

RESULTS
ANNUAL TOWN MEETING
May 4, 6, 11, June 15, 17, 22, 23 & 24, 2009

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

The 251st Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:37 p.m. There were 248 town meeting members. 125 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties.

The Moderator acknowledged the election of town wide officers, and asked the meeting to remember those current and former town meeting members who had died in the past year. Remembered were: Former Town Meeting and Select Board member Homer Cowles; former Town Meeting and Finance Committee member Arthur Swift; and former Town Meeting members Ben Bowditch and Richard Warner.

Hilda Greenbaum, Nancy Gordon, Nonny Burack, James Pistrang, Harry Brooks, and James Scott were sworn in as tellers.

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

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

Action taken on 5/4/2009.

Reports were heard from Margaret Roberts, Town Meeting Coordinating Committee; Barry Roberts, 250th Anniversary Celebration Committee; Laurence Shaffer, Town Manager; and Brian Morton, Finance Committee.

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

DISMISSED [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 on 5/4/2009.

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 on 5/4/2009.

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 on 5/4/2009.

ARTICLE 5. Atkins Corner Right of Way Issues (Select Board)

VOTED unanimously to amend the vote taken under Article 7 of the May 7, 2007 Annual Town Meeting to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee in parcels of land from the owners described below:

Part A. To acquire from Hampshire College the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Hampshire College, all as shown on the plans entitled "Reconstruction and related work on Route 116 (West St.- Atkins)," prepared by Camp Dresser & McKee, Inc., dated February 2009, which are on file with the office of the Town Clerk.

Part B. To acquire from Atkins Fruit Bowl the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Atkins fruit Bowl, all as shown on the aforementioned plans, and further, to authorize the Town to pave the new Atkins Fruit Bowl parking lot as compensation for the conveyance of said property to the Town.

Part C. To acquire from Hampshire Village I & II Community Corp., the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Hampshire Village Community Corp., all as shown on the aforementioned plans.

Action taken on 5/4/2009.

ARTICLE 6. Zoning Amendment – Taxi Services (Planning Board)

VOTED by a declared two-thirds to amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 3.340.3 as follows:

3.340.3 *Transportation facility*

3.340.30 Railroad or bus depot or other transportation facility

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SP SP SP SP SP SP SP SP SPR SP SP SP SP

Standards & Conditions

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

3.340.31 *Taxicab, limousine service and similar uses.*

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N N N N **SPR** **SP** **SPR** **SPR** **SP** **SP** **SP** **N**

Standards & Conditions

The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported from or delivered to the site, or; 2) three or more vehicles are physically dispatched from or stored on-site, or; 3) any vehicle carries more than 8 passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.

The operation of a taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two vehicles, 2) no vehicle used by the service is capable of carrying more than eight passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.

B. Amend the first paragraph of Section 5.013, as follows:

5.013 Home Occupation - The Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsman, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician, or other person engaged in a customary home occupation, ***or as the office of a resident taxicab or limousine service operator (see Section 3.340.3)***, or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that: . . .

C. Amend Article 12, by adding the following new definitions, the first under current Section 12.22, and the second under Section 12.34 or 12.35, as appropriate, with the remaining sections renumbered as appropriate:

12.22 ***Limousine: A livery vehicle primarily garaged or engaged for hire in the town of Amherst, which is used to carry passengers under pre-arranged contract for an agreed-upon hourly fare, or; operates as a charter, business courtesy, employee shuttle, customer shuttle, or; a motor vehicle on a regularly scheduled route without the use of a taximeter.***

12.35: ***Taxicab: A vehicle for hire garaged in Amherst and used for the conveyance of persons from any point of origin within the town of Amherst to any other location for a fee, whether***

hourly or by a taximeter; except livery vehicles as previously defined or a vehicle operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.

Action taken on 5/4/2009

Motion made by James Burgess Oldham to reinstate deleted language in Section 3.340.30 "Statements & Conditions" was voted.

The Moderator denied a motion to divide the article.

ARTICLE 7. Zoning Amendment – Municipal Parking District (Planning Board)

VOTED Yes 137, No 47, to amend the Official Zoning Map to increase the boundary of the Municipal Parking District (MPD) to include the entirety of the town center General Business (B-G) District and abutting Limited Business (B-L) districts north of Kellogg Avenue and Cowles Lane, along with the following properties in the General Residence (R-G) District:

- All of the properties comprising Kendrick Park
- The northern portions of Assessors Map 11C, Parcels 265 and 322, and Map 11D, Parcel 42.

Action taken on 5/4/2009.

Upon a motion made by Gerald S. Weiss town meeting voted Yes 99, No 85 to delete the first two bulleted items.

A motion to refer back to the Planning Board was defeated.

At 10:11 p.m. on May 4, 2009, town meeting voted to adjourn to Wednesday, May 6, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 199 town meeting members were checked in.

* * *

The May 6, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 125 town meeting members were checked in.

On a motion made by Mr. Wald, Town Meeting voted to consider Article 18 at 7:30 p.m. on Monday, May 11, 2009.

ARTICLE 8. Zoning Amendment – B-G & B-VC Lot Frontage (Planning Board)

VOTED by a declared two-thirds to amend footnote b. of Table 3, Dimensional Regulations of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- b. Applies to Residence Uses only (Section 3.32). In the B-G and B-VC 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, ~~and~~ Additional Lot Area/Family, ***and Basic Minimum Lot Frontage*** requirements shall not apply.

Action taken on 5/6/2009.

ARTICLE 9. Mullin Rule (Planning Board)

VOTED Yes 107, No 51 to accept, for the Select Board, Planning Board, Conservation Commission and Historical Commission, the provisions of M.G.L. c.39, §23D.

Action taken on 5/6/2009.

ARTICLE 10. Rescind General Bylaws, Article IV, Housing Review Board (Select Board)

VOTED to rescind General Bylaws, Article IV, Housing Review Board, commonly known as the "Rent Control Bylaw," voted by the Town at the February 26, 1986 Special Town Meeting under Article 4, pursuant to Chapter 72 of the Acts of 1986, and later amended at the May 1, 1989 Annual Town Meeting under Article 64.

Action taken on 5/6/2009.

ARTICLE 11. General Bylaws of the Town of Amherst, Massachusetts – Human Rights Bylaw (Select Board)

VOTED unanimously to amend the HUMAN RIGHTS BYLAW (STM – November 8, 1999 - Art. 16), by adding the language in ***bold italics***, as follows:

1. The Town of Amherst hereby adopts a "Human Rights Policy" pursuant to which it shall be the policy of the Town that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, ***gender identity or expression, genetic information***, lifestyle, or age.

a. The term “gender identity” shall include a person’s actual or perceived gender, as well as a person’s gender identity, gender-related self-image, gender-related appearance, or gender-related expression whether or not that gender identity, gender-related self image, gender-related appearance, or gender -related expression is different from that traditionally associated with a person’s sex at birth.

b. The term “genetic information” shall mean any written or recorded individually identifiable result of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For the purposes of this By-Law, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

Action taken on 5/6/2009.

A motion was made in terms of the article except to make changes in grammar and punctuation.

ARTICLE 12. Petition – Special Act – Resident Aliens (Morales)

VOTED Yes 136, No 14 to authorize the Select Board to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Amherst, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, resident aliens eighteen years of age or older who reside in Amherst may, upon application, have their names 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 and 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 permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.”

Action taken on 5/6/2009.

On a motion made by Mr. O’Connor, Town Meeting voted to postpone consideration of Article 13 until after Article 20.

ARTICLE 13. Petition – Gas Tax (O’Connor)

DEFEATED Yes 53, No 66

[“To see if the town will vote to support by resolution, with reservations and reform requirements:

a) Whereas, road and sidewalk reconstruction and repair provides decent jobs at above living wage standards; and,

Whereas, decent roads and sidewalks are necessary for the safe operation of motor vehicles including public transportation and school buses, and for safe walking and bicycling, and

Whereas, it is estimated that it will take \$15 to \$19 billion over the next twenty years simply to maintain Massachusetts’ transportation infrastructure in its present deplorable condition; and,

Whereas, many of Amherst’s primary roads and sidewalks, and most of its secondary and tertiary roads are in deteriorated and unsafe condition; and,

Whereas, an annual increase of 1/2¢/gallon in the Massachusetts gasoline tax from 1991 forward would have provided sufficient funding to prevent the deterioration of Massachusetts’ transportation infrastructure and its funding mechanisms; and,

Whereas, Massachusetts’ gasoline tax of 23.5¢/gallon was last increased in 1991, when the average price of regular unleaded gasoline was \$1.14/gallon (\$1.45 in C\$) and oil was \$24/barrel (\$30.5 in C\$); and that tax has, as a consequence, lost 1/3 of its purchasing power since the commodities and services it purchases have also escalated in price; and,

Whereas, the Massachusetts House of Representatives and State Senate voted in the State Budget both adopted on Friday, June 19, 2009 to designate for transportation purposes \$275 million of the \$759 million estimated to be raised by a 1.25¢ increase in the sales tax – that \$275 million being an amount equivalent to a 10¢ increase in the state’s gasoline tax;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst’s Representative Town Meeting requests that its state legislators and the leaders of the Massachusetts General Court support, at or near the

levels proposed by the Patrick Administration, an increase in the Commonwealth's gasoline tax with the following reservations and conditions:

that in the year when such a gasoline tax increase takes effect, that forward-funding for all regional transit authorities (RTAs) sufficient to preserve services at the FY 2009 level begin and continue on as long as that gasoline tax increase continues to be collected; and

that 15% of all gas tax receipts be allocated to Chapter 90 aid to cities and towns; and,

that Chapter 81, which provided that 7.5% of all gas tax revenues be allocated to cities and towns via the Cherry Sheet for policing and maintaining local roads, be reinstated; and,

that at least 80% of all gas tax receipts be allocated to the regions from which they are collected, which allocation shall include Chapters 81 and 90 and RTA allocations, rail infrastructure and service improvements, bikeway funding, etc; and,

that gasoline used for municipal and school vehicles and for tax-supported public transportation vehicles be exempted entirely from the Massachusetts gasoline tax; and,

Further be it resolved that a copy of this resolution as finally voted by the Amherst Representative Town Meeting be sent by the Town Clerk to Governor Deval Patrick, to State Senate President Therese Murray, to Speaker of the House Robert A. DeLeo, to State Senator Stanley Rosenberg, and to State Representative Ellen Story.

b) a proposal to increase the federal gasoline tax by an amount not greater than the amount needed to bring that tax in line with inflation since the last increase in the federal gasoline tax."

Action taken on 6/24/2009.

ARTICLE 14. FY2009 Budget Amendments (Finance Committee)

- A. **VOTED unanimously** to transfer \$185,000 from the Ambulance Receipts Reserved for Appropriation Account to be used as an other financing source in the General Fund for FY 2009.

Action taken on 5/6/2009.

- B. **VOTED unanimously**, in accordance with M.G.L. c. 44, § 53 (2), to appropriate and transfer \$39,578 from the Insurance Recovery Fund to the FY 2009 Operating Budget – Public Safety for reimbursement of the cost of repairs to the damaged ambulance.

Action taken on 5/6/2009.

- C. **VOTED** to appropriate and transfer \$106,243 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken on 5/6/2009

- D. **VOTED** to amend the action taken under Article 12 of the 2008 Annual Town Meeting – Fiscal Year 2009 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$65,000: Public Safety by \$50,000 and Community Services by \$15,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for the following accounts by \$65,000: General Government by \$50,000 and Debt Service by \$15,000.

Action taken on 6/15/2009.

- E. **DISMISSED** [*To see if the Town will amend the action taken under Article 13 of the 2008 Annual Town Meeting (Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.*]

Action taken on 6/15/2009.

- F. **VOTED unanimously** to transfer \$153,975 from Overlay Surplus to be used as an other financing source in the General Fund for FY 2009.

Action taken on 5/6/2009.

ARTICLE 15. Accept M.G.L. Chapter 32B, Section 18A – Medicare Enrollment for Retirees
(Select Board)

VOTED unanimously to accept the provisions of M.G.L. c. 32B, § 18A .

Action taken on 5/6/2009.

ARTICLE 16. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$3,000,652 for the Hampshire County Retirement System assessment.

Action taken on 5/6/2009.

ARTICLE 17. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken on 5/6/2009.

ARTICLE 18. Community Preservation Act (Community Preservation Act Committee)

I.

VOTED unanimously to appropriate the sum of \$47, 200 in terms of Parts A and B of the Article for Community Preservation Affordable Housing purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Affordable Housing		
A	Habitat for Humanity	\$30,000	\$30,000 from CPA FY10 Estimated Revenues
B	Housing Reserve	\$17,200	\$17,200 from CPA FY10 Estimated Revenues
	Total Affordable Housing	\$47,200	

Action taken 5/11/2009

II.

VOTED to appropriate the sum of \$265,600 in terms of Parts C – N of the Article for Community Preservation Historic Preservation Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

Action taken 5/11/2009

	Historic Preservation		
C	West Cemetery ironwork (Cutler & Dickinson plot fencing, Tomb Door)	\$25,000	\$25,000 from CPA FY10 Estimated Revenues
D	West Cemetery Town Tomb reconstruction	\$30,000	\$30,000 from CPA FY10 Estimated Revenues
E	West Cemetery Landscape Improvements (1730-1870 sections)	\$20,000	\$20,000 from CPA FY10 Estimated Revenues
F	Kimball House Historic Preservation 575 North East street (year 3 of 5)	\$25,600	\$25,600 from CPA FY10 Estimated Revenues
G	Archival Material Conservation & Restoration (year 4 of 5) Town Clerk - special collections Jones Library special collections	\$20,000	\$20,000 from CPA FY10 Estimated Revenues
H	Jones Library roof study/bid specs & emergency repairs (if needed)	\$15,000	\$15,000 from CPA FY10 Estimated Revenues
I	Jones Library Special Collections climate control (HVAC) study/bid specs	\$10,000	\$10,000 from CPA FY10 Estimated Revenues
J	Civil War Tablets – Phase I Conservation, Engineering & Design, Installation and Interpretation	\$65,000	\$65,000 from CPA FY10 Estimated Revenues

L	Historic signs (Writer's Walk - Dickinson, Frost, Francis, etc.)	\$30,000	\$30,000 from CPA FY10 Estimated Revenues
M	Historic Register District Nomination (Dickinson District expansion & new Amherst Depot District)	\$10,000	\$10,000 from CPA FY10 Estimated Revenues
N	Historic Resource Inventory Phase II, Historic Barns/outbuildings	\$15,000	\$15,000 from CPA FY10 Estimated Revenues
	Total Historic Preservation	\$265,600	

Action taken on 5/11/2009

A motion was made to reduce Part J – Civil War Tablets – Phase I to \$45,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried Yes 91, No 84 and the amendment failed by default.

Part K – \$7,000 for North Congregational Church Slate Roof Repairs was defeated.

Part L – Historic Signs, was also a counted vote: Yes 95, No 70.

III.

VOTED unanimously to appropriate the sum of \$23,500 in terms of Part O of the Article for Community Preservation Open Space Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Open Space		
O	Open Space Surveys and appraisals	\$23,500	\$23,500 from CPA FY10 Estimated Revenues
	Total Open Space	\$23,500	

Action taken on 5/11/2009.

IV.

VOTED to appropriate the sum of \$1,500 in terms of Part P of the Article for Community Preservation Administrative Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Administrative		
P	To fund CPC administrative expenses.	\$1,500	\$1,500 from CPA FY10 Estimated Revenues
	Total Administrative	\$1,500	

Action was taken on 5/11/2009.

At 10:11 p.m. on May 11, 2009, the meeting voted to adjourn to June 15, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

ARTICLE 19. Community Preservation Act – Open Space - Johnson (Community Preservation Act Committee)

VOTED unanimously to authorize the Select Board to acquire, for open space purposes, by gift or negotiated purchase, a conservation restriction on a parcel of land in South Amherst (Map 23B, Parcel 45), to be held by the Conservation Commission in accordance with M.G.L. c. 40, § 8C, in common with The Kestrel Trust, Inc., and to appropriate \$22,500.00 from the Community Preservation Estimated Revenues and \$52,500 from the Community Preservation Fund Balance to fund the acquisition of said conservation restriction and costs related thereto;

and further, to authorize the Town Manager and/or the Conservation Commission or their designee to seek and file on behalf of the Town any and all applications deemed necessary for grants through the Executive Office of Energy and Environmental Affairs or any other program governed by federal or state statute under which this conservation restriction acquisition may be eligible for funding; and to authorize the Select Board, the Town Manager, and/or the Conservation Commission to enter into any and all agreements, including, without limitation, agreements with The Kestrel Trust, and execute any and all instruments as may be necessary or appropriate to effectuate the acquisition of said conservation restriction.

Action taken on 5/6/2009.

ARTICLE 20. Community Preservation Act – Open Space - Olendzki (Community Preservation Act Committee)

VOTED by a declared two-thirds to authorize the Select Board to acquire by gift or negotiated purchase, the fee interest in and to a portion of a parcel of land (Map 20D, Parcel 51), to be managed

and controlled by the Amherst Conservation Commission in accordance with M.G.L. c. 40, § 8C for conservation and passive recreation purposes, and to acquire a conservation restriction on the remaining portion of said parcel, which parcel is located south of Station Road and contains a total of 25.61 acres, more or less, all as shown on a plan entitled "Station Road Conservation Land Plan," on file with the Town Clerk, and to appropriate the sum of \$530,000.00 for the acquisition of said parcel of land and the conservation restriction and costs related thereto, of which \$150,000 shall be appropriated from the Community Preservation Fund Balance and the remaining \$380,000.00 shall be borrowed in accordance with M.G.L. c. 44B, the Community Preservation Act; to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority; And further, to authorize the Town Manager and/or the Conservation Commission or their designee to file on behalf of the Town any and all applications deemed necessary under the LAND Program (M.G.L. c. 132A, §11) or any other applications for funds in any way connected with the scope of this acquisition; and to authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in the portion of the parcel of land that is to be acquired by the Town in fee in accordance with M.G.L. c. 184 as required by Section 12(a) of M.G.L. c. 44B, as may be necessary on behalf of the Town to effectuate said purchase.

Action taken on 5/6/2009.

At 9:58 p.m. on May 6, 2009, the meeting voted to adjourn to May 11, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 town meeting members were checked in.

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The May 11, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 125 town meeting members were checked in.

Town Meeting voted to postpone consideration of Article 13 until after Article 30.

Town Meeting resumed with consideration of Article 18 which was postponed from May 6, 2009.

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The June 15, 2009 session was called to order by Town Clerk, Sandra J. Burgess, at 7:40 p.m. 124 town meeting members were checked in

James W. Pistrang was elected Moderator pro tem for the duration of the June 15, 2009 session and sworn to the faithful performance of his duties.

Town Meeting resumed with consideration of Article 14, Sections D and E.

ARTICLE 21. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2010 as required by Section VI of the Regional Agreement.

Action taken on 6/15/2009.

Adrienne Terrizzi and Jeffrey Lee were sworn in as tellers.

Prior to consideration of Article 22 Town Meeting heard reports from the Finance Committee and the Select Board.

Town Manager, Laurence Shaffer, acknowledged the service of Charles Scherpa, Police Chief, and Keith Hoyle, Fire Chief, both of whom were resigning and were attending their last town meeting. Chief Scherpa and Chief Hoyle received a standing ovation.

ARTICLE 22. FY 2010 Operating Budget (Finance Committee)

PUBLIC SAFETY

VOTED to appropriate \$8,315,386 for Public Safety and that to meet such appropriation \$6,310,111 be raised by taxation and \$2,005,275 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/15/2009.

A motion made by Vincent O'Connor to postpone consideration of Article 22 until June 22, 2009 was defeated. A motion made by Gerald Weiss to consider Community Services before Public Safety was defeated, Yes 72; No 99. A motion made by Michael Ash to increase the amount for Public Safety to \$8,726,846 (+\$411,460) contingent on an override was defeated.

At 10:17 p.m. on June 15, 2009, the meeting voted to adjourn to Wednesday, June 17, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

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The June 17, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 124 town meeting members were checked in.

Town Meeting voted to postpone consideration of the Library Services budget until after Article 27. Carolyn Holstein was sworn in as a teller.

PUBLIC WORKS

VOTED to raise and appropriate \$1,843,942 for Public Works.
Action taken on 6/17/2009.

PLANNING/CONSERVATION/INSPECTIONS

VOTED to raise and appropriate \$886,562 for Planning/Conservation/Inspections.
Action taken on 6/17/2009.

A motion was made by Hwei-Ling Greeney to reduce the Planning/Conservation/Inspections budget by \$60,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion passed and the Greeney amendment failed by default.

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,533,637 for Community Services.
Action taken on 6/17/2009.

Motions to amend: Vincent O'Connor, increase by \$175,000 contingent upon a Proposition 2 ½ Override; Laura Quinn, increase by \$80,000; Carol Gray, increase by \$24,000; Kevin Eddings, increase by \$10,000; Robert John Ackermann, increase by \$8,000; James Smith, decrease by \$795,637. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. O'Connor, defeated; Quinn, defeated; Gray, defeated; Yes 50; No 98; Eddings, defeated; Ackermann, defeated. The Finance Committee motion was voted on and passed and the Smith amendment failed by default.

At 10:59 p.m. on June 17, 2009, the meeting voted to adjourn to June 22, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 162 town meeting members were checked in.

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The June 22, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:37 p.m. 123 town meeting members were checked in.

Town Meeting voted to consider Article 24 after consideration of the Library Services budget.

GENERAL GOVERNMENT

VOTED to appropriate \$5,752,026 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$5,663,039 be raised by taxation and \$88,987 be transferred from the Ambulance Receipts Reserved for Appropriation Account.
Action taken on 6/22/2009.

DEBT SERVICE

VOTED unanimously to appropriate \$1,545,867 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,412,103 be raised by taxation, \$83,774 be appropriated and transferred from Community Preservation Fund annual revenues, and \$49,990 be appropriated from Wildwood School Roof Reserved for Debt Service Account.
Action taken on 6/22/2009.

LIBRARY SERVICES

VOTED to approve the Library Services operating budget of \$2,093,584, and to raise and appropriate \$1,468,029 as its share of that budget.
Action taken on 6/24/2009.

Robert Kusner made a motion to increase the Library Services budget and the town's share of that budget by \$149,000. Patricia Holland, President of the Jones Library Trustees, made a motion to increase the Library Services budget and the town's share of that budget by \$34,704. James Smith made a motion to reduce the Library Services budget by \$149,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Kusner amendment was defeated. The Holland amendment was defeated by a tally vote: Yes 74, No 76. The Finance Committee motion carried and the Smith amendment failed by default.

ELEMENTARY SCHOOLS

VOTED Yes 116, No 45 to raise and appropriate \$20,381,768 for the Amherst Elementary Schools.
Action taken on 6/22/2009.

Vincent O'Connor made a motion to increase the Elementary Schools budget by \$400,000, and Michael Greenebaum made a motion to decrease by \$1,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The O'Connor amendment was defeated; Yes 41, No 114. The Finance Committee motion carried and the Greenebaum amendment failed by default.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$27,776,352 and to raise and appropriate \$12,574,043 as its share of that budget.

Action taken on 6/22/2009.

At 10:06 p.m. on June 22, 2009, the meeting voted to adjourn to June 23, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 town meeting members were checked in.

* * *

The June 23, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:48 p.m. 123 town meeting members were checked in.

WATER FUND

VOTED unanimously to appropriate \$3,743,268 for the Water Fund and to meet such appropriation \$3,527,584 be made available from Water Fund revenues of the current year and \$215,684 be transferred from Water Fund Surplus.

Action taken on 6/23/2009.

SEWER FUND

VOTED unanimously to appropriate \$3,417,014 for the Sewer Fund and to meet such appropriation \$3,184,356 be made available from Sewer Fund revenues of the current year and \$232,658 be transferred from Sewer Fund Surplus.

Action taken on 6/23/2009.

SOLID WASTE FUND

VOTED to appropriate \$531,194 for the Solid Waste Fund and to meet such appropriation \$507,000 be made available from Solid Waste Fund revenues of the current year and \$24,194 be transferred from Solid Waste Fund Surplus.

Action taken on 6/23/2009.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$891,116 for the Transportation Fund and to meet such appropriation \$806,793 be made available from Transportation Fund revenues of the current year and \$84,323 be transferred from Transportation Fund Surplus.

Action taken on 6/23/2009.

