TOWN WARRANT

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Annual Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the Third day of May, Two Thousand and Ten**, when the following articles will be acted upon by town meeting members:

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

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

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

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

ARTICLE 3. Optional Tax Exemptions
(Select Board)

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

ARTICLE 4. Authorization for Compensating Balances
(Select Board)

To see if the Town will accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, 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.

ARTICLE 5. FY 2010 Budget Amendments
(Finance Committee)

A. To see if the Town will amend the budget voted under Article 22 of the 2009 Annual Town Meeting (FY 2010 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, Community Services, and Debt Service accounts to balance the 2010 Fiscal Year.

B. To see if the Town will amend the action taken under Article 24 of the 2009 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.

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ARTICLE 6. Retirement Assessment
(Select Board)

To see if the Town will raise and appropriate $3,190,355 for the Hampshire County Retirement System assessment.

ARTICLE 7. Regional Lockup Assessment
(Select Board)

To see if the Town will raise and appropriate a sum of money for the Hampshire County Regional Lockup Facility assessment.

ARTICLE 8. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)

To see if the Town will vote 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 2011 as required by Section VI of the Regional Agreement.

ARTICLE 9. FY 2011 Operating Budget
(Finance Committee)

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

ARTICLE 10. Reserve Fund
(Finance Committee)

To see if the Town will raise and appropriate $100,000 for the Reserve Fund for FY 2011.

ARTICLE 11. Capital Program – Chapter 90
(Joint Capital Planning Committee)

To see if the Town will authorize a sum of money for the expenditure 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.

ARTICLE 12. Capital Program - Equipment
(Joint Capital Planning Committee)

To see if the Town will appropriate a sum of money to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 13. Capital Program – Buildings & Facilities
(Joint Capital Planning Committee)

To see if the Town will appropriate a sum of money to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 14. Capital Program – Bond Authorization(s) (if any)
(Joint Capital Planning Committee)

Awaiting Language from Bond Counsel, Per John M.

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ARTICLE 15. Acceptance of Massachusetts General Laws Chapter 43D (Select Board)

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

ARTICLE 16. Patterson Property – Option Agreement (Select Board)

To see if the Town will vote to authorize the Town Manager to enter into an option agreement with Bruce H. Patterson, Trustee of the Patterson Nominee Trust, and accept an option granting the Town and its assignees the right, to be exercised in the Town's, or its assignee's, sole discretion, to lease three (3) parcels of land on Montague Road and further described below, which option agreement shall be for a term not in excess of three (3) years and contain such other terms and conditions as the Town Manager deems in the best interest of the Town, and further to raise and appropriate, transfer from available funds, or borrow a sum of money for consideration to be paid for the option and any expenses related thereto, said parcels of land being a portion of the property described in a deed recorded with the Hampshire Registry of Deeds in Book 6217, Page 146, and described as follow:

(a) a parcel identified by the Assessors as Lot 2C-3, containing 38.97 acres, more or less,
(b) a parcel identified by the Assessors as Lot 2C-9, containing 21.5 acres, more or less, and
(c) a parcel identified by the Assessors as Lot 2C-30 containing 0.165 acres;

excluding from said option the portions of the parcels shown as "Excluded" on a plan on file with the Town Clerk's Office, entitled "Excluded Option Parcels."

ARTICLE 17. Community Preservation Act (Community Preservation Act Committee)

A. To see if the Town will appropriate a sum of $352,100, for Community Preservation Purposes recommended by the Community Preservation Act Committee and that the following amounts (items A – 10) be appropriated or reserved from Community Act Preservation Funds as follows:

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity	$50,000	$50,000 from CPA FY 11 Estimated Revenues
	Total Affordable Housing	**$50,000**	
	HISTORIC PRESERVATION		
2	Amherst History Museum	$45,000	$45,000 from CPA FY 11 Estimated Revenues
3	Jones Library Roof Restoration	$40,000	$40,000 from CPA FY 11 Estimated Revenues
4	North Amherst Library Rehabilitation	$12,000	$12,000 from CPA FY 11 Estimated Revenues

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5	Kimball House Historic Preservation - 575 North East Street (year 4 of 5)	$25,600	$25,600 from CPA FY 11 Estimated Revenues
6	Archival Material Conservation & Restoration: Town Clerk - Special Collections Jones Library Special Collections	$20,000	$20,000 from CPA FY 11 Estimated Revenues
7	Jones Library HVAC Special Collections Climate Control	$75,000	$75,000 from CPA FY 11 Estimated Revenues
	Total Historic Preservation	**$217,600**	
	OPEN SPACE		
7	Open Space Surveys and Appraisals	$15,000	$15,000 from CPA FY 11 Estimated Revenues
8	Szwacz	$18,000	$18,000 from CPA FY 11 Estimated Revenues
	Total Open Space	**$33,000**	
	ADMINISTRATIVE		
9	To Fund CPC Administrative Expenses.	$1,500	$1,500 from CPA FY 11 Estimated Revenues
	Total Administrative	**$1,500**	
	Total	**$302,100**	

B. To see if the Town will appropriate a sum of $500,000 from CPA Fund Balance for community housing, open space, and recreation purposes, recommended by the Community Preservation Act Committee, for the purchase of the Hawthorne property, including the payment of any and all costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, by transfer from available funds, by borrowing or by any other lawful means.

C. To see if the Town will appropriate a sum of $350,000 from CPA Fund Balance for Community Housing purposes, recommended by the Community Preservation Act Committee, in aid of the Amherst Housing Authority to pay costs of capital improvements to 22 units of low-income housing under the care and custody of the Amherst Housing Authority, including the payment of any and all costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, by transfer from available funds, by borrowing or by any other lawful means.

ARTICLE 18. Olympia Drive – Disposition of Property (Housing Partnership – Fair Housing Committee)

To see if the Town will vote to authorize the Select Board to convey or lease, for term not in excess of ninety-nine (99) years, a certain parcel of land located on Olympia Drive, which parcel contains 13 acres, more or less, and is a portion of the parcel identified on Assessors Map 8D as Parcel 20 and the land described in the Order of Taking recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, together with any easements appurtenant thereto, for affordable housing purposes on such terms and conditions as the Select Board deems appropriate, provided such conveyance or lease

shall be subject to an affordable housing restriction requiring at least 25% of the units constructed on said parcel be sold or rented to low and/or moderate income individuals or households, and further to authorize the Select Board to accept such affordable housing restriction and sign any instruments to effectuate the forgoing; or take any other action relative thereto.

ARTICLE 19. Petition – Hire Energy Facilitation Outreach Worker
(Collins)

Whereas: the elderly, poor and disabled are being forced out of their homes by high heating bills in the town of Amherst.

Be it resolved: that Amherst Town Meeting raise and appropriate $55,000 for the purpose of hiring an energy facilitation outreach worker to help bring energy incentives to Amherst residents and businesses in order to reduce long term energy costs and make Amherst more affordable.

ARTICLE 20. Free Cash
(Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2011Budget.

ARTICLE 21. Stabilization Fund
(Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2011 Budget.

ARTICLE 22. Accept Massachusetts General Laws Chapter 40U, Collection of Unpaid Municipal Fines
(Select Board)

To see if the Town will vote to accept Massachusetts General Laws Chapter 40U, An Act Relative to the Collection of Unpaid Municipal Fines.

ARTICLE 23. Zoning Amendment – Master Plan Compliance
(Planning Board)

To see if the Town will amend Article 1, and Sections 10.38, 11.1, and 11.24, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Article 1, Purpose, by adding the language shown:

ARTICLE 1 PURPOSE

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended, for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst***, and to encourage the most appropriate use of land throughout Amherst. This Zoning Bylaw is in accordance with the recommendations of the Master Plan adopted by the Planning Board and is consistent with the comprehensive plan of the regional planning agency.***

B. Amend Section 10.38, Specific Findings Required, by adding the language shown:

10.398 The proposal is in harmony with the general purpose and intent of this Bylaw***, and the goals of the Master Plan.***

C. Amend Section 11.1, Execution, by deleting and adding the language, as shown:

SECTION 11.1 EXECUTION

The Building Commissioner shall enforce the provisions of this Bylaw as hereinafter provided. No building shall be constructed, altered, moved, or changed in use in the Town without a permit from the Commissioner. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all provisions of this Bylaw. Where a ***S***pecial ***P***ermit ~~from the Board of Appeals~~ ***or Site Plan Review approval*** is required (pursuant to the provisions of this Bylaw), or where an appeal or petition involving a variance is pending, the Building Commissioner shall issue no such permit except in accordance with ***the*** written decision of ~~said~~ ***the appropriate*** Board.

D. Amend Section 11.24, Review Criteria/Guidelines, by adding the language shown:

11.2400 Conformance with all appropriate provisions of the Zoning Bylaw ***and the goals of the Master Plan***.

ARTICLE 24. Zoning Amendment – Non-Profit Uses (Planning Board)

To see if the Town will amend Section 3.330 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and reorganizing it as follows:

3.330 ***Non-profit Uses***

3.330.0 Non-profit educational institution, including any educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies politic, or by a religious sect or denomination.

Standards & Conditions

See Sections ~~2.22~~ ***2.04*** and 3.21.

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

3.330.1 ***Non-profit human service use.***

Standards & Conditions

Uses under this section may include administrative offices and human service facilities providing services directly to members of the community on or from the premises, including facilities used as staging areas for off-site service delivery and facilities reasonably necessary for the safe, secure, and appropriate operation of the use.

A use under this section may offer a wide range of services on or from the premises, including but not limited to, counseling and therapy, training for

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employment and other life skills, distribution of food and clothing, provision of meals, and/or restrooms/shower facilities.

Other uses, such as retail sales, health services, personal care services, or similar uses, may be permitted, but shall be operated in a manner and during such limited hours as to render them clearly accessory and incidental to the principal non-profit human service use.

Non-profit human service uses involving overnight shelter or other residential activity shall be regulated under Section 3.336.1.

R-O													
R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
SP	***SP***	***SP***	***SP***	***SP***	***SPR***	***SPR***	***SPR***	***SP***	***SPR***	***SPR***	***SPR***	***SP***	***SP***

ARTICLE 25. Zoning Amendment – University Drive Rezoning (Planning Board)

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

ARTICLE 26. Petition – Zoning Amendment – Four Unrelated Persons Definition (Melick)

To see if the Town will amend Section 12.142 of the Zoning Bylaw by deleting the ~~lined out~~ language:

12.142 A group of unrelated individuals~~, not to exceed 4,~~ residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.

ARTICLE 27. Charge Amendment-Public Transportation and Bicycle Committee (Select Board)

To see if the Town will amend the charge of the Public Transportation & Bicycle Committee, by replacing the entire current charge with the following language:

Name: PUBLIC TRANSPORTATION & BICYCLE COMMITTEE

Appointing authority: Select Board

Type: Committee

Town Bylaw: no

Number of voting members: 9

Member appointment: 3 yrs

Voting members to include (where possible): One member to represent the perspective of handicapped citizens and two members to represent the town's cyclists. Otherwise a spread of geographical areas in town is desirable.

Non-voting liaison:

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Committee charge summary:

The Committee advises the Select Board and the Town Meeting on policy concerning transportation, pedestrian and bicycle issues. Its explicit purposes include:

1) **reviewing all proposals concerning public transportation safety,**
2) **advising the Select Board and the town's representative to the Pioneer Valley Transit Authority,**
3) **reporting to Town Meeting on any article that concerns public transportation,**
4) **reviewing Town bylaws and other laws that affect bicycling and making recommendations regarding these laws and their enforcement,**
5) **fostering public awareness of the rules for safe bicycling,**
6) **reviewing plans for subdivision or development of land, and construction or reconstruction of sidewalks, roads, and intersections within the Town,**
7) **advocating and promoting alternatives to private automobile ownership and use,**
8) **recommending designation and development of commuter and recreational routes for bicycle and for pedestrians, as well as parking facilities for bicycles within the town,**
9) **advising on transportation safety and accessibility for persons with disabilities.**

This Committee was established by vote of the Annual Town Meeting of April 1995. (The initial Public Transportation Committee was established by a vote of the 1975 Annual Town Meeting.)

ARTICLE 28. General Bylaw Amendment – Open Containers
(Select Board)

To see if the Town will vote to amend the General Bylaws, Article II, General Regulations, Conduct in or on Public Ways and Places, #7, Open Containers of Alcohol, by deleting the words "not more than $50.00" in the second paragraph, and inserting in their place "$300".

ARTICLE 29. General Bylaw Amendment – Unlawful Noise
(Select Board)

To see if the Town will vote to amend the General Bylaws, Article II, General Regulations, Prohibitions, #3, Unlawful Noise, by deleting the first three sentences of Section 3. Penalties: "The first violation of this By-Law shall be punished by a fine of not less that one hundred dollars ($100.00). The second violation of this by-law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars ($200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars ($300.00)", and inserting in their place the following sentence: "Any person who violates this by-law shall be punished by a fine of $300 for each violation."

ARTICLE 30. General Bylaw Amendment – Keg Licensing
(Select Board)

To see if the Town will vote to amend the General Bylaws, Article II, General Regulations, Prohibitions, #6, Keg Licensing, by deleting the words "$200 for a first offense and $300 for a second or subsequent offense" in Section 6. Penalties, and inserting in their place "$300 for each violation."

ARTICLE 31. Authorize the Select Board to Accept Right of Way on University Drive
(Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee in parcels of land from the owners described below:

To acquire from Amherst Shopping Center Association LLC the fee in a parcel or parcels of land and related easements, all as shown on the plans entitled "Reconstruction and related work on University

Drive," prepared by Stantec Engineering, dated April 1, 2010 which are on file with the office of the Town Clerk.

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You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this fifth day of April, 2010.

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_____

Select Board

_____

Date

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

_____

Constable, Town of Amherst

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