



TOWN WARRANT

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on **Monday, the second day of November, Two Thousand and Fifteen**, when the following articles will be acted upon by Town Meeting members:

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

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

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

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.

ARTICLE 3. Free Cash – Other Post-Employment Benefits (OPEB) (Finance Committee)

A. To see if the Town will appropriate and transfer a \$185,973 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$96,345 to the Other Post-Employment Benefits (OPEB) Trust Fund of the Town of Amherst; \$7,079 to the Town of Pelham; and \$82,549 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

ARTICLE 4. Free Cash – Stabilization Funds (Finance Committee)

A. To see if the Town will create a Capital Stabilization Fund and further vote to appropriate and transfer \$650,702 from Free Cash in the Undesignated Fund Balance to the Capital Stabilization Fund.

B. To see if the Town will appropriate and transfer \$650,702 from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

**ARTICLE 5. Bylaw Amendment – Electronic Voting
(Town Meeting Electronic Voting Committee)**

To see if the Town will amend the General Bylaws, Article I, Section 8 by deleting the ~~lined-out~~ language and adding the language in **bold**.

8. VOICE VOTES, **ELECTRONIC 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 voted is doubted by the moderator or questioned by a member.~~ **or if the Moderator is in doubt, the procedure in either 8.a. or 8.b. shall be followed.**

8.a. Procedure if Electronic Voting is available: The vote shall be taken by an Electronic Count unless, 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 an Electronic Tally and 14 members manifest their concurrence with that member, in which case an Electronic Tally shall be taken. For an Electronic Tally, the Clerk will record the name and vote of each member, along with the total received ayes and noes and abstentions. For an Electronic Count, the Clerk will record only the total received ayes and noes and abstentions. In either case, the electronic vote shall be determinative of the question. Each member shall cast his/her own vote only.

8.b. Procedure if Electronic Voting is not available: The vote shall be taken by a counted standing vote unless, ~~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, **in which case 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.**

**ARTICLE 6. Capital Program - Equipment
(Joint Capital Planning Committee)**

To see if the Town will appropriate \$26,000 to pay for the purchase of an electronic voting system for Town Meeting.

**ARTICLE 7. Capital Program - Bond Authorization for Public Ways
(Joint Capital Planning Committee)**

To see if the Town will appropriate \$200,000 to pay costs of repairing the Amity Street parking lot and sidewalks and accessibility ramps and for the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by borrowing in accordance with Chapter 44, Section 7 of the General Laws or pursuant to any other enabling authority.

ARTICLE 8. Capital Program – Bond Authorization Amendment
(Joint Capital Planning Committee)

To see if the Town will vote to amend the vote taken under Article 16(A) of the 2014 Annual Town Meeting, by adding the language in italics and therefore fulfill its purpose, to read as follows: To see if the Town will appropriate \$700,000 for making the following repairs and improvements to the East St. School – *roof repair, asbestos monitoring, window painting and caulking, and design services* – and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 9. Capital Program – Debt Repurpose
(Finance Committee)

To see if the Town will (i) appropriate \$150,000 to pay costs of creating office space and purchasing related equipment for the Leisure Services and Supplemental Education Department offices at the Amherst Regional Middle School building; (ii) authorize the transfer of unexpended proceeds from amounts previously borrowed to pay costs of various capital projects, which projects are now complete, and for which such funds are no longer needed, to pay costs of one or more capital projects; or (iii) take any other action relative thereto.

ARTICLE 10. Community Preservation Act
(Community Preservation Act Committee)

A. RECREATION and HISTORIC PRESERVATION – North Common

To see if the Town will vote to: (1) transfer the care and custody of a portion of the North Common, bordered by Boltwood Avenue, Spring Street, South Pleasant Street, and the Main Street parking lot and shown as “North Common” on a plan of file with the Town Clerk, to the Leisure Services and Supplemental Education (LSSE) Commission and Historical Commission for recreational purposes under the provisions of G.L. c. 45, §3 and historical preservation purposes under G.L. c. 40, §8D, as the same may be amended, and other Massachusetts statutes related to recreation and historical preservation; (2) appropriate the sum of \$590,148 for the cost of rehabilitating and preserving the North Common, of which \$190,148 shall be transferred from the Community Preservation Act Fund Balance; (3) authorize the Town Manager, the Historical Commission, and/or the LSSE Commission or their designee, to apply for and accept on behalf of the Town funds granted under the PARC Grant Program (301 CMR 5.00) and/or any other funds, gifts, grants, under any federal and/or other state program in any way connected with the scope of this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

B. RECREATION – Crocker Farm Pre-School Playground

To see if the Town will appropriate a sum of \$240,000 for Community Preservation Act Purposes, recommended by the Community Preservation Act Committee, for the rehabilitation of the Crocker Farm Pre-School Playground, appropriated from Community Preservation Act Funds, and to authorize the Town to accept or convey property interests where applicable, as required under M.G.L. Chapter 44B, Section 12.

ARTICLE 11. Net Metering Credit Purchase Agreements for Solar Photovoltaic Facility
(Select Board)

To see if the Town will vote to authorize the Town Manager to (i) enter into one or more net metering credit purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 30 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Town Manager deems in the best interests of the Town; or to act in any manner in relation thereto.

ARTICLE 12. Lease of New Landfill for Solar Photovoltaic Facility
(Select Board)

To see if the Town will vote to:

- A. Transfer the care, custody, and control of the parcel of land known as the Amherst landfill and located on Belchertown Road, as shown on Assessor's Map 18D as Parcel 23, from the board or official having care, custody and control jointly to such board or official for the purposes for which such parcel is currently held, and to the Select Board for the purpose of leasing and granting easements on, over or under such parcel for the installation of a solar photovoltaic facility on such parcel; and

- B. Authorize the Town Manager to (i) lease, through a written lease agreement, all or a portion of the above described land located on Belchertown Road, for the installation of a solar photovoltaic facility for a period of up to 30 years; (ii) grant such easements on, over or under such parcel of land as necessary or convenient to serve the facility; and (iii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreement and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Town Manager deems in the best interests of the Town; or to act in any manner in relation thereto.

ARTICLE 13. PILOT Agreements for Solar Photovoltaic Facilities
(Select Board)

To see if the Town will vote to (i) authorize the Town Manager to enter into one or more agreements for "payments in lieu of taxes" (or "PILOT") pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, with the owners of solar photovoltaic facilities installed or to be installed on land located in the Town of Amherst for a period of up to 30 years, and (ii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Town Manager deems in the best interests of the Town; or to act in any manner in relation thereto.

ARTICLE 14. Release of Rights and Easements
(Select Board)

To see if the Town will vote to transfer from the tax custodian for tax title purposes to the Select Board for general municipal purposes and for the purpose of releasing rights and easements appurtenant thereto, the care, custody and control of three parcels of land located on Old Farm Road, shown as “Lot 1,” “Lot 2,” and “Lot 5” on a plan entitled “Plan of Land in Amherst, Massachusetts Prepared by Jeffrey W. Flower,” recorded with the Hampshire County Registry of Deeds in Plan Book 181, Page 175, and acquired by the Town through Tax Lien Case recorded in Book 9423, Page 355, and further to authorize the Select Board to release, on behalf of the Town, any and all appurtenant rights and easements that the Town may have in a parcel of land shown as “Lot 3” on said plan, which rights and easements were acquired by the Town pursuant a Common Driveway and Utility Easement recorded with said Deeds in Book 5111, Page 183.

ARTICLE 15. Pelham land Acquisition (Romer Woods Property)
(Select Board)

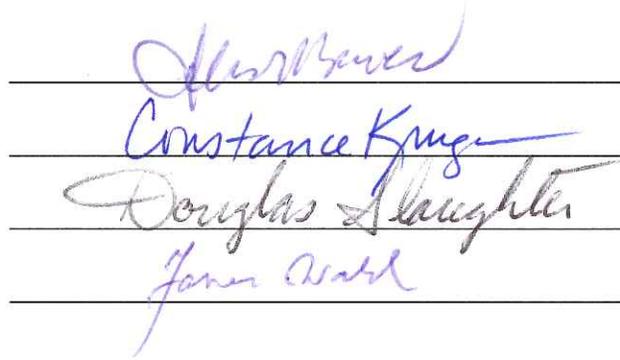
To see if the Town will vote to: (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land on Amherst Road and North Valley Road, Pelham, shown as Parcel 21.A on Assessors Map 8, and containing 141.41 acres, more or less; (b) raise and appropriate and/or, transfer from available funds the sum of **\$341,000** for the acquisition of said land and costs related thereto; and (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program (Chapter 312 of the Acts of 2008, §2A, 2200-7017) and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire said land only if, prior to said acquisition, the Town has received a commitment for award of a grant under the Drinking Water Supply Protection Program or other federal or state program, to defray a portion of the amount appropriated under this article, which may be defrayed by reimbursement following acquisition.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

- | | | | |
|---------|---------------------------|----------|-------------------------|
| Prec. 1 | North Amherst Post Office | Prec. 6 | Fort River School |
| Prec. 2 | North Fire Station | Prec. 7 | Crocker Farm School |
| Prec. 3 | Immanuel Lutheran Church | Prec. 8 | Munson Memorial Library |
| Prec. 4 | Amherst Post Office | Prec. 9 | Wildwood School |
| Prec. 5 | Town Hall | Prec. 10 | Campus Center, UMass |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this fifth day of October, 2015.



Select Board

Date OCT 6, 2015

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:



Constable, Town of Amherst