

RESULTS
SPECIAL TOWN MEETING
November 2 and 4, 2015

The meeting was televised by Amherst Community Television and shown on the government channel.

There were 240 town meeting members. 121 checked in and a quorum was declared. The November 2, 2015 Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:11 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away since the last town meeting. Town Meeting stood in recognition of Patricia Wagner, Normand Berlin, Arthur Quinton, and Charles Moran. The Town Moderator also recognized John Musante who passed away on September 20, 2015.

The Moderator explained the purpose of and criteria used for inclusion of articles in the Consent Calendar. Articles 1, 2, and 3 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Article 3 was removed from the Consent Calendar at the request of Town Meeting. Town Meeting voted in terms of Article 1 and voted to dismiss Article 2.

James Scott, Adrienne Terrizzi, Nonny Burack, Jeffrey Lee, David Mullins, and Pam Rooney were sworn in as tellers.

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

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

Action taken 11/2/15.

(Rene Theberge gave a report on the Public Art Commission and Aaron Hayden reported on behalf of the Public Transportation, Bicycle and Pedestrian Committee. The Town Meeting Electronic voting Study Committee gave its report prior to the beginning of Article 5.)

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

VOTED to DISMISS.

[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.]

Action taken 11/2/15.

ARTICLE 3. Free Cash (Finance Committee)

VOTED unanimously to appropriate and transfer the sum of \$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.

Action taken 11/2/15.

ARTICLE 4. Free Cash Stabilization Funds (Finance Committee)

A. DEFEATED Yes 83, No 75 (Motion failed to achieve the two-thirds vote required)

[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.]

Action taken 11/2/15.

B. VOTED by a declared two-thirds to appropriate and transfer \$650,702 from Free Cash in the Undesignated Fund Balance to the Stabilization Fund

Action taken 11/2/15.

ARTICLE 5. Bylaw Amendment – Electronic Voting (TMEVSC)

VOTED to 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: 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 noes and abstentions. This 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) card. 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.

Action taken 11/2/15.

ARTICLE 6. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED to appropriate \$26,000 for the purchase of an electronic voting system for Town Meeting and to meet such appropriation, \$26,000 be transferred from the Fund Balance Reserved for Capital account.

Action taken 11/2/15.

ARTICLE 7. Capital Program – Bond Authorization for Public Ways (Select Board)

VOTED by a declared two-thirds to 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.

Action taken 11/2/15.

At 10:07 p.m. on Monday November 2, 2015, town meeting voted to adjourn to Wednesday, November 4, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 164 town meeting members were checked in.

The November 4, 2015 session was called to order by the Moderator, James Pistrang, at 7:09 p.m. 121 town meeting members were checked in.

ARTICLE 8. Capital Program – Bond Authorization Amendment (JCPC)

VOTED 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.

Action taken 11/4/15.

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

VOTED that the Town 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 and that to meet this appropriation, said amount is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 16(a) of the Warrant at the April 28, 2014 Annual Town Meeting to pay costs of the renovation of the East Street School project, which amount is no longer needed to complete the project for which it was originally borrowed.

Action taken 11/4/15.

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

A. RECREATION and HISTORIC PRESERVATION – North Common

VOTED 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.

Action taken 11/4/15.

[A motion made to amend the article to add the following line was defeated: “but subject to final approval of the design or plan by town meeting.”]

B. RECREATION – Crocker Farm Pre-School Playground

VOTED unanimously to appropriate \$240,000 for recreation purposes, recommended by the Community Preservation Act Committee, for the rehabilitation of the Crocker Farm Pre-School Playground, to be appropriated from Community Preservation Act Fund Balance and to authorize the Select Board to convey such restrictions as may be required under M.G.L. Chapter 44B, Section 12.

Action taken 11/4/15

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

VOTED 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.

Action taken 11/4/15.

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

VOTED by a declared two-thirds 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.

Action taken 11/4/15.

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

VOTED 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.

Action taken 11/4/15.

[A motion to refer the article back to committee was defeated]

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

VOTED unanimously to refer article to the 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.]

Action taken 11/4/15.

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

VOTED unanimously 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) that the Town raise and appropriate \$170,500 and transfer from the water fund retained earnings \$170,500 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.

Action taken 11/4/15.

The business of the warrant having been completed, Town Meeting voted to dissolve at 9:40 p.m. 167 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk