524	102,273	19.5%

This budget funds the costs of solid waste management facilities and activities of the Town. These include monitoring landfills, managing the recycling and transfer facility, monitoring of Town-wide solid waste and recycling collection and disposition, and special activities such as hazardous waste collection and disposal.

The closed landfill on the northeast side of Belchertown Road remains a significant capital asset, the Fund has a substantial fund balance, and the Town has long-term obligations to maintain the cap and perform environmental monitoring of that site as well as the older landfill site on the southwest side of the road. A solid waste transfer and recycling operation continues to operate at the newer landfill.

All wages and benefits payable to the employees performing the services in this Fund continue to be paid from the Fund. The 2.7% increase in the operating budget results from employee pay and benefits (step increases, cost of living adjustments, health insurance costs, and retirement assessment), insurance (building, vehicle, and liability), electricity, and fuel. The significant increase in capital outlay of \$88,000 to complete the Comprehensive Site Assessment at the old landfill (required by the state's Department of Environmental Protection) is the primary reason the total appropriation increases 19.5% above the FY08 amount.

There are 3.60 FTE positions providing services in this Fund, unchanged from FY 08.

Two new revenue sources are reflected in the FY09 budget, namely, an estimated \$18,000 for cell phone tower rental fees and \$18,000 from the sale of methane tax credits.

The Finance Committee voted 5 – 0, 1 absent, to recommend approval of this budget.

FINANCE COMMITTEE REPORT - FY 09

TRANSPORTATION FUND

SOURCES OF FUNDS	FY 06	FY 07	FY 07	FY 08	FY 09	Change	Percent
	Actual	Budget	Actual	Budget	Manager	FY 08 - 09	Change
Operating Revenues	\$ 805,133	910,199	887,317	897,453	892,000	(5,453)	-0.6%
Interest	\$ 13,465	10,000	22,328	10,000	20,000	10,000	0.0%
Surplus Funds	\$ 0	0	0	0	98,754	98,754	0.0%
TOTAL	\$ 818,598	920,199	909,645	907,453	1,010,754	103,301	11.4%

EXPENDITURES	FY 06	FY 07	FY 07	FY 08	FY 09	Change	Percent
	Actual	Budget	Actual	Budget	Manager	FY 08 - 09	Change
Operating Budget	\$ 584,628	686,494	685,940	719,629	756,349	36,720	5.1%
General Fund Services	\$ 71,385	91,514	91,514	88,949	90,117	1,168	1.3%
General Fund Loan Repayment	0	0	0	0	0	0	0.0%
Debt Service	\$ 120,584	132,191	132,191	98,874	79,288	(19,586)	-19.8%
Capital Program	\$ 42,000	10,000	0	0	0	0	--
TOTAL	\$ 818,598	920,199	909,645	907,453	925,754	18,302	2.0%

This budget funds activities related to the parking and public transportation system. Operating revenues come from parking violations, parking fines, parking meter fees and parking permit fees. This fund is fully self-supporting.

For FY 09, the town's entire share of the estimated PVTA assessment, \$202,143 (an increase of \$25,585, or 15.5%, from FY08), is funded within the Transportation Fund. The Transportation Fund also pays the \$8,000 charge to Amherst for the M40 express bus route between Amherst and Northampton (unchanged from FY08), and \$10,000 in subsidies for Amherst residents using the on-call van service (down from \$12,000 in FY 08). Also funded are the outreach routes, which are not part of PVTA service; they are provided via a direct contract between the Town and UMass Transit. For FY 09, outreach route costs are budgeted at \$112,000, an increase of \$5,805, or 5.5%, from FY 08. The outreach routes have historically had low ridership (on average in the low single digits per run). The Public Transportation Committee revised those routes in an effort to increase ridership and is now seeing increases in usage.

Personnel services increases include contractual employee pay increases and the Transportation Fund's share of increases to employee health insurance costs and retirement assessments.

There are 4.00 FTE positions providing services in this Fund, unchanged from FY 08.

The Transportation Fund budget for FY09 increases by \$103,301, or 11.4%, from FY08. The primary component of this increase is an \$85,000 capital outlay for the repaving of the Spring Street parking lot. This project, as well as the other increases in the budget not covered by the revenues generated, is funded from the Transportation Fund Surplus.

The Finance Committee voted 5 – 0, 1 absent, to recommend approval of this budget.

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ARTICLE 13. Reserve Fund (Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2009.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

The Reserve Fund is used by the Finance Committee to pay for extraordinary or unforeseen expenses that may occur during a fiscal year. Any unspent money in the fund after the fiscal year ends becomes Free Cash. The requested \$100,000 for FY 09 is the standard amount we have requested for many years.

ARTICLE 14. Capital Program – Chapter 90 (Joint Capital Planning Committee)

To see if the Town will authorize the expenditure of \$610,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

This is the first of four articles dealing with capital spending as recommended by the Joint Capital Planning Committee. Please be sure to read their report to Town Meeting.

Chapter 90 funds reimburse the Town for the cost of qualifying road projects and equipment. These funds contribute significantly to the Town's ability to pay for essential parts of the capital program. The Town undertakes Chapter 90 projects only when reimbursement funds are known to be available.

Of the total in this article, \$110,000 will purchase a backhoe/front end loader, replacing a 1995 backhoe that has had repeated repairs and needs more. \$500,000 is for road maintenance and repairs. Road work is done on a continuing basis. Identification of roads to be improved is assisted by the Public Works Department's computerized tracking system for road condition and maintenance. Even with annual road maintenance spending of about this amount, there remains a considerable backlog of projects that need doing.

ARTICLE 15. Capital Program - Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$1,226,400 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

RECOMMENDED by a Finance Committee vote of 5-0, 1 absent.

This article appropriates \$901,400 from taxation, \$140,000 from unexpended capital appropriations from previous years, and \$185,000 from the Ambulance Fund to fund equipment purchases. Below is the list of capital items recommended by the Joint Capital Planning Committee. For a more complete description, see the JCPC Report to Town Meeting.

\$ 39,000	Photocopiers
\$123,000	Town information systems; replace/upgrade computers and network equipment
\$ 40,000	Town's share of GIS flyover
\$130,000	Four replacement police cruisers
\$160,000	Replacement ambulance (from Ambulance Fund)
\$ 25,000	Staff vehicle, replacing 1995 vehicle with over 100,000 miles on it (from Ambulance Fund)
\$ 67,400	Protective gear for Fire Department permanent force (added to \$20,600 appropriated last year for the same purpose)
\$115,000	Bombardier sidewalk plow, replacing the DPW's 1983 sidewalk plow
\$ 60,500	One ton dump truck with plow (replacement)
\$ 60,000	One ton dump truck with plow (replacement, funded with unexpended capital appropriation)
\$ 22,000	Greens mower, replacing two-decade old equipment that can no longer be repaired
\$ 20,000	Library information systems; replace/upgrade computers and network equipment
\$ 5,000	Library photocopier/printer/scanner
\$160,000	Two replacement school buses
\$ 40,000	School Department wheelchair van, replacing one of two
\$ 4,000	School telecommunications equipment

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\$ 23,000	School copiers (replacements)
\$116,000	School information systems; replace/upgrade computers and network equipment (\$36,000 from taxation, \$80,000 from unexpended capital appropriation)
\$ 16,500	School multimedia/audio/visual replacement equipment

ARTICLE 16. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

To see if the Town will appropriate \$143,000 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

This article appropriates \$93,000 from taxation and \$50,000 from an unexpended capital appropriation of a previous year for various projects related to buildings and facilities. The Finance Committee supports the following list of JCPC approved building and facilities repair and improvement projects. For a more complete description, see the JCPC Report to Town Meeting.

\$ 8,500	Outside safety lighting and door locks at the South Amherst school
\$ 5,000	Door locks at East Street School
\$10,000	Renovations/repairs to the Public Works facility
\$50,000	Public Works facility study (from unexpended capital appropriation), added to \$25,000 appropriated for this purpose in FY 08
\$14,000	Jones Library slate roof repairs
\$10,000	On-going asbestos removal at school buildings
\$ 5,000	Repairs to heating/cooling leaks at Crocker Farm School
\$12,500	Street trees to replace some that have been removed
\$10,000	Energy-efficient school-zone crossing light
\$18,000	Energy-efficient replacement streetlamps

ARTICLE 17. Capital Program - Bond Authorization (Joint Capital Planning Committee)

A. To see if the Town will appropriate \$420,000 for roof replacement and to make other extraordinary repairs to the Bangs Community Center and to determine whether this amount shall be raised by taxation, transfer, borrowing or any combination of the foregoing, or to take any other action relative thereto.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

The Bangs Center's flat membrane roof is about 20 years old and leaky, resulting in serious water damage inside the building. The area to cover is approximately 15,000 square feet. It makes sense to replace the two old inefficient HVAC units on the roof with new energy-efficient units at the same time.

B. To see if the Town will appropriate \$635,000 to purchase firefighting apparatus and to determine whether this amount shall be raised by taxation, transfer, borrowing or any combination of the foregoing, or to take any other action relative thereto.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

The vehicle to be purchased is a quint apparatus, 5 feet longer than the front-line pumper it replaces. It is equipped with a 75-foot aerial ladder as well as a pump and water tank. It does not replace the Fire Department's 1988 aerial platform truck, but is more maneuverable and able get into tighter spots than the larger truck.

C. To see if the Town will amend the actions taken under Article 5 of the Special Town Meeting held on November 5, 2007, and appropriate \$205,000 to pay costs of purchasing portable classrooms for use by the School Department, and for the payment of all other costs incidental and related thereto, which amount shall be expended in addition to the \$195,000 previously appropriated by the Town for this purpose, and to determine whether this amount shall be raised by taxation, transfer, borrowing or any combination of the foregoing, or to take any other action relative thereto.

RECOMMENDED by Finance Committee vote of 5-0, 1 absent.

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The need for portable classrooms to relieve overcrowding at Mark's Meadow Elementary School convinced Town Meeting to approve appropriations of \$80,000 in FY 07 and \$195,000 in FY 08 for the purpose. The actual cost will exceed those appropriations. The Joint Capital Planning Committee and Finance Committee recommend borrowing up to \$205,000 to add to the \$195,000, funding the current total estimated cost of \$400,000. The \$80,000 is reallocated to other school capital needs (computer equipment).

**ARTICLE 18. Community Preservation Act – Affordable Housing
(Community Preservation Act Committee)**

To see if the Town will vote to amend, in part, the action taken under Article 24 of the 2007 Annual Town Meeting, which, among other things, authorized the appropriation of \$150,000 from the Community Preservation Fund Balance to provide three deferred payment loans to low and moderate income households to purchase homes in Amherst, to instead authorize the use of said funds to provide purchase price buy-down assistance to three first time homebuyers and to acquire affordable housing restrictions meeting the requirements of M.G.L. c.184, §§ 31-33 on each of the homes purchased through the use of such assistance, and further to authorize the Select Board to accept such affordable housing restrictions, sign any instruments and take any other action necessary to carry out this vote.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 19. Community Preservation Act – Affordable Housing
(Community Preservation Act Committee)**

A. To see if the Town will appropriate and transfer \$150,000 from the Community Preservation Fund estimated annual revenues, reserves or fund balance, or from other available funds, for the purpose of creating community housing on a parcel of Town-owned land located on Olympia Drive, identified as a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 13.5 acres, more or less, with said funds to be used to obtain any and all permits and approvals, including, without limitation, a comprehensive permit, necessary or convenient for the development and construction of a housing project on said property, for the design and construction of said housing, and for such other costs and expenses necessary or incidental to the foregoing, which housing shall be subject to an affordable housing restriction meeting the requirements of M.G.L. c.184, §§ 31-33, reserving at least 25% of the units in the development for sale to or rental by low and/or moderate income individuals or households, and further to authorize the Select Board to accept such affordable housing restriction, sign any instruments and take any other action necessary to carry out this vote for Olympia Drive.

B. To see if the Town will appropriate and transfer \$30,000 from the Community Preservation Fund estimated annual revenues, reserves or fund balance or from other available funds for the purpose of creating community housing by assisting the Habitat for Humanity/Amherst College affordable housing construction project on land shown as Parcel 1 on Assessors Map 18A, pursuant to a grant agreement with the Habitat for Humanity and/or Amherst College, and further to authorize the Select Board to enter into said grant agreement, which agreement shall set forth the terms and conditions under which such funds may be expended, provided, however, that said agreement shall include a requirement that the Town be granted an affordable housing restriction on such property meeting the requirements of M.G.L. c.184, §§ 31-33, and further to authorize the Select Board to accept said affordable housing restriction, sign any instruments, and take any other action necessary to carry out this vote.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

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ARTICLE 20. Community Preservation Act – Preservation (Community Preservation Act Committee)

A. To see if the Town will appropriate \$54,400 from the Community Preservation Fund estimated annual revenues, reserves or fund balance, or from other available funds for the following historic preservation projects:

Woman's Club Carriage House	\$ 8,800
Archival Documents Conservation/Restoration	\$ 20,000
575 North East Street (Kimball Farm- year 2 of 5)	\$ 25,600

B. To see if the Town will:

1) authorize the Select Board to acquire by gift, eminent domain, or negotiated purchase parcels of land containing 0.55 acres, more or less, designated as Map 14B, Parcels 250-251 of the Town Cadastre, located north of Main Street, from Hills House LLC, to be managed and controlled by the Parks Commission in consultation with the Amherst Historical Commission for historical preservation and passive recreation purposes,

2) raise, borrow and appropriate \$400,000 for the acquisition of said land and to meet such appropriation with funds transferred and/or borrowed in accordance with M.G.L. Chapter 44B, the Community Preservation Act,

3) authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority,

4) authorize the Town Manager or his designee to file on behalf of the Town any and all applications deemed necessary under the Urban Self-Help Act (M.G.L. Chapter 933, Acts of 1977, as amended) or any other applications for funds in any way connected with the scope of this acquisition, and to accept gifts, bequests, and grants from individuals, groups, corporations,

5) authorize the Town Manager and/or the Select Board, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of perpetual deed restrictions on said properties, in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B as may be necessary on behalf of the Town to effect said purchase, in conjunction with the acceptance by the Historical Commission of historical preservation agreements on the adjacent parcels designated as Map 14B, Parcels 18 and 252.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 21. Community Preservation Act – Open Space (Community Preservation Act Committee)

A. To see if the Town will appropriate \$20,000 from the Community Preservation Fund annual revenues or available funds for appraisals and surveys to support the purchase of Agricultural Preservation Restrictions (APR's), Conservation Restrictions (CR's) and fee acquisitions of land.

B. To see if the Town will appropriate \$20,000 from the Community Preservation Act Fund annual revenues or available funds for appraisals, surveys, wetlands delineations and associated studies to support the purchase of land for recreation in Amherst.

C. To see if the Town will appropriate \$100,000 from the Community Preservation Fund annual revenues or available funds for the purchase of an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30), and to meet such appropriation accept gifts, bequests, and grants from individuals, groups, corporations and;

To authorize the Select Board to acquire an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30) and, upon the tender of a grant from the Commonwealth of Massachusetts under the Agricultural Preservation Program, to authorize the Select Board to convey an interest in such Agricultural Preservation Restriction to the Commonwealth of Massachusetts to be held in common with the Town.

D. To see if the Town will appropriate \$2,500 from the Community Preservation Act Fund annual revenues or available funds for an appraisal of property located easterly of South East Street, owned by Levi Nielsen Co., Inc. and identified on the Town cadastre at parcels 17D-24 consisting of 6.69 acres more or less and parcel 17D-21 consisting of .73 acres more or less.

E. To see if the Town will appropriate \$35,000 from the Community Preservation Fund annual revenues for the purchase of land for open space purposes located easterly of South East Street, owned by Levi Nielsen Co., Inc. and identified on the Town cadastre at parcels 17D-24 consisting of 6.69 acres more or less and parcel 17D-21 consisting of .73 acres more or less and;

To authorize the Select Board to acquire by gift or negotiated purchase parcels of land containing 7.0 acres, more or less, designated as Map 17D, Parcels 24 and 21.

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RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 22. Community Preservation Act Committee – Kimball House (Community Preservation Act Committee)

To see if the Town will appropriate \$50,000 from the Community Preservation Fund Open Space Reserve to fulfill the compensation agreement with the Commonwealth of Massachusetts for the Kimball House Historic Preservation Restriction.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 23. Community Preservation Act Committee – Administrative and Reserve Fund (Community Preservation Act Committee)

To see if the Town will appropriate \$151,500 from the Community Preservation Fund annual revenues or available funds for reasons listed below:

A. For administrative expenses	\$ 1,500
B. To reserve to a Budgeted Reserve Fund for future appropriations	\$150,000

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 24. Community Preservation Act Ballot Question for November, 2008 State Election (Select Board)

To see if the Town will amend the actions taken under Article 2 of the Special Town Meeting held on February 12, 2001, and under Article 38 of the Annual Town Meeting held on May 1, 2006, to increase from one and a half percent to at most, three percent, the surcharge authorized thereunder, and to place on the ballot for the November 4, 2008 State Election a question regarding acceptance of such amended surcharge, all as provided in M.G.L. c.44B, §§ 3 and 16(a).

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 25. Zoning Amendment - Density Calculation (Planning Board)

To see if the Town will add a new Section 4.12 and amend Sections 4.3231, 4.330, and 4.520 of the Zoning Bylaw by deleting the ~~line-out~~ language and adding the language in ***bold italics***, as follows:

A. Add a new Section 4.12, as follows:

4.12 If the calculation of maximum density of lots or units for any development method referencing this section results in a figure including a fraction equal to 0.5 or greater, then the figure shall be rounded up to the nearest whole number. If the fraction is less than 0.5, the figure shall be rounded down to the nearest whole number. Dimensional requirements established for building lots in the applicable zoning district(s) and under the applicable development method shall remain in full force and effect, and shall not be altered by the provisions of this section.

B. Amend Sections 4.3231, 4.330, and 4.520, as follows:

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4.3231 The maximum density of a cluster subdivision, except for an affordable cluster, shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. **See Section 4.12.** In addition, it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, ***except as may otherwise be authorized under this Bylaw.***

4.330 The Planning Board may authorize a greater number of building lots than would be allowed by the density requirements of Section 4.3231 or Section 4.327 only if a minimum of 10% of the total dwelling units in the development are affordable units as herein defined. In no event shall the Board authorize a greater number of building lots than 120% of the maximum number of lots otherwise allowed under the applicable development method. For the purpose of this calculation, 10% of the total parcel size shall be subtracted for road allowance prior to calculating the maximum density normally allowed. **See Section 4.12.**

4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows:

1. Determine the Net Parcel Area by subtracting 75% of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, FPC District and 100-year floodplain areas. 100-year floodplain areas shall consist of those areas so designated on federal flood insurance maps.
2. Subtract 8% of the Net Parcel Area for roadways, parking and utilities.
3. Divide the remaining buildable land area by the minimum lot area required in the applicable zoning district(s).
4. Multiply the resulting lot count by 1.2 (120%) to derive the maximum density. **See Section 4.12.**
5. Where no lots are to be provided in an OSCD, the maximum density resulting from this calculation shall serve as the total base dwelling unit count.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 26. Zoning Amendment - 500-502 Sunderland Road
(Planning Board)**

To see if the Town will amend the Official Zoning Map to change the zoning district designation on Assessors Map 2A, Parcels 51 and 52 from Outlying Residence (R-O) and Low Density Residence/Farmland Conservation overlay (RLD/FC) to Village Center Residence (R-VC).

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 27. Zoning Amendment - Municipal Parking District
(Planning Board)**

To see if the Town will amend the Official Zoning Map and Sections **2.04, 3.2, and 7.4** of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. To amend Section 2.04, as follows:

2.04 ~~Educational~~ ***Special*** Districts

ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only

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include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

MP Municipal Parking

The MP District is an overlay district intended to include selected areas of the downtown General Business (B-G) District and abutting General Residence (R-G) District. Within the MP District, a wide range of permitted retail, service, commercial, and residential uses shall be exempted from the requirement to provide off-street parking spaces. It is the policy of the Town of Amherst to encourage dense multi-use development in its Town Center. Toward that end, provision of adequate off-street parking to support development within the MP District is assumed to be a public responsibility.

B. To amend Section 3.2, as follows:

SECTION 3.20 SPECIAL DISTRICTS REQUIREMENTS

- 3.26 ~~[RESERVED FOR FUTURE USE]~~ **Municipal Parking District**
See Section 7.4 of this Bylaw for Purpose and Requirements

C. To amend Section 7.4, as follows:

SECTION 7.4 MUNICIPAL PARKING ZONE DISTRICT

7.40 General

The Municipal Parking District is an overlay district and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying district shall remain in full force and shall not be modified by the conditions of the MP District unless superseded by the restrictions and prohibitions of the MP District.

7.41 Establishment of District

The Municipal Parking District shall consist of those geographic areas shown for this district on the Official Zoning Map. This District is configured to include those lands which constitute the developed core of the downtown business area and immediately abutting residential areas.

7.42 Purpose

The purpose of this district is to encourage the dense development of mixed-use buildings and pedestrian spaces in Amherst Town Center. Toward that end, provision of necessary off-street parking for the majority of uses within the MP District is assumed to be a public responsibility.

7.43 Regulation

Notwithstanding the other provisions of ~~this Section 7.0~~, off-street parking spaces need not be provided for any **principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32), Retail Business or and Consumer Service Use (Section 3.35), and any Commercial or Research and Industrial Use (Section 3.37), or any Residential Use (Section 3.32) excepting fraternities, sororities, dormitory, hotel or motel, which is located within the "Municipal Parking Zone" District as herein defined. The "Municipal Parking Zone" shall consist of that portion of the area now or subsequently designated as a General Business District, which lies within the following bounds: **The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn, and all other principal and accessory uses under other categories of Section 3.3, Use Chart.****

- ~~-On the north: ——— Kollogg Ave., and an extension of its center line to the west;~~
- ~~-On the east: Churchill St. and an extension of its center line to the north and south;~~
- ~~-On the south: ——— College Street and an extension of its center line to the west;~~
- ~~-On the west: ——— North and South Prospect Streets.~~

C. To add the Municipal Parking overlay district to the Official Zoning Map.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

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**ARTICLE 28. Zoning Amendment - Design Review Districts
(Planning Board)**

To see if the Town will amend the Official Zoning Map and Sections 2.04 and 3.2 of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. To amend Section 2.04, as follows:

2.04 ~~Educational~~ ***Special Districts***

ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

DR Design Review

The DR District is an overlay district intended to include the General Business (B-G) District, and the abutting Limited Business (B-L) districts. The purpose of the DR District is to support the success and vitality of Amherst's Town Center by assuring that the historic character, aesthetic character, and functional quality of the design of Town Center buildings and sites are protected and enhanced. The DR District corresponds to those areas where the exterior design of new development or alterations requiring permits is subject to review by the Design Review Board.

TCDR Town Common Design Review

The TCDR District is an overlay district intended to include the Amherst Town Common and sites within 150 feet of the Common, as measured from the outside edges of the curbs bordering the three sections of the Common, parking lots and interior road ways. The purpose of the TCDR District is to protect and enhance of the design of the historic Town Common and that of the surrounding buildings and landscapes. The TCDR District corresponds to those areas where the exterior design of new development or alteration on or within the vicinity of the Town Common is subject to review by the Design Review Board.

B. To amend Section 3.2, as follows:

SECTION 3.2 SPECIAL DISTRICTS REQUIREMENTS

3.20 Design Review ***Districts***

3.200 General

The Design Review District (DR) and Town Common Design Review District (TCDR) are overlay districts and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying district shall remain in full force, and shall not be modified by the conditions of the DR or TCDR Districts unless superseded by the restrictions and prohibitions of said districts.

3.2000 Establishment of Districts

The Design Review District (DR) and Town Common Design Review District (TCDR) shall consist of the geographic areas shown for these districts on the Official Zoning Map.

~~3.200~~ **3.2001 Purpose**

The purpose of this section ***and these districts*** is to preserve and enhance the Town's cultural, economic and historical resources by providing for a detailed review of

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all changes in land use, the appearance of structures and the appearance of sites which may affect these resources. The review procedures are intended to:

- 1) Enhance the social and economic viability of the Town by preserving property values and promoting the attractiveness of the Town as a place to live, visit and shop;
- 2) Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;
- 3) Prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and
- 4) Encourage flexibility and variety in future development.

3.201 Design Review Board [NO CHANGE]

3.202 Reviewable Actions

The following types of actions shall be subject to review by the Design Review Board and shall be subject to the design standards herein.

3.2020 Actions in the ~~Downtown B-G & B-L~~ **DR** Districts

All new structures, alterations or additions to existing structures, changes in outdoor land use or changes in site design which require a building permit, Site Plan Review, Special Permit or Variance and which affect the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board, provided that the action occurs within the General Business (B-G) District or abutting Limited Business (B-L) zoning districts.

3.2021 ~~Exterior actions within 150 feet of the Town Common~~
Actions in the TCDR District

Any construction, alteration, demolition or removal that affects the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board provided that the site is on or within 150 feet of the Amherst Town Common, as measured from the outside edges of the curbs bordering the three sections of the Common's **greenspace**, parking lots and interior road ways inclusive.

Exterior architectural appearance shall be defined as the architectural character and general composition of the exterior of a building, including but not limited to the kind, color and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.

The appearance of a site shall be defined as the character, layout and general composition of the site, including but not limited to the kind, color and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures and all other appurtenant elements.

3.2022 Actions by Town Government [NO CHANGE]

C. To add the Design Review (DR) and Town Common Design Review (TCDR) overlay districts to the Official Zoning Map.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

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ARTICLE 29. Petition – Zoning Bylaw – Steep Slopes (O'Connor)

“To see if the town will vote to amend the Amherst Zoning Bylaw by adding the following to the appropriate place in Section 12 ‘Definitions’ and renumbering succeeding sections as necessary:

Steep Slopes: Notwithstanding any other provision of this Bylaw, no portion of any parcel which has a slope of more than 15%, except a lot existing as of February 1, 2008 for a one- or two-family dwelling or for a permitted subdividable dwelling, shall toward meeting any dimensional requirement of this Bylaw except frontage.”

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 30. Petition – Zoning Bylaw – Inclusionary Zoning (O'Connor)

“To see if the town will vote to amend the Amherst Zoning Bylaw by adding to Bylaw Section 15.0 ‘Intent and Purpose’ and Section 15.10 as follows, by adding to Article 15 ‘Inclusionary Zoning’ as Sections 15.13 and 15.14 the following, and by renumbering as necessary exiting sections (additions in **boldface italic**, deletions in ~~strike thru~~):

Section 15.0 Intent and Purpose The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable **and accessible** housing in the Town of Amherst **that includes active and passive on-site recreational facilities, or as an alternative to the provision and permanent maintenance of such recreational facilities, the payment into a Town of Amherst Recreational Capital Fund of a \$5,000 per unit development impact fee.**

Section 15.10. All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units, **50% of which shall be countable for the purposes of the Commonwealth’s 40B Subsidized Housing Inventory or its successor**, at the following minimum rates:

Section 15.13 All housing units except those located on the second floor or above in residential developments requiring a special permit and resulting in five or more new dwelling units shall be front-door accessible – built to standards that allow unimpeded entry by a person in a wheelchair. In developments, required to provide fire or more fully accessible units, the special permit granting authority may require that an equal or larger number of units shall, except for kitchen facilities, be built as ground-floor accessible.

Section 15.14 Every application for a residential development requiring a special permit and resulting in five or more new housing units shall be referred to the LSSE Director and Commission of the Town of Amherst for their recommendations regarding the nature, extent and maintenance requirements of such on-site recreational facilities as would be consistent with national or regional standards, which recommendations shall take into account existing recreational facilities near the residential development’s proposed location within the town. The LSSE Director and Commission shall have 35 days from their receipt of such referral to submit their comments to the special permit granting authority.”

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 31. Inclusionary Zoning (Planning Board Alternative to Petition) (Planning Board)

To see if the Town will amend Sections 3.32, 4.1, 10.323, 11.230, and Article 15 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in **bold italics**, as follows:

A. Amend Section 3.32 as follows:

SECTION 3.32 RESIDENTIAL USES

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See Article 4 for **Cluster Development**, Planned Unit Residential Development and ~~Cluster Development~~ **Open Space Community Development**. See **Section 4.1 for all residential developments resulting in the creation of five (5) or more new dwelling units.**

B. Amend Section 4.1, as follows:

SECTION 4.1 GENERAL DEVELOPMENT STANDARDS

The four Development Methods listed in Section 4.0, Overview, **and all residential land uses resulting in the creation of five (5) or more new dwelling units**, shall be undertaken in accordance with the following General Standards:

- 4.10 All Developments in the Town shall conform to the Design Standards and Required Improvements set forth in the Rules and Regulations Governing the Subdivision of Land, ~~and~~ the Street and Site Work Construction Standards of the Town, **and all other applicable Town roadway and utility policies and regulations**, as amended.
- 4.11 **Where building lots are required or proposed**, The lot frontage of lots shall be on existing or proposed minor or secondary streets, **whether public or private statutory ways**, as **such streets are** defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land ~~except as provided for in Section 4.4244 and Section 4.534.~~
- 4.12 **All new ground floor dwelling units shall have at least one primary entrance that is fully handicapped accessible under the provisions of Massachusetts Architectural Access Board regulations (521 CMR), as amended.**
- 4.13 **Facilities for active or passive recreation shall be provided in an amount not less than 1,000 square feet per dwelling unit and permanently maintained on site for the use and benefit of the residents. Such facilities shall not include any drives or parking space, laundry drying area, required side or rear yards, or land within the FPC District or wetlands as determined by the Conservation Commission. Such facilities may include, but are not limited to, contiguous open space kept available for play, tot lots, play structures, gardens, hiking/jogging trails, tennis or basketball courts, or similar facilities. A minimum of 25 percent (25%) of any facilities provided shall be developed as fully handicapped accessible. As an alternative to the direct provision of recreation facilities, the Special Permit Granting Authority of Permit Granting Board may allow payment of a fee of not less than \$_____ * per new dwelling unit.**

[* Equal to the average cost of constructing 1,000 sq. ft. of recreation facility.]

C. Amend Section 10.323, as follows:

- 10.323 Upon receipt of an application for a Special Permit, the Special Permit Granting Authority shall transmit copies of the application and plans to appropriate Town boards and officials which may include: the Building Commissioner, Planning Director, Town Engineer, Fire Chief, Conservation Director, Board of Health, Historical Commission, Public Transportation Committee, **Leisure Services Commission**, and others as necessary. These boards and officials shall have thirty-five (35) days to report to the Special Permit Granting Authority their findings and recommendations. Failure to report in the allotted time shall constitute approval by that board or official of the application submitted.

D. Amend Section 11.230, as follows:

- 11.230 The Planning Board shall transmit copies of the application and site plan to appropriate Town Boards, and departments which may include: the Town Engineer, Fire Chief, Conservation Department, Building Commissioner, Board of Health, Historical Commission, Public Transportation Committee, **Leisure Services Commission**, and others as necessary. These Boards and departments shall have thirty-five (35) days to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval by that Board or Department of the application submitted.

E. Amend the following subsections of Article 15, as follows:

- 15.0 Intent and Purpose

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The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable **and accessible** housing in the Town of Amherst

- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing at the following minimum rates:

<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

Where two or more units are required to be provided under this section, a minimum of fifty percent (50%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. For developments of 21 or more total units, calculation of the number of **total** affordable units **or the number of SHI-eligible units** shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

- 15.11 Affordable and **accessible** dwelling units provided under Section 15.10 shall be counted as meeting the requirements for ~~affordability density bonuses under the provisions of Section 4.55, 0.0 (Open Space Community Developments)~~ **Density Bonuses, of this Bylaw.**

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 32. Petition – Zoning Bylaw – Main/Dickinson/High Rezoning (O'Connor)

"To see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor's Map 14B:

Parcel 28 - Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant foregoing some uses allowed in the B-VC District;

Parcels 59 and 128 - Rezone from COM to B-VC

Parcel 66 - Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant limiting future use of the property to the current use;

Parcels 129, 130 and 234 – Rezone from COM to R-G

Parcel 131 - Rezone the northerly portion of the parcel excluding the portion subtended by the frontage on Railroad Street from R-G to B-VC"

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ANNUAL TOWN MEETING WARRANT ARTICLES

ARTICLE 33. Petition - Request Planning Board to Develop Zoning Bylaw Amendment – Meet LEED (Weyl)

“To see if the Town will vote to request that the Planning Board develop an amendment to the Amherst Zoning Bylaw that would require the following building projects to meet LEED (Leadership in Energy and Environment Design) standards:

- A. All newly constructed Town buildings and all major renovations of Town buildings.
- B. All newly constructed commercial and office buildings.
- C. All newly constructed multiple residence buildings.”

NO RECOMMENDATION.

ARTICLE 34. Petition – Amend Town Government Act or Adopt a Bylaw – Criteria for Town Property Use (Jolly/Roberts)

“To see if the Town will adopt a bylaw, amend the Amherst Town Government Act, or take other action requiring the Selectboard to establish criteria for the use of Town property by community organizations, and to act on requests for such use.”

NO RECOMMENDATION.

ARTICLE 35. Petition – 250th Anniversary Celebration Committee Appropriation - \$25,000 (Wagner/Roberts)

“To see if the Town will raise and appropriate the sum of \$25,000 for use by the 250th Anniversary Celebration Committee in commemoration of the Town’s two hundred fiftieth anniversary.”

NO RECOMMENDATION.

ARTICLE 36. Petition – Transfer of \$2,524,533 from Free Cash to Stabilization Fund (Gawle)

“To see if the town will transfer the sum of \$2,524,533 from the certified free cash account to the stabilization fund or take any vote or votes relative thereto.”

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ARTICLE 37. Free Cash (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2009 Fiscal Year.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

The Finance Committee normally makes its recommendations on the free cash and stabilization articles (Reserves) after Town Meeting has acted on all articles requiring funding. Because some use of Reserves is included as a revenue source to balance the budget before you, we refer you to the Finance Committee Report to Amherst Citizens on page 5 for a preliminary look at our reasoning for reluctantly using some of the Town’s Reserves to balance the FY 09 budget.

ANNUAL TOWN MEETING WARRANT ARTICLES

**ARTICLE 38. Stabilization Fund
 (Finance Committee)**

To see if the Town will raise and appropriate a sum of money to the Stabilization Fund.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 39. Bylaw – Rescind Recombinant DNA Bylaw
 (Board of Health)**

To see if the Town will vote to amend Article III of the General Bylaws by striking the section entitled “Application of Recombinant DNA Technology” in its entirety.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 40. Bylaw – Nuisance House
 (Select Board)**

To see if the Town will vote to amend the General Bylaws of the Town by adding the following bylaw, “Nuisance House”, to Article II, Prohibitions:

Purpose

In accordance with the Town of Amherst’s Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage which contain one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any commercial or business property.

Property owner means the legal owner of record as listed by the tax assessors records.

Public Nuisance means a gathering of persons on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to *underage persons*, fights, disturbances of the peace, and litter.

ANNUAL TOWN MEETING WARRANT ARTICLES

Response costs are the costs associated with responses by law enforcement, fire, and other emergency response providers to a *gathering* as set forth in a schedule of costs established by the Board of Selectmen.

§2. Consumption of Alcohol by *Underage Persons* Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

- (a) consume at any *public place* or any place open to the public any *alcoholic beverage*; or
- (b) consume at any place not open to the public any *alcoholic beverage*, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her *parent* or *legal guardian* as set forth in G.L. c.138, §34.

§3. Hosting, Permitting, or Allowing a *Public Nuisance* or Party, Gathering, or Event Where *Underage Persons* Consuming Alcoholic Beverages Prohibited

(a) It is the duty of any person having control of any *premises*, who knowingly hosts, permits, or allows a *gathering* at said *premises* to take all reasonable steps to prevent the consumption of *alcoholic beverages* by any *underage person* at the *gathering*. Reasonable steps include, but are not limited to controlling access to *alcoholic beverages* at the *gathering*; controlling the quantity of *alcoholic beverages* present at the *gathering*; verifying the age of persons attending the *gathering* by inspecting driver's licenses or other government-issued identification cards to ensure that *underage persons* do not consume *alcoholic beverages* while at the *gathering*; and supervising the activities of *underage persons* at the *gathering*.

(b) A gathering constituting a *public nuisance* may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.

(c) It is unlawful for any person having control of any *premises* to knowingly host, permit, or allow a *gathering* to take place at said *premises* where at least one underage person consumes an *alcoholic beverage*, provided that the person having control of the *premises* either knows an underage person has consumed an *alcoholic beverage* or reasonably should have known that an *underage person* consumed an *alcoholic beverage* and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an *underage person* as set forth in subsection (a) of this Section.

(d) This Section shall not apply to conduct involving the use of *alcoholic beverages* that occurs exclusively between an *underage person* and his or her *parent* or *legal guardian* as set forth in G.L. c.138, §34.

(e) This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any *premises* regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed to any property owner listed on the Town of Amherst property tax assessment records and shall advise the property owner that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner for all penalties associated with such response as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a *Public Nuisance*.

If the police department is required to respond to a gathering constituting a *public nuisance* on the premises, the following persons shall be jointly and severally liable for fines as set forth below. Response costs may also be assessed.

- (a) The person or persons residing on or otherwise in control of the property where such gathering took place.
- (b) The person or persons who organized or sponsored such gathering.
- (c) All persons attending such gatherings who engage in any activity resulting in the *public nuisance*.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a *Public Nuisance*.

If the police department is required to respond to a gathering constituting a *public nuisance* on the premises more than twice in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs may also be assessed.

ANNUAL TOWN MEETING WARRANT ARTICLES

(a) The person or persons who own the property where the gathering constituting the *public nuisance* took place, provided that notice of the first and second responses has been mailed to the owner of the property as set forth herein and the gathering occurs at least fourteen (14) days after the mailing the second such notice. The owner of the property shall not be held responsible for any violation and penalties if they are actively trying to evict a tenant from the property. The one year time period for violations for a property shall pertain only to the same residents occupying the property who have had the prior violation(s). New residents shall start a new time cycle of one year should they violate the bylaw.

(b) The person or persons residing on or otherwise in control of the property where such gathering took place.

(c) The person or persons who organized or sponsored such gathering.

(d) All persons attending such gatherings who engage in any activity resulting in the *public nuisance*.

§7. Regulations

The Board of Selectmen is hereby authorized to promulgate regulations to implement this bylaw

§8. Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

First offense:

Second offense:

Third and subsequent offense:

The Town of Amherst may additionally seek administrative costs and *response costs* associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§9. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.

Sources

City of San Diego, California, Social host ordinance.

Town of Amherst, Massachusetts, Keg licensing bylaw.

Town of Hadley, Massachusetts, Keg licensing bylaw.

Town of Narragansett, Rhode Island, Party house nuisance ordinance.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ANNUAL TOWN MEETING WARRANT ARTICLES

**ARTICLE 41. Easement - University Drive
(Select Board)**

To see if the Town will authorize the Select Board to acquire, by gift, purchase or eminent domain, temporary and permanent easements, and to dispose of excess temporary and permanent easements, for roadway construction and roadway safety improvements along a section of University Drive; all in accordance with a plan entitled "Preliminary Plan for Reconstruction and Related Work on University Drive in the Town of Amherst" prepared by Stantec, April 4, 2008, which is on file in the office of the Town Clerk. Easement areas are shown in Table 1 entitled "Parcel Summary Sheet".

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 42. Street Acceptance – Moody Field Subdivision
(Select Board)**

To see if the Town will accept as a Town Way Moody Field Road as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 43. Street Acceptance – Rosemarie and Lilac Streets
(Select Board)**

To see if the Town will accept as a Town Way Rosemarie Street and Lilac Lane as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 44. Street Acceptance – Eveningstar Drive
(Select Board)**

To see if the Town will accept as a Town Way Eveningstar Drive as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 45. Sewer Easement Adjustment - West Street
(Select Board)**

To see if the Town will abandon a certain sewer and drainage easement taken over the property of Hampshire College referenced in the Order of Taking recorded in Book 1543, Page 549 of the Hampshire County Registry of Deeds, and to acquire by purchase, gift or eminent domain for the construction of a sewer main, drainage and general utility purposes an easement shown in the plan entitled, "Easement Plan of Land in Amherst, Massachusetts Surveyed for the Inhabitants of the Town of Amherst," dated February 15, 2008, drawn by Heritage Surveys, Inc.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

ANNUAL TOWN MEETING WARRANT ARTICLES

**ARTICLE 46. Bylaw – Right to Farm
(Agricultural Commission)**

To see if the Town will vote to adopt a new bylaw entitled “Right to Farm” as recommended by the Agricultural Commission, a copy of which is available for inspection at the Town Clerk’s Office.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 47. Bylaw – False Alarm Fees
(Select Board)**

To see if the Town will vote to amend the General Bylaws of the Town by adding the following Bylaw, “False Alarm Fees”, to Article IV:

FALSE ALARM FEES

Any residence, school, municipal building or place of business which has an alarm system connected directly to the Police Department or connected indirectly to said Department through a private alarm company (each of which will be hereinafter referred to as a “monitored system”), shall be charged a fine for all responses by the Department to such buildings when the response is caused by: (1) the activation of the monitored system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents; or (2) the activation of the monitored system requesting, requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purposes of this bylaw, activation of a monitored system for the purposes of testing with prior approval by the Police Department, or by an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm. A fine for violation of this bylaw may be assessed against the owner or tenant of the residence or place of business.

Penalties for violation of this bylaw shall be as follows, successive responses to be counted within any twelve month period:

First three responses	Warning
Fourth response	\$ 50.00
Fifth response	\$ 75.00
Sixth response	\$100.00
Seventh response	\$150.00
Eighth and subsequent responses	\$200.00

This section may be enforced pursuant to the noncriminal disposition method as contained in M.G.L. Chapter 40, Section 21D. Enforcing persons shall be police officers.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

APPENDICES

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APPENDIX A

LONG TERM DEBT OBLIGATIONS FY 2009 - FY 2016

	<u>Last Payment</u>	<u>Total Principal</u>	<u>Total Interest</u>	<u>Total Cost</u>	<u>FY 09 Payments</u>	<u>FY 10 Payments</u>
GENERAL FUND						
LONG TERM DEBT						
Town Hall Renovations	FY 16	3,223,000	1,631,722	4,854,722	218,000	212,900
Jones Library	FY 11	1,025,731	539,032	1,564,763	58,547	55,549
Wildwood School Roof	FY 13	630,000	102,633	732,633	73,728	66,885
Crocker Farm (1)	FY 19	3,000,000	809,875	3,809,875	272,188	266,000
Sidewalks (2005)	FY 14	600,000	111,327	711,327	79,138	77,188
		<u>14,420,528</u>	<u>6,383,660</u>	<u>20,804,188</u>	<u>701,601</u>	<u>678,522</u>
SHORT TERM DEBT						
Plum Brook Recreation Fields		500,000			64,140	62,120
Town Hall Exterior		575,000			44,250	
		<u>575,000</u>	<u>-</u>	<u>-</u>	<u>108,390</u>	<u>62,120</u>
DEBT PAID BY OVERRIDES						
High School Roof	FY 15			713,591	118,535	
Regional High School Renovations	FY 18	17,019,678	9,108,003	26,127,681	441,321	260,624
		<u>17,019,678</u>	<u>9,108,003</u>	<u>26,841,272</u>	<u>559,856</u>	<u>260,624</u>
MISCELLANEOUS DEBT OBLIGATIONS						
Temp. Interest/Borrowing costs					20,000	20,000
Deferred Teachers Payroll					56,514	56,514
					<u>76,514</u>	<u>76,514</u>
TOTAL GENERAL FUND DEBT		<u>32,015,206</u>	<u>15,491,663</u>	<u>47,645,460</u>	<u>1,446,361</u>	<u>1,077,780</u>
ENTERPRISE FUNDS						
LONG TERM DEBT						
WATER FUND						
Atkins Treatment Facility	FY 10	6,994,929	4,699,651	11,694,580	802,081	738,873
South East St. Water Main	FY 12	724,969	444,369	1,169,338	73,480	73,115
		<u>7,719,898</u>	<u>5,144,020</u>	<u>12,863,918</u>	<u>875,561</u>	<u>811,988</u>
SEWER FUND						
Chapel Road Sewer Ext.	FY 14	1,000,000	236,627	1,236,627	124,063	122,001
Middle Street Extension	FY 13	1,920,000	317,248	2,237,248	217,408	211,803
		<u>2,920,000</u>	<u>553,875</u>	<u>3,473,875</u>	<u>341,471</u>	<u>333,804</u>
TRANSPORTATION FUND						
Parking Lot	FY 08	555,655	304,955	860,610		
Parking Garage	FY 20	1,000,000	534,825	1,534,825	79,288	76,788
		<u>1,555,655</u>	<u>839,780</u>	<u>2,395,435</u>	<u>79,288</u>	<u>76,788</u>
TOTAL ENTERPRISE FUNDS DEBT		<u>12,195,553</u>	<u>6,537,675</u>	<u>18,733,228</u>	<u>1,296,320</u>	<u>1,222,580</u>
TOTAL DEBT		<u>44,210,759</u>	<u>22,029,338</u>	<u>66,378,688</u>	<u>2,742,681</u>	<u>2,300,360</u>

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FINANCE COMMITTEE REPORT - FY 09

APPENDIX A

LONG TERM DEBT OBLIGATIONS FY 2009 - FY 2016

<u>FY 11 Payments</u>	<u>FY 12 Payments</u>	<u>FY 13 Payments</u>	<u>FY 14 Payments</u>	<u>FY 15 Payments</u>	<u>FY 16 Payments</u>	<u>Future Periods</u>
202,375	196,600	185,000	178,600	167,200	156,000	0
46,989						0
64,905	62,925	61,013				
259,250	251,938	243,500	234,500	236,000	228,000	636,000
75,075	72,800	70,200	67,600			
648,594	584,263	559,713	480,700	403,200	384,000	636,000
60,100	58,080	56,060	54,040	52,020		0
60,100	58,080	56,060	54,040	52,020		0
						0
212,253						214,512
212,253						214,512
20,000	20,000	20,000	20,000	20,000		
56,514	56,514	56,514				
76,514	76,514	76,514	20,000	20,000		-
997,461	718,857	692,287	554,740	475,220	384,000	850,512
714,593	718,223					0
714,593	718,223	0	0	0		0
119,751	117,313	114,500	111,500			
205,533	199,263	193,206				
325,284	316,576	307,706	111,500	0		0
74,288	71,788	69,288	66,788	64,288	61,756	220,989
74,288	71,788	69,288	66,788	64,288	61,756	220,989
1,114,165	1,106,587	376,994	178,288	64,288	61,756	220,989
2,111,626	1,825,444	1,069,281	733,028	539,508	445,756	1,071,501

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APPENDIX B

**FY 09 MUNICIPAL SERVICES BUDGET WITH HEALTH INSURANCE COSTS
ALLOCATED TO DEPARTMENTS**

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
Select Board/Town Manager	\$ 251,039	279,130	276,422	(2,707.59)	-1%
Town Meeting/Finance Committee	\$ 500	800	800	0.00	0%
Finance Department	\$ 946,095	936,425	974,422	37,997.42	4%
Legal Services	\$ 110,568	110,000	95,000	(15,000.00)	-14%
Human Resources/ Human Rights	\$ 232,499	226,722	229,131	2,409.36	1%
Information Technology	\$ 498,493	499,139	522,692	23,553.03	5%
Town Clerk's Office	\$ 161,953	158,867	168,582	9,714.88	6%
Elections & Registration	\$ 65,850	42,325	54,824	12,499.00	30%
Facilities Maintenance	\$ 457,398	501,768	513,300	11,532.33	2%
General Services	\$ 424,726	434,861	405,361	(29,500.00)	-7%
SUBTOTAL	\$ 3,149,121	3,190,037	3,240,535	50,498.43	2%
Employee Pay/Benefits	\$ 329,113	318,611	561,209	242,598.00	76%
TOTAL APPROPRIATION	\$ 3,478,234	3,508,648	3,801,744	293,096.43	8%

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
Police Facility	\$ 148,173	177,014	186,523	9,508.66	5%
Police	\$ 4,410,685	4,367,704	4,503,435	135,731.07	3%
Fire/EMS	\$ 3,886,700	4,077,628	4,270,173	192,544.95	5%
Communications Center	\$ 676,539	668,975	688,752	19,777.03	3%
Animal Welfare	\$ 53,418	51,460	53,665	2,205.26	4%
TOTAL APPROPRIATION	\$ 9,175,515	9,342,781	9,702,548	359,766.97	4%

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
Public Works Administration	\$ 323,939	327,027	325,074	(1,953.07)	-1%
Highway	\$ 689,044	676,757	695,395	18,637.72	3%
Snow & Ice Removal	\$ 176,540	182,210	189,410	7,200.00	4%
Street & Traffic Lights	\$ 105,887	105,887	112,248	6,360.69	6%
Equipment Maintenance	\$ 259,541	273,965	270,119	(3,845.60)	-1%
Town Cemeteries	\$ 28,659	29,991	30,283	292.04	1%
Parks, Commons & Downtown Maintenance	\$ 276,023	285,663	291,105	5,442.41	2%
Tree Care & Pest Control	\$ 157,491	171,660	153,301	(18,359.17)	-11%
TOTAL APPROPRIATION	\$ 2,017,123	2,053,160	2,066,935	13,775.02	1%

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FINANCE COMMITTEE REPORT - FY 09

APPENDIX B

**FY 09 MUNICIPAL SERVICES BUDGET WITH HEALTH INSURANCE COSTS
 ALLOCATED TO DEPARTMENTS**

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
Conservation	\$ 248,330	258,522	263,850	5,327.59	2%
Planning	\$ 333,991	337,529	340,477	2,947.68	1%
Inspection Services	\$ 451,577	469,840	408,204	(61,635.83)	-13%
TOTAL APPROPRIATION	\$ 1,033,897	1,065,891	1,012,530	(53,360.56)	-5%

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
Public Health	\$ 393,692	400,256	384,355	(15,901.49)	-4%
Senior Center	\$ 270,853	277,842	268,562	(9,280.30)	-3%
Community Services	\$ 198,833	84,440	95,732	11,291.94	13%
Veterans' Serv. & Benefits	\$ 154,367	150,618	168,404	17,785.75	12%
Leisure Services & S.E.	\$ 712,275	736,751	702,687	(34,063.53)	-5%
Pools	\$ 170,912	110,152	167,479	57,327.00	52%
Town Commemorations	\$ 875	875	875	0.00	0%
Golf Course	\$ 203,317	221,681	219,711	(1,969.53)	-1%
TOTAL APPROPRIATION	\$ 2,105,124	1,982,615	2,007,805	25,189.84	1%

	FY 07 Budget	FY 08 Budget	FY 09 Budget	Change FY 08 - 09	Percent Change
General Government	\$ 3,478,234	3,508,648	3,801,744	293,096.43	8%
Public Safety	\$ 9,175,515	9,342,781	9,702,548	359,766.97	4%
Public Works	\$ 2,017,123	2,053,160	2,066,935	13,775.02	1%
Planning, Conservation & Inspections	\$ 1,033,897	1,065,891	1,012,530	(53,360.56)	-5%
Community Services	\$ 2,105,124	1,982,615	2,007,805	25,189.84	1%
TOTAL APPROPRIATION	\$ 17,809,893	17,953,095	18,591,563	638,467.70	4%

APPENDIX C

GLOSSARY

These definitions explain the meaning of some terms frequently used at Amherst Town Meeting as the terms apply to Amherst government.

Appropriation - The authorization by Town Meeting of an expenditure for a specified purpose using money from one or more specified sources (taxation, borrowing, grants, etc.). In most cases, a simple majority vote is required; authorization to borrow and appropriations from the Stabilization Fund require a two-thirds vote.

If the expenditure turns out to be less than the appropriation, the remainder is called an appropriation balance. An appropriation balance from a specific project or use can be made available for similar or related purposes by subsequent votes of appropriation transfers. Appropriation balances in the General Fund which stem from the Town's operating budget revert to Free Cash at the end of the fiscal year.

Capital expenditure exclusion - See "Exclusions".

Capital plan - A list of proposed expenditures and funding sources for needs such as land acquisition, construction, major equipment and maintenance, and other special projects that add to the value of the Town's assets.

Cherry Sheet – The official notification from the State of the amounts and types of aid the State will provide to each municipality in a fiscal year, and the amounts each municipality must pay the State and regional entities for a variety of services provided. The document is called a "cherry sheet" because it comes on pink paper.

Contingent appropriation - An appropriation voted by Town Meeting that becomes effective only if the amount is approved in a Proposition 2 1/2 override election.

Debt exclusion - See "Exclusions".

Enterprise fund - A fund established to provide specific services. The state allows enterprise funds only for water, sewer, solid waste, hospital, recreation services, and transportation. Amherst has five: water, sewer, solid waste, golf course, and transportation. Both the costs and the revenues of the enterprise are segregated from other finances of the Town. The costs of the operation are intended to be financed totally or primarily from user charges. Surplus funds, called unreserved retained earnings, may accumulate in the fund for future use by the enterprise. Surpluses result primarily from revenues in excess of estimates and from unexpended appropriations.

Excess taxing capacity - The difference between actual real and personal property taxes levied in any given year and the amount authorized to be assessed under Proposition 2 1/2.

Exclusions - Exclusions allow, by referendum, an increase in the amount of property taxes which a community may levy, for a limited period of time, and only for capital purposes. The revenue is in addition to the levy limit, but it neither increases the levy limit nor becomes part of the base for calculating levy limits of future years. "Capital purposes," in this context, are those for which the Town is authorized to borrow under Massachusetts General Laws, Chapter. 44, sections 7 and 8. Generally, this includes public building and public works projects and land and equipment acquisitions.

The money to pay for these projects is authorized by Town Meeting, but only the Select Board, by a two-thirds majority, can place exclusion questions on the ballot to raise money by increasing the levy.

Capital expenditure exclusion - A one-year increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project. The referendum question defines the project, states the maximum amount of the exclusion, and specifies the fiscal year in which the payment will occur.

Debt exclusion - A temporary increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project by means of debt. Both principal and interest are excluded from the levy limit until the debt is retired. The referendum question defines the project, but it does not state the amount of money to be excluded or the years of debt payments. (Estimated amounts are publicized prior to the referendum.)

APPENDIX C

GLOSSARY

Free Cash - The unreserved, undesignated fund balance of the General Fund that accumulates from revenues collected in excess of estimates and from unexpended appropriation balances. These are the only sources of Free Cash; money cannot be appropriated to Free Cash. The amount is calculated and certified by the state's Department of Revenue each year as of July 1, the first day of the fiscal year. Free Cash may be spent by Town Meeting appropriation only, by majority vote.

General Fund - The general operating fund of the Town. It includes revenues from taxation, general state aid, school aid, and all other financial resources that are not held for specific purposes. Expenditures from this fund may be for any purpose for which a municipality may legally appropriate funds. Enterprise Fund money is not part of the General Fund.

Levy - *Verb*: To impose a tax. *Noun*: The total amount of real and personal property taxes assessed in any given year, referred to as "the levy".

Levy ceiling - The limit imposed by Proposition 2 1/2 which equals 2 1/2% of the total full and fair cash value of all property in the Town. The levy may not exceed this amount; taxpayers may not vote a higher amount in an override. The levy ceiling is equal to a tax rate of \$25 per \$1,000 of valuation.

Levy limit - The amount that a town may raise in taxes each year without approval by the voters in a referendum. The levy limit is the prior year's limit plus 2 1/2% of that amount plus an amount approved by the state that resulted from "new growth".

Referenda of two types may be used to increase the limit: override and exclusion.
These are defined elsewhere in this list.

New growth - The increased value in a given year of new development and other growth in the tax base that is not the result of revaluation. Included are physical additions or improvements to taxable property, exempt real property returned to the tax roll, new personal property, and new subdivision parcels and condominium conversions. New growth of one year becomes part of the base for calculating the next year's levy limit.

Overlay / reserve for abatements and exemptions - Tax abatements and exemptions are allowed for a variety of reasons specified in the Massachusetts General Laws. At the time the levy is assessed, the amount of qualifying abatements that will be granted is not determinable; therefore an amount of money must be set aside to provide for these abatements. If at the end of a fiscal year a balance remains in the reserve and the Assessors determine that no further claims are pending, the amount remaining may be reappropriated for other purposes or closed to Free Cash.

Override - A permanent increase in the levy limit approved by the voters in a referendum. The increase becomes part of the base for calculating levy limits of future years.

An override ballot question requests funding for expenses that are expected to continue into the future. The purpose stated in the question may be broad (for example, "general operating expenses") or narrow (for example, "two fire fighters"). The amount of money is also stated in the question, along with the fiscal year in which the increase is to become effective. Money from an override is earmarked for the purpose stated in the ballot question in the first year the override is in effect. Funding for this purpose can be expected to continue, even though, in subsequent years, the money is considered to be an undifferentiated part of the General Fund.

Overrides may be structured in any of three forms: a single ballot question stating a single purpose and related amount of money; a "pyramid" consisting of two or more separate ballot questions stating the same purpose but different amounts of money in each question; or a "menu" of separate questions, each stating a different purpose along with its related amount of money.

Override questions can be put on the ballot only by majority vote of the Select Board. The form of the override and the wording of the question or questions is also determined by the Select Board.

Reserve Fund - An account voted annually by Town Meeting to be used for extraordinary and unforeseen expenses that may occur during a fiscal year. The appropriation may not exceed 5% of the previous year's tax levy. Transfers from this fund are made by majority vote of the Finance Committee.

APPENDIX C

GLOSSARY

Reserves - Money accumulated for future expenditure. Free Cash and the Stabilization Fund are general reserves that may be used for a wide variety of purposes. Some reserves are available only for restricted purposes, for example, the Ambulance Account, the Conservation Fund, the Parking Meter Receipt Account, and the Sale of Real Estate Account.

Revolving Fund - A special purpose account that accumulates revenues based on charges for services and from which expenditures are made without Town Meeting appropriation for uses for which the revenue was collected. The purposes for which the Massachusetts General Laws authorize such accounts to be established are recreation, adult education, and school lunch. These funds differ from enterprise funds in that they do not accumulate and capitalize assets, there are restrictions on the size of fund balances they may retain from year to year, and some restrictions are placed on the purposes for which funds may be expended.

Stabilization Fund - An account established to save funds for future needs. Town Meeting may appropriate funds to the account, subject to limits imposed by state law. Transfers from the account may be made at Annual or Special Town Meetings for any lawful purposes. A two-thirds vote of Town Meeting is required to transfer money out of the fund. The state originally limited use of this fund to capital purposes only, a restriction that no longer exists.