ARTICLE 23. Human Service Budget (The Coalition to Support an Amherst Human Services Budget)
DISMISSED

[“To see if the town will raise and appropriate \$66,000 to assist agencies delivering a variety of critical services to Amherst residents, distributing these monies as per the FY 2008 and 2009 allocations recommended and implemented by the Community Development Committee as follows:

\$19,000	<i>Amherst Survival Center</i>
\$14,000	<i>Big Brother, Big Sister of Hampshire County/Center for Human Development</i>
\$4,200	<i>Center for New Americans</i>
\$4,900	<i>Cot Programs/Servicenet</i>
\$13,000	<i>Family Outreach of Amherst/Center for Human Development</i>
\$4,900	<i>Men’s Resource Center (MOVE Program)</i>
\$6,000	<i>Not Bread Alone/Center for Human Development”]</i>

Action taken on 6/23/2009.

ARTICLE 24. Reserve Fund (Finance Committee)

VOTED to raise and appropriate \$100,000 for the Reserve Fund for FY 2010.

Action taken on 6/24/2009.

ARTICLE 25. Capital Program – Chapter 90 (Joint Capital Planning Committee)

VOTED to authorize the expenditure of \$670,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 6/23/2009.

ARTICLE 26. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED Yes 82, No 61 to raise and appropriate \$758,200 to purchase, repair, and/or install new or replacement equipment.

Action taken on 6/23/2009

A motion was made by Stanley Gawle to reduce the appropriation by \$32,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried and the Gawle amendment failed by default.

ARTICLE 27. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)

VOTED Yes 82, No 56 to raise and appropriate \$503,000 to repair and/or improve buildings and facilities.

Action taken on 6/23/2009.

Patricia Holland, President of the Library Trustees, made a motion to reduce the appropriation by \$34,704. James Oldham made a motion to reduce by \$80,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried and the Holland and Oldham amendments failed by default.

At 10:30 p.m. on June 23, 2009, the meeting voted to adjourn to June 24, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 147 town meeting members were checked in.

* * *

The June 24, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 123 town meeting members were checked in.

Town meeting resumed with consideration of the Library Services budget.

Robert Phillips was sworn in as a teller.

ARTICLE 28. Petition – 79 South Pleasant Street (O'Connor)

DISMISSED

[*To see if the town will vote:*

a) to acquire from the Trustees of Amherst College or their successor by eminent domain, purchase, gift or otherwise the land and improvements of Parcel 248 of Map 14A of the Town Cadastre, located at 79 South Pleasant Street and comprising 16,678 square feet/0.38 acres more or less, for downtown revitalization, economic development, parking, pedestrian and other municipal purposes and to fund such acquisition appropriate \$1,016,800, and to meet such appropriation to authorize the Treasurer, with the approval of the Select Board, to borrow \$1,016,800 pursuant to G.L. c.44, §7 or any other enabling authority and to issue bonds and notes therefor; and further to authorize the application for and acceptance of any gifts, bequests, or grants from the federal government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants;

b) to declare as surplus and authorize for sale in accordance with the provisions of Chapter 30B the land and improvements of Parcel 248 of Map 14A of the Town Cadastre, said location being 79 South Pleasant Street, subject to the following restrictions enforceable by sufficient penalties:

1. that said property not be sold or resold, transferred, or otherwise be tendered to any entity which could claim exemption from the payment of local property taxes;

2. that the minimum sale price recover all town acquisition and resale costs;

and, further, that the town act in accordance with the preceding declaration and authorization as immediately after acquiring said land and improvements of Parcel 248 of Map 14A of the Town Cadastre as is possible.”]

Action taken on 6/24/2009.

ARTICLE 29. Free Cash (Finance Committee)

VOTED to appropriate and transfer \$900,000 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2010 Fiscal Year Budget.

Action taken on 6/24/2009.

ARTICLE 30. Stabilization Fund (Finance Committee)

DISMISSED

[*To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the 2010 Fiscal Year Budget.*]

Action taken on 6/24/2009

Finance Committee member, Andrew Steinberg, recognized Brian Morton whose term as chair on the Finance Committee expires on June 30, 2009. Mr. Morton received a standing ovation from town meeting members.

The business of the warrant having been completed, town meeting voted to dissolve at 10:34 p.m. on June 24, 2009. 154 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk