

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 **Wednesday, the Twenty-sixth day of April, Two Thousand and Seventeen**, 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 M.G.L. Chapter 44, Section 64, 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 M.G.L. Chapter 59, Section 5, clauses 17D, 22, 37A, or 41C.

ARTICLE 4. FY 2017 Budget Amendments
(Finance Committee)

A. To see if the Town will amend the budget voted under Article 10 of the 2016 Annual Town Meeting (FY 2017 Operating Budget) to transfer **sums of money** between General Government, Public Safety, Public Works, Conservation and Development, Community Services, Library and Debt Service accounts to balance the 2017 Fiscal Year.

ARTICLE 5. Retirement Assessment
(Select Board)

To see if the Town will raise and appropriate \$5,157,420 for the Hampshire County Retirement System assessment.

ARTICLE 6. 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 7. Other Post-Employment Benefits (OPEB) Trust Fund
(Finance Committee)

To see if the Town will raise and appropriate \$400,000 for the OPEB Trust Fund established under the provisions of M.G.L., Chapter 32B, Section 20.

**ARTICLE 8. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional 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 2018 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of a five year average of statutory minimum contributions (FY14-18) 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 9. FY 2018 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 10. Reserve Fund
(Finance Committee)**

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2018.

**ARTICLE 11. Revolving Fund Reauthorization
(Finance Committee)**

To see if the Town will reauthorize a revolving fund pursuant to M.G.L. Chapter 44, §53E½ 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, 2017.

**ARTICLE 12. COMMUNITY PRESERVATION ACT COMMITTEE
(Community Preservation Act Committee)**

A. To see if the Town will appropriate \$1,222,163 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1–15 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 -Staff Funding	\$20,000	
2	Affordable Housing Budget Reserve	\$250,000	
	Total Affordable Housing	\$270,000	FY18 Estimated Revenues
	HISTORIC PRESERVATION		
3	Amherst Historical Committee - Jones Library Historic Structures	\$25,000	
4	Amherst Historical Committee - West Cemetery Headstones	\$50,000	
5	Amherst Historical Society - Review of Textile/Costume	\$8,980	
6	Town of Amherst - North Common Phase II 50% HP/50% REC	\$180,000	
7	North Amherst Community Farm - Farm House/Barn Study	\$10,000	
8	Jewish Community of Amherst - Steeple Restoration	\$244,683	
	Total Historic Preservation	\$518,663	FY18 Estimated Revenues & Fund Balance
	Open Space		
9	Town of Amherst - Surveys & Appraisals	\$20,000	
10	Town of Amherst - Conservation Land Improvements	\$30,000	
	Total Open Space	\$50,000	FY18 Estimated Revenues
	Recreation		
11	Town of Amherst - North Common Phase II 50% HP/50% REC	\$180,000	
12	Town of Amherst - Mill River Pool Pump and Filter Replacement	\$100,000	
13	Town of Amherst - Basketball Courts	\$50,000	
14	Town of Amherst - Community Field and Regional Schools Master Plan	\$50,000	
	Total Open Space	\$380,000	FY18 Estimated Revenues
	ADMINISTRATIVE		
15	To fund CPAC Administrative Expenses.	\$3,500	
	Total Administrative	\$3,500	FY18 Estimated Revenues
	Community Preservation Act Purposes		
	Total for Article ##	\$1,222,163	

B. OPEN SPACE – Borrowing Authorization - Cole Property Acquisition –

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 West Street (Route 116), shown on Assessors Map 25B Parcel 29, containing 7+/- acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 9150, Page 152, which parcel 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 \$225,000 for the acquisition of said parcel and costs related thereto, and to meet such appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20; (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 (M.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 - Borrowing Authorization - Kieras Property Acquisition – 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 parcel of land located off Russellville Road, shown on Assessors Map 4B Parcel 2, containing 2.75+/- acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 5002, Page 216, which parcel 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 \$125,000 for the acquisition of said parcel and 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 M.G.L. Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, 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 M.G.L. c. 184, as required by M.G.L. c. 44B, §12(a).

D. RECREATION – Borrowing Authorization Groff Park Modernization –

To see if the Town will: (1) transfer the care, custody, and control of a portion of the parcel of land located on Mill Lane, known as Groff Park, and identified by the Assessors as Parcel 17C-13, which portion contains .75 acres, more or less, and is approximately shown on a sketch plan entitled “LWCF Grant: Improvements to Groff Park”, on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Leisure Services and Supplemental Education Commission (LSSE) for active recreational purposes under the provisions of G.L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation; (2) appropriate the sum of \$1,050,000 for the purpose of rehabilitating and preserving Groff Park and costs related thereto, \$500,000 of which shall be raised and appropriated, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L.

Chapter 44, Section 7 of the or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20, and the remaining \$550,000 were appropriated and transferred from the Community Preservation Act Fund pursuant to the vote taken under Article 19A of the 2016 Annual Town Meeting; and (3) to authorize the Town Manager or designee to apply for and accept on behalf of the Town funds granted under the LWCF Grant Program (P.L. 88-578) and/or any other funds, gifts, grants and/or reimbursements under any federal or other state programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

**ARTICLE 13. Capital Program – Equipment
(Joint Capital Planning Committee)**

To see if the Town will appropriate a sum of money 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 a sum of money 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. Capital Program – Bond Authorization
(Joint Capital Planning Committee)**

A. To see if the Town will appropriate, borrow or transfer from available fund, a sum of money for replacing the boiler and making associated repairs at the Wildwood Elementary School, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7 of the or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

B. To see if the Town will appropriate, borrow or transfer from available funds, a sum of money to conduct a feasibility study for Fort River Elementary School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7 of the or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

**ARTICLE 16. Capital Program – Bond Authorization Water Fund
(Finance Committee)**

To see if the Town will appropriate \$800,000 to pay for the costs of water metering equipment, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 8 of the or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs

of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

ARTICLE 17. Personal Property Maximum Tax Exemption
(Select Board)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5, clause Fifty-Fourth, exempting personal property from taxation up to \$10,000 of value.

ARTICLE 18. Establish a Special Education Reserve Fund for the Amherst Public Schools
(Amherst School Committee)

To see if the Town will vote: 1) to accept the provisions of M.G.L. Chapter 40, Section 13E to create a Special Education Reserve Fund, consistent with the vote of the Amherst School Committee, for future payments of unanticipated or unbudgeted costs of special education, out of district tuition or transportation, provided, however, that the monies in such fund shall be expended only with the approval of the Amherst School Committee and the Select Board; and 2) to raise and appropriate, and/or transfer from available funds a sum of money for the Special Education Reserve Fund for the Amherst Public Schools.

ARTICLE 19. Establish a Special Education Reserve Fund for the Amherst-Pelham Regional School District
(Amherst School Committee)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 13E for the Amherst-Pelham Regional School District, to create a Special Education Reserve Fund consistent with the vote of the Regional School Committee, for future payments of unanticipated or unbudgeted costs of special education, out of district tuition or transportation, provided, however, that the monies in such fund shall be expended only with the approval of the Regional School Committee and of a majority of the Select Boards in the district.

ARTICLE 20. Public, Educational, and Government (PEG) Cable Access Contract Term
(Select Board)

To see if the Town will authorize the Town Manager to sign a contract for a term of up to ten years for Public, Educational, and Government (PEG) Cable Access Services.

ARTICLE 21. 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 2018 Budget.

ARTICLE 22. 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 2018 Budget.

ARTICLE 23. Jones Library: Preliminary Design and Authorization for Grant
(Jones Library Trustees)

To see if the Town will vote to approve a renovation and expansion project for the Jones Library and authorize the Board of Trustees of the Jones Library to apply for, accept, and expend funds from a Massachusetts Public Library Construction Grant which application is based on preliminary designs submitted to the Massachusetts Board of Library Commissioners. Passage of this motion does not commit the Town to appropriate funding as may be necessary to implement the grant.

**ARTICLE 24. Amherst Affordable Housing Trust Bylaw Amendment
(Select Board)**

To see if the Town will vote to amend the Amherst Affordable Housing Trust Fund Bylaw in the General Bylaws of the Town by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

AMHERST AFFORDABLE HOUSING TRUST FUND
(ATM April 2014 – Art 14)

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of ***nine*** ~~seven~~ members, of whom one shall be a member of the Select Board, ~~one shall be a member of the Housing & Sheltering Committee~~, and ***eight*** ~~five~~ shall be qualified residents who would bring to the Trust relevant personal and/or professional experience and knowledge in real estate, finance, affordable housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio ~~tenth~~ ***eight*** member, without the power to vote.
2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.
3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:
 - a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B (***Community Preservation Act***); ***provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;***
 - b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
 - d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, ***grant agreements*** and other instruments sealed or unsealed,

necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

- e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary, notwithstanding administrative and technical support provided through finance, treasurer/collector and accounting departments, and that which may be provided by Town staff in various departments, including but not limited to planning, inspection services and conservation;
 - f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
 - g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
 - h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
 - i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
 - j. to carry property for accounting purposes other than acquisition date values;
 - k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
 - l. to make distributions or divisions of principal in kind;
 - m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
 - n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
 - o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
 - p. to extend the time for payment of any obligation to the trust.
 - q. to take any other action relative thereto.
4. These powers shall be subject to the following limitations;
- a. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by ~~five of the seven voting members~~ **at least 60% of the appointed members.**

- b. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust’s total assets.
 - c. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.
5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.
6. *The Board of Trustees will consider the state of housing needs in Amherst across the affordability spectrum. It may make recommendations to the Select Board on the options available to the Town to create new affordable housing to address those needs, and to maintain existing affordable housing stock. The Trust may support implementation of these recommendations as appropriate and measure progress toward their fulfillment. The Trustees may also seek regional solutions and support regional efforts to provide permanent affordable housing. As part of this work, the Trust responsibilities include:*
- a. *Developing goals and objectives for addressing the needs identified in the Town’s Housing Production Plan (2013), and in “All Roads Lead Home – the Pioneer Valley’s Plan to End Homelessness” (2008), as such plans may be amended from time to time, and/or such other housing plans as the Trustees deem appropriate.*
 - b. *Supporting the availability of a seasonal emergency shelter.*
 - c. *Creating, updating and/or distributing needed outreach and education materials such as guides for housing information or homelessness resources.*
 - d. *May make recommendations on proposals to Town Meeting, or proposals seeking Community Development Block Grant funds and Community Preservation Act funds, when such proposals create or support affordable, workforce and/or extremely low income housing.*

**ARTICLE 25. Local Historic District Bylaw Amendment
(Historic Commission)**

To see if the Town will vote to amend the General Bylaws, Article IV, Amherst Local Historic District Bylaw, by adding a new District Area to be known as the North Prospect-Lincoln-Sunset Historic District, as shown in a new Appendix 2, pursuant to M.G.L. Chapter 40C, Section 3.

**ARTICLE 26. Public Works Committee Bylaw Amendment
(Select Board)**

To see if the Town will vote to dissolve the Public Works Committee and accordingly, to amend the General Bylaws by rescinding, in Article 1 the bylaw entitled, “Public Works Committee”.

**ARTICLE 27. Dissolution of Public Transportation Bicycle and Pedestrian Committee (PTBPC)
(Select Board)**

To see if the Town will vote to dissolve the Public Transportation Bicycle and Pedestrian Committee created and amended by prior actions of Town Meeting under Article 20 of the 2015 Annual Town Meeting, Article 31 of the April 24, 1995 Annual Town Meeting and Article 28 of the May 5, 1975 Annual Town Meeting.

**ARTICLE 28. 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 bylaw:

PERCENT FOR ART BYLAW

Section 1 -- Purpose

The purpose of this bylaw is to (a) promote the enjoyment of the arts by the residents of and visitors to Amherst by increasing the quantity and quality of the 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 and around such buildings and facilities of new distinguished works and creations of artistic endeavor; (c) contribute to the cultural vitality of the Town; and (d) create a funding program that will ensure that arts are acquired, created, developed, maintained and otherwise made available for the enjoyment of Amherst's residents and visitors.

The Bylaw authorizes the allocation of one-half percent (0.5%) 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.

Section 2 -- Definitions

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

- a. "Construction project" means any capital project paid for in full or in part by the Town through its own eligible funds to construct or remodel any building, decorative or commemorative structure, park, 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 the funds for construction projects from the Town's General Fund, including any funds to be borrowed that will be repaid from the General Fund unless 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" 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, or 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, readings 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, public fountains and buildings.
- 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 at least ten years.
- g. "Qualified arts jury" means a group, with preference given to Amherst residents, that includes at least three professionals from the fields including arts education, art criticism or administration, arts

dealership or designing, art making, art history or arts curating, fine art collecting, architecture, urban planning or landscape architecture, who is well respected in his/her field, knowledgeable regarding visual art, and willing to participate effectively in a panel process.

Section 3 -- Funding

All eligible funds for construction or capital improvement projects budgeted at \$100,000 or greater shall include and set aside in a designated Public Art Fund an amount equal to one-half percent (0.5%) of the total eligible, estimated costs of such projects, as determined by the Town Manager or his or her designee, for public art. This calculation shall be made at or around the time when the funding for the construction of this project is voted at Town Meeting. If estimated project costs rise after the designated percent for art is determined, that percentage will not increase; but if estimated project costs decrease, the percentage for art will be recalculated based on the lower estimated project costs.

Copies of all estimated project costs shall be delivered to the Amherst Public Art Commission as soon as possible during the planning stages of the project in order to include an artist as part of the project team. The estimates shall include all construction costs, architectural and engineering fees and sitework expenses. To the extent possible, the public art shall be located at the site of the facility, or within or upon the facility associated with the construction project, so long as the public art is in a public place or space.

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 necessary jurying fees or payments to artists for submitting proposals, for necessary travel by the artist during the selection or art development process, for site permits or fees, for plaques, labels or other identification materials, for the maintenance of artworks, for educating the public about the artwork, and administrative costs to manage the program.

Additionally, funds derived from capital improvement or renovation projects or unused funds from capital building projects that are not otherwise returned to the funding source as per the last paragraph in this section, may be used to support performing arts or other public art needs as determined by the Amherst Public Art Commission.

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; mass produced art objects of standard design such as playground equipment or fountains; 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 art project which have not been spent within three years of such appropriation, or, upon special approval by the Select Board, within five years, shall 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 selected for 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 Amherst Public Art Commission in consultation with the Town Manager. Any funds generated from such deaccession shall revert to the Public Art Fund.

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. Five percent of the total cost of approved art projects shall be set aside in a pooled maintenance account within the Public Art Fund for ongoing maintenance and conserving of additions to the public art inventory, and up to ten percent of the total cost of approved art projects shall be reserved for project administration.

Section 5 -- Responsibilities

I. Amherst Public Art Commission

- a. The overall 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: 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 art in existing public spaces; and lending support to and promoting the performing arts, such as but not limited to drama, instrumental or vocal music, dance, and literary readings.
- b. Regarding Percent for Art projects in particular, APAC shall be responsible for the following:
 1. Developing appropriate guidelines to manage the Percent for Art program, including guidelines for accepting and deaccessioning artworks from the Town's inventory.
 2. Soliciting proposals for reviewing and selecting public art projects, following consultation with key project stakeholders, such as but not limited to the project architect(s), project manager, users of the proposed building when completed, neighbors of the project, appropriate Town officials, landscape architect, with the assistance of a qualified arts jury, as appropriate.
 3. Developing criteria for the selection of the artwork, including but not limited to: artistic quality, originality, context, maintenance needs, feasibility, public opinion, diversity of artists regarding race, gender identity and cultural background, relationship of the artist to Amherst and the surrounding area. Final decision on the project artwork shall be by majority vote of the Public Art Commission, following input from the qualified arts jury and appropriate Town officials.
 4. 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.
 5. 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.

6. Overseeing, with the appropriate Town department(s), the art installation and coordination of the artist with the project team.
7. Approving dispersal of funds to the artist(s) at appropriate stages of the art project development.
8. Establishing and maintaining art project records at Town Hall.
9. 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, Public Works, and Planning.

Section 6 – Implementation

This bylaw shall apply to all construction or capital improvement projects for which eligible funds are authorized after the adoption of this bylaw; AND

B. To see if the Town will authorize the Select Board to petition the General Court 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 Percent for Art Bylaw, and further to establish One-Half Percent (0.5%) for Art pursuant to the terms of this Bylaw as an expense eligible for borrowing, and for any other purposes necessary to implement said bylaw; and to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and to authorize the Select Board to approve amendments which shall be within the scope of the general public objective of the petition.

**ARTICLE 29. Petition - Town of Amherst Sanctuary Community Bylaw
(Murray et al)**

Town of Amherst Sanctuary Community Bylaw

Purpose

This bylaw shall be known as the Town of Amherst Sanctuary Community Bylaw. It is enacted pursuant to the police powers of the Town of Amherst. It affirms that Amherst is a welcoming town and seeks to ensure public safety and trust between law enforcement and all members of our community.

Section 1.

Definitions

- (a) "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from local custody, or to notify the requesting federal immigration office prior to the release of that individual.
- (b) "Eligible for release from custody" means that the individual may be released from custody because any of the following conditions has occurred:
 - (1) All criminal charges against the individual have been dropped or dismissed;
 - (2) The individual has been acquitted of all criminal charges filed against him or her;
 - (3) The individual has served all the time required for his or her sentence;
 - (4) The individual has posted a bail or bond, or has been released on his or her own recognizance;
 - (5) The individual has been referred to pre-trial diversion services;
 - (6) The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
 - (7) The individual has been released from custody under probation, or
 - (8) The individual is otherwise eligible for release under state or local law.

- (c) "ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.
- (d) "Law enforcement official" means any Town of Amherst department, or officer or employee of a Town department, authorized to enforce criminal statutes, regulations, or local bylaws; operate jails or maintain custody of individuals in jails; or operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.
- (e) The provisions of this bylaw define the meaning of "sanctuary community" for the Town of Amherst.

Section 2.

- (a) A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other contact.
- (b) A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
- (c) A law enforcement official shall not inquire as to an individual's immigration status unless required by federal or state law.
- (d) A law enforcement official shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person's release from custody, home address, work address, or phone number; provided, however, that nothing in this section shall prohibit or restrain any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.
- (e) A law enforcement officer shall allow motor vehicle operators stopped for a violation and found to be unlicensed a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle, regardless of immigration status, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.
- (f) U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, a Town of Amherst law enforcement officer shall consider and sign a U Visa certification request, if an individual is (i.) the victim of a qualifying criminal activity, and (ii.) has been, is being, or will likely be helpful in the investigation/prosecution of that criminal activity. For purposes of determining helpfulness there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. Such certification will be provided in a timely manner.

Section 3.

To the extent permissible by law, a Town of Amherst department, or officer or employee of a Town department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Section 4.

No employee or agent of the Town shall cooperate with or enforce any federal program requiring the registration of individuals on the basis of religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation or age. No resources of the Town of Amherst shall be expended in the enforcement or implementation of such a registry or check-in program. This prohibition shall not apply to any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal.

Section 5.

Reporting

Upon written request of three registered voters of the Town of Amherst, the Town Manager shall submit a report to the Amherst Select Board, which shall be placed on the agenda of the next-occurring meeting of the Amherst Select Board. The report shall include the following information for the immediately preceding calendar year:

- (a) A statistical breakdown of the total number of civil immigration detainer requests lodged with Town law enforcement officials, organized by the reason(s) given for the request;
- (b) The total number of individuals that Town law enforcement officials detained pursuant to Section 2;
- (c) The total number of individuals transferred to ICE custody.
- (d) The total number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.

Section 6.

The provisions of this bylaw shall be effective immediately upon passage.

All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this bylaw shall be promptly developed and promulgated by the Town, the Police Department, and all other relevant entities.

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

ARTICLE 30. Special Act – Local Voting Rights for Legal-permanent Resident Non-citizens (Human Rights Commission)

To see if the Town will vote to authorize the Select Board to file with the legislature a request for a special act entitled, “An Act authorizing local voting rights for legal permanent resident non-citizens residing in Amherst,” as follows:

Section 1. Notwithstanding the provision of section one of M.G.L. Chapter Fifty-One, or any other general or special law, rule or regulation to the contrary, legal permanent resident non-citizens eighteen years or older who reside in Amherst may, upon application, have their name entered on a list of voters established by the Town Clerk for the Town of Amherst and may thereafter vote in any election for local offices or local ballot questions.

Section 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon legal permanent resident non-citizens the right to vote for any state or federal office or any state or federal ballot question.

**ARTICLE 31. Limited Release of Restriction
(Select Board)**

To see if the Town will authorize the Select Board to release, on such terms and conditions as the Select Board deems appropriate, the restrictions held by the Town pursuant to the deed recorded with the Hampshire Registry of Deeds in Book 1405, Page 134, which limit the rights of the owner of the property located on the easterly side of University Drive and identified by the Assessors as Parcel 13B-33 to access University Drive, provided nothing herein shall affect the land and other rights granted to the Town thereunder.

**ARTICLE 32. Zoning – Table 3 Footnotes – Setbacks
(Planning Board)**

To see if the Town will amend Article 6 of the Zoning Bylaw, Section 6.1 and Table 3, Dimensional Regulations and its Footnotes, as follows:

A. Amend Section 6.1 by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

6.13 Minimum Side Yard

- 6.130 The minimum side yard shall be the area between the side lot line and the side yard setback line, extending from the front yard to the rear lot line. No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the side lot line and the side yard setback line. An accessory structure may be located within the minimum side yard only if it is located behind the front building line.
- 6.131 An accessory structure having a height of six feet or less shall be set back a minimum of three feet from the side lot line. An accessory structure over six feet in height shall be set back a distance equal to its height.
- 6.132 In the General Business (B-G), **Neighborhood Business (B-N)**, and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least ~~ten~~ **10** feet.
- 6.133 *In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, side yards shall be at least 50 feet when adjoining a residence district. Otherwise, side yards shall be at least 10 feet.***
- 6.134** In the General Residence (R-G) District, a single-story garage, tool shed, gazebo or similar accessory structure may, under a Special Permit, be located within the side yard behind the frontline of the principal building if such use, location, and proposed dimensions are consistent with the prevailing pattern of existing development for such structures in the neighborhood.
- 6.135 *In the General Residence (R-G), Neighborhood Residence (R-N), and Village Center Residence (R-VC) districts, a side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.***

6.1336 For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

6.14 Minimum Rear Yard

6.140 The minimum rear yard shall be a similar unbroken area along the rear lot line, subject to the same provision regarding accessory buildings and structures as the rear portion of the required side yard. No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the side lot line and the side yard setback line.

6.141 In the General Business (B-G), *Neighborhood Business (B-N)*, and Light Industrial (LI) districts, minimum rear yards shall be at least 20 feet when adjoining a residence district. Otherwise, rear yards are not required, but if provided, shall be at least 10 feet.

6.142 *In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, rear yards shall be at least 50 feet when adjoining a residence district. Otherwise, rear yards shall be at least 10 feet.*

6.143 For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

B. Amend Table 3 Footnotes by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

TABLE 3 – DIMENSIONAL REGULATIONS FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC, and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. [Reserved.]
- d. ~~A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time. [Reserved.]~~
- e. ~~Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet. [Reserved.]~~

- f. ~~Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet. [Reserved.]~~
- g. [Reserved.]
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. [Reserved.]
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, 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.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
 - a. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.

C. Amend Table 3 by removing the footnotes amended under Part B of this article and by replacing the letter “e” in Row “Basic Minimum Side and Rear Yards (ft)”/Column “LI” and the letter “f” in Row “Basic Minimum Side and Rear Yards (ft)”/Columns “OP” and “PRP” with the numeral “10”.

**ARTICLE 33. Zoning – Table 3 Footnotes – Miscellaneous
(Planning Board)**

To see if the Town will amend Article 6 of the Zoning Bylaw, Sections 6.1 and 6.6 and Table 3, Dimensional Regulations and its Footnotes, as follows:

A. Amend Sections 6.1 and 6.6 by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

6.10 Lot Area Requirements

6.100 A Buildable Lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.

~~6.100~~ ***Basic Minimum Lot Area - Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less than the prescribed basic minimum lot area in square feet.***

~~6.101~~ ***Cluster Minimum Lot Area - No dwelling or other principal building in a Cluster Development shall be constructed or used on a lot having less than the prescribed cluster minimum lot area, in square feet.***

6.1023 Additional Lot Area Per Family - No dwelling for use by more than one family shall be constructed, converted, or occupied unless the lot contains at least the basic minimum area plus the prescribed additional area per family for each family in excess of one.

SECTION 6.6 EDUCATIONAL AND RELIGIOUS USES

The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for below:

6.60 All structures approved after January 1, 1994, by a permit granting authority for educational or religious uses shall have minimum front, side and rear setbacks twice the distance shown in Table 3 for that zoning district, except in the B-G District where the setbacks in Table 3 shall apply.

B. Amend Table 3 Footnotes by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

TABLE 3 – DIMENSIONAL REGULATIONS FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC, and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. [Reserved.]
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- g. [Reserved.]
- h. ~~A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.~~ ***[Reserved.]***

- i. [Reserved.]
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, 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.
- l. ~~The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6. [Reserved.]~~
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.

C. Amend Table 3 by removing the footnotes amended under Part B of this article.

**ARTICLE 34. Zoning – Non-substantive Corrections
(Planning Board)**

To see if the Town will amend Section 11.0 of the Zoning Bylaw by adding the language in *bold italics*, as follows:

SECTION 11.0 AMENDMENT

11.00 This Bylaw, and all the maps incorporated in it, may be amended as provided in Chapter 40A of the General Laws.

11.01 *After a public hearing in accordance with Article III – Public Hearing, of the Planning Board Rules and Regulations, the Planning Board may request and the Town Clerk may make nonsubstantive corrections including the following: reordering, renumbering, and correcting cross reference numbering and typographical errors where needed throughout this Bylaw.*

**ARTICLE 35. Zoning – Apartment Bedroom Mix
(Planning Board)**

To see if the Town will amend the Standards and Conditions of Section 3.323, Apartments, by adding the language in *bold italics*, as follows:

. . . No more than 50% of the total number of dwelling units shall be of any one size (i.e., # of bedrooms). *For projects in which all dwelling units provided, other than those occupied by resident manager(s), are Affordable (see Article 12, Definitions), the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for this use may waive or modify this requirement.*

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 under this section. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling unit under this section.

**ARTICLE 36. Zoning Petition – Amend Official Zoning Map
(O’Connor et al)**

To see if the town will vote to amend the Official Zoning Map of the town’s Zoning Bylaw by changing the zoning designation of the following parcels: a) 2C-16 at 28 Cowls Road, 5A-130 at 24 Cowls Road, 5A-44 at 30 Cowls Road, 5A-45 at 32 Cowls Road, and 5A-46 at 56 Cowls Road from COM (Commercial) to RO (Outlying Residential); and, b) 5A-1 on Sunderland Road from COM (Commercial) to R-LD (Low-Density Residential), or to take any action related thereto.

**ARTICLE 37. Petition – Special Act to Establish Low-Income Property Tax Credit
(O’Connor et al)**

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 low-income property tax credit applicable to taxes collected under M.G.L. Chapter 59 as follows:

- a. The Town of Amherst may grant a maximum real property tax credit of up to \$1,000 per unit, per fiscal year, on rental housing property qualifying for such credit under the Amherst Affordable Housing Preservation Program (hereinafter “AAHPP”).

The AAHPP would authorize the Town of Amherst’s Board of Assessors to implement a real property tax credit on Amherst rental properties not otherwise Chapter 40B countable whose owners have reduced rents to a level that preserves the availability of said rental housing units to families with moveable HUD Section 8 Housing Vouchers and Veterans Affairs Supportive Housing Vouchers (HUD-VASH).

AAHPP real property tax credits may reduce the real property tax bill on a rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and rents charged for similar or identical Amherst rental housing units owned by the applicant, except that no tax credit granted shall be greater than \$1,000 per housing unit.

Where an AAHPP rental housing property tax credit applicant has no other similar or identical Amherst rental housing units, an AAHPP real property tax credit may reduce the real property tax bill on the applicant’s rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and said rental property’s fair market rental as determined for similar or identical Amherst housing units by the Amherst Board of Assessors, except that no tax credit granted shall be greater than \$1,000 per housing unit.

All AAHPP real property tax credit applicants shall verify the moveable HUD Section 8 or VASH contract status for each and every Amherst rental housing unit on which a tax credit is claimed by submitting to the Town of Amherst Board of Assessors a copy of the contract or lease between the applicant or the applicant’s agent and the issuing/supervising housing authority or agency – which contract or lease shall be kept strictly confidential.

- b. AAHPP real property tax credits shall be made available for no fewer than 50 (fifty) Amherst rental housing units each and every fiscal year. However, in the event that insufficient funds are available to fully fund AAHPP tax credits in any given fiscal year, the Board of Assessors, after determining the tax credit for each individual rental housing unit, shall provide a pro-rated real property tax credit for each eligible rental housing unit.

- c. The town may fund the costs of AAHPP tax credits from rental permit fees, any payments made in lieu of providing affordable housing units, Community Preservation Act funds, and any general fund revenues including property tax receipts, grants, gifts, or bequests.

**ARTICLE 38. Petition – Fire/EMS Staffing and Capital Expenditures
(O’Connor et al)**

To see if the town will vote to recommend, in light of the need for increased college-school-year fire department/EMT staffing increases, that town officials and committees:

- 1) fully explore and cost out a proposal to: a) locate a third fire station in South Amherst – on or south of Pomeroy Lane/West Pomeroy Lane – and, b) fully renovate and maintain the Central Fire Station as the Fire Department’s headquarters and a fully equipped fire station; and,
- 2) develop a plan to pay for the additional staffing and capital expenditures necessary to accomplish these goals, without having to cut other necessary town services, by negotiating: a) annual fire protection services payments from the University of Massachusetts and the town’s other public and private non-profits which will be better served by increased staffing and an increase in the timely availability of fire protection/EMT services; and , b) one-time donations of land and monies from the same public and private non-profits to assist in the payment of the capital costs of 1) above.

**ARTICLE 39. Petition – Resolution to Implement a Carbon Fee and Dividend Program
(Sloan Riddle et al)**

To see if the Town will adopt the following resolution:

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 NOAA reports that globally 16 of the warmest years on record since 1880 have occurred in the last 18 years,

Whereas the Greenland and Antarctic ice sheets are melting, thus increasing ocean levels,

Whereas the number of climate refugees fleeing rising seas and drought is increasing,

Whereas Cape Cod, Boston, Logan airport and other coastal areas of Massachusetts are threatened by sea level rise,

Whereas British Columbia, Canada, enacted a carbon fee in 2008 that has reduced fuel usage, and thus carbon emissions significantly, while also benefiting the economy,

Whereas most economists agree, from conservative to liberal, that the most cost-effective way to cut carbon pollution is to enact a fee that steadily increases the price of fossil fuels,

Whereas a carbon fee and dividend program will create jobs in the renewable energy sector,

Whereas a carbon fee and dividend program will not burden lower and middle income families, as the dividends will offset higher fossil fuel costs for most of these families,

Therefore be it resolved that the Town of Amherst calls upon the Massachusetts Legislature and the United States Congress to implement a Carbon Fee and Dividend program, placing a steadily rising fee on carbon-based fuels, and returning most of the fees collected to households and businesses,

And be it further resolved that upon passage the Amherst Town Clerk shall mail copies of the resolution and vote to Senator Elizabeth Warren, Senator Edward Markey, Congressman Jim McGovern, Governor Charlie Baker, Speaker of the Massachusetts House Robert DeLeo, President of the Massachusetts Senate Stan Rosenberg, and Representative Solomon Goldstein-Rose.

**ARTICLE 40. Petition–Legislation for Universal Background Checks and Assault Weapon Ban
(Wirth et al)**

We petition that the Town of Amherst request our Senators and Representative in Congress to introduce legislation for Universal Background Checks for weapon ownership and reintroduce the assault weapon ban.

**ARTICLE 41. Petition –Resolution to Provide Greater Transparency in Political Donations
(Davies et al)**

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as “Represent.Us” is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the “American Anti-Corruption Act” (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization’s local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to build support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of the above mentioned district were given the opportunity to be heard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the Town Meeting of the Town of Amherst, Massachusetts that this town meeting supports tough new anti-corruption laws to close loopholes in Massachusetts’ campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the Town Meeting of the Town of Amherst implores our elected representatives in Boston, State Senator Rosenberg and Rep. Goldstein-Rose and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. McGovern (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Amherst is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

**ARTICLE 42. Petition –Resolution to Investigate Grounds for Impeachment of Donald J. Trump
(Bonifaz et al)**

To see if the town will vote the following resolution regarding an investigation into the conduct of the President of the United States:

WHEREAS, from the moment he took office, President Donald J. Trump was in violation of Article 1, Section 9. Clause 8 of the United States Constitution, the Foreign Emoluments Clause, which states:

“No title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State;” and,

WHEREAS, he has also been in violation of Article II, Section 1, Clause 7 of the United States Constitution, the Domestic Emoluments Clause, which states:

“The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them;” and,

WHEREAS, these violations undermine the integrity of the Presidency, corruptly advance the personal wealth of the President, and violate the Public Trust; and,

WHEREAS, our constitutional government is premised on the principle that no one is above the law, not even the President of the United States;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting calls upon the town’s elected member of the United States House of Representatives, James P. McGovern, to sponsor, support and vote for a resolution of that House authorizing and directing the House Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States, including, but not limited to, the violations listed herein; and,

BE IT FURTHER RESOLVED, that upon the dissolution of this town meeting, the Town Clerk shall mail to the Office of Member of Congress James P. McGovern a copy of this resolution stating the number of “Yeas” and “Nays” and “Abstentions” voted thereon.

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 **Twentieth** day of **March**, 2017.

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