



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 Annual 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 May, Two Thousand and Sixteen**, 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. Acceptance of 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.

ARTICLE 4. 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 and 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.

ARTICLE 5. FY 2016 Budget Amendments
(Finance Committee)

A. To see if the Town will amend the budget voted under Article 11 of the 2015 Annual Town Meeting (FY 2016 Operating Budget) to transfer **sums of money** between General Government, Public Safety, Public Works, Conservation and Development, Community Services, and Debt Service accounts to balance the 2016 Fiscal Year.

B. To see if the Town will amend the action taken under Article 12 of the 2015 Annual Town Meeting (FY 2016 Reserve Fund) to appropriate and transfer a sum of money from the Fund Balance Reserved for Overlay Surplus account to the Reserve Fund to balance the 2016 Fiscal Year.

ARTICLE 6. Retirement Assessment
(Select Board)

To see if the Town will raise and appropriate \$4,722,520 for the Hampshire County Retirement System assessment.

ARTICLE 7. Regional Lockup Assessment
(Select Board)

To see if the Town will raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

ARTICLE 8. Other Post-Employment Benefits (OPEB) Trust Fund
(Finance Committee)

To see if the Town will raise and appropriate \$300,000 for the OPEB Trust Fund established under the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws.

ARTICLE 9. Amendment to Regional Agreement Assessment
(School Committee)

To see if the Town will vote to amend the Amherst Pelham Regional School District Agreement such that, notwithstanding Section VI, for Fiscal Year 2017 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of taxable property values and the other 90% will be allocated to the member towns in accordance with the per-pupil method found in the Amherst Pelham Regional School District Agreement.

ARTICLE 10. FY 2017 Operating Budget
(Finance Committee)

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

ARTICLE 11. Reserve Fund
(Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2017.

ARTICLE 12. Revolving Fund Reauthorization
(Finance Committee)

To see if the Town will reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2016.

ARTICLE 13. Capital Program - Equipment
(Joint Capital Planning Committee)

To see if the Town will appropriate \$1,731,866 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.

ARTICLE 14. Capital Program – Buildings and Facilities
(Joint Capital Planning Committee)

To see if the Town will appropriate \$526,000 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.

ARTICLE 15. Sewer Debt – Amherst Woods Station Road Phase II
(Finance Committee)

To see if the Town will appropriate \$3,000,000 to pay for the costs of designing and constructing sewer system improvements and sewer main extensions for phase II of the Amherst Woods Sewer extension and repaving of roads impacted in phase I & II, and any and all costs related thereto and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 16. Capital Program – Debt Repurpose
(Finance Committee)

To see if the Town will vote to amend Article 15 of the May 2015 ATM by changing the source of funds for AFD Breathing Apparatus as approved in the FY 16 Capital plan from debt to unexpended proceeds from amounts previously borrowed to pay costs of handicapped access and interior improvements to the East Street School, and for which such funds are no longer needed; and, to rescind the \$306,000 of unissued debt that was authorized to be borrowed for the AFD Breathing Apparatus by a vote of the Town passed at the Annual Town Meeting held on May 6, 2015 (Article 15A).

ARTICLE 17. Capital Program – Debt Repurpose Department of Public Works
(Finance Committee)

A. General Fund: To see if the Town will appropriate \$60,500 to pay the costs of purchasing a One Ton Dump truck and \$45,000 for a ¾ Ton Plow Pickup; 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.

B. Water Fund To see if the Town will appropriate \$2,100,000 to pay the costs of designing and constructing water system improvements and water main extensions, and any and all costs related thereto, and to meet this appropriation, 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.

ARTICLE 18. Capital Program – Bond Authorizations
(Joint Capital Planning Committee)

To see if the Town will appropriate a sum of money for purchasing capital 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 19. COMMUNITY PRESERVATION ACT COMMITTEE
(Community Preservation Act Committee)

A. To see if the Town will appropriate a sum of \$1,620,248 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1–14 be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under M.G.L. Chapter 44B, Section 12.

	Project	Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Amherst Municipal Affordable Housing Trust - Development Funds	\$25,000	
2	Valley Community Development Corporation - Mortgage Subsidy	\$227,248	
3	Amherst Community Connections - Housing Stability for Homeless for 3 Years	\$150,000	
4	Pioneer Valley Habitat - North Pleasant Street	\$90,000	
5	Budget Reserve for Affordable Housing	\$125,000	
	Total Affordable Housing	\$617,248	FY 17 Estimated Revenues
	HISTORIC PRESERVATION		
6	First Congregational Church - Fire Sprinkler System	\$200,000	
7	North Prospect-Lincoln-Sunset Historical District Inventory/Study	\$5,000	
8	Amherst Historical Society - Repairs and Dendrochronology Study	\$24,500	
9	Dickinson Museum Evergreens Fire Suppression System	\$190,000	
10	Amherst Historical Commission - Christopher Thompson Memorial	\$5,000	
11	Historic Preservation - Appraisals, Surveys and Related Studies	\$10,000	
	Total Historic Preservation	\$434,500	FY 17 Estimated Revenues
	OPEN SPACE		
12	Surveys & Appraisals	\$15,000	
	Total Open Space	\$15,000	FY 17 Estimated Revenues
	RECREATION		
13	Groff Park Rehabilitation	\$550,000	
	Total Open Space	\$550,000	FY 17 Available CPA Fund Balance
	ADMINISTRATIVE		
14	CPAC Administrative Expenses	\$3,500	
	Total Administrative	\$3,500	FY 17 Estimated Revenues
	COMMUNITY PRESERVATION ACT PURPOSES		
	Total for Article 19	\$1,620,248	

B. OPEN SPACE – Stosz and Stowes Acquisition – Protection of Cushman Brook

To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of the parcels of land located off East Leverett Road, shown on Assessors Map 3B Parcels 79 and 82 and on Map 3A Parcel 79, containing 14.34+/- acres in the aggregate, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 6072, Page 319, which parcels shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) raise and appropriate, transfer from available funds, and/or borrow the sum of \$268,225.00 for the acquisition of said parcels and costs related thereto, of which \$84,668.00 shall be transferred from the Community Preservation Act Available Fund Balance; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to apply for and accept, on behalf of the Town, funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into any and all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

C. OPEN SPACE – Hoerle Property APR

To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, an agricultural preservation restriction on all or a portion of the parcels of land located off South East Street, shown on Assessors Map 20B as Parcels 53 and 83, on Map 21A as Parcel 2, and on Map 21C as Parcel 3, inclusive, containing 62.62 +/- acres in the aggregate, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 11464, Page 99; (b) appropriate \$68,500 from the Community Preservation Fund Available Fund Balance or other available funds for the acquisition of said restriction and costs related thereto; (c) authorize the Select Board, the Town Manager, and/or their designees, as they deem appropriate, to apply for and accept, on behalf of the Town, funds granted under the Agricultural Preservation Program and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into any and all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board to convey an interest in such agricultural preservation restriction to the Commonwealth of Massachusetts, said restriction to be held by the state in common with the Town.

ARTICLE 20. Amend Prior Community Preservation Act

Authorization

(Community Preservation Act Committee)

To see if the Town will vote to: (a) appropriate and transfer \$190,148 from Article 10(A) of the 2015 Fall Special Town Meeting for the purpose of rehabilitating and preserving the North Common; and (b) authorize the Select Board, Town Manager, the Historical Commission, and/or the LSSE Commission and/or their designee, to apply for and accept on behalf of the Town any 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 transaction.

ARTICLE 21. Transfer of Custody - Hawthorne Farm Affordable Housing

(Select Board)

To see if the Town will vote to transfer the care, custody and control of the parcel of land shown on Assessors Map 11B as Parcel 54 and described in a deed recorded with the Hampshire Registry of Deeds in Book 10255, Page 146, from the Select Board for open space, recreation, and/or community housing purposes to the Select Board for community housing purposes, and further, to authorize the Select Board to convey and/or lease said parcel for community housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, and to accept an affordable housing restriction on said parcel on behalf of the Town.

ARTICLE 22. Acquisition of Easements – Pine Street Sidewalk Project

(Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase or eminent domain, in connection with the Pine Street Sidewalk Project, for public way and sidewalk purposes, permanent easements in, on, under a portion or portions of the property identified below and shown on a plan entitled “Taking Plan for proposed sidewalk taking 12 Sandhill Road,” dated 4/7/2016 prepared by Northeastern Surveying.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
Kathleen Ann Bailer	12 Sand Hill Road	5B-58

ARTICLE 23. Acquisition of Easements – Triangle and East Pleasant Streets Intersection Project

(Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase or eminent domain, in connection with the Triangle and East Pleasant Streets Intersection Project, for public way and sidewalk purposes, permanent easements in, on, under a portion or portions of the property identified below and shown on a plan entitled “Plan of Taking East Pleasant and Triangle Streets Amherst, MA” dated November 20, 2015 prepared by Surveying and Mapping Consultants (SMC).

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
BAY BANK VALLEY TRUST CO. C/O BANK OF AMERICA/CORP	75 East Pleasant Street	11C-322

ARTICLE 24. 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 Fiscal Year 2017 Budget.

ARTICLE 25. Stabilization Fund

(Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2017 Budget.

**ARTICLE 26. General Bylaw - Percent for Art Bylaw
(Public Art Commission)**

A. To see if the Town will amend the Town of Amherst General By-Laws by adding the following new by-law:

ONE PERCENT FOR ART BYLAW

Section 1 -- Purpose

This Bylaw authorizes the allocation of one percent of the capital costs of any eligible Town construction, renovation or capital improvement project for the creation and maintenance of public art in the Town of Amherst. Such projects must be budgeted at a minimum of \$100,000 to qualify. The purpose of this bylaw is to direct the integration of artwork into public spaces and public works projects in the Town of Amherst through a well-administered and appropriately funded public art program.

The program will (a) promote the enjoyment of the arts by the residents of and visitors to Amherst by increasing the quantity and quality of both visual and performing arts available in public buildings, facilities and spaces; (b) improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; (c) create a funding program which will ensure that arts are acquired, created, developed, maintained and otherwise made available for the enjoyment of Amherst's residents and visitors.

Section 2 -- Definitions

For the purposes of this bylaw the following words and descriptions shall have the following meanings:

- a. "Construction project or projects" means any capital project paid for in full or in part by the Town through its own eligible funds or with eligible funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the corporate limits of the Town and with respect to the construction of which bidding is required under State law.
- b. "Eligible funds" means a source of funding for construction projects from which arts are not excluded as an appropriate purpose for expenditure.
- c. "Public Art Fund" means the fund set aside by this Bylaw in the Town treasury for the purpose of allocating moneys for the development and creation of art in and upon public space in the Town.
- d. "Public art project or projects" means art to be funded from the Public Art Fund. Such projects may be an integral part of a building, attached to a building, placed within or outside of a building, within a public space, or in the case of performing arts performed in a public building or space. Such art may include but shall not be limited to paintings, sculpture, engravings, carvings, frescoes, stained glass, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance, and landscape items, including the artistic placement of natural materials or manmade fountains or objects or other functional art objects.
- e. "Public place or space" shall mean publicly accessible landscapes, structures and infrastructure. Public places include, but are not limited to, public parks, plazas, streets, libraries, bridges, stairways, buildings and waterworks.
- f. "Capital improvement" means a tangible asset or project as outlined below:
 - New public buildings, or additions to existing buildings, including land acquisition costs and equipment needed to furnish the new building or addition for the first time;
 - Major alterations, renovations, or improvements to existing buildings that extend the useful life of the existing buildings by ten years;

- Land acquisition and/or improvement, unrelated to a public building, but necessary for conservation or park and recreation purposes;
- New construction or major improvements to Town's physical infrastructure, including streets, sidewalks, storm water drains, the water distribution system, and the sanitary sewer system. Infrastructure improvements must extend the useful life of the infrastructure by at least ten years to be appropriately classified as a capital improvement.

Section 3 -- Funding

All authorizations for municipal construction or capital improvement projects budgeted in excess of \$100,000 shall include and set aside in a designated Public Art Fund an amount equal to one percent of the total eligible, estimated costs of such projects, as determined by the Town Manager or his or her designee, for public art. Copies of these estimated costs shall be delivered to the Amherst Public Art Commission as soon as possible during the planning stages of the project. The estimates shall include all construction costs, architectural and engineering fees and sitework expenses.

Funds appropriated may be used for design services of artists, for the selection, acquisition, purchase, commissioning, installation, examination and/or display of original artworks, for the maintenance of artworks, for educating the public about the artwork, and administrative costs to manage the program.

Excluded from this source of funding are the following: Decorative or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose; landscape architecture except where designed by the artist as an integral part of the work of art by the artist; directional elements such as supergraphics, signage, or color coding, except where they are parts of the original work of art by the artist.

Any moneys appropriated to the Public Art Fund for a particular municipal project which have not been spent within three years of such appropriation, or, upon special approval by the Select Board, within five years, shall be then become available for the purposes of the general public art needs of the Town, as recommended by the Amherst Public Art Commission. However, if such funds are derived from a Note or Bond authorized by the Select Board or from other special purpose or dedicated funds, they shall revert to the funds from which they derive at the expiration of the three- or five-year period, whichever applies.

Section 4 -- Public Art Ownership and Liability

Ownership of artwork selected in accordance with this bylaw shall transfer to the Town of Amherst upon final installation in the public domain. In accepting ownership of public art, the Town also accepts responsibility for its maintenance, insurance, and for upholding contractual agreements made between the artist and the Town. Copyright privileges in accordance with the U.S. Copyright Act shall remain with the artist, with reproduction rights allowed the Town for appropriate promotional and educational purposes.

The artist in charge of the public art project shall provide and maintain insurance coverage for the duration of the creation, fabrication and installation of the artwork. Upon completion and installation at the prescribed site, the finished artwork shall be insured by the Town of Amherst until such time as it is deaccessioned from the public art inventory. Any decision concerning deaccessioning shall be made by the Town Manager in consultation with the Public Art Commission.

During the artwork and site selection process, due consideration shall be given to maintenance

requirements including structural and surface soundness, inherent resistance to theft, vandalism and weathering, as well as the cost and amount of ongoing maintenance and/or repair anticipated. The artist shall be responsible for providing any and all requested information regarding maintenance requirements that are unique to the particular public art project. Ten percent of the total cost of approved projects shall be set aside in a maintenance account within the Public Art Fund for ongoing maintenance and conserving of additions to the public art inventory.

Section 5 -- Responsibilities

I. Amherst Public Art Commission

The public art program shall be administered by the Amherst Public Art Commission (APAC), under the supervision of the Town Manager or his or her designee, with the assistance of a qualified arts jury that the APAC shall appoint as needed and appropriate. Administering the public art program shall include the following responsibilities:

- a. Meeting with relevant Town departments, nonprofit organizations, neighborhood organizations and interested Amherst citizens and artists as appropriate in relation to developing recommendations for public art plans for the Town; holding public hearings as needed to determine public art needs and placement; developing recommendations for prioritizing the creation and placement of works of art in public buildings and public spaces within Amherst; developing guidelines for the selection of artists and projects for the Town; developing programs to exhibit temporary art, both visual and performing, in existing public spaces.
- b. Soliciting proposals for reviewing and selecting public art projects, following consultation with such of the parties referred to in (a) above, with the assistance of a qualified arts jury and input from those who will be working at the project site when completed, as appropriate.
- c. Developing recommendations for the geographic location of such works of art, and the location within individual sites and buildings where such works shall be placed or created, subject to the approval of the Town Manager.
- d. Establishing budgets, subject to Town Manager approval, for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation and, where applicable, ongoing maintenance of such projects.
- e. Overseeing, with the appropriate Town department(s), the art installation and coordination of the artist with the project team.
- f. Approving dispersal of funds to the artist(s) at appropriate stages of the art project development.
- g. Making recommendations to the Town Manager for procedures to be followed by other departments for the maintenance and preservation of such works of art.

II. Town of Amherst

Town staff shall provide administrative and technical support through various departments, including but not limited to finance, treasurer/collector, accounting, public works, and planning; AND

B. To see if the Town will vote to authorize the Select Board to request a Special Act of the Legislature authorizing the Town of Amherst, notwithstanding any general or special law to the contrary, to establish a Public Art Fund as defined in the One Percent for Art Bylaw, and further to establish One Percent for Art as an expense eligible for borrowing.

**Article 27. Zoning – Separate B-L (Limited Business) & COM (Commercial) Districts
in Table 3, Dimensional Regulations (Planning Board)**

To see if the Town will amend Article 6, Table 3, Dimensional Regulations of the Zoning Bylaw with respect to dimensional requirements for the Limited Business (B-L) and Commercial (COM) districts, as follows:

Amend Table 3 by dividing the dimensional requirements for the B-L and COM districts and revising those requirements by deleting the ~~lined-out~~ language and adding the language in **bold italics**, as follows:

	B-L/COM	<i>B-L</i>	<i>COM</i>
Basic Minimum Lot Area (sq. ft.) ^h	20,000b	<i>20,000^b</i>	<i>20,000^b</i>
Additional Lot Area/Family (sq. ft.)	4,000	<i>4,000</i>	<i>4,000</i>
Basic Minimum Lot Frontage (ft.)	125b	<i>125</i>	<i>125^b</i>
Basic Minimum/Maximum Front Setback (ft.) ^{an}	20	<i>20</i>	<i>20</i>
Basic Minimum Side and Rear Yards (ft.) ^g	25a	<i>25</i>	<i>25^a</i>
Maximum Building Coverage (%)	35	<i>35</i>	<i>35</i>
Maximum Lot Coverage (%) ^o	70/85j	<i>70/85^j</i>	<i>70</i>
Maximum Floors ^a	3	<i>3</i>	<i>3</i>
Minimum/Maximum Height (ft.) ^{an}	35	<i>35</i>	<i>35</i>

**ARTICLE 28. Zoning – University Drive Rezoning – OP (Office Park) to B-L (Limited Business)
(Planning Board)**

To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Assessors Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L).

**ARTICLE 29. Zoning – Cluster Subdivision Issues
(Planning Board)**

A. To see if the Town will amend Sections 4.325 and 3.3211 of the Zoning Bylaw, by adding the language in **bold italics**, as follows:

(i)

4.325 ***The following building types shall be permitted in all cluster developments. Percentages refer to the total number of units in the development, not the number of lots or structures.***

4.3250 A minimum of 40% of the total dwelling units shall be single-family dwellings.

4.3251 A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings.

4.3252 A maximum of 60% of the total dwelling units may be ***owner-occupied or affordable*** two-family dwellings. ***See Section 3.3211 for non-owner occupied duplexes.***

4.3253 A maximum of 30% of the total dwelling units may be attached dwellings. There shall be no more than eight attached dwelling units allowed in one building.

(ii)

	R-O														
3.3211	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	
Non-	SP	SP	SP	SP	N	N	N	N	SP	N	N	N	N	N	
owner-	(N)	(N)													

occupied duplex For a non-owner occupied duplex, one (1) or both dwelling units are rented and neither unit serves as the principal residence of one or more owner(s) of the property. No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.

The Special Permit Granting Authority shall require the ongoing services of a qualified professional management company, the presence of an on-site manager, or similar provisions for proper management of the rental use as a condition of approval.

1. Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident.
2. A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants
3. In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with Special Permit conditions at such intervals as it deems reasonable.

Each non-owner-occupied duplex in a cluster subdivision shall require a Special Permit in all zoning districts.

B. To see if the Town will amend Article 6, Table 3, Footnotes and Section 4.3232 of the Zoning Bylaw, by deleting the ~~line-out~~ language and adding the language in ***bold italics***, as follows:

(i)

**TABLE 3 – DIMENSIONAL REGULATIONS
FOOTNOTES**

k. Requirements may be modified ***by the Permit Granting Board*** under a Site Plan Review approval granted for a cluster subdivision, ***except that no such modification may result in a reduced requirement of less than eighty percent (80%) of the cluster requirement. Frontage requirements may be modified for not more than fifty percent (50%) of the lots in the subdivision.***

[Note: Footnote k applies to cluster subdivision dimensional requirements for frontage, minimum front setback, and minimum side and rear yards.]

(ii)

~~4.3232 — The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.~~

C. To see if the Town will amend Section 4.3231 and Article 12 of the Zoning Bylaw, by deleting the lined out language and adding the language in ***bold italics***, as follows:

(i)

4.3231 ***In any zoning district, t*** The maximum density of a cluster subdivision, except for an affordable cluster, shall not exceed the allowed density for a standard subdivision in ~~any~~ ***that*** 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.~~ ***the applicant shall submit a Yield Plan. See Article 12.***

(ii)

12.59 ***Yield Plan: A plan including a map and a summary of data depicting the potential maximum number of building lots and dwelling units that can be built on a given property under the conventional subdivision standards. The yield plan shall include a subdivision layout and design consisting of buildable lots as defined and described under Article 6 of this Bylaw, showing road layouts, property lines, and approximate building envelopes, where the said layout requires no modification or waiver from existing ordinances or regulations. The yield plan is meant to be conceptual in nature but shall be realistic in its response to existing topography, wetlands, floodplains, or where potential building lots or roads would not ordinarily be permitted by right in a conventional subdivision layout.***

(iii) ***Renumber subsequent paragraphs accordingly.*** _____

**ARTICLE 30. Zoning – Mixed Use Building Standards and Conditions
(Planning Board)**

To see if the Town will amend Section 3.325, Mixed-Use Building, by reorganizing the Standards and Conditions, deleting the ~~lined-out~~ language, and adding the language in ***bold italics***, as follows:

3.325 Mixed-use building

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>B-N</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N
<i>SP*</i>													

Standards and Conditions

A mixed-use building shall be a building containing one or more dwelling units as principal residential uses in combination with retail stores or other permitted business, institutional, government, public service, consumer service, office, or similar ***non-residential*** principal use(s) and lawful accessory use(s).

* In ~~those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District,~~ a Special Permit from the Special Permit Granting Authority authorized to act under this section of

the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting *Board or Special Permit Granting* Authority shall be included as an integral part of any application made under this section.

For mixed use buildings with more than one dwelling unit, the following additional regulations shall apply:

1. *Non-Residential Uses.*

a. Location. The first (main) floor of a mixed-use building shall be predominantly occupied by non-residential uses. For purposes of this section, hotels, motels, and inns under Section 3.327 shall be considered non-residential uses.

b. Parking, including parking designed for bicycles, shall be considered a non-residential use in a mixed-use building, as either a principal use or an accessory use.

c. Orientation. Non-residential uses other than parking shall to the extent feasible occupy those street front façade portions of the building(s) contiguous with and oriented toward any public way, and shall provide ample principal entrances and windowed façades in these areas.

2. *Residential Uses.*

a. Bedroom Count in Center Districts. In the B-G, B-VC, and B-N Districts, and those B-L Districts abutting the B-G District, residential uses in a mixed-use building shall contain a mix of bedroom counts, with no more than 25% of units having four (4) or more bedrooms.

b. First Floor Residential Uses

1) Maximum Occupancy. No more than forty percent (40%) of the first (main) floor Gross Floor Area of any mixed-use building may be used for residential purposes, including amenities, service areas, and stair/elevator towers associated with or incidental to residential units which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors. For purposes of this section hotels, motels, and inns under Section 3.327 shall be considered non-residential uses.

2) Location & Orientation. In the B-G, B-L, B-VC, B-N, and COM Districts, no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first or main floor portion of a mixed-use building facing onto a street, public plaza, or other pedestrian space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear or sides of buildings, and adjacent to any required private parking and private open space associated with and serving those units.

3. Design Review & Other Requirements. *In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the design review provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion of a mixed-use building, or may refer the application to the Design Review Board for advisory review and recommendations.* The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, *including* with respect to the site and potential conflicts between the residential and commercial use(s).

**ARTICLE 31. Zoning Map – 67 Amity Street
(Jones Library Trustees)**

To see if the Town will amend the Official Zoning Map such that the Amherst Historical Society property at 67 Amity Street (Map 14A/Parcel 35) and an area extending out from the street frontages of said property to the midline of adjacent public ways (Amity Street and North Prospect Street) shall be rezoned from their current designation of General Residence (R-G) to General Business (B-G).

**ARTICLE 32. Historic Preservation Restriction – 67 Amity Street
(Jones Library Trustees)**

To see if the Town will authorize the Historical Commission to accept a restrictive covenant or a historic preservation restriction in relation to the rezoning of the property at 67 Amity Street (Map 14A/Parcel 35).

**ARTICLE 33. Zoning Petition – Bylaw Amendment Affordable Housing
(O’Connor et al)**

To see if the Town will vote to amend Articles 12 and 15 of the Amherst Zoning Bylaw by inserting the words in **boldface** and deleting the words in ~~striketrough~~ as follows:

Amend Article 12 by amending the following definition:

12.24 Housing, Affordable: Affordable housing units are units which may only be rented or purchased by ~~those who meet the guidelines for maximum annual income for low income or moderate income family or household~~ **families or households whose annual incomes, adjusted for family size, do not exceed the limits for the maximum annual income for low-income families or households** ~~The income limit for low income shall be~~ (80% of the median income for Amherst, **as calculated by the U. S. Department of Housing and Urban Development or any successor agency**), **and are eligible and countable for the purpose of the Commonwealth’s 40B Subsidized Housing Inventory (SHI) or its successor.** ~~and the income limit for moderate income shall be 120% of median income for Amherst.~~

Amend Article 15 as follows:

Section 15.0 Intent and Purpose

The purposes of this Article ~~is~~ are...

15.00 Ensuring that new residential development **or uses, or mixed uses** generates affordable housing as defined in ~~Section 12.20~~ **Article 12...**

Section 15.1 Regulations

To insure the purposes of this section, the following regulations shall apply to residential **and mixed-use** development in Amherst

15.10 Affordable Housing Parcels, Permits and Units

15.100 For the purposes of this section, all contiguous parcels held in common as of September 1, 2015 shall be considered a single parcel for the purposes of the application of this section.

15.101 The provisions of Article 15 shall not apply to residential uses or developments applied for by Comprehensive Permit under the provisions of M.G.L., C 40B.

~~15.10~~**15.102** All residential uses and developments or mixed uses requiring a Special Permit for any aspect of a proposed use or development, including dimensional modifications, and resulting in a net increase in ~~additional new~~ dwelling units eligible to be counted as year-round housing units under the U. S. Census, M.G. L. Chapter 40B or the regulations of the Massachusetts Department of Housing and Community Development with regard to its Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing uses or developments, shall provide permanently affordable housing units (see definition, Article 12) at the following minimum rates.

<u>Total Development Net Increase In</u> <u>Unit Count</u>	<u>Required Affordable</u> <u>Unit Provision...</u>
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table remains as is

*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 forty nine percent (49%) of affordable units shall be eligible and countable for the purpose the Commonwealth 40B Subsidized Housing Inventory (SHI) or its successor. 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.~~

15.103 The management plan for residential uses and developments or mixed uses subject to Article 15 shall include a written plan for marketing, family selection, eligibility monitoring, resale control, etc., as appropriate, for all affordable units whether rented or purchased.

15.11 remains as is

15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available for purchase **or rental** by eligible low and moderate income buyers **and tenants**. ~~and available for a minimum of twenty years in the case of rental housing.~~

15.13 remains as is

15.14 remains as is

**ARTICLE 34. General Petition – Indigenous Peoples’ Day
(O’Donovan et al)**

To see if the Town will vote to adopt the following Resolution:

- WHEREAS: Columbus Day has been celebrated unofficially since the late 18th century, and was officially made a Federal Holiday in 1937 to be celebrated on the second Monday of October, with M.G.L Part I, Title I, Ch. 4, section 7, clause 18 setting aside the second Monday of October as a State Legal Holiday, and M.G.L Part I, Title II, Ch. 6, Section 12V designating that the Governor declare that day to be Columbus Day; and
- WHEREAS: The day commemorates Christopher Columbus' landing in the Americas, on October 12, 1492, which initiated the first lasting contact between the Americas and Europe; and
- WHEREAS: Columbus’ First Voyage to the Americas also initiated the transatlantic slave trade, journal entries from Columbus show his desire to enslave the native populations of the Caribbean, and he imprisoned and transported many people of differing races and ethnicities to this end; and
- WHEREAS: Columbus’ Second Voyage of 1493 was one of conquest, wherein seventeen ships were led by him to the New World, and his governorship of the Caribbean instituted systematic policies of slavery and extermination of native populations, especially the Taino people whose population was reduced by 3 million between 1494 and 1508 under Columbus’ reign, being further reduced by the continuation of his policies until extinction in 1542; and
- WHEREAS: Though the introduction of European diseases may account for some of these deaths, starvation and extermination policies are mostly to blame, and thus this atrocity cannot be reasonably attributed to forces outside of the control of European colonialists; and
- WHEREAS: Other localities have adopted Indigenous Peoples' Day as a counter-celebration to Columbus Day, to promote Native American culture and commemorate the history of Native American Peoples; and
- WHEREAS: Amherst believes that the culture of Native American people is one to be promoted, the history is rich, diverse, and worthy of celebration, and that the actions and policies of European colonizers of the Americas destroyed a part of that culture, and inhibited the promulgation of it for generations to come; and
- WHEREAS: The Town of Amherst recognizes that civilization as we know it would not be possible in the Americas without Columbus' voyages, but must also hold to the moral imperative of condemnation of these actions, as we now know them to be violations of justice in the eyes of international, domestic, and moral laws; now therefore be it
- RESOLVED: That Amherst Town Meeting go on the record to state that the second Monday of October henceforth be commemorated as Indigenous Peoples' Day in Amherst, in recognition of the indigenous people of America's position as native to these lands, and the suffering they faced following European conquest of their land; and be it further
- RESOLVED: That Amherst Town Meeting recommends that Indigenous Peoples' Day be observed by the people, with appropriate exercises in the schools and otherwise, to the end that the culture, history and diversity of Native American Peoples be celebrated and perpetuated.

**ARTICLE 35. General Petition – Charter Consultant Appropriation
(Churchill et al)**

To see if the Town will appropriate \$30,000 for a consultant with expertise in municipal charter options, law, and procedures and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise; such consultant to be selected and utilized by the Amherst Charter Commission.

**ARTICLE 36. General Petition – General Bylaw Single Use Plastic Bag Prohibitions
(Hollerbach et al)**

To see if the Town will vote to adopt the following Single-Use Plastic Bag Prohibition bylaw, prohibiting the use of single-use thin-film plastic bags in retail, retail food, and service retail establishments:

SECTION 1, PURPOSE:

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the town.

SECTION 2, EFFECTIVE DATE:

This bylaw shall take effect on January 1st, 2017.

SECTION 3, FINDINGS:

According to the World Economics Report, at least 8 million metric tons of plastics contaminate the world's oceans each year, resulting in disastrous environmental effects on wildlife. With an estimated 1 trillion plastic bags used annually, these single-use bags are certainly contributing to this large amount of plastic contamination in our oceans and our landfills. Many other municipalities in the Commonwealth of Massachusetts have enacted single-use plastic bag prohibitions, and have seen positive results.

The Massachusetts Solid Waste Master Plan calls for a reduction of single-use plastic bags and for the increased usage of reusable, recyclable, and/or biodegradable bags. Additionally, the recycling market for plastic bags is limited and they cannot be recycled in standard recycling streams. The primary purpose of this bylaw is to reduce the negative effects on single-use plastic bags on the environment, reduce contamination of plastic bags in residential recycling streams, and, most importantly, to encourage consumers to bring reusable bags while shopping, eliminating the environmental impacts of any single-use bags.

SECTION 4, DEFINITIONS

4.1 "Thin-film single-use plastic bags", typically with plastic handles, are bags with a thickness of 3 mils (thousandths of an inch) or less and are intended for single-use transport of purchased products.

4.2 "ASTM D6400 standard" a testing standard developed by the American Society for Testing and Materials used to determine the ability of a material to be composted.

4.3 "Biodegradable bag" means a bag that: 1) contains no polymers derived from fossil fuels and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

4.4 "Reusable bag" means a bag that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

4.5 "Compostable bag" means a bag that 1) Meets the ASTM D6400 standard for compostable plastic and 2) is able to be municipally or industrially composted

4.6 "Recyclable Paper Bag" means a bag that: 1) is 100% recyclable overall 2) contains a minimum of 30% post-consumer recycled content and 3) displays the words "Recyclable" or "Please Recycle" on the outside of the bag.

SECTION 5, USE REGULATIONS

5.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail, retail food, or service retail establishments within the Town of Amherst.

5.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide biodegradable bags, reusable bags, compostable bags, or recyclable paper bags for free or for a fee, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

5.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

SECTION 6, ENFORCEMENT

6.1 The Board of Health or its designee shall inquire on an annual basis regarding any establishment's compliance with this bylaw.

6.2 Citizens of the Town of Amherst who may observe potential violations of this bylaw shall be able to file a complaint with the Board of Health or its designee who shall investigate whether there is a violation of this bylaw. When deemed necessary by the Board of Health or its designee, the Amherst Police Department shall assist in the investigation and shall assist in identifying violators.

6.3 Penalties and fines for violation of this bylaw may be enforced as follows:

6.4 For the first violation, the Board of Health or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the establishment, which will specify the violation and the appropriate penalties in the event of future violations. The warning should also state that the retail establishment might be closed if it fails to comply.

6.5 If a retail establishment fails to comply with the bylaw after the written warning, the following penalties will apply:

- 1) \$100 per day for each day the violation persists
- 2) \$250 per day for each day that a new violation occurs after the first violation

6.6 Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

6.7 If the establishment fails to pay the penalties within 30 days, or continues to violate the bylaw, the establishment shall be subject to closure by the Board of Health or its designee.

SECTION 7, DEFERMENTS

Upon written application from a retail establishment, the Board of Health, after a public hearing, may temporarily defer application of this bylaw for a retail establishment for a one year period, upon a showing by the retail establishment that the conditions of this bylaw would cause undue hardship. The Board of Health will hold the deciding power as to whether the hardship of the establishment is cause for a deferment. The establishment must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship if it wished to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

ARTICLE 37. General Petition – West Bay Road Pedestrian Improvements (Cann et al)

To see if the Town of Amherst will create safe crossing (crosswalks & sidewalks) of West Bay Road for students, seniors, bicyclists and residents of the Atkins Corner neighborhood between the residences, institutions and businesses on the north and south sides of the road by:

1. Creating a pedestrian cross walk at the level of the Hampshire College planned pathway from the area of the Yiddish book center to Atkins Farms Country Market,
2. Creating a bus pull-off in this area on the north side of West Bay Road so that bus patrons will not have to wait in the street,
3. Creating a sidewalk on the south side of the West Bay Road connecting the pathway from Atkins Farms Country Market to Rambling Road,
4. Creating a pedestrian cross walk from the existing sidewalk on Rambling Road across West Bay Road to the north side at the Eric Carle Museum,
5. Creating a sidewalk on the north side of West Bay Road connecting this crosswalk to the exiting path into the Eric Carle Museum that leads to the PVTA bus stop.
6. Developing appropriate signage for traffic calming in this area.

This plan would enhance safe crossing of busy West Bay Road connecting the people and institutions on both sides of the road, supported by appropriate signage. It is an important link of the Cultural Trails System under development by Peter Westover of Conservation Works in concert with Hampshire College and the Hitchcock Center for the Environment.

**ARTICLE 38. General Petition – Feasibility Study for Repair of Wildwood and Fort River
(Kopicki et al)**

To see if the Town of Amherst will raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of preparing a detailed assessment of the feasibility and estimated cost of renovating the Wildwood Elementary School and the Fort River Elementary School, with such funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

The School Administration’s “Wildwood Building Project” proposes to close Fort River Elementary School, convert Crocker Farm Elementary School to a Pre-K-1 school, and build a large new elementary school to house all Amherst 2-6 graders.

Since becoming aware of the project in Fall 2015, numerous elementary school parents and Amherst residents have asked the School District to carefully examine other options to maintain the existing small, neighborhood K-6 school. A 2016 School Committee survey shows that educators, parents and guardians in the Town strongly prefer keeping the K-6 configuration of grades rather than building a large 750-student, grades 2-6 elementary school building at an estimated cost of \$67.2 million (approximately half the cost of which would be subsidized by the Massachusetts School Building Authority).

Although the District and consultants hired to guide the MSBA process have examined options for renovating Wildwood Elementary School to rectify the various infrastructure problems, we believe these efforts have been cursory and insufficient. Moreover, renovation of Fort River Elementary School has not been separately evaluated for this process.

Amherst is strongly committed to utilizing existing resources, sustainable development, and the re-use of buildings – practices that result in a lower carbon footprint than new construction. Before Amherst undertakes an extremely expensive and unpopular new school construction project with significant environmental impact, we believe an independent exploration of renovation options should be pursued.

To that end, this petition respectfully requests that the Town Manager authorize an impartial assessment and estimation of costs associated with renovating Wildwood and Fort River Elementary Schools, with an eye toward fiscal and environmental responsibility and providing a level of detail that permits line item analysis for major issues cited by the District as problems at each school.

**ARTICLE 39. General Petition – Medicaid Reimbursement Appropriation/Bylaw
(O’Connor et al)**

To see if the Town will vote to: 1) appropriate to the FY 2017 budget of the Amherst schools the Medicaid reimbursement payments received by the Town of Amherst for services rendered to elementary school students by the Amherst School District during FY 2016; and,

2) to amend the Town’s general bylaws by enacting the following and insert the same at the place designated as appropriate by the applicable laws and regulations: It shall be the policy of the Town of Amherst that Medicaid reimbursement payments received by the Town of Amherst for services rendered

to elementary school students by the Amherst School District shall be credited as departmental receipts to the Amherst School Department.

ARTICLE 40. General Petition – UMass Nontaxable Housing for Primary and Secondary Education Costs/Bylaw Amendment (O’Connor et al)

To see if the Town will vote:

1) to appropriate to the FY 2017 Amherst School budget – based on a three-year, FY2014 thru FY2016 rolling average of the ratio of the number of students attending Amherst schools from non-taxable UMass/Amherst housing to the total number of students attending both Amherst schools and Regional schools from non-taxable UMass/Amherst housing – its proportionate share of the \$120,000 paid to the Town by UMass/Amherst as partial compensation for the net cost of educational services provided by the Amherst School to the elementary school students that have been attending, during FY 2016, Amherst schools from non-taxable UMass/Amherst housing;

2) to appropriate to the FY 2017 Amherst/Pelham Regional School budget – based on a three-year, FY2014 thru FY2016, rolling average of the ratio of the number of students attending Regional schools from non-taxable UMass/Amherst housing to the total number of students attending both Amherst schools and Regional schools from non-taxable UMass/Amherst housing – its proportionate share of the \$120,000 paid to the Town by UMass/Amherst as partial compensation for the net cost of educational services provided by the Amherst/Pelham Regional School District to the Regional school students that have been attending, during FY 2016, Amherst/Pelham Regional Schools from non-taxable UMass/Amherst housing;

3) to amend the Town’s general bylaws by enacting the following and insert the same at the place designated as appropriate by the applicable laws and regulations: It shall be the policy of the Town of Amherst that payments for educational services by UMass/Amherst to the Town of Amherst as either partial or full compensation for the net cost of educational services provided by the Amherst Schools and Amherst/Pelham Regional School District for students from non-taxable UMass/Amherst housing shall be credited as departmental receipts to the Amherst School Department and Amherst/Pelham Regional School District in such proportions as the rolling three-year average of the number of students attending each school district from non-taxable UMass housing bears to the rolling three-year average of the total number of students attending both school districts from non-taxable UMass housing during that same time period.

ARTICLE 41. General Petition – Kinsey Memorial Garden Preservation (Pope et al)

To see whether Town Meeting would recommend to the Trustees of the Jones Library, Inc., that they preserve in its entirety the Kinsey Memorial Garden, and that they authorize a Kinsey Garden Committee of horticultural experts and experienced gardeners, analogous to the Library’s Burnett Gallery Committee of artists, to maintain and oversee the Kinsey Garden.

ARTICLE 42. General Petition – Removal of Kendrick Park from Facilities Capital Plan (Burkart et al)

To see if the Town will vote to request that the Joint Capital Planning Committee delete from the FY 20 “Facilities” component of its five-year General Fund Capital Plan the proposed \$3.25 million dollar expenditure labeled “Kendrick Park.”

**ARTICLE 43. General Petition – Resolution for Open Government for Town Meeting
(Collins et al)**

OPEN GOVERNMENT FOR AMHERST TOWN MEETING

To see if the Town will vote to adopt the following resolution:

WHEREAS, Elected Members of Amherst Town Meeting are immune to conflict of interest and state ethics laws; and,

WHEREAS, the laws of Conduct of Public Officials apply only to “Municipal Employees”, as defined by M.G.L. Chapter 268a Conduct of Public Officials and Employees, Section 1 Definitions, para. (g), as follows:

(g) “municipal employee,” a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with Open Government, the Town of Amherst through its Representative Town Meeting:

Asks that, in the Town of Amherst, Members of Town Meeting should no longer be excluded from M.G.L. Chapter 268a, under section 1 Definitions, Para. (g), and shall, henceforth, be regarded as “municipal employees” under this law, subject to the same rules of conduct as all other town officials.

**ARTICLE 44. General Petition – Resolution re House Bill 2584
(O’Connor et al)**

To see if the town will vote the following Resolution regarding House No. 2584:

Whereas, Representative Stephen Kulik of the 1st Franklin District and ten other members of the Massachusetts House of Representatives have introduced House No. 2584, a bill relative to payments in lieu of taxation (PILOTs) by private, non-governmental non-profit organizations exempt from local property taxes on land, improvements (buildings) and personal property (equipment – fixed and moveable) directly related to their non-profit function; and,

Whereas, the town of Amherst is one of many Massachusetts municipalities which, in the face of diminishing state aid, has had to increasingly rely on its property tax base to support local schools and basic municipal services; and,

Whereas, the town of Amherst is one of numerous Massachusetts municipalities whose property tax base is negatively impacted by the presence of significant private non-governmental, non-profit institutions which have failed to come to agreement with their host municipalities to make reasonable, municipal general fund payments in lieu of taxes (PILOTs) on land, improvements (buildings) and personal property (equipment – fixed and moveable) directly related to their non-profit functions; and,

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting expresses its support for House No. 2584 or similar successor legislation, presently sponsored by Representative Kulik and other, and asks: 1) our State Senator and our State Representative to sponsor, support and vote for House No. 2584 and/or a similar successor bill; 2) the General Court's Joint Committee on Revenue to hold hearings on House No. 2584 and/or any similar successor bill and, thereafter, give due consideration to reporting House No. 2584 or such successor bill out of committee with the recommendation that House No. 2584 or such successor bill "Ought to Pass;" and 3) that, when House No. 2584 or successor legislation is presented to Governor Charles Baker for his signature by the votes of the House and Senate, that he sign said bill;

And, Further, Be It Resolved, that upon passage of this resolution and the dissolution of this town meeting, that the Town Clerk report in writing the results of the vote on the above resolution to our State Senator, to our State Representative, to the co-chairs and members of the Joint Committee on Revenue, and to Governor Charles Baker.

**ARTICLE 45. General Petition – Resolution on Amherst College's Divestment from Fossil Fuels
(Kugel et al)**

To see if the Town will vote to adopt the following Resolution endorsing Amherst College's divestment from fossil fuels:

WHEREAS climate change poses an urgent threat to the planet and human society;

WHEREAS the use of fossil fuels is the primary cause of climate change;

WHEREAS investment in the fossil fuel industry bolsters the continued use of fossil fuels;

WHEREAS divestment from fossil fuels financially and morally withdraws support from the industry;

WHEREAS the Amherst College Board of Trustees has denied a petition supported by students, faculty, and alumni to divest;

WHEREAS Amherst College is an integral part of the Amherst town community and a national leader in higher education;

WHEREAS in November 2013 the Amherst Town Meeting approved a resolution calling for the town and the Hampshire County Retirement Board to review and identify holdings in fossil fuel companies and to preclude any new investments;

WHEREAS this resolution was successful in securing the town's divestment from fossil fuels;

THEREFORE the town of Amherst through its Representative Town Meeting endorses Amherst College's divestment from fossil fuels, in order that the College will join the institutions that have already divested and leverage its national reputation to promote divestment.

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 **Fourth** day of **April**, 2016.

Alisa V. Brewer

Cristiana Kruger

Andrew Steinley

Douglas Slaughter

Select Board

Date

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