

RESULTS
ANNUAL TOWN MEETING
May 2, 4, 9, 11, 16, 18, 23, 25 & June 6, 2016

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

There were 247 town meeting members. 124 checked in and a quorum was declared. The 258th Annual Town Meeting was called to order by the Moderator, James W. Pistrang at 7:13 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Newly elected and re-elected town meeting members were sworn to the faithful performance of their duties by the Moderator.

The Moderator congratulated those elected and re-elected to town wide office.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of Johanna Plout, Dana Snyder, and Eleanor Quint who had passed away since the last town meeting.

The Moderator explained the purpose and criteria used for inclusion of articles in the Consent Calendar.

Articles 1, 2, 3, 4, 6, 7, 8, 11 and 12 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Article 8 – Other Post-Employment Benefits was removed at the request of five town meeting members.

The Moderator accepted the Select Board motion to move all remaining warrant articles included in the Consent Calendar of the 2016 Annual Town Meeting and the printed motions thereunder and approve those articles as a single unit. The motion was seconded and **VOTED unanimously**.

Procedural Motions

VOTED to hear Article 45 at 7:05 p.m. on May 4, 2016.

VOTED to hear Article 34 at 7:05 p.m. on May 18, 2016

VOTED unanimously to hear Article 19 at 7:10 on May 18, 2016

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

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

Action taken 5/2/2016.

(No reports were given at this time.)

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

VOTED unanimously to DISMISS.

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

Action taken 5/2/2016.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to 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.

Action taken 5/2/2016.

ARTICLE 4. Authorization for Compensating Balances (Select Board)

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

Action taken 5/2/2016.

ARTICLE 5. FY 2016 Budget Amendments (Finance Committee)

A. VOTED unanimously to amend the action taken under Article 11 of the 2015 Annual Town Meeting Fiscal Year 2016 Operating Budget by increasing the appropriations and the amount to be raised by taxation for the Public Safety account by \$30,000, and the Community Services Account by

\$10,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for Conservation and Development by \$40,000.

Action taken 5/2/2016.

B. VOTED unanimously to dismiss.

Action taken 5/2/2016.

ARTICLE 6. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$4,722,520 for the Hampshire County Retirement System assessment.

Action taken 5/2/2016.

ARTICLE 7. Regional Lockup Assessment (Select Board)

VOTED unanimously to raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

Action taken 5/2/2016.

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

VOTED to 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.

Action taken 5/2/2016.

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

VOTED unanimously 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.

Action taken 5/2/2016.

ARTICLE 10. FY 2017 Operating Budget (Finance Committee)

Ms. Moran presented a report on behalf of the finance Committee

COMMUNITY SERVICES

VOTED that the Town raise and appropriate \$1,859,271 for Community Services.

Action taken 5/2/2016.

CONSERVATION AND DEVELOPMENT

VOTED unanimously that the Town raise and appropriate \$1,274,564 for Conservation and Development.

Action taken 5/2/2016.

GENERAL GOVERNMENT

VOTED that the Town appropriate \$6,961,139 for General Government, that the salary of the Moderator be fixed at \$1,000, that of the Select Board Chair at \$2,000, that one Select Board Member at \$1,500, that three Select Board members at \$300, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$6,841,582 be raised by taxation and \$119,557 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken 5/2/2016.

DEBT SERVICE

VOTED unanimously that the Town appropriate \$2,346,483 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$2,033,128 be raised by taxation and \$313,355 be appropriated and transferred from Community Preservation Fund annual revenues.

Action taken 5/2/2016.

PUBLIC SAFETY

VOTED unanimously that the Town appropriate \$10,097,459 for Public Safety and that to meet such appropriation \$7,622,636 be raised by taxation and \$2,474,823 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken 5/2/2016.

At 10:00 p.m. on Monday, May 2, 2016 town meeting voted to adjourn to Wednesday, May 4, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 195 town meeting members were checked in.

The May 4, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. There were 247 town meeting members; 124 constituted a quorum. The constable announced that a quorum was present.

Town Meeting resumed with discussion of Article 45.

PUBLIC WORKS

VOTED to raise and appropriate \$2,214,528 for Public Works.
Action taken 5/4/2016.

LIBRARY SERVICES

Ms. Sharry presented a report on behalf of the Library Trustees.

VOTED unanimously to approve the Library Services operating budget of \$2,468,186 and to raise and appropriate \$1,879,077 as its share of that budget.
Action taken 5/4/2016.

SCHOOLS – ELEMENTARY

Assistant Superintendent, Michael Morris, presented a report on behalf of the Elementary and Regional Schools.

VOTED Yes 133, No 12, 9 abstaining to raise and appropriate \$22,147,324 for the Amherst Elementary Schools.
Action taken 5/4/2016.

(A motion to increase the Elementary Schools portion of the budget by \$30,000 was made by Ms. Nicola Usher. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Ms. Usher's motion to amend carried.)

SCHOOLS – REGIONAL

Ms. Geryk presented a report on behalf of the Regional School

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$30,804,122 and to raise and appropriate \$15,196,144 as its share of that budget.
Action taken 5/9/16.

WATER FUND

VOTED unanimously to Town appropriate \$3,834,318 for the Water Fund and that to meet such appropriation \$3,834,318 be made available from Water Fund revenues of the current year.
Action taken 5/9/16.

SEWER FUND

VOTED unanimously to appropriate \$3,816,060 for the Sewer Fund and that to meet such appropriation \$3,816,060 be made available from Sewer Fund revenues of the current year.
Action taken 5/9/16.

SOLID WASTE FUND

VOTED unanimously to appropriate \$463,418 for the Solid Waste Fund and that to meet such appropriation \$463,418 be made available from Solid Waste Fund revenues of the current year.
Action taken 5/9/16.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$711,502 for the Transportation Fund and that to meet such appropriation \$711,502 be made available from Transportation Fund revenues of the current year.
Action taken 5/9/16.

ARTICLE 11. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2017.
Action taken 5/2/16.

ARTICLE 12. Revolving Fund Reauthorization (Finance Committee)

VOTED unanimously to 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.
Action taken 5/2/16

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

VOTED to appropriate \$1,731,866 to purchase repair and/or install new or replacement equipment and to meet such appropriation \$1,402,616 be raised by taxation and \$329,250 be transferred from the Ambulance Receipts Reserved for Appropriation account and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Action taken 5/9/16.

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

VOTED to raise and appropriate \$506,000 to repair and/or improve buildings and facilities and to meet such appropriation \$506,000 be raised by taxation and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Action taken 5/9/16.

(Denise Barbaret made a motion to reduce the bottom line on Article 14 by \$20,000 to \$506,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. The vote on the higher amount failed.)

At 10:07 p.m. on Monday, May 9, 2016 town meeting voted to adjourn to Wednesday, May 11, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 194 town meeting members were checked in.

The May 11, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:07 p.m. There were 247 town meeting members; 124 constituted a quorum. The constable announced that a quorum was present.

Town Meeting observed a moment of silence in memory of Robert Wellman who passed just passed away.

Procedural Motion

Town Meeting voted to consider Article 31 at 7:05 p.m. and Article 32 at 7:10 on May 16, 2016.

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

VOTED unanimously to 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.

Action taken 5/11/16.

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

VOTED unanimously 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).

Action taken 5/11/16.

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

VOTED unanimously:

A. General Fund:

To 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 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.

Action taken 5/11/16.

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

VOTED unanimously to 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.

Action taken 5/11/16.

**ARTICLE 19. COMMUNITY PRESERVATION ACT COMMITTEE
(Community Preservation Act Committee)**

A motion was made to separate divide Part A for the purpose of discussing items 6, 9, and 13 separately.

A. VOTED to 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	

The votes taken for items 6, 9, and 13 were as follows:

#6 - First Congregational Church - Fire Sprinkler System: VOTED Yes 148, No 27

#9 - Dickinson Museum Evergreens Fire Suppression System: VOTED Yes 116, No 46

#13 - Groff Park Rehabilitation: B

Action taken 5/18/16.

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

VOTED unanimously 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).

Action taken 5/18/16.

C. OPEN SPACE – Hoerle Property APR

VOTED unanimously 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.

Action taken 5/18/16.

Procedural Motions

VOTED to consider Article 26 on Wednesday, May 25, 2016 at 7:05 p.m.

VOTED to consider Article 35 on Monday, May 23, 2016 at 7:07 p.m.

At 9:58 p.m. on Wednesday, May 18, 2016 town meeting voted to adjourn to Monday, May 23, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 191 town meeting members were checked in.

ARTICLE 20. Amend Prior Community Preservation Act Authorization

(Community Preservation Act Committee)

VOTED 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.

Action taken 5/11/16.

ARTICLE 21. Transfer of Custody - Hawthorne Farm Affordable Housing

(Select Board)

VOTED unanimously 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.

Action taken 5/11/16.

ARTICLE 22. Acquisition of Easements – Pine Street Sidewalk Project

(Select Board)

VOTED unanimously 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

Action taken 5/11/16.

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

(Select Board)

VOTED Yes 119, No 32 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

Action taken 5/11/16.

ARTICLE 24. Free Cash (Finance Committee)

VOTED unanimously to appropriate and transfer \$10,000 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2017 Budget.
Action taken 5/11/16.

ARTICLE 25. Stabilization Fund (Finance Committee)

VOTED unanimously to dismiss.

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

Action taken 5/11/16.

At 9:52 p.m. on Wednesday, May 11, 2016 town meeting voted to adjourn to Monday, May 16, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

The May 16, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:09 p.m. There were 246 town meeting members; 124 constituted a quorum. 124 town meeting members were checked in and the constable announced that a quorum was present.

Town Meeting resumed with discussion of Article 31.

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

VOTED Yes 89, No 72 to refer Article to the Public Arts Commission

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

PERCENT FOR ART BYLAW

Section 1 -- Purpose

This 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.

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 the visual 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, 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 funded by the Town’s General Fund 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, or within a public 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, 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;

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 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. 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, 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 Percent for Art Bylaw, and further to establish One Half Percent (0.5) for Art as an expense eligible for borrowing.]
Action taken 5/25/16.

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

VOTED by a declared two-thirds vote to 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 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^b</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^a</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>

Action taken 5/16/16.

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

VOTED Yes 117, No 51 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).
Action taken 5/16/16.

Procedural Motion

Voted to consider the following three articles on Monday, May 23, 2016 (Articles 29, 30, 33) at 7:10 p.m.

At 10:03 p.m. on Monday, May 16, 2016 town meeting voted to adjourn to Wednesday, May 18, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 197 town meeting members were checked in.

The May 18, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:06 p.m. There were 246 town meeting members; 124 constituted a quorum. 124 town meeting members were checked in and the constable announced that a quorum was present.

Procedural Motion

Voted to consider Article 41 on May 23, 2016 at 7:05 p.m.

Town Meeting resumed with discussion of Article 34

The May 23, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:08 p.m. There were 245 town meeting members; 123 constituted a quorum. 123 town meeting members were checked in and the constable announced that a quorum was present.

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

VOTED Yes 145, No 14 to 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-owner-occupied duplex	SP (N)	SP (N)	SP	SP	N	N	N	N	SP	N	N	N	N	N	

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 amend Article 6, Table 3, Footnotes and Section 4.3232 of the Zoning Bylaw, by deleting the ~~lined-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 amend Section 4.3231 and Article 12 of the Zoning Bylaw, by 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 **and 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.***

Action taken 5/23/16.

**ARTICLE 30. Zoning – Mixed Use Building Standards and Conditions (Planning Board)
VOTED to refer this article to the Planning Board**

[To see if the Town will amend Section 3.325, Mixed-Use Building, by reorganizing the Standards and Conditions, deleting the ~~limited-use~~ 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).]

Action taken 5/23/16.

At 10:10 p.m. on Monday, May 23, 2016 town meeting voted to adjourn to Wednesday, May 25, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.

The May 25, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:08 p.m. There were 244 town meeting members; 123 constituted a quorum. 123 town meeting members were checked in and the constable announced that a quorum was present. Town Meeting resumed with the discussion of Article 26.

Town Meeting observed a moment of silence in memory of Seymour Epstein who recently passed away.

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

DEFEATED Yes 93, No 91

[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).]

Action taken 5/16/16.

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

VOTED to dismiss.

[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)].

Action taken 5/16/16.

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

Mr. O'Connor made a motion to divide Article 33 into two parts, the first part relating to Article 12, Definitions, of the Zoning Bylaw, and the second part relating to Article 15, Inclusionary Zoning, of the Zoning Bylaw.

VOTED by a declared two-thirds to amend Articles 12 and 15 of the Amherst Zoning Bylaw by inserting the words in **boldface** and deleting the words in ~~strikethrough~~ 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.~~

DEFEATED Yes 100, No 61
[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-use buildings** 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-use buildings** 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 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 use buildings 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]

Action taken 5/25/16.

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

VOTED 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.

Action taken 5/18/16.

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

VOTED Yes 132, No 34 to appropriate \$30,000 from free cash to be utilized by the Amherst Chart Commission for the purpose of engaging consultant services related to its operation

Action taken 5/23/16.

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

VOTED Yes 110, No 30 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 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 may inquire on an annual basis regarding an 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.

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 Any violation of the provisions of this bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, s.21D. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed as a separate offense.

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.

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.

Action taken 5/26/16.

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

VOTED unanimously to 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.

Action taken 5/25/16.

(A motion to refer to the Public Works Committee was defeated)

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

DEFEATED Yes 52, No 91

[That the Town appropriate \$40,000 to pay costs of an independent project review to explore in detail the feasibility and estimated costs of renovating the Wildwood Elementary School and the Fort River Elementary School and that to meet this appropriation, said amount is transferred from Free Cash.]

Action taken on 5/25/16.

At 10:42 p.m. on Wednesday, May 25, 2016 town meeting voted to adjourn to Monday, June 6, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 180 town meeting members were checked in.

The June 6, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:11 p.m. There were 244 town meeting members; 123 constituted a quorum. 123 town meeting members were checked in and the constable announced that a quorum was present.

Town Meeting observed a moment of silence in memory of Ed Sunderland who recently passed away.

Town Meeting resumed with the discussion of Article 39.

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

VOTED unanimously to DISMISS:

[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.]

Action taken 6/6/16.

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

DEFEATED Yes 29, No 115

[To see if the Town will vote: 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: 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.]

Action taken on 6/6/16.

ARTICLE 41. General Petition – Kinsey Memorial Garden Preservation (Pope et al)
VOTED Yes 115, No 58 to recommend to the Trustees of the Jones Library, Inc., that they substantially preserve 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.

Action taken 5/23/16.

(A motion to refer Article 41 to the Jones Library was defeated)

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

VOTED unanimously to DISMISS

[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.”]

Action taken 6/6/16.

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

VOTED to DISMISS

[That the Town of Amherst through its Representative Town Meeting: asks that, in the Town of Amherst, Members of Town Meeting should observe the same rules of conduct as all other town officials.]

Action taken on 6/6/16.

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

VOTED Yes 146, No 7 to adopt 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.

Action taken 6/6/16.

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

VOTED Yes 115, No 16, with 49 abstaining, to adopt the following resolution:

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;

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.

Action taken 5/4/16.

At 10:04 p.m. on Monday, May 4, 2016 town meeting voted to adjourn to Monday, May 9, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 186 town meeting members were checked in.

The May 9, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 124 town meeting members were checked in.

The Moderator, James Pistrang, asked Town Meeting to rise and observe a moment of silence in memory of H. Oldham Brooks who passed away since the previous session of town meeting.

Town Meeting resumed with discussion of Article 10 – Regional Schools.

The business of the warrant having been completed, Town Meeting voted to dissolve at 8:27 p.m. on Monday, June 6, 2016. 170 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk